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## Exploring The Misalignment Between State And Federal Policies: Trials And Tribulations In A West Texas School District

James Dustin Anderson  
*University of Texas at El Paso*

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EXPLORING THE MISALIGNMENT BETWEEN STATE AND FEDERAL POLICIES:  
TRIALS AND TRIBULATIONS IN A WEST TEXAS SCHOOL DISTRICT

JAMES D. ANDERSON

Doctoral Program in Educational Leadership and Administration

APPROVED:

---

Arturo Olivárez Jr., Ph.D., Chair

---

Wei-Ling Sun, Ph.D., Co-Chair

---

Clifton Tanabe, Ph.D.

---

Don P. Schulte, Ed.D.

---

Stephen L. Crites, Jr., Ph.D.  
Dean of the Graduate School

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## **Dedication**

I dedicate this dissertation with heartfelt gratitude to God, who has been my source of strength and inspiration throughout this journey. His unwavering presence in my life has given me the courage and perseverance to continue moving forward, guided by His wisdom and teachings.

My deepest appreciation goes to my parents, educators who have imbued in me a lifelong passion for learning and service. Their dedication to the noble profession of teaching has profoundly shaped my values and aspirations, serving as a constant inspiration in my life.

To my wife, Rosa Aguilar, I extend my sincerest thanks. Her resilience, patience, love, and unwavering support have been the bedrock of my journey. Her belief in my dreams has been a source of constant motivation and encouragement.

I am immensely grateful to my children, Jacquelynn, Jaymee, and Daniel, whose understanding and resilience through the complexities of this academic pursuit have been nothing short of extraordinary. Their growth into compassionate individuals with a desire to help others is a source of immeasurable pride and joy.

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This dissertation is a reflection of the collective strength, guidance, and support bestowed upon me by each of these remarkable individuals. Their profound influence has been pivotal not only in my academic pursuits but also in shaping the person I have become.

EXPLORING THE MISALIGNMENT BETWEEN STATE AND FEDERAL POLICIES:  
TRIALS AND TRIBULATIONS IN A WEST TEXAS SCHOOL DISTRICT

by

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## Abstract

This dissertation examines the complex interplay between state and federal educational policies and their real-world implications within the Texas public education system. Utilizing an autoethnographic approach, the study delves into the experiences of an educational leader during the so-called *West Texas School District Cheating Scandal*. This event was not an instance of academic dishonesty but rather a significant misalignment between state mandates and federal requirements, specifically surrounding standardized testing protocols. The narrative, constructed through detailed vignettes, brings to life the educator's struggle against the backdrop of this policy dissonance, offering a rich analysis of the situation's ethical, administrative, and systemic dimensions. The research critically explores the ensuing challenges, such as the misalignment in awarding credits and student grade placements, and the impact on school district operations and educator roles. In synthesizing the findings, Chapter 5 illuminates the pathways for reconciling policy misalignment, emphasizing the importance of ethical leadership, transparent policy development, and responsive localized governance. The dissertation advocates for a strategic framework that prioritizes policy coherence and safeguards educators and districts against the ramifications of such discrepancies. The study offers guidance for stakeholders on improving policy comprehension and coherence, aligning educational aims across state and federal levels with district execution. This inquiry adds depth to the conversation on educational policy and leadership, shedding light on managing legal, ethical, and practical aspects of education. It underlines the importance of ongoing policy assessment and flexibility in the evolving realm of public schooling.

*Keywords:* autoethnography, *Cheating Scandal*, policy misalignment, standardized testing, educational leadership, ethical governance, educational policy



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## **Chapter 1: Introduction**

Education in Texas has evolved from one room schoolhouses to some of the largest school districts in the nation. The one room schoolhouse run by a sole teacher, answering to the town or community fulfilled policies according to the needs of the surrounding community (Gerwin, 2017). Over time, schools grew into districts run by policies and policymakers. Originally, the implementation of policies was directed by stakeholders at the school, such as teachers and school administrators (Gerwin, 2017). Over time, the states gained control over education and the federal government began exerting influence through federal grants for schools (USDOE, 2021).

School and district leaders carry a large burden in their role of leading local education agencies (LEA). Such leaders are responsible for understanding and implementing all levels of educational policies. At the same time, those policies are in place to ensure that rules, laws, and regulations are adhered to. Human factors also play a role in these rules and regulations and the interpretation of the above—rules, laws, regulations, and policies (USDOE, 2023). Many educators enter the profession with high expectations and implicit trust in them from those above them and whom they serve.

Issues can develop in this type of environment because of the pre-existing expectations pertaining to this professional field. The resulting conflict, and particularly when it occurs within the legislative and regulatory framework of this field, can create detrimental consequences for affected educators (Noddings, 2013). Policy creation can also lead to unintended consequences. As stated by Noddings (2013), it is possible in accountability and standardized testing, policymakers have neglected the needs of individual students and, in so doing, likely created environments in which cheating and corner-cutting hurts all students.

Chapter one covers the background, problem statement, purpose of the study, conceptual framework, nature of study, research question, significance of the study, definition of key terms, limitations of the study, and researcher's stance. This qualitative study focuses upon the legislation structure that led to the investigation of the West Texas education scandal. The scandal revealed that unintended consequences of conflicting policies can contradict each other and how such contradictions have bigger consequences.

### **Background**

This dissertation explores the resulting discrepancies, such as those between Texas and federal expectations on high stakes testing and accountability, and how they are reported to state and federal jurisdictions. These discrepancies had drastic consequences for the West Texas community, its school district and many stakeholders across the school district. It is important to note that there are consistently new intended and unintended consequences being revealed in state and federal reports on high stakes accountability testing policies (Amoako, Quainoo, & Adams, 2019). These current unintended consequences such as policy misalignments, potentially puts principals, assistant principals, teachers, and board members at risk if they were audited, as the audit process does not align with the inherent policies created and the way they have been applied and carried out.

In 2010, a school district in West Texas was accused of cheating by a state politician (Johnson, July 16, 2012). After two audits and an investigation by the Texas Education Agency (TEA) it was concluded that there was no wrongdoing on behalf of the district (KVIA ABC-7, October 22, 2010). The accusations were then presented to the U.S. Department of Education (USDOE) and the Federal Bureau of Investigation (FBI). The USDOE sent a team of auditors do a local investigation that lasted over six months in which they were on the school district's



campuses conducting investigations, reviewing files, student transcripts, state policies, and local district policies (TEA, 2012, p. 10). The USDOE concluded and stated in their “findings” that the alleged Cheating Scandal was in fact the result of schools and districts following state policy (TEA, 2012, p. 15). Overall, the findings seemed to focus solely on minor wrongdoings that were inferred not from a comprehensive audit, but, rather, from responses provided by the district’s superintendent (Keel, 2013).

Before the USDOE could release these findings, however, the superintendent of this West Texas School District (WTSD) was arrested (FBI, 2012). On July 28, 2011, the United State Department of Justice (USDOJ) issued an indictment (Case: 3:11-cr-01830-DB) showing the superintendent was not criminally charged for the cheating accusation but rather for misdirecting funds to a personal friend. In a plea deal the now former superintendent agreed to add that he cheated on accountability to get his sentence reduced (FBI, 2012).

After the arrest of the superintendent, the TEA was under heightened scrutiny. The *Texas Tribune* (2012) described that the Texas Education Commissioner took a groundbreaking step by replacing the entire school board of the West Texas School District (WTSD). This was followed by an emerging story that involved the falsification of student test scores, leading to criminal charges against the district's superintendent (Chammah, Dec. 6, 2012). According to the TEA Commissioner Michael Williams, the entire board was dismissed to regain public trust and pave the way for crucial educational reforms in the district (Chammah, Dec. 6, 2012). The Commissioner went on to say his actions shine a spotlight on the seriousness of educational mismanagement and the consequences of governance failures (Chammah, Dec. 6, 2012).

Chammah (Dec. 19, 2012) described that the Cheating Scandal had tarnished the reputation of the district and called into question the validity of its educational metrics. By

replacing the board, Commissioner Williams aimed to install leadership that could more effectively oversee the district and ensure that similar misconduct would not recur, thereby stabilizing the educational environment for students and staff alike (Chammah, Dec. 19, 2012). The TEA wanted to make sure that its actions served as a dire warning to other educational institutions about the importance of ethical governance and transparent leadership. It emphasizes the need for accountability at every level of an educational organization, from teachers and administrators to the governing board itself (Chammah, Dec. 6, 2012). The Commissioner's decision exemplified the kind of extreme measures that could be deemed necessary when an educational entity betrays the public's trust in such a profound way (Chammah, Dec. 6, 2012).

TEA, using a State Board Monitor, required that the WTSD hire a forensic auditing group (KVIA ABC-7, Sept. 20, 2013). This group, on behalf of the TEA, created a report that indicated the scandal was not the work of a few isolated individuals but was more systemic in nature. Its report added layers of complexity to the case, outlining the involvement of more people who may have been directly or indirectly part of the cheating scheme (Brown, 2013). The report served as a crucial piece of documentation that could be used by authorities for further legal action, thereby intensifying the focus on accountability and governance within the WTSD. Following the report of 2013, the TEA moved to revoke the license of 11 WTSD employees, two associate superintendents, chief of staff, assistant superintendent, high school principal, two high school assistant principals, three secondary directors, and a director for Limited English Proficiency (Curtis, 2016).

A search on the TEA state certification website for educators shows that more than double the previously listed employees faced sanctions or removal of their certifications. Employees who decided to agree with the allegations that the TEA would present them would

face inscribed reprimands to multiple years suspension of their educator credentials (TEA, September 27, 2023). By 2016, the news was reporting that 18 current and former employees of the WTSD were being penalized or investigated over their alleged roles (Anderson, 2016). A news article reported that one ex-superintendent had served his time in prison, one director had received probation, two [administrators] were awaiting sentencing, and six others were awaiting a federal trial (Anderson, 2016). All those implicated and who fought against the TEA prior to federal trial, of those who persisted in their innocence, were sanctioned by the TEA (Anderson, 2016). The five educators who went to federal trial and eventually came out victorious also had their Texas credentials fully restored without blemish, however by this time, it was not newsworthy and was not reported by the media (Anderson, 2016).

The educators in associated with the *West Texas School District Cheating Scandal* faced significant backlash from their community, a consequence that extended beyond legal penalties and professional sanctions (Rivera, 2016). Parents, students, and community members were understandably outraged upon learning from the media that test scores, attendance records, and other educational metrics had been manipulated. The scandal severely eroded public trust in the education system, and those implicated bore the brunt of community scorn. Local newspapers, TV stations, and social media channels became platforms where the public vented its frustration, sometimes affecting even those educators who were not directly involved in the scandal but rather just worked in the district (Chammah, Dec. 19, 2012)

Various media outlets, such as those rooted in local newspapers, published extensive reports not only outlining the events that were unfolding, but also focused on each of the individuals playing a role in the scandal. Such reports serve as the main news source for the public, thus leading to the opinion of the public being influenced in relation to the educators and

officials involved in the case. This led to the public being quite aware of the names of the involved individuals, thus infringing on the privacy and confidentiality of such individuals and hindered the carrying out of daily actions and functions. This led to the involved educators to be ostracized by the public, including being targeted as part of hateful conduct (Rivera, 2016).

The unfolding events prompted these educators to face quite a bit of distress, both psychologically and emotionally, as some were faced with their professional certifications being threatened and losing their employment, in addition to facing legal charges and associated consequences (Rivera, 2016). The news reports infringed on the educators' daily lives and led them to become the public faces of the crisis (Anderson, 2016). The reports created an embarrassing situation for these educators, many of whom had professionally worked in the field for multiple years, as it led to the formation of negative public opinion (Rivera, 2016).

At the same time, the news coverage, while shedding light on what had transpired and forcing the school district to become much more transparent in relation to the public eye, also created suspicion directed at the school district. To this end, educators that had no association to the scandal, were also thrust in the public eye and faced negative backlash from the public (Anderson, 2016). The fact that so many reports were published also led to the crisis being continually thrust in the public sphere, leading the community to continually relive the scandal. As a result, the implicated educators did not only experience the legal process stemming from the crisis, but also experienced the judgement of the public (Anderson, 2016).

The charges stated by the FBI for the Superintendent in a FBI press release explained the misrepresentations regarding the district's accountability to be submitted to the TEA and the USDOE, manipulation of the district's data by implementing a reclassification program designed to evade 10th grade testing and accountability requirements, reclassification of students' grade

levels from 10th grade to either ninth grade or 11th grade, requirement that all transfer students from Mexico be placed in ninth grade, no matter whether they had sufficient credits for the 10th grade year, changing passing grades to failing grades in an effort to prevent qualified students from taking the 10th grade TAKS test, and implementing course credit recovery programs to help intentionally held-back students catch up prior to graduation (FBI, 2012). Educators caught up in the scandal fell into two groups. According to Martinez (2017) the first were those who took plea bargains and were assigned consequences (some had pending consequences based on future testimony against others in the second group). The second group refused to take a plea and instead went to trial seven years after the ordeal first began. The trial lasted three of the scheduled six weeks before it ended in mistrial (Martinez, 2017). After the mistrial it was revealed that the FBI and prosecutors' offices had withheld a large quantity of documents and failed to turn over key evidence to the defense lawyers (Martinez, 2017).

The new trial was postponed for years, until eventually the prosecutors offered a pre-trial diversion. A Federal Pre-Trial Diversion is a program that can be offered by the U.S. Attorney's Office as an alternative to traditional criminal prosecution (USDOJ, 2023). In a Federal Pre-Trial Diversion, the "offender must acknowledge responsibility for his or her behavior but is not asked to admit guilt" (USDOJ, 2023). The five defendants were urged to apologize so that all charges could be dropped or wait another one to two years for a new trial (U.S. Attorney's Office Western District of Texas, 2019). They apologized for following the laws, as directed by the state of Texas and their superiors, and all charges were then dropped six months later (U.S. Attorney's Office Western District of Texas, 2019).

From 2016 until 2020, many of the defendants were out on bond, meaning that they had to submit to monthly home visits, drug tests, and supervision (United States Probation and

Pretrial Services, 2023). The researcher and three others who took part in the federal trial, pursued a civil case to restore their educator certification and educator certificate without blemish (TEA, Sept. 27, 2023). This group won their case against the TEA and Texas State Board of Certification in 2020 (TEA, Sept. 27, 2023). The employees who made plea deals and the defendants who challenged the accusations had their health, life and reputation destroyed for 10 years due to policy discrepancies and continue to live with the stigma of those accusations (U.S. Attorney's Office Western District of Texas, 2019).

### **Problem Statement**

According to Title 2 Subtitle E Chapter 25 and Subchapter C of the Texas Education Code, students need to attend at least 90% of all scheduled in-session days to earn credit for such attendance (Texas Education Code, 2021). Those who attend at least 75% of in-session days, but less than 90%, can earn credit if the student fulfills a plan that is agreed upon with his or her principal, and if he or she also fulfills all educational requirements (Texas Education Code, 2021). No credit may be awarded unless a hearing officer or committee consents to such proceedings (Texas Education Code, 2021). Such requirements can lead to conflict in the implementation experienced on the part of educators. Under *No Child Left Behind Act* of 2001 (*NCLB*), many districts contended with these issues. Currently, federal laws mandate that all students should be tested in mathematics in high school but could be exempt if they had completed an algebra examination middle school (*ESSA*, 2015). This is but one example where there were different levels of rules that apply.

The problem that is generated pertains to the present legislative structure imposed by those at the highest level, while those at the middle level experience barriers to the implementation of such legislation and with the bottom level having the role of said policy

integration. Such misalignment creates a lack of alignment between the application of law due to the expectations of stakeholders at the different levels not being the same or uniform—not clearly delineated for all interested parties. The resulting consequences are mainly shouldered by practitioners.

Betsy Devos, Secretary of Education, in the Trump administration, and the TEA approved a Texas plan to create more flexibility within *Every Student Succeeds Act* of 2015 (ESSA) to innovate (Texas Classroom Teachers Association, 2023). Simply stated, Devos and USDOE created a plan that affects the current legislative structure, which can be adjusted or changed at any given time (Texas Classroom Teachers Association, 2023). While it was meant to be innovative, instead leaves the practitioner potentially caught between the state and federal governments rules and regulations while putting them at risk of ignoring state laws or federal laws.

### **Purpose of the Study**

This research addresses the gaps in federal and state policy that led to the experiences and consequences of these practitioners. The existing educational law present in the state of Texas can be assessed through the use of ecological theory, which consists of the microsystem, exosystem, and macrosystem levels (Bronfenbrenner, 1979). The central dilemma in Bronfenbrenner's (1979) study emanated from the incongruence between the legislative architecture formulated by apex policymakers and the practical challenges experienced by low-level practitioners in executing such policies. Furthermore, those at the bottom levels are the ones which are tasked with the direct implementation of these policies (Bronfenbrenner, 1979). This incongruity engenders a misalignment in the operationalization of legal mandates. It

further a disconnect fueled by disparate expectations among stakeholders at the various echelons of the system.

While practitioners predominantly bear the ramifications of this policy incongruity, students are not immune to its adverse effects, such as academic stagnation or potential removal from their educational institutions. Consequently, the ramifications of this systemic disjunction are differentially distributed across hierarchical levels (Stone, 1980). To investigate this multifaceted issue comprehensively, the researcher intends to employ Bronfenbrenner's ecological systems theory, with particular focus on the interplay among its three principal strata: the microsystem, exosystem, and macrosystem.

By using case study and policy analysis, this research addresses the differences in state and federal policy interpretations, and how these policies and politics can be interpreted or misinterpreted to bring about a means to an end. As mentioned above, the researcher also uses an ethnological approach to understand his role as an Assistant Superintendent who was drawn into this issue and worked with the TEA, USDOE, and the FBI. The researcher's experiences add to the voice and present a clear perspective on how this transitioned from being a non-issue to encompassing local, state, and federal officials. Because of the situation, much of the perspectives of administrators were subsumed by the many other political and legal voices.

Atkinson (2007) described the ethnographic approach as being beneficial and therapeutic for the writer, as it helps to facilitate the process of self-reflection to process experiences. Ellis et al. (2010) further stated that this process can provide individuals with a means of self-expression prior to engaging in writing that may have been missing before. In Chapter II, the researcher further lays out the ethnographic framework.



This study also provides a benefit to educators as it provides an in depth look at the shared experiences of several educators who resisted pressure to capitulate against formidable odds and who successfully were able to come away from this experience with dignity. At the core of this argument is that acting in the best interests of students and districts, may not exempt educators from issues arising from the discrepancies between state and federal policies.

### **Research Question**

The overarching research statement for this study is:

1. What were the experiences of a public-school practitioner when the misalignment between Texas and federal policies resulted in the *West Texas School District Cheating Scandal*?

Utilizing an autoethnographic approach provides an in-depth and personal perspective into the experiences of an Assistant Superintendent, enabling a firsthand account of the challenges arising from the misalignment between Texas and federal policies, specifically in the context of the *West Texas School District Cheating Scandal*. This method ensures the feasibility of answering the research question by grounding the investigation in the lived experiences of a practitioner deeply embedded in the system. By focusing on personal narratives and reflections, backed by a voluminous archive of data, the researcher can more accurately and authentically capture the complexities and nuances of policy implementation in a real-world educational setting.

### **Significance of the Study**

Federal and state policies sometimes contradict each other or serve cross-purposes (Darling-Hammond, 2007). While education has fallen under state control, federal policies still dictate how many of the policies are to be implemented or at times, interpreted. The U.S. Constitution states that the individual states have the right to exercise powers that have not been

explicitly allocated to the federal government on the part of this document (U.S. Const. Amend. X). The significance of this dimension is underscored by the previously delineated tension among the microsystem, exosystem, and macrosystem levels, as conceptualized by Bronfenbrenner's ecological theory. This study exams the discord that emanates from a conflict of interest between federal and state governmental entities, resulting in consequences for the practitioner.

Texas expanded policy implementation in the mid-1880s, when individual student papers at the secondary level were randomly chosen to be evaluated by instructors at the University of Texas (TEA, 2023). If such papers were found to fulfill predetermined criteria, the associated students would be admitted to the higher education organization without the need to take or pass entrance exams (TEA, 2023).

Throughout the evolution of Texas public education, the campus teachers and administrators have become increasingly more removed from the creation of policies but have become increasingly held to a higher accountability of policy implementation. Policy analysis through autoethnography shows how a practitioner following his education, training, best practices, guidance by educational attorneys, and directives from the TEA could not meet the demands of a failed system. A system created by policy makers which is created not only at the state level but at the federal level. As well as helping the practitioner, policy makers get a unique look at how their decisions can affect those who are tasked with implementing them.

The study probes the intricate interplay between Texas and federal education policies, pinpointing a profound misalignment that precipitated the Cheating Scandal. Utilizing an autoethnographic method, it casts a deeply personal light on the experience of a practitioner ensnared in this maelstrom, presenting an unprecedented inside view of the tensions and

dilemmas that educators grapple with when navigating contradictory policy directives. The relevance of this research lies in its capacity to shed light on systemic issues, revealing how policy discord can inadvertently foster environments conducive to ethical conundrums (Ellis, Adams, & Bochner, 2011). Its significance extends beyond the singular event, serving as a cautionary tale for educational policymakers about the unintended consequences of their decisions, and the paramount importance of ensuring alignment and coherence in policy frameworks for the betterment of educators and students alike. Finally, this study shows how there are currently discrepancies between the state and federal accountability of the *Every Student Succeeds Act (ESSA)*. This ongoing failure to align policy continues to place implementors at risk and ultimately prevents the goal of the intended.

### **Definitions of Key Terms**

**Adequate yearly progress (AYP).** “States must establish a definition of adequate yearly progress that each district and school is expected to meet. schools must test at least 95 percent of their students in each of the above groups” (Hickok & Paige, 2002, p. 16)

**Auditing transcripts.** When an educator such as a registrar, counselor, or administrator reviews a student transcript for accuracy and makes decisions such as anticipated courses for grade placement or graduation requirements (Chang, 2016).

**Campus Administrator Mentor (CAM).** A mentor that is assigned by the School Improvement Resource Center to assist the principal and staff of a Texas school that has failed to meet state accountability requirements (SIRC, 2008).

**Cohort.** In Texas accountability it is the year you entered high school as a freshman and four years later the year you should graduate. A student remains assigned to the cohort they started with regardless of years failed and/or accelerated (TEA, 2012).

**End-of-course.** Exams used to indicate mastery levels in courses used to indicate STAAR testing for specific subjects (Shapley, 2004).

**Grade placement.** The student's grade placement in the public school system is determined by a combination of factors, including their age, academic performance, and the curriculum standards set by the state. Each Local Educational Agency in Texas creates grade placement with each district using school board policy guided by state LEGAL(EIF) and then LOCAL(EIF) for placement based on credits earned (Leung, 2004).

**Limited English Proficiency.** This Texas law guides the placement and monitoring of students that enter Texas schools with a home language other than English (TEA, 2009).

**Local Credit.** A local credit is awarded to students for any course offered which is not determined by the State Board of Education (SBOE) to be a requirement for state graduation as is outlined in the Texas Education Code (Hickok & Paige, 2002).

**Priority School Division (Years 2006-2010 in WTSD).** The Priority Schools Division was created in 2006 in response being rated either “Academically Unacceptable” under the State Accountability System and/or having “Missed AYP” under the Federal Accountability System AYP (Federal Bureau of Investigation, 2012).

**School Improvement Resource Center (SIRC).** Originated by TEA and Region 13 for the purpose of providing schools with information, resources, and technical assistance regarding the school improvement process. SIRC is a statewide initiative response to the technical assistance requirements of Title I, School Improvement. The goal is to help develop a relationship that increases leadership capacity and to navigate the requirements of *NCLB* school improvement measures (Partridge, 2006).

**Secondary School Division (Years 2010-2013 in WTSD).** Within the Secondary Schools Division, 11 campuses had been identified as “focus schools” due to a variety of concerns ranging from having new principals to accountability issues (Federal Bureau of Investigation, 2012).

**State Credit.** The state of Texas defines one “credit” as a one-unit course which is awarded to a student based on demonstrated proficiency in the Texas Essential Knowledge and Skills (TEKS) for a given course as approved by the SBOE (Hickok & Paige, 2002).

**Supplemental Educational Services (SES).** ‘If a school fails to make adequate yearly progress for a third year, students from low-income families in the school must be given the option to use Title I funds to obtain supplemental educational services who have demonstrated record of effectiveness in increasing academic proficiency’ (Hickok & Paige, 2002, p. 17).

**Texas Title I School Improvement Program (SIP).** Title I, Part A, Section 1116 School Improvement Program provides supplemental funds to Title I campuses identified for school improvement by failing to make adequate yearly progress (AYP) for two or more consecutive years (TEA, 2023).

**Title I, Part A.** “is [funding] intended to help ensure that all children have the opportunity to obtain a high-quality education and reach proficiency on challenging state academic standards and assessments” (Hickok & Paige, 2002, p. 13).

**Technical Assistant Provider (TAP).** A TAP is a hands-on consultant who works with the campus administration and faculty to guide a school through the improvement process (Garcia, 2007).

### **Limitations of Study**

This study has several limitations in relation to the assessment of *NCLB*. The present study evaluates *NCLB* from the perspective of the *West Texas School District cheating scandal*, although other cheating factors could also be applicable here, but are not addressed. Beyond this, a legal development, which took place in June of 2016, frames this Cheating Scandal as complex due to a legal ruling handed down by a federal judge (Martinez, 2016b). Such a designation means that the case has a lot of defendants, addresses a new and emerging legal question, and it can be difficult for the parties and legal teams to sufficiently prepare for such proceedings (18 U.S. Code § 3161). The judge in this case allocated six weeks for trial proceedings with the prosecutor stating their side would need three weeks, with the possibility of extending this timeframe to two months (Hoppough, 2017). Because this event was complex, the researcher only touches upon the topics that are immediately associated with the research questions at the center of this study. Another limitation is that the study may utilize documents, such as digital cellphone records and auditor communications, which are solely available to the researcher, limiting a thorough review of the study and potentially excluding others' perspectives and voices. As a result, the researcher may not be able to provide such documentation unless the information is authorized for release on the part of the researcher's legal team.

Still another limitation is, due to the case being complex, the author utilizes vignettes, but these cannot fully reflect the lived experiences of affected educators. As a result, such a limitation may reduce the degree of external validity inherent in the study (Brown & Trujillo, 2019). Although attempts can be made to ensure that vignettes reflect the real-life experiences of participants, they do not encapsulate the full scope of complexity that is present in the actual

experiences (Brown & Trujillo, 2019). Although such vignettes are a factual representation of real events, they do not fully embrace or reflect the full scope of events.

Another limitation is the selected methodology of autoethnography, which creates the drawback of a wide range of data not being able to be generated through other qualitative means. Despite this limitation, the researcher feels that this methodology is the most relevant one to be used and applied within this study due to the high quantity of applicable documents that the researcher has acquired. A forensic audit was attempted to be carried out on the part of WTSD, at a high cost, but there appeared to be a conflict of interest due to the audit firm being associated with the FBI and TEA, thus impairing the integrity of such an audit. The resulting lack of integrity was due to the auditing firm lacking true independence.

When evaluating past events, autoethnography shares multiple characteristics with traditional ethnography due to the reliance on the recall process on the part of the participant (Silverman & Rowe, 2020). These similarities make autoethnography particularly useful within the aspect of qualitative research. However, human memory is inherently weak, as it is prone to suggestion and other errors, leading to a lack of consistency and reliability, creating a disadvantage and a limitation to the use of autoethnography. In effect, human memory distorts the recalling process, as it applies to the past (Chang, 2008). When the researcher experienced the events in question, he was under stress, which could have affected this recall process.

### **Study Assumptions**

In conclusion, the study operates on several assumptions to present a nuanced and informed perspective on the *West Texas School District Cheating Scandal*. One primary assumption concerns the accuracy of the researcher's recall, acknowledging the potential fallibility of memories, especially those spanning over a decade. There's also an implicit trust in

the comprehensiveness of the available documents, emails, and calendars, even though certain pivotal records might be missing or overlooked. While the researcher's deep personal and professional involvement could introduce bias, it's assumed that he maintains academic rigor and objectivity throughout. The study further assumes that, despite potential legal constraints on some documentation, the available records adequately address the central research question. When illustrating experiences through vignettes, the study acknowledges that these narratives, although not exhaustive, capture the crux of educators' lived experiences. Finally, given the personalized nature of autoethnography, it's assumed that the findings, rooted in this specific instance, resonate with broader scenarios, emphasizing the study's relevance to larger discussions on policy discrepancies and their consequences.

### **Researcher's Stance**

The researcher comes from a family of educators with both parents being teachers and administrators. As such, the researcher grew up within the field of education and this background fueled his desire to help students and the community. The researcher went back to work in the community he grew up in with a commitment to making it better for the students who lived there. The researcher's leadership skills at all levels allowed him to facilitate multiple low Social Economic Schools (SES) to become successful academically and be removed from the federal Unsafe School designation. These successes by the researcher garnered the attention of his local community and his superiors. As a result of the performance, stellar evaluations, and recommendations, it allowed the researcher to rapidly rise to the position of Assistant Superintendent of High Schools of one of the largest districts in the state of Texas.

In the position of Assistant Superintendent of High Schools, the researcher oversaw the physical plant and operations of fifteen high schools. For example, in 2009, the smallest of the



traditional high schools this researcher oversaw, consisted of over 1,000 enrolled students, of which nearly 99% were of Latino background (TEA, 2009). Of these, nearly 96% were economically disadvantaged and just under 45% were considered to be of Limited English Proficiency (TEA, 2009). The graduating class consisted of 257 Hispanic students (TEA, 2009) – an achievement of the students from a low SES environment and a success story for the educators and administrators.

Throughout his career, the researcher never had a single write-up or reprimand for his performance. Rather, his performance was always deemed as superior, and he always sought out guidance of those more experienced and knowledgeable. During his duties, the researcher interacted with and was guided by district attorneys, superintendents, Deputy Commissioners of the TEA and the Commissioner of TEA.

### **Summary**

In the preceding introductory chapter, we delved into the intricate backdrop of the *West Texas School District Cheating Scandal*, focusing on the complexities and challenges introduced by the misalignment between Texas and federal policies. Through an autoethnographic lens, the researcher will provide a comprehensive recounting of events and factors, integrating both personal experiences and an extensive collection of unique documents, emails, and records. Given the multifaceted nature of this study, characterized by the researcher's personal involvement, the notions of memory, potential biases, and the inherent limitations of available data, there emerges a pressing need to situate this unique case within a broader academic and historical context. Chapter 2 will introduce the conceptual framework, drawing upon control theory, ethical theory, and Bronfenbrenner's ecological system theory, as primary lenses to analyze and understand the phenomenon under study. By doing so, this section aims to connect

the WTSD's experience to a wider academic framework, shedding light on patterns, parallels, and divergences in the world of educational policy and its real-world ramifications. Through this literature review, we seek to explore relevant policies, prior incidents, and the implications of policy discrepancies.

## Chapter 2: Review of Literature

*The growing popularity of contemporary self-narratives rides on the back of postmodernism that values voices of common people, defying the conventional authoritative elitism of autobiography* (Wall, 2006) cited in Chang (2008, p. 32).

### Overview of Literature

This autoethnography dissertation is formatted to use a practitioner's approach to understanding the main elements of the *West Texas School District Cheating Scandal*. The researcher will use their own life to navigate the history of Texas education by design to make it personal so that reader can relate to human element of the practitioner. The heart of this study is the life of this researcher, the work and life experiences, and the cause and effect of local policy creation and policy implementation by a practitioner. This chapter provides a history leading to and encompassing key elements of the *West Texas School District Cheating Scandal* and information needed to understand the complexity of decisions the researcher and others had to make as practitioners.

The theoretical frameworks reviewed were (a) control theory, (b) ethical theory, and (c) Bronfenbrenner's ecological system theory, provided following a review of the literature. This chapter provides a review of literature including (a) the history of standardized testing in Texas (through the a practitioner's lens), (b) history of cheating in Texas education prior to the *West Texas School District Cheating Scandal*, (c) elements of *NCLB* related to the study, (d) Texas's Response to *NCLB*'s Innovation and Scientifically Based Research Requirements, (e) a brief timeline showing what spurred the investigation into the WTSD, which later became known as the *West Texas School District Cheating Scandal*, and (f) a look at how Race to the Top was perceived in Texas. The next part of the literature review will take a close look at relevant

theoretical frameworks and how they relate to educational research and elements of this study.

The review of the existing literature relevant to this study focused on providing an understanding for the reader to have access to knowledge and background information relevant to the autoethnography vignettes that will be used in this dissertation. The researcher's role as a practitioner telling this case study/policy analysis can provide tools for future educators to navigate the implementation of the ever-changing policies and laws in public education.

### **Policy Section**

#### **Prior to the Federal Policy of *NCLB***

Prior to *NCLB* in the year 2000, researchers Bohte and Meier (2000) began looking at and assessing the motivation of organizational cheating, specifically in the Texas School System. Their study examined organizational cheating and how it is influenced by task demands and resources. It contributes to the theoretical understanding of organizations by suggesting that the evaluation of agency performance should include how output indicators are generated, and that organizational cheating is a complex interaction between the organization, its processes, and the environment (Bohte & Meier, 2000). The study also proposes that bureaucracies, as strategic entities, have a variety of responses to environmental demands, which may not always align with the desires of external actors.

The researchers highlighted those attempts to evaluate the operations and performance of a given agency must shift beyond measures pertaining to output and must assess the way such measures are created (Bohte & Meier, 2000). Additionally, even though indicators pointing to the presence of cheating were determined to be present within the organization's environment, the processes facilitating actions constituted to be cheating take place concurrently with the

interrelationship aspects pertaining to the environment and such processes (Wood & Waterman, 1994).

From a functional point of view, Wood and Waterman (1994) suggested careful design of incentive systems to avoid goal displacement and cheating. At the same time, the system itself is flawed, as students receiving high scores on an increasing and consistent basis also yields allegations of cheating (Madrigal & Epstein, 2021). For example, if all students in Texas were to score 100% on the STAAR assessment, officials and educators would come under fire and such occurrences would be investigated to show that cheating or another nefarious action took place to generate such high consistency in scores (Madrigal & Epstein, 2021). As such, showing that these are more likely when resources are insufficient for task demands. The authors warned that adding more rules may not solve the problems inherent in incentive systems and that organizational norms play a crucial role in limiting inappropriate behavior. They contended that incentives need to be structured carefully, as even if there is an individual response to such motivators, it may be in direct proportion and direction of the incentive, as opposed to the stated mission and values of the organization (Madrigal & Epstein, 2021). Furthermore, the issue pertaining to motivating incentives are not typically able to be addressed through the implementation of new rules outside of those already in existence, as the existing rules clearly did not stop the problematic actions from taking place (Madrigal & Epstein, 2021).

Bohte and Meier (2000) stated that their research provides the first theoretical and empirical examination of organizational cheating. The authors suggested that further research is necessary and then explain the need to explore organizational cheating within the context of private organizations providing government goods and services (Bohte & Meier, 2000). They concluded that organizations at which cheating is more likely to take place can be identified,

which creates opportunities for decisions and actions to stem the occurrence of cheating (Bohte & Meier, 2000).

### **After the Passage of the Federal Policy of *NCLB***

Following the passage of *NCLB*, more students throughout primary and secondary schools are taking part in planned and scheduled standardized testing than ever before in the history of the United States (DuBose, 2015). In 2014, the USDOE secretary acknowledged that such preparation and execution of coordinated standardized testing takes up a considerable portion of teaching time that could, otherwise, be allocated differently for the benefit of students (DuBose, 2015). This same individual acknowledged that standardized testing, although intended to be a critical metric, prevents teachers from engaging in self-development and working towards enhancing their teaching skills, as a whole (DuBose, 2015). At the same time, as of the academic year that ended in 2014, students in the United States realized their highest and best educational attainments (DuBose, 2015). Beyond this, high school graduation rates topped the statistics that had been collected and aggregated in relation to American secondary educational institutions (DuBose, 2015).

### **Policy as it Relates to Standardized Testing in Texas**

As a concept, standardized testing can be traced back to roughly the third millennium B.C. and ancient China, where such tools were used to separate qualified government workers from individuals deemed unworthy of such demanding positions (DuBose, 2015). In the United States, standardized testing did not become a critical educational tool until the beginning of the 20th century, as, up until this point, American education had been modeled after classical Greek methods rooted in Socratic thinking (DuBose, 2015). Such ideals became increasingly more reinforced within the American educational system following the World War I and the Industrial

Revolution, both of which led to the demand of the educational system to produce students and professionals, who could keep up with the new and evolving economic demands (DuBose, 2015). However, the first standardized testing practices were also deeply rooted in eugenics as a means of identifying individuals with high intelligence quotients and, ideally, their Caucasian ethnic background (Madrigal & Epstein, 2021).

Such tests were eventually utilized in American classrooms to classify and categorize students based on their learning achievement and abilities as a means of either putting them in slower paced classrooms to allow them to catch up to their peers, or to assign them to gifted classrooms, so that their naturally perceived talents could be further fostered and nurtured (Madrigal & Epstein, 2021). This allowed the educational system to, what was believed, optimally categorize students to best meet their academic and learning needs (Madrigal & Epstein, 2021). However, a deeper underlying racial motivation of this process was to support Caucasian students in developing their academic skills and knowledge, while further keeping ethnic minorities without the same high-quality education (Madrigal & Epstein, 2021). As a result, such reforms simply perpetuated the ethnically rooted wounds that had become a part of this nation's landscape (Espinoza, 2020).

In Texas, in 1980, the 66th Legislative law was passed to require a testing program for assessing basic skill competencies to students in third, fifth and ninth grade in mathematics, reading, and writing (Technical Digest, 2011). According to Cruse (1985) in a report prepared for the Congress of the United States in 1985, the Texas Assessment of Basic Skills (TABS) test allowed students all across the state of Texas to take the same test for the first time, provided individual students, parents, and teachers receive mastery information on each basic skill,

provided data on campuses and districts (which by law were made public), and [brought] focus on learning to an unprecedented degree (Cruse, 1985).

At the time the TABS test was considered one of the most important tests that students take during their academic careers (Cruse, 1985). This test in conjunction with other factors could cause students, upon entering school, to be categorized as requiring special education interventions, due to multiple reasons, such as being speech delayed or having a learning disability. With speech therapy classroom pullouts, as well as other similar interventions taking place daily, many students improve drastically. At the same time, many special education students also feel the stigma of being pulled out and sent to the special education room. It is important to note that although the TABS test can show student delays, many such students previously placed into a category could score in the top percentile on aspects of the TABS test (Cruse, 1985). Once schools receive and process such results, some students are placed into new categories such as the gifted and talented program. (Cruse, 1985). This insight provided additional data abouts students, can initiate students and teachers to see some of the value of state standardized testing.

In the summer of 1984, the Texas legislature enacted a significant reform of the state's elementary and secondary education system through the passage of House Bill 72 (Grubb, 1985, p.15). This legislation was born in an environment that had been fostering educational reform for several years. Debates had raged among educators, parents, the business community, social reformers, and politicians both nationally and within Texas (Grubb, 1985, p. 15). One of the central issues was the finance model and the disparities that arose due to variations in local wealth or property values (Grubb, 1985, p. 16). These disparities often resulted in inequalities in educational opportunities. Various court rulings, including the *Serrano v. Priest* case in



California and the Rodriguez case in Texas, had highlighted these financial inequities and pushed for more equitable distribution of resources (Grubb, 1985, p. 16).

Furthermore, the broader context in the U.S. at the time was a rising concern about the quality and effectiveness of education. The 1983 report “A Nation at Risk: The Imperative for Educational Reform” from the National Commission on Excellence in Education signaled a nationwide alarm (Grubb, 1985, p. 19). The report linked the perceived declining quality of education to potential economic and national security implications, citing issues like falling test scores and rising functional illiteracy rates (Grubb, 1985, p. 20). This concern for excellence was among the factors that influenced Texas’s educational reforms [and continues to this day setting the culture], with House Bill 72 aiming to simultaneously address both equity in education financing and excellence in teaching and learning outcomes (Grubb, 1985, p. 22).

When House Bill 72 was passed it prompted the change in the language of the TABS test to the new Texas Educational Assessment of Minimum Skills (TEAMS) test with testing every student in grades 1, 3, 5, 7, 9, and 11 (Cruse, 1985). In the report to the Congress by Cruse he stated that:

If there is a central theme to this history of testing policies, it is the concept of a “policy evolution.” In fact, a proper title would be the “The Evolution of Student Testing Policies in Texas.” Obviously, the complexity of any government/society function such as that of a state educational system for public education makes it impossible to identify simple cause-effect relationships. (Cruse, 1985, p. 8).

This ever-changing policy evolution is going to be a key factor in this dissertation. As shown, the testing policy in Texas was established long before *NCLB* came about in 2002.

Currently, the state of Texas is using the State of Texas Assessments of Academic Readiness (STAAR) program which began being implemented in 2012. This test has end-of-course (EOC) assessments for Algebra I, English I, English II, Biology, and U.S. History. Each of these assessments are used to meet the accountability requirements of *ESSA* (TEA, 2023). This current Texas standardized assessment is not in compliance with the *Every Student Succeeds Act* which replaced *NCLB*, which is discussed in Chapters 4 and 5. The STAAR program, since its inception, was projected to incur taxpayers a considerable expense of nearly \$1 billion over five annual cycles (Friedman, 2013).

Following the adoption of the high-stakes exams, STAAR, there have been multiple calls to stop using this tool within the academic setting (Madrigal & Epstein, 2021). These calls have been rooted in the belief that such reforms have only perpetuated other inequities already found within society in relation to differences between members of various ethnic groups (Madrigal & Epstein, 2021). Beyond this, calls to scrap STAAR have also been based on the possibilities that exist and have been found to game and cheat the system, so that educators and officials can use the results of such standardized tests to their advantage, as well as the fact the testing process being relatively stressful on both students and educators (Madrigal & Epstein, 2021). Furthermore, STAAR has also come under significant fire due to its mismanaged budget allocations and spending, as the program, spent an excess of \$1.5 million on administrative meetings and travel costs, \$1.6 million on the set-up of testing systems, and \$1 million on graphics used as part of the standardized testing program (Friedman, 2013).

The state of Texas has been thought of as a model indicating the successes of reforms within the field of public education in the U.S., as well as an example of the many aspects that can potentially go wrong when attempting to successfully carry out such undertakings (Madrigal

& Epstein, 2021). For example, as later discussed in this section, the state had been used an example of how miracles within public education can be achieved, only to also highlight the cheating scandals and other attempts to fraudulently show such achievements (Madrigal & Epstein, 2021).

In 2002, the U.S. government passed the *No Child Left Behind Act*, or *NCLB*, which revolutionized primary education as a means of making all primary schools accountable for their students' educational achievements (Heilig & Darling-Hammond, 2008). The intent behind the passage of this law was the premise that implementing educational standards would automatically increase the academic achievements of students, but this did occur across the board (Heilig & Darling-Hammond, 2008). However, the main measuring stick to assess this achievement was the standardized test scores that students generated annually, which were then compared to other students at the same grade level across the state (Heilig & Darling-Hammond, 2008). The overarching objective behind *NCLB* and other legislative efforts, such as the Race to the Top, was to focus on underachieving students, and particularly those coming from ethnic minorities (DuBose, 2015). Such focus was aimed at reducing educational and academic achievement disparities between students from a wide range of populations, including those coming from families and households living at or under the federal poverty line and those coming from immigrant families and only learning English as a second language (DuBose, 2015). Prior to the implementation of the *NCLB*, it appeared that the educational system largely ignored students from these backgrounds, so the intent of this legislative effort was to correct this oversight and do what the government felt was right in relation to creating equity among diverse primary and secondary student groups (DuBose, 2015).

The *NCLB* created multiple concerns, such as the question of how schools would deal with underachieving students so that their aggregate statistics would not be adversely affected by low scoring outliers (Heilig & Darling-Hammond, 2008). The passage of this critical law has also sparked multiple federal and state-level attempts to repeal the administration of standardized tests at the primary and secondary school levels. For example, Florida officials introduced House Bill 7069, which intended to mainly do away with such examination trends (DuBose, 2015). Texas is just one of the additional states that has followed in the footsteps of Florida to propose similar legislation (DuBose, 2015).

### **The Texas Miracle of 2004**

The phrase Texas Miracle was popularized during George W. Bush's presidential campaign to describe the apparent success of Texas education reform during his tenure as governor (Hanushek et al., 2002). On January 6, 2004, Rebecca Leung for CBS in a Sixty Minutes news report explained the details about the so-called Texas Miracle, a term initially used to describe the strikingly improved educational outcomes in Texas, particularly Houston (Hanushek et al., 2002). This phrase gained popularity during President Bush's 2000 presidential campaign. The basis of this "miracle" was the accountability system that former Houston School Superintendent Rod Paige introduced, making school principals and administrators accountable for their students' performance. This model later contributed to the creation of the *No Child Left Behind* education reform act. However, this model has also been found to overemphasize standardized testing and its role within public school education, as it is believed to place expectations on students that are not realistic and which cannot be easily or readily attained by all tested students (Aronson et al., 2016).

However, the authenticity of the results falling under the umbrella of the Texas Miracle began to be questioned when a high school assistant principal discovered that the school's claimed dropout rates were inaccurately low (Hanushek et al., 2002). As he stated, "I was shocked. I said, 'How can that be,'" recounting how he had seen many students quit school despite official reports claiming zero dropouts. The investigation revealed that the official dropout rates were manipulated by classifying students as leaving for acceptable reasons, rather than reporting them as dropouts (Hanushek et al., 2002). The assistant principal said, "They were not counted as dropouts, so the school had an outstanding record."

Further, the report explained that it was discovered that the district manipulated student advancement and grade placement to boost school performance metrics. Kimball pointed out this practice, saying: "What the schools did, and what the High School did, they said, 'OK, you cannot go to the 10th grade unless you pass all these courses in the 9th grade'" (as seen in Leung, 2004, para. 34). Following the exposure of these perceived malpractices, Kimball faced retaliation, leading him to file a whistleblower lawsuit against the Houston School District. Following a settlement, he resigned from his post and began teaching at a local university (Leung, 2004). Shortly after, several top school board officials, including the Superintendent, resigned (Leung, 2004).

There appeared to be a quick response to the Texas Miracle, and other similar cases at the time involving issues of cheating and irregularities in standardized testing in Texas. In an *Education Weekly* article *Texas Takes Aim at Tainted Testing Program* by Manzo (2005), the author expanded on the investigation revealing a potential cheating scandal in the state, prompting Texas officials to announce a comprehensive review of test security and the implementation of a new monitoring scheme. The Commissioner of Education emphasized the

importance of maintaining the integrity of the testing program and acknowledged the need for a common formula to identify questionable results (Manzo, 2005).

An analysis conducted by The Dallas Morning News found suspect results in approximately 400 schools out of 7,700 statewide. The newspaper used regression analysis to identify unlikely leaps in test scores or students' inability to sustain high levels of achievement as they progressed in school. These findings were considered unprecedented in Texas, leading to calls for better oversight of testing systems across the country (Manzo, 2005). Manzo further described that Texas has had limited monitoring of test results, rather it was primarily focusing on exemptions or absences on test days. The responsibility for monitoring and investigating irregularities lies primarily with individual districts, who can refer cases to the state for further review or action (Manzo, 2005).

At the time, experts argued that the testing situation is largely unregulated nationwide, with calls for improved monitoring and accountability. An example showing this was a problem that may have expanded beyond Texas is the quote showing who helped to set up the *NCLB*:

In Houston, Wesley Elementary, which gained national acclaim under then-Superintendent Rod Paige for getting nearly all students from the poor neighborhood it serves to grade level in reading, was among those accused, along with two other affiliated schools that form a charter school district known as Acres Homes. Mr. Paige is wrapping up four years as the U.S. secretary of education. (Manzo, 2005, para. 16).

The above quote showing that accusations stemmed from schools in which the former U.S. Secretary of Education, Rod Paige had been Superintendent.

There were the added concerns raised by critics who questioned the effectiveness of the measures being implemented, suggesting that there might be a conflict of interest when the state

or districts involved are vested in demonstrating improved student achievement. As stated in Manzo's article:

"To think the TEA is going to monitor the quality of data from districts is like asking the fox to guard the chicken coop," charged Walter M. Haney, a professor of education at Boston College who has worked to debunk what he calls Texas Miracle in raising student achievement. "Even if there's not outright fraud, where people become so obsessed with raising test scores on one relatively narrow test," cheating and other improprieties are likely to occur. "This is an ethical failure on the part of the U.S. education system, not just on Texas." Daniel Koretz" (Manzo, 2005, para 30).

The exposé of the Texas Miracle brought to light a cheating scandal uncovered first in Houston and then in districts across Texas. This showed the need for better oversight and monitoring of testing systems, specific cases of alleged cheating, the responses and actions taken by Texas officials and districts, and the broader accountability issues within the education system.

Prior to the *NCLB* being passed, studies examined the way accountability actions affected students scoring under the accepted norm or average as a means of determining the actions that schools could potentially take to game the existing system and boost the appearance of their educational standards, levels, and achievements (Heilig & Darling-Hammond, 2008). Before *NCLB* took effect, some studies indicated that the use of standardized testing models could prompt students to make improvements in their scores, while other studies showed that, in some cases, the consequences of such models were adverse in their impact on students (Heilig & Darling-Hammond, 2008). One particular study indicated that such an accountability system was particularly useful in helping minority students coming from Hispanic and African American

ethnic backgrounds in reducing the achievement gap that has longed plagued the American educational system at the primary school level (Heilig & Darling-Hammond, 2008). However, this same study also showed that these accountability systems did not improve students' high school graduation rates or reduce the rates at which students from these ethnic backgrounds were dropping out at (Heilig & Darling-Hammond, 2008).

Following the implementation of *NCLB*, the so-called Texas miracle showed that the phenomenon was not only fabricated, but also that the various tests used for the function of standardized testing often contain glaring mistakes and questions that are not aligned with the knowledge that is expected on the part of students at the grade level being tested (Madrigal & Epstein, 2021). Although such tests have been intended to show the academic achievement generated by students, the results generated by such testing efforts point to the presence of non-school variables (Madrigal & Epstein, 2021). As an example, student achievement has been accurately predicted using demographic factors, such as the students' racial and ethnic backgrounds (Madrigal & Epstein, 2021).

### **Impact of *No Child Left Behind (NCLB)* in the Classroom**

The mythos of *NCLB* as a new hallmark law is that in exchange for greater accountability that local education agencies (LEAs) would gain they would then have unprecedented flexibility in how they could utilize federal education funds. Allowing for funds to now be used for improved teacher quality and innovative programs. With the responsibility of this new flexibility came consequences in that parents would have choice to send their children to better schools if their current school was not performing (Hickok & Paige, 2002). Key elements that the LEAs must focus on with *NCLB* are: highly qualified teachers, corrective action plans after two years



of a school failing to meet standards, and the restructuring of any school that fails to improve over an extended period (Hickok & Paige, 2002).

Originally, in 2002 *NCLB* required that the LEAs have annual assessments in grades 3-8. However, there was a change in what was required as the years progressed. The No Child Left Behind Desktop Reference of 2002 stated that the changes to be made are as follows:

By the 2005-06 school year, states must develop and implement annual assessments in reading and mathematics in grades 3 through 8 and at least once in grades 10-12. By 2007-08, states also must administer annual science assessments at least once in grades 3-5, grades 6-9, and grades 10-12. These assessments must be aligned with state academic content and achievement standards and involve multiple measures, including measures of higher order thinking and understanding (p. 16).

These progressing changes to the accountability system may have contributed to the discrepancies with state rules of accountability. As shown above the original TAAS test had exit level testing at 10th grade, later as Texas testing moved to TAKS the exit level was moved to 11th grade (Technical Digest, 2011, p. 3). When the move was made for 11th grade exit level was made in 2004, Texas had already filed their assessment plan with the USDOE. Texas had in place as part of the Texas report card standardized test at grades 9th through 11<sup>th</sup> (Technical Digest, 2011, p. 10).

The only high stakes testing in a Texas high school for the students after 2004 was the 11th grade exit level test (TEA, 2004, p. 33). Due to the “high stakes” aspect of the 11th grade TAKS test, students who for any numerous valid or invalid reasons missed the 10th grade TAKS had no opportunity or option to take that exam (TEA, 2004, p. 33). The LEAs had no way of ordering or providing a 10th grade TAKS test for a student who was not coded as a 10th grader

(TEA, 2004, p. 33). Under the requirements of *NCLB*, if the state of Texas had chosen the 11th grade to be the federal reporting grade it would have insured all students took a federal accountability test. Understanding that just prior to the switch to TAKS all students regardless of moving past the 10th grade had to pass the high stakes 10th grade TAAS test to graduate (TEA, 2004, p. 30-33). This meant that the LEAs prior to *NCLB* could order and administer 10th grade tests to any student who had not passed it to meet graduation requirements (TEA, 2004, p. 30-33). Texas policy makers decided that for federal accountability they would report the 10th grade TAKS scores, and then use the 11th grade TAKS as the exit level (TEA, 2023a). This lack of ability to test students who had missed the tenth grade will be addressed as one of the vignettes in chapter four of this dissertation.

*NCLB* had developed an expectation of being a program for comprehensive school reform (CSR). The CSR had eleven components, which are comprised of methods rooted in existing evidence, systematic and all-encompassing design, a focus on academic attainment of students, employees being on board with a given change, continued development of teachers and other academic personnel, personnel supports, parental and community collaborations, academic supports sourced from external sources, evaluation planning, the aggregation of resources, and proof pointing to effectiveness (Hickok & Paige, 2002). The key reforms to meet federal requirements of the CSR “must be grounded in scientifically based research,” with the goal of “helping schools implement scientifically proven reform strategies” (Hickok & Paige, 2002, p. 50).

Title I, part H funding as it pertains to *NCLB* had the purpose of school dropout prevention. This program is, first and foremost, rooted in funding based on grants made to educational agencies operating at the state level, as well as those made to individual school

districts as a means of engaging processes rooted in evidence that are stable and which have sustainability, as well as programs aimed at stemming high school dropout rates and at facilitating re-engaging students to complete their secondary education (Hickok & Paige, 2002). Title V, part A, named Innovative Programs, funding as it pertains to *NCLB* had the purpose of assisting educational changes at the local level in alignment with changes taking place at the state level (Hickok & Paige, 2002). Additionally, the same programs facilitate critical reforms and push through innovative efforts to enhance the level of education, and particularly when students considered to be at a higher risk and those requiring special accommodations are concerned (Hickok & Paige, 2002). In the General Provisions section of *NCLB*, Title I, part I, it explains how *NCLB* is designed to work with the statement that it prohibits the federal government from mandating particular content and curriculum to be taught to students, as well as the standards by which the educational attainment of students is evaluated (Hickok & Paige, 2002). Furthermore, the same provisions pertaining to the policies and rules imposed by the state in relation to Title I and the fact that such regulatory aspects be kept to a minimum (Hickok & Paige, 2002). Such rules, when imposed, need to adhere to the premises of Title I and must be assessed by a teacher committee to ensure adherence (Hickok & Paige, 2002).

*No Child Left Behind*, as part of the reforms that pushed educators in the state of Texas to focus on standardized testing, served to indicate the detrimental effects of the law and its stringent focus on such testing efforts (Madrigal & Epstein, 2021). Such adverse effects have not only become evident in the state of Texas, but also in other areas of the U.S., but the negative data has been largely ignored in favor of keeping standardized testing as a tool to gauge academic achievements of students in primary and secondary schools (Madrigal & Epstein, 2021). Furthermore, the use of this tool has proven to be relatively expensive, both in time and

financial resources, thus further taking away from a more optimal allocation of the resources that are available to educators (Madrigal & Epstein, 2021).

Overall, one of the key factors of the *NCLB* was that it was intended to support all schools in the tracking of the graduation rates of their students, so that this critical metric could be compared against not only against other schools in the same state, but also across states to generate a comprehensive assessment and comparison (Losen et al., 2006). Such reporting had the goal of highlighting a high school graduation rate that would be standard in nature, as well as serving as the basis of determining what types of educational reforms could be potentially required in terms of enhancing and systematically improving education across the country (Losen et al., 2006).

### **Texas's Response to *NCLB*'s Innovation and Research Requirements**

With *NCLB* mandating that the LEAs use new and innovative ways of meeting the needs of students with a focus on scientifically based research to guide this innovation, the TEA commissioned studies. One major and influential study commissioned by the TEA was the *Texas Study of Students at Risk: Case Studies of Initiatives Supporting Ninth Graders' Success*, this was conducted by the Texas Center for Educational Research (TCER). This study is very important to this dissertation in that it laid out the foundation for Texas educational best-practices in 2004, that a decade later would be seen by Texas policy makers, the FBI, USDOE, and USDOJ as cheating and/or bypassing the federal accountability system (Keel, 2013, p. 1).

The key elements of this study garnered was by examining what was being implemented for the Ninth Grade Success Initiative (NGSI) program that focused on newly promoted ninth graders and repeat ninth graders in border regions of Texas. The two main districts in West Texas that took part in this study were Ysleta and Socorro ISD's. The goal of this study was that:

Researchers conducted case studies of Ninth Grade Success Initiative (NGSI) grants to gain a greater understanding of issues facing large numbers of at-risk students, many of whom, despite potentially receiving services as early as kindergarten, still reach ninth grade unprepared to succeed academically in high school. Case studies focused on NGSI projects and the broader high school contexts in which they operated. Studies involved 11 of 226 districts that received the NGSI funding between 1999-2000 and 2002-2003 (Shapley, 2004, p. 1).

### **Changing Standards and Expectations**

In the latter part of the 19th century, Texas high schools only had six class periods per day and students only needed 22 credits to graduate (Coley, 1990, p. 29). Just a few years later, legislation increased the typical high school day to seven periods in a day and the number of required credits to graduate to 24 (Dallasnews, 2014). As Texas moved to the TAKS and *NCLB* era the graduation requirements of credits and advanced coursework continued to grow (Dallasnews, 2014). Eventually, in the first decade of the 21st century, high schools had moved to eight periods in a school day with 26 credits needed to graduate (IDRA, 2015, p. 4). By the time the researcher moved to central office in the role of high school superintendent, by 2008 students not only needed 26 credits they were required to accomplish what was referred to as the four-by-four (IDRA, 2015, p. 4). This four-by-four required that students have four credits of math, English, science, and social studies (IDRA, 2015, p. 4). A key aspect was that in mathematics is that it typically pushed for students to take one course above Algebra 2 (IDRA, 2015, p. 4). The standard mathematics pathway for a student in Texas was Algebra I, Geometry, Algebra II, and something one level higher such as pre-calculus or statistics (IDRA, 2015, p. 5).

All these variations in credits for promotion and course requirements are in existence and readily seen in the state of Texas due to site-base-management. Another aspect of site-based management is the structure of the school day. Campuses across the state varied in that they could have a traditional six to eight period bell schedules where students would go to all classes each day of the week (TEA, 1999). However, with the changes taking place many campuses went to a block schedule offering either four or five classes a day that would meet every other day (TEA, 1999). This format had two benefits in that students could earn between eight to ten credits a year and it allowed for the double blocking of classes that were academically harder for some students (TEA, 1999). An example would be to put a student in double blocked Algebra I so that they would receive 90 minutes of instruction every day instead of the traditional 45 minutes of daily instruction.

### **State and District Insights about Ninth Graders**

Three aspects that Texas found in need of improvement were the Algebra I passing rate, attendance, and ninth grade promotion. For ninth graders fewer than half of them passed end-of-course algebra exams and nearly one-fifth were not promoted to 10th grade (Shapley, 2004, p.1). The threshold for accountability in *NCLB* was an attendance rate of 95%, in Texas it was generally less. With the new requirements of *NCLB* and the added rigor of the new TAKS test, nearly all high schools used the Recommended High School Program as the default curriculum (Shapley, 2004, p. 60). These changes by policy makers had major implications for policy implementation and practitioners. The study showed that many of the evaluated districts created a strict system of promotion intended to better prepare high school freshman students for the Texas Assessment of Knowledge and Skills, or TAKS (Shapley, 2004, p. 2). The implementation of standardized testing at this level throughout the state also pushed many high schools to

become stricter when allowing students to advance to the next grade level (Shapley, 2004, p. 3). As a result, many such high schools mandate that students need to complete one additional credit, on top of the preceding five, to be able to move on to the tenth grade (Shapley, 2004, p. 61). Additionally, other high schools also mandate students successfully complete core-level classes (Shapley, 2004, p. 61).

This raise in requirements of credits and core-subject attainment to be promoted is still a standard practice across Texas. The study shows that every district that participated in the study put a major focus on credit recovery programs to help meet the above requirements. The main investment of credit recovery was in self-paced courseware and benefited the student by offering alternatives means for credit recovery and the student learning outcomes for comprehensive services were most promising. The concerns with the self-paced learning programs were whether earned credit in this method reflected content mastery (Shapley, 2004, p. 18). As such, some teachers experience disbelief that past students have rapidly passed courses that following not being able to pass the same course previously only after being provided with the opportunity to retake the course at their own pace (Shapley, 2004, p. 19). Despite this major concern it was still considered a best practice in Texas and has continued to be used. An explanation for this continued use is that the study showed that educators almost unanimously cited student credit recovery helped keep students in at-risk situations to keep on grade level with their peers and stay in school (Shapley, 2004, p. 20).

Site-based management practices in Texas played a major role in the spending of funds under the NGSII and subsequently the *NCLB* Title I funds (Shapley, 2004, p. 24, 28, 29, 70). The study stated that, because of the management inherent at the school, a principal can create a realignment of the school's operations and policies to those present within the NGSII program,

although such realignment would likely be based on what the principal believes or perceives to be the most pressing needs (Shapley, 2004, p. 24, 28, 29, 70). As a result, some of these programs alter annually and principals and other administrators can shift programs even if they have been proven to be successful (Shapley, 2004, p.3).

### **Programs for First-Time and Repeat Ninth Graders**

The traditional use of summer programs for newly promoted ninth graders was found that although teachers benefited from smaller class sizes, and they found them worthwhile, only a few students participated, and most programs were discontinued. This led districts to invest resources in services provided to high school students at the freshman level due to these students being considered to have a high risk of not passing their course requirements to move to the sophomore level (Shapley, 2004, p. 7). The interventions aimed at this goal comprised of learning centered around technology, the engagement of the whole school, and the extension of the school day and school year (Shapley, 2004, p.1). The study showed that most districts invested in technology for comprehensive programs supporting self-paced credit recovery such as Plato or NovaNet.

As a practitioner, the researcher was very familiar with NovaNet as it was part of his first teaching assignment. As part of teaching NovaNet, the practitioner went to conferences and training supporting computer aided and/or accelerated credit recovery. The study showed that staffing for most self-paced credit recovery classes for at-risk students involved a certified teacher who managed coursework in several core-subject areas. The aspect of this type of credit recovery will be addressed in a vignette in chapter 4.

This above analysis from the TEA commissioned study is very important to this dissertation in that it laid out the foundation for Texas educational best-practices in 2004, that a



decade later would be seen by Texas policy makers, the FBI, USDOE, and USDOJ as cheating and/or bypassing the federal accountability system (USA, 2016, p. 2-16). How practitioners implemented the best-practices and how they were viewed by non-practitioners will be explored in chapter four and five.

### **Dropout Rates Effect State and Federal Accountability**

Over the last few decades, the rates of high school students dropping out has been relatively high, as the rate of graduating students in the state of Texas have averaged out just below the rate of 70%, which was the accepted standard for this metric as of 2003 (Losen et al., 2006). More specific metrics place the national high school graduation rates to be at about 68%, meaning that less than 70% of all students entering the 9th grade earn a high school diploma at the conclusion of the 12th grade (Orfield et al., 2004). The graduation statistics are even more dire for minority students, as progressively fewer such students successfully finish their high school education (Orfield et al., 2004).

In 2001, only half of all African American high school students entering the 9th grade completed their secondary education four years later (Orfield et al., 2004). These statistics are 51% for high school students coming from Native American backgrounds, and 53% for students coming from Hispanic backgrounds (Orfield et al., 2004). The national statistics show that female high school students fare better in relation to their chances of successfully graduating from high school, with their male counterparts having a considerably lower chance: 43% for African American adolescents, 47% for Native American adolescents, and 48% for Hispanic adolescents across the United States (Orfield et al., 2004). Beyond this, such graduation rates are even lower if students also happen to be disabled, as only about 32% of all students with disabilities, regardless of their ethnicity, successfully complete their high school level education

(Orfield et al., 2004). However, it is important to note that these statistics can be overstated, as high school dropout rates and incidence are not tracked accurately even across the nation (Orfield et al., 2004).

Existing metric shows disparate rates of graduation in Texas for students coming from diverse ethnic backgrounds. For example, high school graduation rates are less than 60% for Hispanic students and only 50% for boys coming from either the Hispanic or African American ethnic background (Losen et al., 2006). However, it is also noteworthy to point out that the state of Texas had been shown to attempt to cover up these plummeting high school graduation statistics, as the TEA had shown that 84.2% of all high school students in the state, regardless of ethnicity, had successfully completed their secondary education in 2003 (Losen et al., 2006). As part of these statistics, the TEA also indicated that 81.1% of all African American students in the state, as well as 77.3% of all Hispanic students at this educational level, have also completed their education and earned their high school diplomas (Losen et al., 2006).

As previously shown, these fabricated statistics clearly do not align with the quantitative data aggregated and published by other, unbiased sources. Since these TEA figures have been released, any subsequent graduation completion rates reported by TEA have fluctuated by less than 5% of the 2003 numbers, thus hiding the potential crisis that has been brewing under the surface in Texas for the last several decades (Losen et al., 2006). As previously mentioned, such fraudulent quantitative metrics were concocted to show how the state of Texas allegedly achieved and sustained its positive educational reforms, only for it to come to light that the data was intentionally manipulated (Madrigal & Epstein, 2021). It also merits mentioning that, while other states in the U.S. may not have the ability to track student performance and completion rates, Texas does, in fact, have such an ability and can do so in an accurate and timely fashion

due to its longitudinal tracking systems and capacity (Losen et al., 2006). At the same time, there are no federal level incentives or oversights that would ensure that dropout and graduation rates are tracked accurately in Texas or elsewhere, leading to the generation of inaccurate and unreliable statistics (Orfield et al., 2004).

The tracking of high school dropout rates is important to the accurate assessment of the public educational system in the United States. It is widely acknowledged that the act of dropping out of high school prior to the earning of a diploma can be highly detrimental to these same individuals (Orfield et al., 2004). For example, a high school diploma, or equivalent, is typically necessary for individuals to be able to secure employment that compensates them with a wage that can reasonably cover basic living expenses (Orfield et al., 2004). Furthermore, experts have determined that neighborhoods that have a high rate of high school dropouts are also more likely to lack familial stability and associated structures within society that are needed for community longevity and health (Orfield et al., 2004). For this reason, it is important for experts to be able to track these statistics so that potential crises can be predicted, and interventions can be taken to mitigate their risk and severity (Orfield et al., 2004).

### **History of Cheating Scandals in Public Education**

The creation of a structured, organized system of education in the United States brought many benefits as well as many problems. The growing emphasis on accountability and the increase in funding has resulted in various ways to circumvent rules and regulations; and ways to tap into the public funding. Under the emphasis on accountability, there have been instances of cheating scandals, and other instances of systemic corruption. With public funding there have been instances of funneling money into the hands of corrupt politicians, lobbyists, and school leaders. With the growth of charter schools and alternative certification, funding that would have

once been used for public schools has been directed toward these organizations (Mungal, 2012, 2016, 2019) and (Bryant, 2019). This research focuses on interpretation of and the perceived circumvention of the rules and regulations that led to the creation of the Cheating Scandal in a West Texas School District.

Cheating has long been an occurrence within the aspect of public education. Ravitch (2019) noted that some teachers become so frustrated with the educational pressures imposed on them that they resort to altering students' standardized test scores. However, as Ravitch (2019) also pointed out, such cheating allegations even extend to the teachers of students, whose scores would not be counted towards their respective schools' aggregate scores, such as the scores generated by first graders. In some instances, innocent teachers, such as Shani Robinson, were accused and charged under the federal racketeering RICO legislation (Ravitch, 2019).

Shani Robinson was caught up as part of a scandal took place in Atlanta, Georgia, where 35 educators were accused of altering scores and cheating when administering standardized tests to their students (DuBose, 2015). In these instances, many of the accused teachers were pressured to accept plea bargains or testify against other teachers in exchange for charges being dropped. Robinson, for instance, detailed having been presented with multiple opportunities to implicate others or face a steep prison sentence (Ravitch, 2019). In the Georgia legal case, most of the accused teachers accepted plea bargains as a means of reducing their risk of being found guilty and enduring a lengthy prison sentence, while 11 refused such plea bargains and chose to go to trial, at which point they were found guilty of racketeering and risk being incarcerated for up to two decades (DuBose, 2015).

Such scandals, both founded and unfounded, as is alleged in the case of Shani Robinson, comprise of the largest such occurrences, and point to the need of the public education system to

undergo reforms. Furthermore, they also pointed to the attitudes and beliefs behind the Jim Crow laws in the United States as still being well and alive, as teachers fighting on behalf of minority students were more likely to be targeted with accusations of cheating (Ravitch, 2019).

Another aspect of the prominent Cheating Scandal took place in Georgia and was uncovered in 2011. As part of this occurrence, the Atlanta Public School system was found to have manipulated the administration and scoring of the criterion referenced competency test, or CRCT, which was administered to students on an annual basis (Aronson et al., 2016). The resulting investigation determined that 82 teachers or principals admitted to tampering with the CRCT scores, although 178 such academic professionals were initially thought to have been implicated (Aronson et al., 2016). From this, 11 teachers were convicted on charges of cheating, and the incident was found to be a result of *NCLB* having been passed and made such an integral aspect of public education within the state of Georgia (Aronson et al., 2016).

### **Brief Timeline of the West Texas School District Cheating Scandal**

It is important to add a brief timeline to add the needed information to what led to the investigations of the *West Texas School District Cheating Scandal*. By May of 2010 there had been investigation requests made to the TEA, USDOE, and the FBI. All these inquiries seemingly stemmed from a compounded mistake over what type of credits applied to grade placement. The below information is gathered from the researcher's personal reference points obtained during his employment within the implicated district.

#### **September 4, 2009**

An employee at a high school prints student transcripts for all the students at this high School. The transcripts were date-stamped when printed.

#### **September 2009**

A newly hired priority schools director was auditing transcripts at the above high school. This director had come from the neighboring school district within the same city (personal communication, June 22, 2010, p.1). This director found that in this high school it was granting Local High School Credit to students who had taken TAKS remediation and other courses in middle and high school (personal communication, June 22, 2010, p. 2). The director saw that this *Local Credit* was causing students to be placed in grade levels not corresponding to the State High School Credits earned (*State Credit*) (personal communication, June 22, 2010, p. 3). The director asked the registrar to remove the Local Credits so that the students' credits and transcript would reflect only what would count towards graduation requirements (personal communication, June 22, 2010, p. 2).

This practice of not applying *Local Credit* to grade placement was standard practice in the neighboring school district, however it was not the policy of the district the director had moved to (personal communication, June 22, 2010, p. 4-5). The registrar, not knowing how to remove the *Local Credit*, due to it being the district's policy to keep them, independently decided to lower the grades to failing for all these courses (personal communication, June 22, 2010). With each grade now below 70, the credit was removed, and the student transcript did not show any *Local Credits* earned (personal communication, June 22, 2010, p.1). The district had an administrative regulation that directed a process of printing physical transcript labels and affixing them to a student's cumulative folder (personal communication, June 22, 2010, p. 7-8). This faulty grade change was only done electronically and left an electronic trail that was later able to be audited.

**October 12, 2009**

The same employee runs a new set of transcripts and this one show grades were lowered to failing with the result of students losing credits (personal communication, June 22, 2010, p. 2). The transcripts were date-stamped when printed (personal communication, June 22, 2010, p. 2). The high school employee then provided a copy of the transcripts to the district level director of counseling (personal communication, June 4, 2010). To the best of my knowledge this director did not inform anyone of these transcripts until a meeting with the researcher and the employee from that high school on June 4, 2010 (personal communication, June 4, 2010).

**October 2009**

The Priority Schools director assigned to this high school could not get ahold of her supervisor, the Associate Superintendent of Priority Schools, so instead called the researcher (personal communication, June 22, 2010, p. 2). The director, in a phone call, asked the researcher how local credit versus state grade was applied for grade placement in this district (personal communication, June 22, 2010, p. 2). The director had been auditing another school and saw the same problems which the director had just misinformed the other high school to correct (personal communication, June 22, 2010, p. 2). The researcher informed the director that in this district it counted local credits for grade placement (personal communication, June 22, 2010, p. 2-3). At the time, unbeknownst to the researcher, the director had informed the registrar to put the local credits back to how they were (personal communication, June 22, 2010, p. 3). The registrar, not keeping very good records, put the grades back to passing, thus restoring credits (personal communication, June 22, 2010, p. 3-5).

The employee at the high school who had run the transcripts showing the discrepancies had moved to another high school the same month the mistake was corrected (personal

communication, Oct. 26, 2012, p. 6). Due to the change in high schools this employee was unable to know that the transcripts had been corrected (personal communication, Oct. 26, 2012, p. 6). The employee had let this information about the altered transcripts be known to others and it had come to the attention of a Senator (personal communication, Oct. 26, 2012, p. 30).

### **January 7, 2010**

“Senator [...] meets with then-Superintendent [...], school board members [...school district] Chief of Staff [...] and then- Associate Superintendent for Secondary and Priority School [...] about his belief that the district was disappearing students at [...the aforementioned high school] to raise scores on the state-mandated accountability test and avoid federal sanctions” (Torres, 2012).

### **May 18, 2010**

Texas State Senator...sent a letter titled, “*What to do When Administrators Cheat*,” to..., the Superintendent.... In this letter, [...the Senator] outlines what he believed to be cheating actions and attempts that took place at [...the high school]. His allegations included tactics in disappearing 214 students from 2007 entering their freshman class, public corruption and other issues including district officials and board members arrested by FBI bribes, mail fraud, size of administrative salaries, and unemployment rate: enrollment data for high school indicating a decline of the 2007-08 freshman cohort from 381 students to 168 in the 2008-09 school year; some students repeating the 9th grade, while others being promoted to 10th, 11th, or 12th grades, or no longer enrolled at a given school, indicating a discrepancy that appeared to not have been properly investigated; the district removing students (from the original cohort, 55% of students were left behind at a given school); low performing students not being counted for TAKS Test at [a neighboring high school in same district], thus skewing the resulting statistics; and the intent



of *NCLB* is to test every child and not to “disappear” them on test day without the child not having taken the intended standardized test (Torres, 2012).

### **May 19, 2010**

Senator [...] then sent a similar letter to the USDOE Secretary of Education, [...name removed]. According to [...name removed] of TEA, this letter contained the allegation of “55% of an entering class were removed to avoid testing this freshman cohort during grade 10. [The letter alleged that then Superintendent...] selectively disappeared half of the 2007 cohort. 381 students in 2007 were transferred, deported, sent to charter schools, held back in 9th grade, or promoted to 11th grade” (TEA, 2012). This confirmed the suspected shortcomings and mishandlings that [...Senator (name removed) ...] already informed [...District Name] of previously. Additionally, on this date [...Senator (name removed)] proceeds to make these allegations public with the press (Torres, 2012).

### **Race to the Top and Texas**

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA). This legislation was designed to stimulate the economy, support job creation, and invest in critical sectors to include education (Howell, 2023). Approximately \$100 billion of the ARRA was allocated for education with \$4.35 billion set aside for establishment of Race to the Top (RTT/RTTT). Race to the Top was a way to induce state-level policymaking that aligned with President Obama’s education objectives on college readiness, the creation of new data systems, teacher effectiveness, and persistently low-performing schools. Specifically, and noted in Obama’s July 2009 speech announcing this initiative he stated he intended to create incentives to promote excellence and to facilitate actions supporting educational reforms, as well as to promote schools vying for the top places on the list

of public schools in the United States. Arne Duncan, former United States Secretary of Education, and the USDOE had considerable discretion over the design and operation of RTT (Howell, 2023). RTT had a rubric point system that included factors such as state success factors and turning around the lowest-achieving schools (Howell, 2023). RTT and other similar programs, such as Teach for America, were largely determined to be financially incentivized, as the entities that mainly benefited from their implementation were the private corporations tasked with the creation and evaluation of such tests (Ravitch, 2019).

Just under a year after the ARRA was passed, articles started coming out about Texas Governor Rick Perry dislike of Race to the Top. One news report by the New York Times titled, *Texas Shuts Door on Millions in Education*, came out on January 13, 2010 (Dillon, 2010), stated that Rick Perry stated that the grant program supported by former President Obama creates an imposition on the capacity of individual states exacting control over the public function of education and explained how Gov. Perry would be giving up \$700 million in federal education funding coming to the state of Texas (Dillon, 2010). Texas news reporters took a different view of Gov. Perry's actions towards RTT with articles titled such as, *In Public Schools, Perry Shuns Federal Influence*, printed in the Texas Tribune on September 4, 2011. An excerpt from this article describes the tension between Gov. Perry and the Obama education plan:

When Secretary of Education Arne Duncan jabbed Perry on public schools in mid-August, it was only the latest skirmish between the governor and the Obama administration since late 2009, when Perry announced that the state would not sign on to the common core curriculum standards. Those criteria, though endorsed by the Obama administration, were developed by a consortium of 48 states and the National Governors Association. (Smith, 2011, para. 5).

and

I am not prepared to sell control of our state's education system for any price," Perry said in January 2010...Perry's disdain for the federal government's role in public education...fit neatly into his anti-Washington primary campaign...it can now also be seen as a preamble to his presidential run. (Smith, para. 7).

In 2011, the Texas Commissioner of Education, Michael Williams sent a memo to the LEAs titled, *New Statutory Requirements Prohibiting the Adoption or Use of Common Core*. In this memo that he also posted to the TEA website he explains that the 83rd Texas Legislature passed House Bill 462 (HB 462), which contained prohibitions related to curriculum standards of Texas. In this bill is prohibited: the SBOE from adopting Common Core State Standards, school districts from using Common Core State Standards to meet the requirements (rather they had to provide instruction in the TEKS, charter schools from being required to offer Common Core, and TEA from adopting or developing assessments based on Common Core State Standards. The memo further went on to describe how the new STAAR test will be based entirely on the TEKS (Williams, 2011).

The political aspects in Texas during the *West Texas School District cheating scandal* between the Gov. Rick Perry overseeing the TEA and the Obama Administration overseeing the USDOE is not the focus of the dissertation. When evaluating what happened in the Cheating Scandal it is important to note that during this time frame the TEA conducted two separate audits of the involved school district, prior to the USDOE conducting its own audit and that of the federal charges by the USDOJ (TEA, 2012, p. 18). The audits conducted by Texas and the TEA found no cheating or wrongdoing on the part of the WTSD (TEA, 2012, p. 18). The political aspects of the *West Texas School District cheating scandal* can be a topic for further study.

## **Conceptual Framework**

To facilitate understanding of the decisions and experiences lived by the practitioner in this study a conceptual framework utilizing control theory, Bronfenbrenner's ecological system's theory, and ethical theory had to be combined. This framework will focus on integrating control theory at the top tiers of ecological system theory. This framework will show how legal and regulatory systems influenced the bottom tier, microsystems, of ecological system theory. Control theory allows for the study of the mechanisms and influence that statutory policies and laws create. At the bottom tier, microsystems, the practitioner did not have the power permitted at the upper tiers, and consequently is guided by ethical decision making or control over one's own decision making. Ethical theory with a focus on the Texas Educator's Code of Ethics applied to the microsystem will be a powerful instrument to navigate the complexities of the practitioner's mindset and decision-making processes.

### **Control Theory**

Control theory has found significant application in the field of education research, as it provides a systematic approach to observe, measure, and influence behaviors and outcomes in an educational setting. Control theory, which began in engineering, has generally been adapted into a psychological and sociological context to better understand how students control their learning process. It is primarily focused on how feedback is used to self-regulate learning. According to Zimmerman and Schunk (2001), learning that is regulated by the self is controlled by cognitive processes, emotional responses, and planned action responses that are cyclical in nature and which are designed to respond to provide feedback in relation to objectives set by the self. This concept of self-regulated learning aligns with the principles of control theory, emphasizing the importance of feedback.

Schulte (2000) used control theory to explain opposition to standardized testing as a method of school accountability in Texas. In this study the researcher explained that the Boss, represented by the “various branches of the Texas government which promulgate accountability policy to the classroom teacher [and by extension the district administration as the workers]” (p. 55). Showing that:

The boss sets forth the task and standards for the workers (school districts and all they encompass) generally without much consultation and the workers are forced to adjust (Glasser, 1992). The boss orders and directs, as opposed to guiding and teaching. He/she inspects or grades the work. When the workers resist or fail, the boss uses coercion to compel their compliance or adherence to a predetermined standard (Glasser, 1992).

Coercion involves either imposing punishment or sanctions on those who do not perform. It also relates to an ability to withhold rewards (Glasser, 1992). (as seen in Schulte, 2000, p. 55).

Kohn (1993) elaborated on the pitfalls of such an approach as consequences and rewards are essentially two facets of the same concept, and that this combination is not designed to generate many benefits. This quote points to the ineffectiveness of using punishments and rewards as motivators in the educational system. Glasser's (1998) later work supported his earlier assertion by stating that quality is impossible to be attained if there is a lack of intrinsic motivation. This suggests that motivation is key to quality education, and it should come from within rather than being externally imposed.

The importance of consultation and collaboration in an educational context is noted by Fullan (2001). According to Fullan (2001), the process of change is a continuum, as opposed to a single event. Furthermore, this process is also dependent on human beings, since it can affect

their interpersonal interaction (Fullan, 2001). This implies that change should be gradual, and should involve all stakeholders, including teachers and students. Schulte (2000) explains that in Texas it had enacted a system of rewards and sanctions by showing that the SBOE and the TEA create rules and procedures for implementation of educational/policy mandates, and it is left up to the school district to adjust and implement these directives.

The history of *NCLB* has its genesis with the testing policies of Texas and its uses of coercion to compel compliance. Further illustrating the detrimental effects of this model, Deci et al. (1999) found in their meta-analysis that specific and tangible benefits typically have detrimental consequences in relation to intrinsic motivation. As such, even in instances in which exceptional performance is met with tangible rewards, any associated intrinsic motivation is not increased in relation to tasks and activities that are engaging (Deci et al., 1999). Marzano (2003) emphasizes the value of a supportive environment as an environment that is organized and safe and which fosters supportive interpersonal relationships, as well as chances to expand personal development in the professional sense (Marzano, 2003). He stresses that for a school to be effective, it needs to be a place where educators feel supported and valued.

Sergiovanni (1994) stated that the functions carried out by leaders need purposeful guidance, as well as comprehension on the part of followers. Sergiovanni emphasized the need for leadership to understand and empathize with the individuals under their authority. With the paradigm that is practiced in Texas you have multiple layers of leadership.

### **Ethical Theory in Educational Leadership**

Ethical considerations play a crucial role in educational leadership, particularly in the realm of policy implementation such as those seen with high-stakes testing. Educational practitioners are tasked with making decisions that have a significant impact on students,

teachers, and their school community (Ciulla, 2014; Maxcy, 2002; Shapiro & Stefkovich, 2016; Starratt, 2017) as cited in Perry (2018). Ethical theory provides a framework to guide leaders in navigating complex moral dilemmas, ensuring fairness, equity, and the overall well-being of all stakeholders (Shapiro, 2018, p. 29). By integrating ethical principles into leadership practices, educational leaders can foster a culture of ethical decision-making, promote inclusive policies, and facilitate positive educational outcomes (Shapiro, 2018, p.35). Ethical theories are multifaceted and their implications for educational leadership focusing the importance of ethical considerations in policy implementation will be explored below (Berghofer & Schwartz, 2007; Brown, Trevino, & Harrison, 2005; Lama, 1999; Rebore, 2013; Strike, 2007) as cited by (Perry, 2018, p. 30).

Utilitarianism advocates for actions that maximize overall happiness or well-being for the majority. In educational leadership, this ethical theory suggests that policies and decisions should be aimed at promoting the greatest benefit for the entire school community (Tseng, P. E., & Wang, Y. H., 2021). As John Stuart Mill (1863) noted, personal happiness is predicated on actions that match the magnitude of righteousness. Leaders must carefully consider the potential consequences of their decisions and strive to ensure positive outcomes for most stakeholders.

Deontological ethics emphasizes universal moral duties and obligations. In educational leadership, this theory highlights the importance of leaders upholding moral principles when making policy decisions. Immanuel Kant (1785) stated that human beings should adhere to the maxim that is predicated on universal law. Leaders should prioritize ethical principles such as honesty, fairness, and respect for the rights and dignity of all individuals within the school community.

Virtue ethics focuses on the development of moral virtues and character. In educational leadership, this theory emphasizes the importance of cultivating ethical virtues such as integrity, empathy, and fairness. As Aristotle (350 BCE) observed, human character reveals the morality of human beings, which can show what human beings choose to engage in and what they opt to avoid. Leaders should exemplify these virtues in their actions and decision-making processes, serving as role models for ethical behavior within the school community.

According to Beauchamp and Childress (2019), principlism consists of an ethically rooted framework that offers a structured methodology to facilitate the making and carrying out of decisions. Such a framework is particularly useful within the healthcare field but can also be integrated into the field of education due to the main ethical principles, such as autonomy, being at the center of ethics (Beauchamp & Childress, 2019). Educational practitioners must consider these principles when formulating and implementing policies. For instance, respecting the independence of stakeholders, ensuring the well-being of students and staff, and promoting equitable opportunities align with these principles.

Transformational leadership emphasizes ethical influence, empowerment, and the development of followers (Moolenaar, Daly, & Slegers, 2010). In educational leadership, this theory promotes leaders' ability to inspire and motivate others to achieve ethical goals (Moolenaar et al., 2010). As Burns (1978) stated, leaders, who are transformational in nature, motivate others to shift beyond their selfish or personal goals and move towards the fulfilment of a purpose that is rooted in the collective of the overall collective. Leaders should prioritize ethical considerations, engage stakeholders in decision-making processes, and foster a sense of shared responsibility for policy implementation.



Authentic leadership emphasizes ethical transparency, trustworthiness, and genuine interactions. In educational leadership, this theory emphasizes the importance of leaders' authenticity in promoting ethical practices (Iszatt-White, M., Carroll, B., Gardiner, R. A., & Kempster, S., 2021). As George (2003) asserted, leaders, who are authentic have a full comprehension of their purpose and engage and apply all their values on a consistent basis, as well as use their emotions to connect with their followers. Leaders should demonstrate transparency in policy implementation, communicate honestly with stakeholders, and build trust within the school community (Iszatt-White, et. al., 2021).

Social justice as viewed as an ethical theory in educational leadership would focus on addressing systemic inequities and advocating for marginalized groups. In educational leadership, this theory stresses the importance of promoting equity and inclusivity [in policy implementation] (Guillaume, R. O., Saiz, M. S., & Amador, A. G., 2020). As Howard (2008) stated, leaders campaigning on behalf of social justice needs to be rooted in the knowledge of what is right and ethical. Leaders should actively work to dismantle barriers to educational equity, advocate for underrepresented groups, and ensure policies promote inclusivity and fairness.

Ethical theory provides valuable guidance for educational leaders in policy implementation and decision-making. Utilitarianism emphasizes the balancing of the greater good, while deontology focuses on upholding universal moral duties (Tseng, P. E., & Wang, Y. H., 2021). Virtue ethics highlights the importance of cultivating ethical virtues, and principlism guides ethical decision-making through specific moral principles. Transformational and authentic leadership promote ethical influence and transparency, while social justice leadership focuses on equity and advocacy (Guillaume, et. al., 2020). By integrating these ethical theories into

educational leadership, leaders can promote ethical decision-making, foster an inclusive and supportive school culture, and contribute to positive educational outcomes (Gross & Shapiro, 2004) as cited by (Maryann, 2018).

The ethical principles described above combine to make a framework which may explain the foundations for the rationale in the creation of the Texas Educator's Code of Ethics. It is both the intrinsic and statutory duty of all certified Texas educators to follow the concepts and principles set out in this code. The Texas Educator's Code of Ethics is part of state law as well as adopted into local school district policies. This study will focus on the ethical domains written within the *Texas Educator's Code of Ethics* as it relates to the practitioner.

### **Bronfenbrenner's Ecological System Theory in Educational Leadership**

Bronfenbrenner's ecological system theory is a theoretical framework developed by psychologist Urie Bronfenbrenner (Bronfenbrenner, 1979). It explains human development and behavior because of the interaction between individuals and their environment (Bronfenbrenner, 1979). The theory emphasizes the multiple levels of influence that shape an individual's development, ranging from immediate surroundings to broader societal contexts (Bronfenbrenner, 1979). When applied to educational leadership, Bronfenbrenner's theory provides a valuable lens for understanding policy implementation and its impact on schools (Marynowski, R., Mombourquette, C., & Slomp, D. (2019). This dissertation explores how the ecological system theory can be utilized to guide educational leaders/practitioners in effectively implementing policies within their schools by examining the aspects of the various ecological systems.

**Microsystem**

The microsystem represents the immediate environment in which an individual interacts, such as family, peers, and school. In the context of educational leadership, the microsystem refers to the relationships and interactions within the school setting. According to Pajares and Urdan (2006), the overall microsystem comprises specific experiences of educators and students within the classroom environment.

**Mesosystem**

The mesosystem focuses on the interactions and connections between various microsystems. In the context of educational leadership, the mesosystem represents the coordination and collaboration between different stakeholders involved in policy implementation. As stated by Spillane (2006), leaders within the educational field need to put forth effort to create connections within the microsystem, which includes all stakeholder groups in relation to policy application.

**Exosystem**

The exosystem includes external environments that indirectly influence an individual's development. In the educational leadership context, the exosystem refers to the broader societal and institutional factors that impact policy implementation. As stated by Hallinger and Heck (2010), leaders in the academic field must move through the exosystem, while also accounting for multiple variables, including the policies set by the government, financial resources, and the resources that are available for education within the community.

**Macrosystem**

The macrosystem represents the larger cultural and social contexts that shape an individual's development. Within educational leadership, the macrosystem encompasses the

broader educational policies and norms that impact policy implementation. As discussed by Harris (2011), leaders in academics must account for the values present within the community and within the applicable cultural groups, as these are critical to the macrosystem and connect policies to the objectives that are set within the educational setting.

### **Chronosystem**

The chronosystem shows the influence of historical events and changes over time on an individual's development. In the context of educational leadership, the chronosystem represents the dynamic nature of policies and the need for adaptive leadership. As stated by Daly and Finnigan (2018), academic leaders must possess awareness of the changing educational environment, as well as the needs of community members, existing evidence, and policies that are shifting.

### **Applying the Ecological System Theory to Policy Implementation**

Bronfenbrenner's ecological system theory provides a comprehensive framework for educational leaders to understand and address the complexity of policy implementation (Marynowski, et. al., 2019). By considering the relationship among the microsystem, mesosystem, exosystem, macrosystem, and chronosystem, leaders can explore the environment that fosters successful and/or unsuccessful policy implementation. For the purpose of this study, for clarity and understanding, the researcher will combine the ecological systems into just three levels. The author uses the system structure: **microsystems** to encompass all elements of micro- and meso-, **exosystem** as the middle tier, and **macrosystem** to encompass all elements of macro- and chrono- systems.

Educational leaders seek to establish a positive microsystem within their schools and district, promoting collaborative relationships and providing support for teachers and students.

As noted by Leithwood and Louis (2012), academic leaders having effectiveness contribute to the development of a microsystem that is bolstered by stable interpersonal relationships, along with a vision that binds all stakeholders together. In addition, leaders must build effective mesosystem connections, facilitating communication and collaboration between different stakeholders. According to Bryk and Schneider (2002), such leaders are significant in the creation of a mesosystem that is stable and strong, and which can support communication and teamwork within this system. In addition, leaders should engage with the exosystem, advocating for policies that align with their school's needs and values. As argued by Hallinger (2013), leaders in academics must be able to move through the exosystem by collaborating with those having the capacity to create policies and who work with different stakeholder groups to assist the policy implementation process. The exosystem acknowledges that public education is a right that is akin to other fundamental individual rights guaranteed to Americans through this country's constitution, which means that this type of education, within the external exosystem, is sufficiently protected and supported (DuBose, 2015). If this function is outsourced to private companies, the exosystem becomes threatened, thus pushing the government to eliminate the profit incentive when properly structuring and reforming the field of public education in the U.S. (DuBose, 2015).

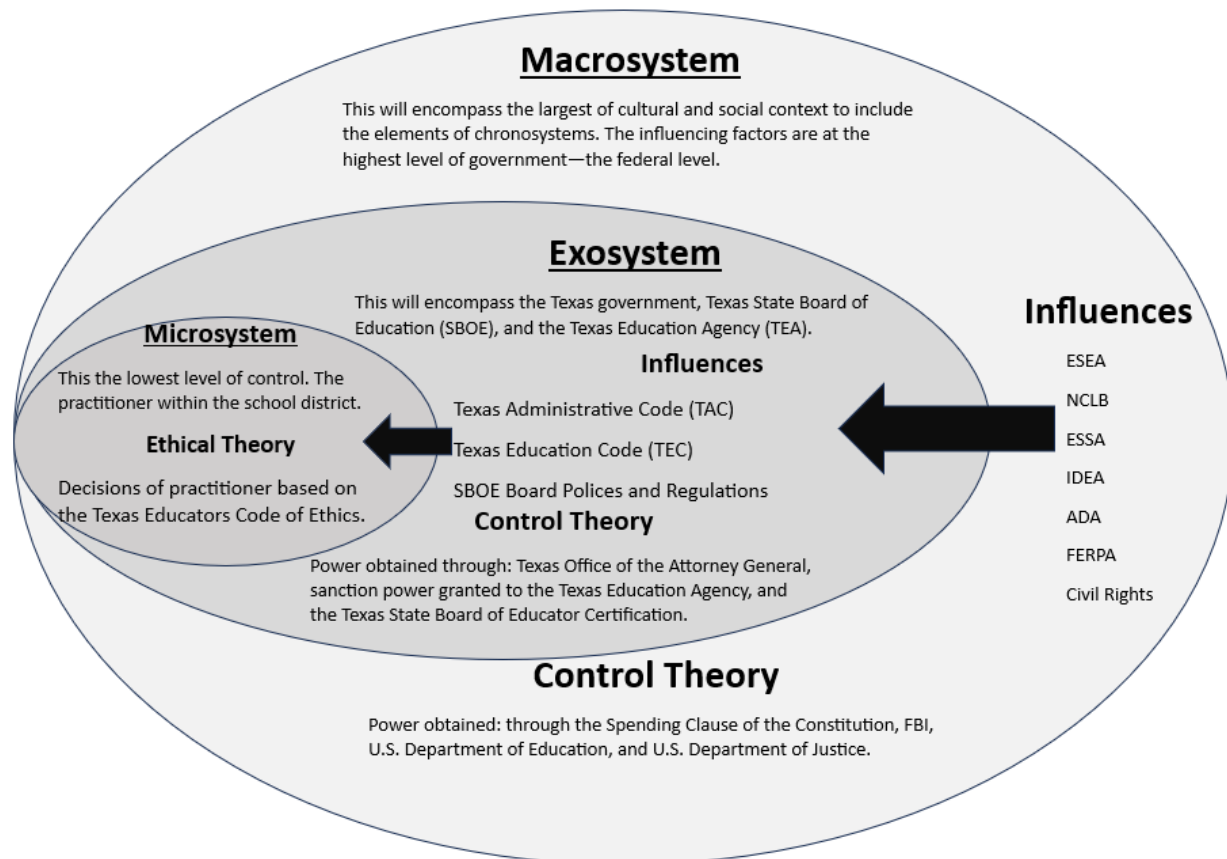
Moreover, leaders need to consider the macrosystem, critically examining the underlying assumptions and values embedded in the educational system. As highlighted by Dimmock and Walker (2005), academic leaders need to have awareness of policies governing the educational field so that they can work towards their alignment with other key educational principles, such as inclusivity and equity. The notion of public education, as an institution intended to benefit the American population, as a whole, needs to be preserved to ensure that it truly reflects the

principles of equity and justice within the United States (DuBose, 2015). Last, leaders must be attentive to the chronosystem, adapting their leadership strategies and policies in response to changing needs and societal shifts. As emphasized by Fullan (2003), leaders need to be able to rapidly and timely respond to any changes taking place within the educational environment and alter the way they create and implement applicable policies (p. 105).

Bronfenbrenner's ecological system theory provides educational leaders with a comprehensive framework to navigate the complexities of policy implementation. By considering the microsystem, mesosystem, exosystem, macrosystem, and chronosystem, leaders/practitioners can strive to create an environment conducive to successful policy implementation. Together, all these system components function to create a comprehensive whole that can effectively support public education and reduce academic achievement disparities among primary and secondary school students. Additionally, all these system components need to be considered to mitigate what DuBose (2015) believes is the largest threat to public education through via the tool of standardized testing, which is that of privatization. Through fostering positive relationships, promoting collaboration, engaging with the broader context, and adapting to changing needs, educational leaders can seek to understand how to effectively implement policies that align with their school's mission and support student success as well as meet the intentions of policy makers.

To utilize educational elements described above in the tiers of Bronfenbrenner's ecological system the researcher will use a simplified three tier structure of: microsystem to encompass all elements of micro- and meso-, exosystem as the middle tier, and macrosystem to encompass all elements of macro- and chrono- systems.

Figure 1.1 below, and the following discussion, highlight the interplay between control theory, ethical theory, and ecological system theory.



**Figure 1.1 Conceptual Framework Integration**

For the purpose of this study the above diagram represents the structure of the conceptual framework. The macrosystem represents the broadest layer of influence, supported by U.S. federal laws such as the *ESEA*, *NCLB*, *ESSA*, *IDEA*, *ADA*, *FERPA*, and Civil Rights legislation. These laws and initiatives serve as mechanisms of control theory, orchestrating behaviors, and outcomes at various systemic levels. They derive their power from the Spending Clause of the U.S. Constitution, the Constitution as a whole, and their implementation and oversight often

involve federal agencies like the FBI, the USDOE, and the USDOJ. These entities help to shape the nation's educational agenda, and their influence is felt over time, encompassing the chronosystem that can shape educational paradigms across generations.

The exosystem, in this study will refer to a Texas context, involves more localized governing bodies of the Texas government such as the Texas SBOE, and the TEA. These organizations influence educational settings through mechanisms like the TAC, TEC, and SBOE Policies and Regulations. Under the framework of control theory, their power is granted and moderated by entities such as the Texas Office of the Attorney General, the TEA, and the Texas State Board of Educator Certification. These entities have legal and sanction power that ensures compliance with state-level policies, serving as a bridge between federal mandates and local execution.

Finally, at the microsystem level, which for this study encompasses the mesosystem, we find educational practitioners within individual school districts. These educators operate under an ethical framework of the *Texas Educator's Code of Ethics*. In this system the practitioner has the lowest level of control but arguably the most critical in terms of direct impact on students. Here, ethical theory serves as a localized form of control theory, guiding educators in their day-to-day interactions with students, parents, colleagues, and policy implementation. It is in this layer that federal and state policies are translated into tangible educational experiences, shaped by the ethical and professional commitments of individual educators.

### **Summary**

This literature review begins with the theoretical frameworks of control theory, ethical theory, and Bronfenbrenner's ecological system theory. Showing how the relationship between these theories assists in setting the structure and understanding of this study as a means of



exploring the stated research questions guiding the present study. This literature review shows that there were many factors that contributed to combine to make the *West Texas School District cheating scandal*. The literature review addresses the historical aspects leading to the accountability discrepancies between the state and federal government regarding standardized test reporting. The research-based study commissioned by the TEA led to what was and is considered best practice in the educational community. These practices continue to be implemented in schools across Texas and leave practitioners open to the risk of state and federal audits and even criminal charges. At the present time, there are no safeguards that can effectively mitigate the risk of practitioners being accused of engaging in cheating in relation to standardized test administration and assessment.

Chapter Three of this dissertation clarifies the methodology employed in this research, aiming to provide a comprehensive overview of the design, approach, and execution of the study. The research method chosen is a hybrid model incorporating both autoethnography and case study techniques, with the intent of capturing the nuanced experiences of the practitioner within the context of broader organizational structure outlined in the conceptual framework. The desired results of applying this method intend to achieve a multilayered understanding of the subject matter that blends subjective personal experiences with objective data. Data collection for this study is a multi-faceted process which includes aspects such as vignettes, district level documents, and in-depth interviews (secondary source material), allowing for a richer, more diverse set of information. For data organization, the study uses a thematic approach, breaking down the data into categorized segments in searchable databases for easier analysis. The data analysis employs qualitative coding and an autoethnographic narrative analysis to draw meaningful conclusions. Vignettes and documents are used to provide rich, contextual

descriptions, while ensuring confidentiality through anonymization and secure handling of the Data. It is worth noting, however, that the limitations of the present study include potential subjectivity due to the autoethnographic element and the potential for limited generalizability due to the case-study approach.

## Chapter 3: Methodology

### Overview

This study provides a unique look into the implementation of policies and laws through the eyes of a practitioner. The policies addressed in this study relate to the *West Texas School District cheating scandal*. The time frame of the Cheating Scandal spans from when the researcher was a principal through assistant superintendent of high schools. The organization of this study consists of a chronological approach by using a series of vignettes to answer the research questions. An abundance of research exists on the topic of the outcome of different policies including *NCLB* policy. However, there is little research about the implementation process of practitioners in trying to meet the requirements of policies such as *NCLB*. The research methodology of autoethnography combined with elements of case study and policy analysis was chosen to answer the overreaching research question of this analysis:

RQ1. What were the experiences of a public-school practitioner when the misalignment between Texas and federal policies resulted in the West Texas School District cheating scandal?

The following section of this chapter explains the reasoning behind why this particular methodology was selected as the framework for the present study. The following section explains why a qualitative methodology with a research design of autoethnography and case study was selected for this study. Furthermore, it also elucidates on the use of cases studies and the advantages that this research design can generate for qualitative studies. The data collection process is rooted in the researcher's personal experiences and the documents that he compiled as part of such experiences, thus facilitating the creation of vignettes and case studies. The section also provides information on not only how data was gathered, but also how it, and the identities

of the selected participants, were protected on the part of the researcher. Finally, this section also expounds on the limitations of the present study.

Researchers have a variety of methodologies at their disposal. They include quantitative, qualitative, and mixed methods (Creswell & Báez, 2020). Quantitative methods are rooted in numerical analysis of data that is objectively evaluated. In contrast, qualitative data comprises of information pertaining to experiences, beliefs, and lived events, all of which can be experienced differently by each person (Yin, 2018). Mixed methods comprise of a combination of both qualitative and quantitative methods used within a single study (Creswell & Báez, 2020). The current study uses the qualitative approach due to the nature of the study, as the researcher explores his own lived experiences and evaluates similar experiences on the part of other participants. The study is rooted in an autoethnography approach because the researcher's lived experiences are used as the main source of data collection, analysis, and interpretation.

The autoethnographic approach is rooted in the evaluation of what the researcher lived through in terms of the legal ramifications pertaining to the Cheating Scandal. This approach is quite like traditional ethnography, with the main difference being the subject or participant at the center of the study (Change, 2013). However, to enhance this methodological approach, the researcher also uses a case study design, which utilizes secondary source material to summarize the experiences of other educators. The combination of these two tools creates layers of rich data that lend insight into how the Cheating Scandal may have been experienced by educators and administrators.

## **Research Method**

Research paradigms predominantly divide into three overarching methodologies: quantitative, qualitative, and mixed-methods, with the mixed-methods approach encapsulating elements of both quantitative and qualitative paradigms (Creswell & Báez, 2020). Quantitative methodologies endeavor to validate hypotheses, establish cogent interconnections between theoretical constructs, elucidate causality and consequence in observed phenomena, and quantify the magnitude of correlations amongst delineated variables (McCusker & Gunaydin, 2015). These methodologies predominantly employ determinate, closed-ended interrogatives (Gaber, 2020). Notwithstanding their inherent merits, such methodologies can potentially circumscribe the research purview in specific contexts (Gaber, 2020; Yin, 2018). Given its inherent constraints, particularly its suboptimal applicability in delineating intricate human socio-interactions, the present study avoided the quantitative paradigm.

Qualitative research methodologies are rooted in the evaluation of observable phenomena in ways that encapsulate emotional or cognitive responses (Atkinson & Sampson, 2019). Researchers relying on such methodologies aim to explore not only the actual phenomena, but also how they take place and why (Hall, 2020; Yin, 2018). Once they obtain such rich data, they attempt to elucidate themes from such information that are common across the facts that they have obtained (Hall, 2020; Yin, 2018). When using qualitative approaches, researchers often engage a non-positivist perspective as a means of gaining comprehension pertaining to the targeted phenomenon (Yin, 2018). Through such exploration, researchers become better able to understand the given phenomenon (Bhatta, 2018). The qualitative methodology is utilized to evaluate the target subject from various points of view (Bhatta, 2018). The qualitative methodology is based on open-ended questions and interviews with participants, which allows

researchers to gather a considerable amount of data (Ratnam, 2019). The researchers selected this methodology for the current study to gain a deeper degree of comprehension pertaining to the phenomenon of schools retaining teachers and the specific strategies that are engaged for this purpose. The research design employs autoethnography, case study, and policy analysis to deeply explore the *West Texas School District Cheating Scandal* from the researcher's personal perspective. This multifaceted approach provides rich insights into the complexities of the scandal, bridging personal narratives with broader educational and policy contexts.

### **Research Design**

Research questions can be explored through a variety of methodologies. Based on the design of a given study, researchers can then determine the specific measures adopted as part of the study (Sjodleki, 2020). Phenomenological designs focus on how individual human beings experience phenomena and what their evaluation of that phenomenon is (Tarnoki & Puentes, 2019). The phenomenological methodology is dependent on the researchers being disconnected from the same experience that is being investigated on the part of the selected participants (Cerbone, 2020). The focal point of such a methodology is the individual worldview of the selected participants, rather than the scenario of the study, which is why this design was not aligned with the current study. As part of a study utilizing the phenomenological approach, researchers create descriptions of the target phenomenon, as experienced by the target population, such as in the case of the researcher evaluating a business problem on the part of businessowners. The researcher's goal was not to assess the emotional response of the participants, the way they view the world, or their experiences. Because of this, the phenomenological design was not indicated to be used for the current study. The chosen research design serves as a foundational blueprint, guiding the systematic exploration of the study's

question. As this framework is applied, it ensures that the investigation aligns with the study's objectives and effectively addresses the phenomena in question.

Ethnographic methodologies are utilized as a means of gaining comprehension pertaining to how individuals from a specific culture experience a phenomenon or the way they relate to the same phenomenon (Breet et al., 2021). Researchers using this approach evaluate populations' established activities, used language, and held beliefs. Such an approach is rooted in the researcher's capacity to evaluate the participations in an unbiased manner (Ratnam, 2019). Such research is optimal in cases in which the researcher assesses human relationships in terms of dominance and power (Coates & Catling, 2021). This study uses the combination of an autobiography, ethnography, and case study to explore the *West Texas School District Cheating Scandal* from the lens of the author.

Autobiographies normally depict the lives of the authors who are likely distinguished public figures in a comprehensive and chronological account (Coates & Catling, 2021). This study uses autoethnography as a research tool with a thematic focus on the practitioner. Other researchers have studied this topic by evaluating the processes that they engage in teaching themselves to reflect upon them (Coates & Catling, 2021).

### **Autoethnography**

This study uses autoethnography which is a qualitative research design that involves the researcher reflecting on their personal experiences to gain a deeper understanding of a specific cultural or social phenomenon. Autoethnography is rooted in the analysis of the researcher's lived experiences and creates connections between the researcher's cultural norms, feelings, communication habits, established traditions, self-identity, and the wider social issues pertaining to politics and culture (Boylorn & Orbe, 2020). The method of autoethnography combines the

researcher's personal narrative with critical analysis to explore the subjective and cultural meanings attached to those experiences (Ellis et al., 2011). Autoethnography is a valuable qualitative methodology due to it also having the ability to explore the interpersonal relationships between the researcher and others (Silverman & Rowe, 2020). Due to its reflexivity, this method also evaluates the intersections that may exist between the self and the broad society existing around the researcher (Poerwandari, 2021). More specifically, this methodology takes a closer look at the relationship between the self and politics (Silverman & Rowe, 2020).

Autoethnography also identifies the various personal processes that affect the personal struggles experienced by the researcher (Poerwandari, 2021). As a result, the approach of autoethnography creates a balance between the aspects of intellect and those of research processes that the researcher needs to adopt as part of the study, including those of creativity and rigor (Poerwandari, 2021). Through this method, researchers aim to produce rich, evocative, and contextually situated knowledge (Spry, 2016). The methodology has been particularly useful in bringing about and facilitating social change and enhancing the quality of life for the various groups of affected stakeholders (Boylorn & Orbe, 2020). According to Ellis et al. (2011), autoethnography allows researchers to evaluate the experiences of their participants in a systematic fashion. It emphasizes self-reflection, self-disclosure, and personal storytelling to connect individual experiences with broader sociocultural contexts (Chang, 2016). The method aims to recenter the encounters of the researcher with the target phenomenon being explored as part of the study.

Autoethnography can be characterized by the integration of three key elements: autobiography, ethnography, and reflexivity (Boylorn & Orbe, 2020). The methodology of autobiography is founded within the process of the researcher creating narrative rich in creativity



that reflects the researcher's personal experiences (Silverman & Rowe, 2020). Autobiography involves the researcher's personal experiences, memories, and reflections, while ethnography involves the study of culture and social interactions. Reflexivity refers to the researcher's critical self-awareness and examination of their positionality within the research process (Adams et al., 2015). Such a method has been widely used in various disciplines, including sociology, anthropology, education, communication, and psychology. It provides a unique way of conducting research that goes beyond traditional empirical methods (Reed-Danahay, 2017). A primary goal of autoethnography is to challenge dominant narratives and power structures by giving voice to marginalized or silenced individuals and communities (Anderson, 2006). As such, this approach allows researchers to engage with their subjectivity and personal history to challenge traditional objectivist approaches to research (Wall, 2008).

While autoethnography is widely recognized as a research methodology, its healing benefits have gained increasing attention in recent years (Adams & Herrmann, 2020). Due to the trauma that the researcher personally experienced, the researcher hopes to gain power over the physical, mental, and emotional scars by sharing using this method. Autoethnobiography is uniquely structured to adopt an approach that is multipronged in nature, thus, contributing to the healing anticipated by the researcher. By combining the aspects of autoethnography and case study/policy analysis to address this research the design may provide benefits to the researcher and others in the below areas. The research design acts as a crucial roadmap, ensuring that the investigation methodically addresses the study's question and aligns with its primary objectives.

Autoethnography provides individuals with a platform to share their personal narratives and reclaim their voice. Writing autoethnography allows individuals to construct their identity, make sense of their experiences, and find personal empowerment. According to Adams and

Jones (2019), autoethnography allows individuals to recreate personal experiences, which is a process that can lead to transformation. By engaging in self-reflection and exploring their emotions, individuals can gain a deeper understanding of themselves and their place in society. One of the main advantages of autoethnobiography is that this method is particularly tailored to the capturing and reflecting of personal experiences, as presented to an academic audience (Silverman & Rowe, 2020).

### **Case Study within Autoethnography**

Case studies can be a venue for an autoethnographer to gain personal empowerment and to engage in self-reflection and discovery (Poerwandari, 2021). Case study writing encourages individuals to delve deep into their personal experiences, examining their actions, thoughts, and emotions from a detached and analytical perspective. This process fosters personal growth and self-reflection, allowing individuals to gain new insights and understanding. According to Green (2019), a renowned psychologist, “the use of a case study creates the chance for participants to gain deeper insight into their own experiences, which, in turn, can generate greater awareness of self and facilitate the growth of the individual” (p. 45). By reflecting on past experiences, individuals can develop a clearer understanding of their strengths, weaknesses, and areas for improvement.

### ***Emotional Catharsis, Healing Trauma, and Emotional Well-being***

Expressive writing has been widely recognized for its positive impact on emotional well-being. Writing a case study serves as a cathartic outlet for individuals to express their emotions and process challenging experiences. Thompson (2020), a clinical therapist, asserts that the function of creating a case study facilitates the process of emotion externalization, thus alleviating stress and supporting psychological healing. Engaging in case study writing provides

a safe space for individuals to explore and make sense of their emotions, leading to increased self-compassion and improved emotional well-being.

Writing an autoethnography case study can serve as a therapeutic tool for processing and healing trauma. By revisiting and reflecting on past experiences, individuals can release pent-up emotions and achieve emotional catharsis. According to Evans and Plakoyiannaki (2020), the autoethnographic methodology creates the opportunity for participants acknowledging the traumatic events they experienced, realigning their resulting emotional responses, and moving closer to healing through such externalization. The method is useful as it explores the inner emotional experiences of the researcher (Adams & Herrmann, 2020). The act of writing can help individuals make sense of their trauma, reframe their experiences, and embark on a healing journey through the ability to process past experiences and ongoing emotions (Poerwandari, 2021).

### ***Connection, Empathy with Others, and Integration of Experiences***

Case study writing enables individuals to integrate their experiences by connecting the dots and identifying patterns within their narratives. Through this process, individuals can create a coherent and meaningful narrative of their experiences. Stevens (2018), a therapist, emphasizes that the process of case study writing provides participants with the opportunity to better understand what they have gone through and create a more comprehensive account of these experiences by uniting memory fragments, both of which helps to not only find healing, but also unite the self in to a whole. By weaving together contrasting and differing elements of their experiences, individuals can gain a greater sense of coherence and find meaning in their personal journeys.

An autoethnography case study has the power to foster connection and empathy among individuals who share similar experiences (Poerwandari, 2021). By sharing personal narratives, individuals can create a sense of community and validate the experiences of others. As Chang (2016) explains, the process of autoethnography relates the experiences of participants to the audience, which creates comprehension and sensitivity to the experience. Through this process, individuals realize they are not alone in their struggles, which can be incredibly healing and empowering.

### ***Challenging Dominant Narratives and Social Change***

Case studies delve deep into specific instances, allowing for the exploration of hidden perspectives that often go unnoticed in dominant narratives. As Mol (2002) asserts, case studies allow the audience to view experiences from a different point of view. By presenting alternative viewpoints, case studies challenge the perceived norms or narratives that perpetuate social inequalities. They shed light on marginalized voices and experiences that are essential to achieving a more inclusive society. Through careful analysis and documentation, case studies amplify these voices, furthering empathy, understanding, and ultimately driving social change.

By writing in the method of an autoethnography case study can enable individuals to challenge dominant narratives and contribute to social change. By sharing personal stories that defy societal norms and expectations, individuals can disrupt oppressive systems and advocate for marginalized communities. According to Anderson (2017), autoethnography disorders the status quo through the amplification of views and voices that would otherwise be marginalized, due to social inequalities that are exposed through this process. By sharing their experiences, individuals can challenge existing power structures and promote social justice.

Dominant narratives are often riddled with stereotypes that perpetuate discrimination and bias. Case studies have the potential to dismantle these stereotypes by providing nuanced and contextualized accounts of individual experiences. As Turkle (2007) argued, stories create opportunities to decipher not only human surroundings, but also the role of human beings within these surroundings. By sharing personal narratives, case studies challenge preconceived notions and invite readers to critically reflect on their own biases. This process can promote social change by encouraging individuals to question and reevaluate their beliefs and attitudes.

Dominant narratives often fail to acknowledge or address systemic injustices. Case studies have the power to expose these structural issues and hold them up for scrutiny. As Davis (2016) explains, cases studies have the potential to radically alter the world with every single instance. Case studies provide evidence of social, economic, and political inequalities, compelling individuals and communities to confront these injustices and work towards transformative change. As Zinn (2005) writes, even small actions have an impact if they are aggregated on the part of multiple individuals. By presenting real-life examples of successful resistance and advocacy, case studies inspire others to act. They offer practical models and strategies for mobilization, encouraging individuals and communities to participate in social change initiatives and work towards a more just society. By exposing systemic flaws, case studies motivate action and create momentum for social movements.

### ***Transformative Learning and Empowerment to Create Policy Reform***

The process of writing a case study empowers individuals to take control of their narratives and reclaim agency over their lives. By articulating their experiences, individuals can redefine themselves beyond the role of a passive victim. According to Wilson (2021), a leading researcher in narrative therapy, the creation of a case study provides individuals with

opportunities to find their own personal strengths, thus obtaining power over their experiences. This act of re-authoring their stories can be transformative, empowering individuals to move forward with a renewed sense of purpose and self-efficacy.

Case studies have the potential to drive policy reform by providing evidence-based insights into social issues and their impacts. As Dewey (1938) stated, progress within society does not simply take place due to logic or inherent processes. Rather, such progress is rooted in creativity (Dewey, 1938). Case studies offer empirical evidence that can inform policy decisions and shape legislative agendas. As Hooks (1994) suggested, only inquiry that is critical and intense, along with extensive conversation and listening, can generate new and different results. By examining diverse perspectives, case studies encourage constructive conversations around contentious issues. They provide a platform for conflicting viewpoints, facilitating the development of innovative solutions and challenging dominant narratives through open and inclusive discourse (Yin, 2018). By presenting comprehensive data and analysis, case studies influence policymakers, creating a more informed and equitable approach to social change.

Writing an autoethnography case study facilitates transformative learning experiences that empower individuals to challenge their own assumptions and ideologies. Through the process of self-reflection and analysis, individuals can broaden their perspectives and develop a critical understanding of social issues. As Bochner and Ellis (2019) argued, the methodology of autoethnography involves participants and readers in a process of transformation through learning that encourages reflection upon the self and the asking of challenging questions. This transformative learning can lead to personal empowerment and inspire individuals to become agents of change.

### ***Resilience and Narrative Reconstruction***

Apart from its personal healing benefits, case study writing also contributes to professional development. Professionals in various fields, such as psychology, counseling, and social work, can utilize case studies to enhance their knowledge and skills. Collins (2017), a clinical psychologist, stated that case studies, once written, play a critical role in helping individuals develop their analysis and critical thinking skills, as well as facilitate the comprehension of complex aspects, so that appropriate responses rooted in evidence can be crafted. Through the process of writing a case study, professionals can enhance their critical thinking abilities and expand their expertise, ultimately improving their job performance.

An autoethnography case study allows individuals to reconstruct their narratives, fostering resilience and promoting healing. By reframing their experiences, individuals can find new meaning and purpose in their lives. According to Ellis and Bochner (2017), autoethnography can be used to assist participants in the recreation of their experience accounts so that they can find strength and improve their resiliency when undergoing challenging experiences. Writing autoethnography provides individuals with agency to redefine their narratives, emphasizing strengths and growth rather than being defined by past trauma or challenges.

### **Nature of the Study**

The current study is rooted in an autoethnographic approach, along with the use of case studies and document analysis, as a means of evaluating how educational policies are implemented in the state of Texas and how they foster accountability among educators and administrators. This study uses the combination of an autobiography, ethnography, and case study to explore the *West Texas School District Cheating Scandal* from the lens of the author. It

will examine how the intent of the policy from the state of Texas with its Texas Assessment of Knowledge and Skills (TAKS) did not align to the federal assessment expectations of the *No Child Left Behind Act (NCLB)*. The study will focus on how this affected a district in West Texas, and the author as a practitioner and policy implementor, which spurred the Cheating Scandal.

This study provides a unique look into the implementation of policies and laws through the eyes of a practitioner. The policies addressed in this study relate to the *West Texas School District Cheating Scandal*. The time frame of the Cheating Scandal spans from when the researcher was a principal through assistant superintendent of high schools. The organization of this study consists of a chronological approach by using a series of vignettes to answer the research questions. There is an abundance of research about the outcome of different policies including NCLB. However, there is little research about the implementation process of practitioners in trying to meet the requirements of policies such as NCLB. The research methodology of autoethnography combined with elements of case study and policy analysis was chosen to answer the overreaching research question.

### **Conceptual Framework**

The three theories that are used to guide this study include the control theory, the ethical theory, and the ecological system theory. These three theories provide a framework that anchors the study and facilitates the comprehension of the complex topic that is addressed as part of the study. Each of these theories provides a different point of view from which to gain insight into the studied phenomenon.



## **Control Theory**

Researchers have been able to apply the premises of the control theory to research within the field of education because it allows researchers to effectively evaluate and measure not only behaviors, but also the resulting effects (Schulte, 2000). The control theory is rooted in the field of engineering, but it has application within other disciplines, such as sociology and psychology, as it provides insight to researchers. The control theory pertains to the function of learning and the self-direction of this function. According to Zimmerman and Schunk (2001), learning that this controlled and shaped by the self is instrumental to the achievement of goals. As such, the premises of this theory tie back to the critical role of feedback, as the latter can influence the self-control of learning.

Control theory can be utilized to clarify reasoning against standardized testing in relation to making educational institutions accountable within the state of Texas (Schulte, 2000). As part of this accountability, the state government forces educators to abide by this process regardless of whether standardized testing is optimal for students (Schulte, 2000). Schulte (2000) also mentions that this premise also extends to school administrations in the function of educational district employees.

## **Ethical Theory in Educational Leadership**

Leadership in schooling is predicated on the personal ethics of educators when they enforce stated policies. Educational leadership is deeply intertwined with the personal ethics of educators, especially when enacting and upholding varied statutory policies created at different levels of governmental entities. This intersection becomes particularly evident in areas like standardized testing, which carries significant implications from school rankings within districts to the allocation of vital operational funds (Starratt, 2004). These high stakes, therefore, mean

that decisions in this domain impact a broad range of stakeholders, with students being notably affected.

Navigating this complex milieu requires a solid foundation in ethical frameworks. Shapiro and Stefkovich (2016) underscore the importance of understanding and applying multiple ethical paradigms in educational decision-making. By leveraging ethical theories, educators are better equipped to handle ethical dilemmas and ensure decisions meet the diverse needs of all involved parties. When leaders infuse ethical principles into their decision-making processes, they not only champion policies but also promote inclusivity and the collective welfare of the entire educational community (Shapiro & Stefkovich, 2016; Starratt, 2017). Through such ethical commitments, educational leaders foster an environment where decisions, rather than being mere administrative directives, are consciously crafted to create a positive and holistic educational experience.

### **Bronfenbrenner's Ecological System Theory in Educational Leadership**

The ecological theory, as posited by Bronfenbrenner, provides a framework within which researchers can better understand human interactions and how they relate to their environment. The theory, developed by Urie Bronfenbrenner, allows for the examination of these factors from various viewpoints and focuses on an understanding of how the development of human beings is influenced by the social environment (Bronfenbrenner, 1979). When the theory is applied to the topic of leadership within the schooling environment, it elucidates how policies are integrated into school operations and how they affect these operations. Drawing inspiration from the Leadership for Learning Framework (Hallinger, 2011; Knapp, Copland, Honig, Plecki, & Portin, 2010; Leithwood & Jantzi, 2008) as cited in (Marynowski, et. al, 2019), the current study aims to

harness ecological theory to spearhead effective policy formulation within educational landscapes.

The ecological theory can be viewed from the perspective of three levels of the microsystem, exosystem, and macrosystem. For this study the microsystem, which will encompass all elements of micro- and meso- levels, is the lowest level and is predicated on what is implemented at the two top tiers of the exosystem and macrosystem. The exosystem tier comprises of the governmental agencies operating within the state, including TEA and SBOE, which create and enforce state policies. The macrosystem is the top tier that consists of the state and federal governments, which create the policies/laws to be enforced. The problem that is created here is that there is a misalignment in the goals and motivations present at each of these levels. For example, the macrosystem creates policies, while the microsystem attempts to integrate the same policies into operations and the exosystem struggles to translate these policies into operations. The misalignment creates consequences that are incurred by teachers and administrators—the practitioners.

Bronfenbrenner's Ecological System theory creates a useful framework for teachers and administrators to comprehend how the three systems interact and how they influence the creation and implementation of educational policies (Marynowski, et. al, 2019). Using this theory, educators can determine how to optimally implement policies. By supporting positive relationships, as well as facilitating teamwork within the educational environment, leaders can better adjust to changes within this context, as well as integrate stated policies in a manner that supports their institution's stated goals and values.

### **Desired Results of this Method**

Writing a case study offers numerous healing benefits, ranging from personal growth and self-reflection to emotional well-being and professional development. The structured and analytical nature of case study writing provides individuals with a transformative platform to make sense of their experiences, integrate fragmented memories, and reclaim agency over their narratives (Yin, 2008). As individuals engage in this therapeutic process, they can foster personal growth, enhance self-reflection, promote emotional well-being, and facilitate professional development. Recognizing the significance of case study writing, individuals are encouraged to harness its potential as a tool for healing and self-discovery.

An autoethnography case study offers a powerful and transformative process for healing and personal growth. Through personal empowerment, emotional catharsis, connection with others, challenging dominant narratives, increased self-awareness, transformative learning, resilience, and narrative reconstruction, individuals can find healing and empowerment. By embracing autoethnography as a tool for self-reflection and sharing personal narratives, individuals can embark on a transformative journey that not only heals themselves but also contributes to social change and collective healing.

### **Data Collection**

The following section provides the data collected from participation. The data is presented in the form of individual vignettes, which show a glimpse into the experiences of the participant. Aside from this, data was also provided by the extensive documentation that the researcher maintained as part of his experiences within the Cheating Scandal.

## **Vignettes**

By using vignettes in this dissertation, the researcher allows the reader to observe what the researcher experienced as an administrator, his decisions, and their consequences, and to reflect on his educational and work philosophy. In this dissertation, the term vignette is defined as a short account of one experience or a key aspect of a component the experience (Literary Terms, 2023). Often in education, research vignettes are used to describe fictional or hypothetical scenarios that researchers create to investigate various aspects of educational phenomena. In this dissertation all vignettes are true and factual not hypothetical scenarios. Vignettes serve to examine ethical and sensitive issues in education that may be challenging to study directly (Brown & Trujillo, 2019). Wilson (2019) stated that vignettes allow for the examination of various points of view, while providing additional discernment of the target phenomenon and its complex facets. The approach allows for a profound comprehension of how decisions are made on the part of participants within a genuine context (Miller, 2021).

The use of vignettes as part of the present study creates the opportunity for reasons to gain insight into complex events that would not be experienced by the average reader. The vignettes also allow for the breaking down of such complexities into simpler and more succinct summaries that are easier to understand and digest on the part of readers. Due to the advantages of vignettes, as described above, they allow the researcher to approach highly ethically more carefully charged scenarios.

## **Documentation Sources and Procedures**

### ***2003-2009 Middle and High School Principal***

In his roles as middle school principal and high school principal, the researcher took over schools that needed great school reform due to sanctions of the state and *NCLB*. To accomplish

this reform required copious amounts of documentation. Documentation on teacher/administrator corrective action plans, campus academic and culture change, student data and program tracking, mandatory state and federal trainings, and many other aspects were the norm in the researcher's documentation gathering for the researcher's career. For the most part, the researcher retained much of this information and can use it to this day to look back on.

In Texas, if a school did not meet the required growth on state assessments the principal and part of their campus team would be required to go to state training. This state training mainly consisted of campus planning and strategies to meet state and federal requirements. Much of the training was just breaking down what the new requirements which were going to be in upcoming years. Many of the mandated training was organized and conducted by the School Improvement Resource Center (SIRC).

As part of his role as a middle and high school principal, the researcher participated in such training, which facilitated some of the documentation on which this research is based on. This has provided the researcher with a deeper understanding of not only the process of standardized testing administration, but also the potential consequences that schools and educational administrators endure in the wake of insufficient scores. The same data also serves as a foundation for the vignettes used in the present study.

The researcher reviews the types of data and how he organized this data using a chronological and autoethnography approach. Throughout his career in education, the researcher had always been a strong record keeper and documenter. Below is an example of data gathering throughout his career.

### ***2009-2012 Assistant Superintendent of High Schools***

In his tenure as Assistant Superintendent of High Schools in this WTSD the researcher gathered and maintained an extensive collection of documents and records. The researcher now has a robust dataset comprising of numerous documents, meeting records, emails, and action plans gathered over the course of his employment to be utilized in this study. This dataset aims to provide a comprehensive view of the array of administrative responsibilities, decision-making processes, and interactions with multiple departments and stakeholders within the educational setting.

In his role the researcher conducted monthly Principal and Assistant Principal Meetings, which form a critical component of this dataset, including agendas, minutes, sign-in sheets, and supplementary materials. This data is valuable for understanding the nuances of school-level administration and effective communication strategies. In addition, Cabinet-Level Meetings offer a window into district-level decision-making processes and the dynamics among key district figures such as the Superintendent, Chief of Staff, and Chief Financial Officer. Agendas and written notes from these meetings offer a nuanced perspective on broader administrative decisions.

The Internal Audits section of the data set includes documents related to audits involving high schools, action plans, and other supporting documentation. This information is vital for understanding the mechanisms of accountability and compliance within the educational system. Human Resources Data, comprising employee write-ups, corrective action plans, and recommendations for termination, serves to illuminate the complexities of personnel management within a large organizational setting.

Furthermore, Financial Meetings with the Chief Financial Officer provide presentations and documentation related to both district-level and individual campus budgets. These records will be instrumental in dissecting the financial management strategies employed within the district. Board Meetings are also a crucial part of this dataset, where agendas and other documents related to governance offer insights into the local policymaking aspects of educational administration.

Legal and Regulatory Communications add another layer of complexity to this dataset. Notes and emails associated with interactions with the TEA, USDOE, and School District Attorneys shed light on the landscape of legal compliance and liaising with regulatory bodies. Importantly, the dataset also includes Personal and Emotional Logs. These daily records, encompassing both administrative decisions and emotional states, provide a unique window into the psychological dimensions of leadership roles in education.

Lastly, the dataset includes miscellaneous categories covering emails, calls, and meetings related to specific administrative issues such as Public Relations, Employee Issues, Media, etc. These miscellaneous records offer a catch-all glimpse into other diverse responsibilities and challenges faced in the role of Assistant Superintendent.

### **Data Organization**

As part of the process of organization, the researcher used his email as a main source of categorizing and retaining critical documents. As such, all documents are time stamped as part of emails, and the researcher kept daily logs that he sent to himself and to his attorneys. As a result, the researcher's emails are searchable and he can easily identify topics, along with key words. In addition, the researcher can evaluate documents, as based on specific dates, to determine that specific events took place in his life and work. During this time, the researcher also acquired the



Adobe Acrobat Suite, which included the Optical Character Recognition, or OCR. This allowed the researcher to convert PDFs into searchable documents so that multiple documents could be scanned into a file to be easily searched.

Educational research is a field that relies heavily on data analysis to uncover valuable insights and draw meaningful conclusions, which would, otherwise, likely remain hidden (Zawacki-Richter et al., 2020). This case study and policy analysis can only be accomplished through a chronological approach to autoethnography, as such an approach allows for the careful detailing of target events based on when they took place (Zawacki-Richter et al., 2020). By being in the position of assistant superintendent of high schools and then willing to fight against narrative portrayed by the TEA, USDOE, FBI, USDOJ, and the media granted the researcher access to information that was not and currently not available to the general public. As stated by Smith (2018), the evaluation of data in a chronological manner allows for the identification and assessment of patterns and their changes, as well as how the target phenomenon may have changed or progressed over time. This approach arranges data based on time sequences, allowing the researcher to identify patterns, trends, and changes over time.

Chronological organization allows researchers to establish causal relationships between variables. According to Johnson and Thompson (2020), data that is organized in a chronological fashion helps researchers to closer examine the causal nexus amongst the target variables due to its ability to show exact timing of events. This organization method helps researchers discern whether one variable precedes another, facilitating the identification of potential causal connections (Johnson & Thompson, 2020). Chronological data organization is especially valuable when studying long-term educational interventions or policies. By organizing data chronologically, researchers can track changes and progress over time. As noted by Williams

(2019), the assessment of data chronologically assists in the tracing of the consequences resulting from interventions implemented within the educational environment. To incorporate this approach to organizing chronological data I plan to use an event-based timeline. Researchers can create a visual representation of events, interventions, or milestones, arranged in a sequential order. According to Rodriguez (2022), times rooted in events create succinct summaries of the developments taking place within the academic setting and shed light on the relationships that develop between such events. This method aids in summarizing complex educational processes and facilitates a comprehensive understanding of the research context.

One aspect associated with chronological data organization is ensuring the completeness and accuracy of the data. A researcher must be meticulous in collecting and verifying data to avoid bias and errors. As cautioned by Lee (2023), data that is not complete or factual has the possibility of corrupting the integrity of its timing, which creates the risk of researchers arriving at conclusions that are not supported by the data. Therefore, a researcher should exercise caution and employ rigorous data collection methods to mitigate these risks. According to Brown (2021), the selection of applicable time frames is critical to the function of effective subjugation of the patterns that are prevalent within academic research. As such, researchers need to account for variables, such as applicability to the goal of the research process, the context in which academic processes take place, and whether data is available (Brown, 2021). By selecting time periods that the researcher had direct knowledge of the events will enhance the validity and applicability of the research findings.

### **Data Analysis**

When case studies, either single case studies or multiple such tools, are used within qualitative research, it is critical that researchers use triangulation to ensure that their studies are

credible and reliable (Abdalla et al., 2018). According to Ratnam (2019) and Braun and Clarke (2021), the way data is gathered can affect the credibility of a given study. The process of triangulation can be divided into four subcategories, which include the triangulation of the obtained data, triangulation of the investigation, triangulation of the theory, and the triangulation of the methodology (Yin, 2018). Such a process also applies to autoethnography, as it increases the reliability of the recalling of events on the part of the researcher. Data triangulation is rooted in multiple sources as a means of assessing a given phenomenon (Yin, 2018). Because of this, the process of triangulation facilitates the study to become much more credible and trustworthy (Abdalla et al., 2018). Such triangulation is important in studies that have a wide range of sources (Hessen et al., 2019). The tools of conducting participant interviews, observing participants, and evaluating documents can be utilized to elucidate the themes that are present within the obtained data (Chong et al., 2018). As part of the current study, the researcher engaged in data triangulation to evaluate the applicability of the data gathered as part of participant interviews. Often, the collection of such data comprises of the review of any documents, such as employee handbooks, and other district, state, and federal documents and records pertaining to the management school operations.

Researchers evaluate qualitative data once it is obtained and aggregated and sorted to better identify any present themes contained within the data (Yin, 2018). By using such analysis of themes, researchers gain the ability to visualize patterns, while, at the same time, also showing the breadth of the data in relation to the target and studied occurrence (Castleberry & Nolen, 2018). Such evaluation assists in the process of the application of the conceptual framework underlying the study and elucidates additional assessment. According to Ranjbarian et al. (2018), data can be optimally evaluated through collaboration due to the inherent coding that is essential

to this process. To achieve the saturation of data, information needs to be obtained from sources that are extensive enough to fully address the study's research question or questions, as well as from sources that are applicable to the study. The researcher had access to interviews, access to secondary source interviews, with participants and assessed the resulting data, as well as any documents that were applicable, to discover themes that could be found across multiple interviews to fully saturate the data and ensure that the conclusions derived from the study could meet the standards of reliability and be rooted in ethics and integrity.

In the pursuit of ensuring the trustworthiness and credibility of this qualitative study, I employed member checking as a key validation technique. This involved circulating drafts of the findings among participants who worked alongside me and shared some of the same experiences being studied. Such a process allowed participants to verify the accuracy and resonance of the reported results with their experiences, thereby increasing the research's validity. Additionally, an audit trail was meticulously maintained throughout the study. This entailed comprehensive documentation of all research decisions, processes, and activities, from the collection of data through to the analysis and reporting stages. By maintaining a comprehensive and detailed record throughout the research process, the audit trail enhanced transparency and offered the potential for an external reviewer to scrutinize and, where appropriate, replicate the research process. However, in recognition of the ethical and privacy considerations intrinsic to qualitative research, this audit trail is kept confidential and is available upon request under conditions that respect participant anonymity and data sensitivity, thus reinforcing the study's reliability while upholding the stringent ethical standards of the methodological approach.

The capacity of researchers to clarify contained themes efficiently and timely, whether this process is carried out by hand or via available software, provides them with the opportunity

to also learn how the themes provide additional context to the overall goal of the study (Yin, 2018). Furthermore, researchers can minimize their risk of errors by relying on computerized algorithms to identify coding structures. Data derived through the process of interviews, due to its qualitative characteristics, is rarely uniform in nature (Roberts, 2020). Because of this, software suites that are specifically designed to analyze such types of data can be quite valuable in compacting the process of data aggregation. As part of the present study, the researcher applied NVivo to assess for any present themes that would point to contained patterns, which also allowed for the creation of thematic categories, the evocation of results and inferences, and the creation of the final data assessment report (Phillips & Lu, 2018).

To be able to determine what type of relationship exists among the identified variables, the researcher categorized participant source material and/or answers by looking for key words that could be found across interviews. Therefore, the researcher created codes and designated them to specific common elements within the gathered interview data. As part of this process, the researcher relied on documents provided by the organization's studies, as well as documentation collected by the researcher at the district level as a means of gaining insight into the context of the organizational operations, which facilitated in the explication of the obtained data. The researcher secondary source transcripts of the obtained of multiple interviewee's data was available to participants by open records or other legal means, to ensure that they were a true reflection of what each participant disclosed. Furthermore, the researcher also assessed the selected themes in how they compared to the study's conceptual framework and sources identified within the study's literature review. The application of such methods facilitated insight, resulting from the secondary source interviews, which provided a new view of the phenomenon that likely would not have been present in existing data and research on the topic.

## **Vignettes to Address in the Study**

Interviews obtained from secondary sources — which include legally-accessible depositions, as well as audits conducted by a forensic group, the FBI, or the Texas Education Agency (TEA) — in conjunction with the researcher's personal experiences, were synthesized into vignettes. These vignettes are crafted to provide a more profound understanding of the focal phenomenon while ensuring compliance with legal standards for data use. Such vignettes can be found in Chapter 4 of this dissertation. The present study contains and utilizes three vignettes, each of which encapsulate personal experiences of the researcher and connected practitioners. The first vignette highlights the misalignment between the federal legal framework and what was present within the state of Texas in the awarding of high school credit, the resulting practitioner and school district actions, and actions taken on the part of the federal government in response to such events. This vignette also reflects the experiences of the researcher via the microsystem, exosystem, and macrosystem levels. Furthermore, this assessment also relies on the use of the ethical theory at the microsystem level (former theory) and control theory at the exosystem and macrosystem levels (latter theory). To reiterate, the researcher will utilize Bronfenbrenner's Ecological System in a simplified three tier structure of: microsystem to encompass all elements of micro- and meso-, exosystem as the middle tier, and macrosystem to encompass all elements of macro- and chrono- systems. Both the control theory and the ethical theory are used to gain additional insight within this vignette, in relation to the ethical theory guiding policy decisions and the control theory being used to enact consequences in relation to the practitioners.

The second vignette shows the differences between federal and state accountability in relation to student grade placement and the resultant attempts at the navigation of such a situation in the presence of this misalignment. This vignette evaluates what took place through

the macrosystem and exosystem lens, as well as from the viewpoint of the practitioner (the microsystem) lens. To reiterate, the researcher will utilize Bronfenbrenner's Ecological System described, control theory, and ethical theory described in vignette one.

Last, the third vignette provides details pertaining to the life experiences of a school administrator when faced with a state and federal trial stemming from the misalignment of Texas and federal interpretation of educational law. Once again, the aforementioned theories are used as part of this vignette to evaluate how policy decisions are impacted and the resulting emotional response on the part of practitioners.

### **Researcher's Data Examination Protocols and Documentation**

As described above the researcher kept extensive documentation of his experiences throughout these events of the *West Texas School District Cheating Scandal*. Aside from the already described documents, the researcher typically kept copies of any documents that required his signature for future reference. The researcher stored daily logs (used to inform the researcher's digital calendar). Once the researcher left his position, he stored news reports pertaining to his experiences and accusations to a hard drive, emails and documents pertaining to the forensic audit that took place, associated communications, and documents used as evidence by the FBI and the USDOE. Finally, since pertinent legislation within the state of Texas changed throughout the course of this ordeal, the researcher also kept data of such changes so that they could be easily tracked.

### **Confidentially**

Confidentiality is a paramount ethical principle in qualitative research, ensuring the protection and privacy of participants' sensitive information. Researchers must navigate the delicate balance between gathering rich and valuable data while upholding the confidentiality of

participants (Denzin & Lincoln, 2003). As a certified educator in the positions that the researcher held, it is important to take into consideration that the researcher had access to student and employee information that would be considered confidential and/or restricted. Voluminous documents obtained and utilized throughout the researcher's career regarding students are protected under 20 U.S. Code § 1232g - Family Educational and Privacy Rights Act (FERPA). The process of storing this information is as important as keeping it confidential. Researchers must store data securely, employing measures such as password protection, encryption, and physical safeguards (Morse, 2015). As highlighted by Morse (2015), the confidentiality and privacy of participants can be optimized through the storage of obtained data in digital formats using passwords to restrict any access on the part of unauthorized parties. This practice safeguards the information from unauthorized access.

As an educator, administrator, and supervisor for his coworkers and fellow educators, the researcher had an obligation to protect and not to disclose any confidential information. Many of those involved in this case study are considered public figures and could possibly be exempt from these protections. However, the researcher refrains from using names or identifiable information from any of the documents obtained through his career or investigations. Researchers should assign participants pseudonyms or identifiers to protect their identities. According to Lincoln and Guba (1985), the anonymity of participants can be secured through the application of pseudonyms, as opposed to the real names of participants when using qualitative methodologies. This approach prevents any identification of individuals within the research findings. The individual names that are used in this research paper are those that have already been published by other news sources. In this research, the researcher uses job titles and/or



position titles to not violate any confidentiality requirements from either the state or federal level.

While sharing data can enhance the transparency and replication of this research, it must be done in a manner that protects people's identities. According to Denzin and Lincoln (2003), the sharing of data should be carried out in a manner that reduces the risk of the identity of any participant being, which includes completely deidentifying such data when required. For documents shared in the appendix, the researcher blocks out or removes any information that could identify individuals.

### **Handling of the Data**

As the first step in the data storage process, the researcher stored all electronic documentation in password protected format, limiting its access in relation to other individuals. In case the researcher was to be unable to continue working on the study, an attorney was designated to be able to access the files. This legal professional signed a confidentiality agreement with TEA, which secures any private data that may contain the personal identifiable data of students. All digital documents and data were stored both onsite, as well as virtually using a cloud-based service. The researcher's documents were held in storage containers that were physically locked and which were monitored via video and security systems to restrict unauthorized access. The researcher used hard drives, thumb drives and memory sticks, compact disks, DVDs, and Blue-Ray disks, among other physical technological tools to facilitate the research and the collection of data. The researcher's physical files comprised of at least 20 boxes to store paper-based and printed data. Each box can hold 10 reams of paper with 500 pages per ream, translation to approximately 5,000 pages. This led to roughly 100,000 pages of physical data. Additionally, in relation to virtual data, the researcher stored up to 1 terabyte of data.

### **Limitations of this Research Design**

This first limiting aspect of this study is the scope of the exploration of *NCLB*. The researcher addresses in chapter two of this dissertation the relevant aspects of *NCLB* as they pertain to the *West Texas School District Cheating Scandal*. Other aspects could possibly be related but for the scope and succinctness of this dissertation, the researcher does not cover all requirements and expectations of *NCLB*.

The second limiting factor is that on June 21, 2016, a federal judge, U.S. district judge, designated the case of the Cheating Scandal a complex case. This means that this cheating case had a significant degree of complexity based on the existence of multiple defendants, the way the prosecution approached the case, or the application of a novel legislative aspect to the case (18 U.S. Code § 3161). Based on the presence of such factors, the associated trial would not be expected to conclude within the anticipated time frame and participants would not have sufficient time to prepare for the trial (18 U.S. Code § 3161). When scheduling for trial the judge set aside six weeks with an additional two weeks available if necessary. Due to the complexity involved, the researcher only addresses the topics pertaining to the research question. There are also documents that are in the researcher's possession that may be unattainable to the general public. Files, such as cellphone data and text messages of FBI agents, working documents of the USDOE, handwritten notes from auditors and witnesses, etc., are examples of what may not be available. Due to the researcher's position, he may be unable to produce such documents without consulting an attorney on each document requested.

In relation to the complexity of the case, the use of vignettes cannot fully replicate the complexity of real-life situations, which may limit their external validity (Brown & Trujillo, 2019). Brown and Trujillo (2019) assert that, even if significant effort is allocated to making

vignettes reflective of real life, they are still oversimplified in the face of the complexity that they are intended to reflect. Even though the vignettes in this dissertation are factual they are only snippets of the grand picture of what was going on.

The third limiting factor was not using a true forensic audit in this dissertation. With the wide range of documents that the researcher has acquired, a true forensic audit would have been useful. There was an attempt for an independent forensic audit to be performed by the school district when it hired an auditing firm for over half-a-million dollars. However, as part of the audit, when financial documents and backup was requested, the TEA provided only the basic and most cursory of evidence that failed to provide sufficient detail pertaining to how its funding was being allocated and spent (Friedman, 2013). This audit firm had direct connections to the TEA and FBI with the head auditors being former FBI agents and the third auditor being a former Deputy Commissioner of TEA. In the researcher's documentation, he has emails of communications between the hired independent auditing firm with the TEA, FBI, and DOJ. In these communications, it outlined what the auditors were to look for and provided them with witnesses to steer their investigation. Therefore, this audit cannot be considered an independent forensic audit.

### **Assumptions of this Research Design**

In the pursuit of understanding past events through the lens of autoethnography, this research design operates under several fundamental assumptions. The primary assumption is that autoethnographic recall of past events, while subjective and introspective, is a valid and rich approach for academic inquiry. This method assumes that the memory of the researcher, as a primary subject, is a reliable conduit for reconstructing experiences, despite the acknowledged fallibility of human memory as noted by Chang (2008). The research accepts that the value-laden

recollections of the researcher, shaped by personal experiences, provide a nuanced insight into the phenomena under study. These personal memories, although potentially influenced by stress and emotional states during the events, are considered to be reflective of the researcher's authentic experiences.

It is further assumed that the researcher's documentation strategies, such as the use of emails and other timestamped correspondences, serve as accurate and unaltered anchors of memory. These documents are presumed to counterbalance the natural decay of memory and emotional coloring over time, offering a more stable and objective chronicle of past events. Moreover, the research assumes that the experience of stress and the occurrence of flashback moments during the writing process do not significantly distort the recall but instead may reveal the intensity and authenticity of the experiences. These documented experiences are deemed to provide a truthful representation of the events as they were perceived and felt, thus serving as a reliable foundation for the construction of vignettes within the dissertation. Lastly, the research design assumes that these vignettes, drawn from the researcher's documented experiences, are a powerful tool for conveying the intricate realities of the case study, providing depth and context that are essential for a comprehensive understanding of the underlying issues.

### **Personal Perspective Influencing Methodology**

During the time period of the *West Texas School District Cheating Scandal*, I was ensnared by false accusations, which severely impacted every facet of my existence. As a condition of my bond, I was forbidden to communicate with anyone associated with the WTSD, an exclusion that was particularly painful since nearly all my friends were connected to it. This restriction even extended to casual social situations, like visiting the gym or church—a central

aspect of my life as a person of faith and a dedicated powerlifter. The mere prospect of running into district employees was a constant shadow over my routine.

The ramifications were further intensified by the public sentiment against me. The continuous negative publicity ensured that employment in the educational sector, a field I held close to my heart, became impossible. Unemployment in the educational field forced me to take up roles in a fast-food establishment and an in-home tech-support, which, despite being far from my professional aspirations, became necessary for financial sustenance. Our monetary challenges escalated to such an extent that we lost our home and drained our savings, much of which went to legal fees.

Emotionally, the ordeal was nothing short of tormenting. I grappled with an all-consuming fear of a possible 25-year incarceration if I couldn't prove my innocence. Depression became my constant companion, with PTSD further complicating my mental health. The societal prejudice wasn't limited to strangers— even in my graduate school program, both professors and fellow students viewed me with unmasked suspicion.

Physical danger was real and present, manifesting in threats and attacks within my community. The negative news articles that once painted me as a villain ensured I was instantly recognizable in public spaces. The irony wasn't lost on me; I was depicted as jeopardizing children's education when, in reality, my life's mission revolved around aiding children and uplifting my community.

There were a few rays of hope amidst the gloom— my weekly Bible study with an older friend who was akin to a father figure and my regular sessions with my pastor. These engagements along with the support of my wife and family, were instrumental in keeping my depression from being all consuming.

After what felt like an eternity, the court dropped all charges, and the SBOE restored my certification with a clean record. But this victory was bittersweet. The dismissal of charges was not as publicized as the accusations, leaving me in a limbo of societal judgment. The desire to rebuild and move forward compelled me to relocate and re-embrace my calling—teaching. It was not just a profession but a therapeutic avenue, granting me the space to assist students and heal in tandem.

### **Summary**

This chapter provides an overview of the researcher's past experiences, used as the foundation of the study. This chapter provides a justification for the use of autoethnography within the present study, as well as reasons for the selected research design. This chapter also explains the data collection and analysis process, which allows readers to better understand the source of the data, as well as its manipulation in the process of its analysis and the drawing of conclusions. Chapter 3 also provides information pertaining to the process of triangulation carried out as a means of increasing the reliability of the collected data. Furthermore, this chapter also outlines the key limitations present in this study and their impact on the generated results. Next, chapter 4 shows and details the data that was obtained as part of this study.

## **Chapter 4: Findings:**

### **Facing the Challenges: Navigating Policy Misalignment from Within**

*“More precisely, parrhesia is a verbal activity in which a speaker expresses his personal relationship to truth and risks his life because he recognizes truth-telling as a duty to improve or help other people (as well as himself)” (Foucault, 2001, p. 19).*

### **Introduction**

Becoming an Assistant Superintendent of High Schools was the natural progression in my career path in public school administration. My educational career began as a high school teacher of mathematics for three years, and continued on as a high school discipline assistant principal for one-year, a high school assistant principal of curriculum and instruction for two years, a middle school principal for two years, a high school principal for four years, and finally I took the position of assistant superintendent of high schools. In each of these positions, I had outstanding evaluations and was on track to one day apply for superintendent positions in Texas. In my fifteen years as an educator, I have earned accolades from superiors, gained the respect of colleagues, peers, parents, and most importantly, students. What followed threw my professional and personal life into upheaval.

As an administrator within the West Texas School District, I consistently maintained confidence in our compliance with both federal and state laws, fortified by the extensive oversight and guidance provided by the School Improvement Resource Center (SIRC) through their Technical Assistance Providers (TAPs) and Campus Administrator Mentors (CAMs). These experts were not merely occasional consultants; they were deeply integrated into our operations, with many days each year dedicated to working on our campuses, ensuring that every policy and procedure we implemented was up to par with legal and educational standards. Their presence

was a continuous reminder and reassurance that we were on the right track, effectively bridging any gaps between federal and state mandates.

Their commitment extended beyond routine oversight; TAPs and CAMs were actively involved in state and federal training sessions organized by SIRC, bringing back mandatory practices and legal directives to our district. This extensive training and the hands-on assistance we received meant that we were always at the forefront of compliance, setting a standard for diligent adherence to the law. It was this partnership and rigorous attention to detail that contributed to an environment where the right course of action was clear and attainable, fostering a district culture that prioritized legal and ethical responsibility in all aspects of education administration. However, when faced with a policy misalignment between state and federal regulations, the Texas Education Agency, the US Department of Education, and the FBI proceeded with their inquiries and actions as though the comprehensive oversight provided by the SIRC, with its TAPs and CAMs, had never been a factor in the district's decision-making processes.

### **Vignette One**

V1: This vignette will explore the highlights of the misalignment between the federal legal framework and what took place within the state of Texas in the awarding of high school credit. The resulting practitioner and school district actions and actions taken on the part of the federal government in response to such events will be explored.

In the intricate tapestry of educational administration, there often emerge specific instances that encapsulate the broader challenges, dilemmas, and intricacies faced by school districts. One such instance, offering a deep dive into the nuanced realm of grade changing, awarding of credits, and the balancing act between state and federal regulations, is set in the



WTSD. This vignette provides a window into my life as I attempt the navigation of complex regulations and the keen scrutiny of federal agencies. The narrative is centered around the Assistant Superintendent's experience, showcasing the delicate interplay of duty, responsibility, and the ever-looming shadow of bureaucratic oversight.

The WTSD found itself at the crossroads of state policy and federal investigation, a position in which no educational institution wishes to find itself. The following vignette sheds light on the district's adherence to the Texas Administrative Code §74.26 concerning the awarding of credit, the ensuing investigations by the FBI and USDOE, and the immense pressure faced by those at the helm, notably myself, the Assistant Superintendent. Through an exploration of this narrative, it becomes evident how multi-layered and intricate educational administration can be, especially when set against the backdrop of state regulations and federal scrutiny.

## **Vignette Two**

V2: The second vignette shows the differences between federal and state accountability in relation to student grade placement and the resultant attempts at the navigation of such a situation in the presence of this misalignment.

The WTSD offers a compelling case study of this intricate relationship, with its tumultuous journey from regulatory compliance issues to a criminal investigation. The district's struggles are rooted in a misalignment between state laws and the mandates of the No Child Left Behind Act (NCLB). As events unfolded, a deeper, more complex narrative emerged, one that involved not just policy discrepancies, but also alleged deliberate acts of malfeasance. The subsequent arrest of the superintendent by the FBI highlighted the potential misconduct, raising serious concerns about the integrity of educational data and the possible misuse of public funds.

This vignette explores this multifaceted situation, juxtaposing the broader implications of federal oversight with the specific practices and actions of a single school district.

### **Vignette Three**

V3. The third vignette will examine the life experiences of a school administrator faced with a state and federal trial stemming from the misalignment of Texas and federal interpretation of educational law.

The events that unfold within this vignette shed light on the challenges faced by those working within the education system, where decisions made, and actions taken, can quickly be cast under the glare of media scrutiny and public judgment. The researcher's own narrative provides a poignant exploration of how institutional decisions, legal complexities, and media narratives converge, creating a storm that can drastically alter the course of an individual's professional and personal life.

This account delves into the aftermath of a decision rooted in adherence to law and policy, leading to unforeseen repercussions—both personal and professional. The narrative underscores the power dynamics between educational authorities, federal agencies, and the media, bringing to the fore the tumultuous waters one might have to navigate when personal integrity clashes with institutional directives. In journeying through Anderson's experiences, the opportunity exists to reflect on the profound impact of public perception, the role of media in shaping narratives, and the complexities of justice in the realm of education.

### **Vignette One: Misalignment in Awarding of Credit**

V1: This vignette will explore the highlights of the misalignment between the federal legal framework and what was present within the state of Texas in the awarding of high school

credit, the resulting practitioner and school district actions, and actions taken on the part of the federal government in response to such events.

As an administrator who focused on school law during my graduate coursework, I learned that in Texas, educators have the Texas Essential Knowledge and Skills (TEKS) as their curriculum, and it was the certified teachers who insured students attained mastery to awarding credit. The determination of high school credits and graduation requirements are mainly governed by individual states and local school districts, as outlined in the U.S. Constitution's Tenth Amendment (U.S. Const. amend. X) and supported by Joseph (2023). Each state and school district has its own set of policies and regulations governing credit requirements, course offerings, and graduation criteria (Joseph, 2023; Hickok & Paige, 2002).

That being said, *NCLB* emphasized the importance of ensuring that all students, regardless of background, had access to a rigorous and quality education (Hickok & Paige, 2002). The intent of this aspect of *NCLB* prepares students for postsecondary education and the workforce. In 2015, *NCLB* was replaced by the *Every Student Succeeds Act (ESSA)*, which retained some components of *NCLB* but also made significant changes in others, particularly around the flexibility given to states in determining their own accountability standards and interventions (U.S. Congress, 2015).

In light of investigations by the United States Department of Education (USDOE) and the Federal Bureau of Investigation (FBI), the WTSD took measures to fortify its legal stance. This entailed collaborating with a leading West Texas law firm specializing in education law and onboarding a retired U.S. Attorney from the United States Department of Justice, an appointee of President George H.W. Bush from 1989 (Hanushek et al., 2002). I was assigned to pick up this former U.S. Attorney from the airport when he would fly in every week or so. From my view as

an educational practitioner, such robust legal representation underscored a commitment of the district to have been operating within the bounds of the law. It was a way of ensuring that students received a quality education in a compliant and ethical environment. It also signaled to all stakeholders, from students and parents, and the general public, that the West Texas District was taking every possible step to address concerns and uphold the highest standards of professional conduct (Personal Communication, Invoice #436962, Feb. 8, 2011).

### **A Tipping Point of the Federal Government Asserting Control Over the West Texas School District**

In April of 2011, a teacher from one of the high schools that I oversaw came to my office completely distraught. The teacher was pacing back and forth at times with watery eyes and unable to speak. I tried to console the teacher to no avail as the teacher was stammering the words, “The FBI told me I was going to jail. I didn’t agree with them, but they said if I didn’t then, I was going to jail.” At this point, I went and got the Chief of Staff and Superintendent who had offices across the hall from me. With our collective focus, we facilitated the process for the teacher to provide a statement through a school district attorney. I was displaced from my office while an attorney and this teacher created an affidavit outlining the events this teacher had experienced.

The affidavit of this teacher explained how the FBI expressed that the WTSD use of mini-mesters as a credit recovery option was illegal as an excerpt from this document below shows:

FBI Agents [name excluded] and [name excluded] met me on campus. I was cordial to the Agents. I showed the Agents the [credit] recovery options document. At this point Agent [name excluded] told me ‘the document is illegal.’ I then began to feel that I was

under duress. Agent [name excluded] got fired up and changed demeanor. Agent [name excluded] told me ‘you cannot hide behind the document.’ Agent [name excluded] repeated that the document was illegal. (Personal Communication, April 19, 2011, p. 1).

The teacher in question had offered such a course at the request of the administration, and assigned the student a passing grade of “70.” However, the student’s work was then graded as “wrong” on a report that was mailed to the home of the student. Following this series of events, it was explained that the teacher had broken federal law. The teacher was further informed that although the teacher had committed the act, they were in fact seeking to punish the administration. Nevertheless, the teacher explained in the affidavit that “Agent [name excluded] then threatened me with arrest and indictment and stated that I would be handcuffed and walked out of the building in-front of everyone along with all the others” (Personal Communication, April 19, 2011, p. 2).

It is important to note that in this document the teacher expresses the belief that they were following what is outlined in Chapter 247 section 1(b) of the Educators’ Code of Ethics and Standard Practices for Educators which states, “The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character” (TAC, §247.1.(b), 2018). The teacher expressed this by stating that, “I felt comfortable following the policy of recovery and I thought it was legal (Personal Communication, p. 1, 2011, April 19). The teacher clearly communicated concerns about the microsystem's control and made the decision to adhere to the district policy based on ethical considerations. When the agents told the teacher that the policy was “wrong” the teacher replied that it, “was a case for a judicial review and beyond my capacity as a teacher (Personal Communication, p. 1, 2011, April 19).

## **West Texas School District Seeking Guidance from the State Against Claims from the FBI**

Prior to reading the affidavit created by the teacher, the issue of credit recovery had already been brought up in the complaint that the WTSD was cheating. I wanted to make sure that the WTSD and I were indeed following state policy. I reached out by phone to the Deputy Commissioner of Education at the Texas Education Agency (TEA) to discuss the credit recovery options that we had in place. The Deputy Commissioner of TEA arranged a phone conference with leading TEA officials and several key figures from the WTSD, including myself, the lead counselor, the Superintendent, and others. During the call, TEA officials confirmed that the policies and procedures established by the WTSD were not just legitimate but also mandatory by state statute. The Deputy Commissioner went on to state that his own child had only graduated high school that year due to the mini-mester he took in his own Texas High School (Personal Communication, June 21, 2010).

After this meeting with the TEA top officials, I felt a sense of relief. Not that I ever felt that I personally, or we as a school district, had done anything inappropriate. Rather, it was that those top officials (the exosystem) liked the work we (the microsystem) were doing with credit recovery. The TEA, through the Deputy Commissioner, expressed that the document we had in place explaining the options for high school credit recovery, and matching those options to state law, was excellent work. The TEA made it very clear to me that the USDOE and/or the FBI had a misunderstanding concerning the TEKS and how students earned credit in Texas.

In Figure 4.1, it shows how the WTSD was referencing state and local policy to create administrative regulations to implement policy.

<b>Description:</b> Credit Acceleration for students who were denied credit due to low grades/failure to master course standards.				
<b>Goals:</b> Students will engage in a course of study that, upon teacher identification of knowledge gaps in previously instructed material, will allow students to demonstrate mastery of the course standards and receive course credit.				
Action Step:	Reference:	Person(s) Responsible:	Timeline:	Guidelines:
<b>1. The campus principal will designate a team that will oversee the credit acceleration process. Academic coaches, directors, counselors, and teachers should be involved in this effort. This team will help create and approve all credit acceleration courses and curriculum development.</b>	TEC 7.003 LIMITATION OF AUTHORITY  TEC 28.0212 PERSONAL GRADUATION PLAN EHBC ( Legal) EIF (Legal) TEC 29.081 COMPENSATORY, INTENSIVE, AND ACCELERATED INSTRUCTION TEC 28.0213 INTENSIVE PROGRAM OF INSTRUCTION	• Principal • G&I • Academic Coaches • Directors • Counselors • Teachers	May-August	1. Review all student transcripts. 2. Identify students with credit loss due to course failure (Grade <70). 3. Review student preregistration schedules and compare to transcripts to identify discrepancies such as duplication of credits and improper course sequencing.
<b>2. Once the credit acceleration team identifies students in need of accelerated instruction, students and their parents/guardians are contacted by the</b>	TEC 28.0212 PERSONAL GRADUATION PLAN	• Credit Acceleration Team • Counselor	August	1. Counselors will notify the parent/guardian requiring student participation in credit acceleration.

**Figure 4.1 WTSD Attempt to Understand the USDOE's and FBI's Policy Concerns**

The above document was extracted from the Credit Recovery Documents in its entirety was sent by the general legal counsel of the WTSD to the United States Attorney's Office on April 20, 2011. Along with the document was a letter with two main headings: (1) Allegation that Credit Recovery is Illegal and (2) Request for Deferral of Investigation to Minimize Disruption. It is worth mentioning that prior to the dispatch of the letter by the legal counsel, I was asked to review its contents and provide feedback on numerous occasions before its final submission. In one version of the draft of the letter the attorney wrote the following:

- If the FBI wants to prosecute anyone for using grade recovery methods, which include, mini-mesters (different names used in different districts and different states), online courses, extra credit, summer school and most of all and most important, the subjective nature of giving grades by each individual teacher, they should arrest

former President George Bush and Teddy Kennedy (now deceased) for putting into effect 'NO CHILD LEFT BEHIND.'

- No Child Left Behind is a program which has been very difficult for all schools throughout the nation to implement. Without innovative programs, No Child Left Behind would not succeed and numerous graduates, who are productive citizens, would have dropped out and never have achieved the success they have achieved. Various education gurus teach grade recovery methods at seminars throughout the nation such as Dr. Robert Kennedy, Dr. Beach and Dr. Gasby. ...For some reason, the FBI and apparently your office, have a totally discounted the Texas education Agency and the U.S. Department of Educations.
- The FBI's presence on campus interviewing teachers, assistant principals and principals is very disruptive. Their mere presence on campus cause students and teacher[s] much anxiety... (Personal Communication, draft attorney email, April 18, 2011).

The above excerpt was run by me numerous times and I felt a part of doing something good by standing up for what I felt was quality work by those in the WTSD. The advice I would always give principals that I oversaw was to "never send an email while angry or emotional." The attorney, who was clearly passionate about how his clients/district were being treated, never sent the draft version. Rather, he made the letter he sent more precise or point driven. Those key points are below.



**Key elements under heading (1) Allegation that Credit Recovery is Illegal:**

- I have been advised that Special Agents have stated that one or more of the credit recovery options briefly summarized in this document are ‘illegal,’ and that educators should not ‘hide behind’ this document.
- ...imagine the potential disruption to the educational process when an educator is told by FBI agents that a method of credit recovery being used in a school district is ‘illegal.
- We believe that there are students who could benefit from credit recover techniques who will not have the benefit of these due to the fear instilled...in all probability cause some students not to graduate in June 2011 who probably would have been able to graduate otherwise.
- The School District is confident that the credit recovery options that it is utilizing are permissible under applicable law, including provisions of the Texas Education Code and the Texas Administrative Code...As you may be aware, some of the innovative techniques for credit recovery at the state and local levels have been developed in response to the mandates contained in the ‘No Child Left Behind” legislation enacted by Congress several years ago. No one is perfect, however, and it is always possible that some legal provision has been overlooked by educators. The District needs to be advised immediately if this is the case, as it certainly wants to act if full compliance with all applicable laws. (Personal Communication, April 20, 2011, p. 1).

## **Key elements under heading (2) Request for Deferral of Investigation to Minimize**

### **Disruption:**

- ...issue of FBI disruption of the education process...TAKS testing is scheduled...I request on behalf of the District that the FBI suspend further interviews of District personnel during these critical periods.
- Moreover, it has always seemed to make the most sense that to me for the FBI to defer its own investigation, pending completion of the pending Department of Education audit.”
- ...personnel have had to set aside their normal duties in order to respond not only to inquires form the Depart of Education, but also from the FBI.
- We Submit that the FBI investigation could proceed more efficiently, and the disruption to the District could be minimized, if the FBI would simply allow the Department of Education audit to be completed before resuming its own investigation. (Personal Communication, April 20, 2011, p. 2).

Following the dispatch of the letter by the district's legal counsel, which I believed addressed the substance of the allegations against us, I anticipated improvements in the situation. Indeed, I, along with the entire district, had taken the necessary measures to ensure compliance with the policies and laws set forth by Texas. The steps included internal audits, calls and written correspondence to the TEA, review by attorneys hired to represent the district, and multiple reviews from all levels of practitioners (me included). When the aforementioned letter was dispatched, I experienced a sense of relief, believing that the FBI would recognize the district's practitioners as acting ethically and in alignment with the Texas laws and Educators Code of

Ethics. The email from the school district's attorney to myself, just had one sentence with the attached letter— "This has been sent" (Personal Communication, April 20, 2011, 4:58 PM).

The sense of relief I felt did not last very long. On May 4, 2011, the U.S. Department of Justice, United States Attorney, sent back a letter with only four sentences: "I am in receipt...regarding your concerns about the conduct, manner and timing of the FBI investigation affecting the [West Texas School District] ...employees and business records. Both case agents...have assured me that they have not expressed any opinions to any interviewee regarding the 'legal[i]ty' of any District's policies or practices. Thank you for providing the citations to the Texas Education Code...Any other input regarding 'relevant school law issues,' which were offered to the government in [School District Attorney's Name] letter...would be welcome and reviewed if provided in writing" (Personal Communication, May 4, 2011).

### **The Other Macrosystem-The United States Department of Education**

The FBI and the USDOE adopted distinct methodologies in their investigative approaches. The FBI, known for its comprehensive and observable coercive investigative techniques, often leaned toward integrating or deploying agent-specific tactics to garner information and insights from individuals. This could involve covert operations such as surveillance in the form of getting teachers and staff to wear recording devices or other more direct interventions. Typically, however, the USDOE employed auditors in their investigations. These auditors would normally request specific information, visit educational campuses to inspect files firsthand, or conduct interviews with relevant personnel to ascertain compliance or uncover irregularities. The contrast in these methods underscores the different mandates and/or operational cultures of these two significant entities of the macrosystem.

## **Email Exchange between the Students System Manager and the USDOE**

Upon the initial onset of the by federal agencies, the WTSD showcased a commendable level of transparency and cooperation. This is apparent from the email interactions between the Student Systems Manager of the WTSD and a representative from the United States Department of Education. The emails make it evident that the school district was proactive and willing to provide comprehensive access to their internal data systems.

The explicit requests from the USDOE representative, which included queries about individual student record alterations and system access for specified academic years, were met with prompt and detailed responses from the Student Systems Manager. The latter not only ensured the provision of the requested data but also emphasized its security through the use of password-protected Zip files. This approach highlights the district's thoroughness in dealing with sensitive data. Furthermore, the correspondence indicates the district's willingness to facilitate in-person data transfers, as evidenced by a prior face-to-face meeting arranged for data exchange (Personal Communication, April 19, 2011, 4:13 PM).

Moreover, the communications reveal that the district was prepared to provide a detailed insight into its operations. The sharing of student records, encompassing incident records, involved students, the categorization of offenses, subsequent actions, grade, and grade classification, offered an in-depth perspective on the schools' protocols. Access was granted and reports were generated showing all staff who had access to the school computer system and who made any and all changes at different high schools. This level of openness underscores the district's dedication to complying with external inquiries while proactively illuminating its internal operations for external review (Personal Communication, April 19, 2011, 12:43 PM).

In summation, the actions of the WTSD, as reflected in this correspondence, epitomize an educational institution's commitment to operate transparently and responsibly. Their willingness to grant full access to federal auditors signifies a district grounded in principles of truth, adherence to procedures, and prioritizing the well-being of its students. As the Assistant Superintendent of High Schools, I was questioned if I would allow this access to which I agreed. By granting the above access, I was diligently adhering to Chapter 247.1(b), exemplifying personal integrity and transparency in alignment with the ethical standards set forth for Texas educators, and fostering trustful relations with colleagues.

#### **Questions Presented by USDOE to this Practitioner and Committee Responses on the Awarding of High School Credits**

The committee I formed to help me answer the questions from the USDOE was composed of a diverse group of professionals from the district. Specifically, the Student Records Committee consisted of two directors from College Readiness, a director and an assistant director from Pupil Services, a Student Systems Manager, two Guidance & Instruction Assistant Principals from distinct high schools, an Executive Assistant from the Secondary Schools Division, a Director from the Secondary Schools Division, two registrars from different high schools, a director overseeing the grants, a district counselor, a director from Guidance Services, and a counselor from a high school. In total, the committee had 17 members including myself (Personal Communication, Jan. 12, 2012, p. 15). As the creator and leader of this committee, I am the primary author of this document provided to the USDOE; however, the committee played an instrumental role in assisting me to source all the answers and format the responses effectively.

When setting out to answer the questions we had to address how the WTSD created and implemented local policies and regulations for the microsystem of the practitioners. The Texas Education Code (TEC), §11.2541 sets out minimum requirements for district and campus planning and decision making, which all school districts must satisfy. Further, §11.2512 gives local boards of trustees the responsibility to adopt policies for establishing a district and campus planning and decision-making process. The board must ensure that administrative procedures are established with the active involvement of the district-level committee to satisfy state requirements (TEC., §11.2541, 1995). The TEA and the SBOE do not have regulatory power in this domain (TEA, 2003). As a result, every school district is tasked with understanding and applying the TEC provisions in ways that align with the law and suit the district's specific traits (TEA, 2003). Leaders and committee members at the district and campus levels should begin by reviewing the statute and local policies, then look to local administrative methods to guide their planning and decision-making activities (TEA, 2003).

#### **USDOE Questions on Grade Changes:**

**Q1: Which [WTSD] policy/procedure describes what should occur if a student's class grade needed to be changed (for example, changing from 65 to 80)?**

The 78th session of the Texas Legislature passed HB 1949 which amended Section 1, Subchapter B, Chapter 28, of the Education Code by adding §28.0212 (renumbered to 28.0214), "Finality of Grade" (Texas Legislature, 2003). WTSD, Policy EIA (Legal) is a reflection of this amendment and allows for a change in "an examination or course grade issued by a classroom teacher...[only if] the grade is arbitrary, erroneous, or not consistent with the District grading policy applicable to the grade, as determined by the Board.

A teacher of record has control of their final grade at all times and is therefore the only individual authorized to change a student's grade unless certain circumstances occur. Such circumstances include, but are not limited to, (1) the student attended summer school with a different teacher and passed the course; (2) the teacher of record violated WTSD grade policy EIA (Local); (3) (effective 06/02/10) the student successfully completed an "Academic Achievement Plan" as defined in Elementary and Secondary Divisions' Bulletin 58; (4) the outcome of an appeals process in favor of the student's parent's request to amend a student's record. The appeals process outlined in WTSD policy, FNG (Local) "Student and Parent Complaints/Grievances" and Secondary Schools Division's, Bulletin 1, gives parents the right to ask the District to amend a student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right to privacy or other rights (Personal Communication Feb. 21, 2012, p. 1).

For school years 2007-08 through 2010-11, there was not an accompanying written procedure in place that described what should occur if a student's class grade needed to be changed, or how it should occur. However, the process that was typically applied is as follows.

If the change occurred after the transcript was posted, the teacher of record would obtain a form to document the grade change from the campus registrar. Optional forms to use for this purpose were either a WTSD Pupil Services' form or a campus-generated form (these campus-generated forms varied between campuses) to document the grade change.

The teacher of record would complete the form to include their reason for the grade change, and their signature. Depending on the campus, the principal, assistant principal, at-risk coordinator and/or counselor signed off on the form. At which point, the form would be returned by either a principal, assistant principal, at-risk coordinator and/or counselor/teacher of record to the campus registrar/PEIMS (Public Education Informational Management System) clerk who would enter the revised grade into TEAMS (Total Education Administrative Management Solution system).

If the change occurred before the transcript was posted, the teacher of record would obtain a form to document the grade change from the PEIMS clerk. The teacher of record would then complete the form to include their reason for the grade change, and their signature. The teacher of record would return the form to the PEIMS clerk who would then enter the revised grade into TEAMS. The teacher of record would likewise enter the revised grade into their course grade book (Personal Communication, Feb. 21, 2012, p. 2).

**Q2: What source document (or supporting documentation) was required to be in place when changing a student's grade?**

For school years 2007-08 through 2010-11, the teacher of record would obtain a form to document the grade change (*i.e.*, source document) from the campus registrar. Campus registrars had the option to use a WTSD Pupil Services' form or a campus-generated form (these campus-generated forms varied between campuses) to document the grade change, to include the reason for the grade change (Personal Communication, Feb. 21, 2012, p.3)



**Q3: Who (specific individual or position title) was authorized to initiate the change (prepare the source document)?**

For school years 2007-08 through 2010-11, the teacher of record was authorized to initiate the change and prepare the source document. In certain situations (*i.e.*, if the student in question attended summer school with a different teacher and passed the course, or the teacher of record violated WTSD grade policy EIA (Local), the campus principal, assistant principal, at-risk coordinator and/or counselor was thereby authorized to initiate the change (Personal Communication, Feb. 21, 2012, p.3).

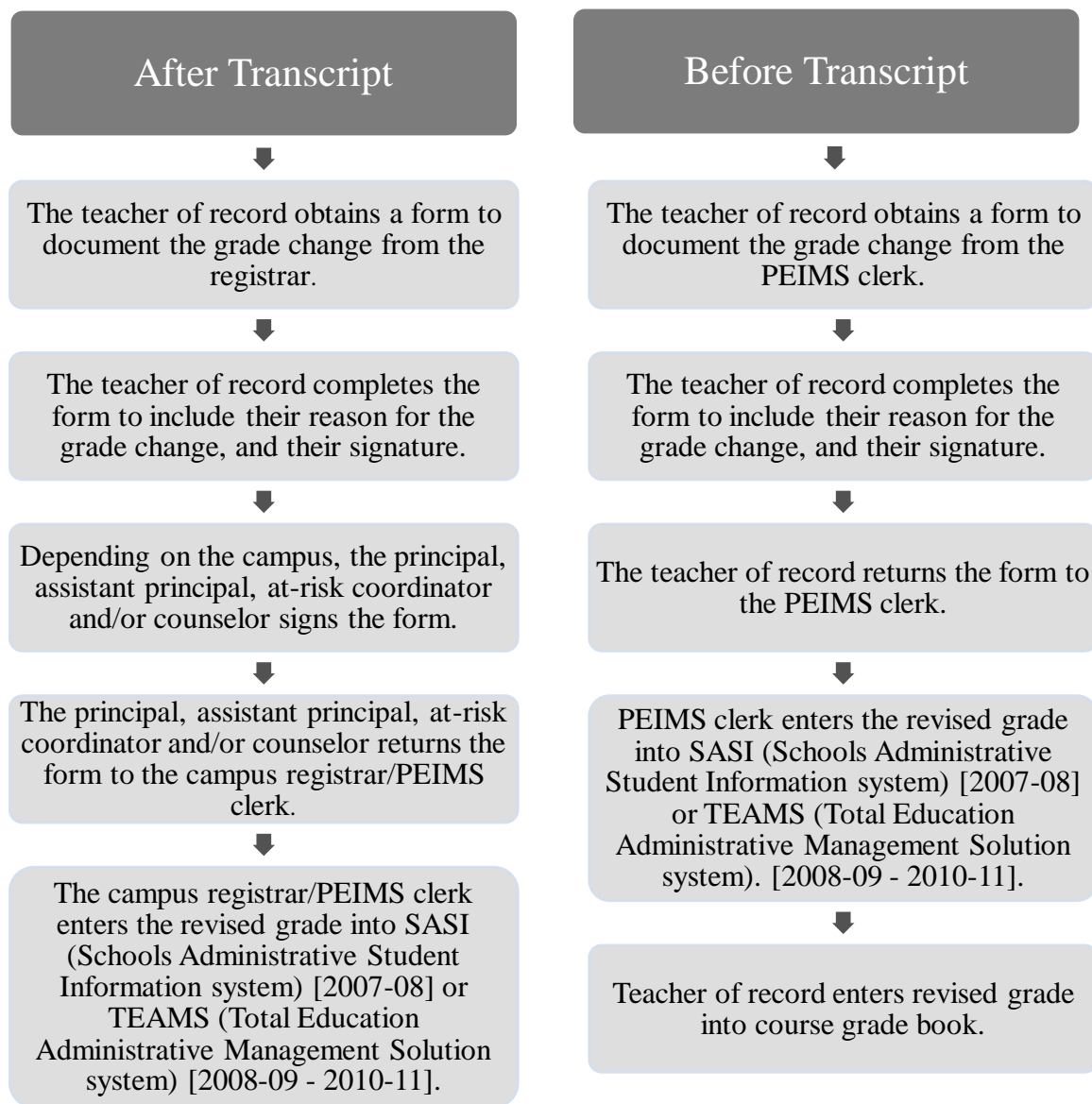
**Q4: Whose signature(s) (title of positions) were required on the source document?**

For school years 2007-08 through 2010-11, all campuses required the signature of the teacher of record on the source document. Depending on different campus level procedures, the signature of the campus principal, assistant principal, at-risk coordinator and/or counselor was also required (Personal Communication, Feb. 21, 2012, p.3).

**Q5: Who (specific individual or position title) was authorized to approve and review the source document, and ensure the change was appropriate and approved?**

For school years 2007-08 through 2010-11, campuses followed their own procedures. By and large, the teacher of record and the campus principal, assistant principal, at-risk coordinator and/or counselor were authorized to review and/or approve the source document, and/or ensure that the change was appropriate (Personal Communication, Feb. 21, 2012, p.3).

**Q6: Provide a flow chart of the process of what was supposed to happen when a grade needed to be changed?**



**Figure 4.2 Grade Change Flow Chart**

*Note.* (Personal Communication, Feb. 21, 2012, p.4).

#### **Process for Answering the USDOE Questions on Grading Showing the Awarding of Credit**

Organizing meetings for the committee established to address the USDOE's questions was a complex task I carried out with efficiency, especially given the short time frame of two

months. Recognizing the diverse roles and responsibilities of the committee members, from directors and assistant directors to campus registrars and counselors, meticulous scheduling was imperative. Advanced notices were emailed, and calls made to members to ensure their availability, and to facilitate adjustment of their schedules to prioritize the committee's work. Moreover, essential background information was gathered and disseminated before each session, allowing for preparedness, and leading to constructive work sessions.

By utilizing a large conference room next to my office, it helped to ensure a conducive environment for our discussions. The team often had to gather data from each of their positions and/or campuses, research relevant policies, and look-up past communications with the TEA. A dedicated facilitator guided our conversations, ensuring all facets of the inquiries were addressed. This facilitator displayed the document by placing it on a projected screen. This allowed me to easily read and direct any technical edits. We also incorporated a strategy of utilizing breakout sessions where groups were formed to analyze and prepare the answers to each of the questions. Despite the time constraints, the structured approach of our meetings allowed the committee to craft comprehensive and accurate responses to all of the USDOE's questions within the two-month period (Personal Communication, Feb. 21, 2012).

### **What the FBI and USDOE were Seeking (from the West Texas School District on the Awarding of Credit?)**

The two branches of the of the federal government that were involved in investigating the WTSD were focused on different aspects of the state law found in the Texas Administrative Code §74.26. Awarding of Credit. The version that was used by the school district had last been amended on September 1, 2001. What I felt through the reading the other educators' interviews, as well as my own personal interview with the FBI, is that we all believed we followed this

aspect of this law: “A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student has received instruction in the course or the grade level at which proficiency was attained” (TAC, §74.26, (2)b, 2001). The relating questions the FBI agents presented to me during my interview with them focused specifically on how long a credit recovery process should be and what it took for a student to demonstrate mastery (Personal Communication, Aug. 20, 2012). It is speculation, but at the time I felt they regarded the credit recovery within the WTSD as not meeting the “rigorous and quality education,” required by NCLB (Hickok & Paige, 2002, p. 27).

The meeting and interviews that I took part in with the USDOE seemed as if they were more focused on how a grade was posted or changed in the district relating to: “Credit for courses for high school graduation may be earned only if the student received a grade which is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for each course (TAC, §74.26, (2)c, 2001) and (Personal Communication, Feb 7, 2011). After I had my interview with the USDOE, I discovered they were asking other departments if the information I provided them with was correct (Personal Communication, Feb 13, 2011). The strategy of, or demeanor of, the USDOE was that they were trying to be helpful and just seeking information for understanding (Personal communication, Feb 9, 2011).

Both the FBI and USDOE were interested in in the part of the law that stated:

A school district must ensure that the records or transcripts of an out-of-state or out-of-country transfer student (including foreign exchange students) or a transfer student from a Texas nonpublic school are evaluated and that the student is placed in appropriate classes

promptly. The district may use a variety of methods to verify the content of courses for which a transfer student has earned credit. (TAC, §74.26, (2), 2001).

In the multiple interviews with the USDOE and by the FBI, of which I was the subject, it was clear there were concerns about students coming from Mexico and not having their transcripts or credits awarded “promptly” (Personal Communication, Feb 7, 2011; Personal Communication, Aug. 20, 2012).

### **Summary**

The Federal government's two branches, the FBI and the USDOE, spent much of their investigations into the WTSD based on the Texas Administrative Code §74.26 concerning the awarding of credit. The FBI primarily delved into the Texas law provision stipulating that a student must be given credit once proficiency in the subject matter is demonstrated, regardless of instruction time or grade level—they did not agree with State language. They posed questions about the duration of credit recovery and the means of assessing student mastery. Meanwhile, the USDOE was more concerned with the grade entry or change processes, especially concerning the requirement for students to receive a grade equivalent to 70 on a scale of 100. Their approach appeared to be inquisitive, aiming to clarify and understand the situation, and they verified details with multiple departments. Both entities also looked into the prompt evaluation and placement of transfer students, particularly those from Mexico, ensuring their transcripts and credits were awarded without delay.

In the midst of these federal inquiries, my Assistant Superintendent's responsibilities became particularly overwhelming. While managing the intricate duties of my position, which included oversight of 15 high schools, I also had to accommodate the USDOE's investigations and fallout from the FBI's “disruption of the education process.” This involved giving up of my

own office space for a former U.S. Attorney to carry out key interviews. The gravity of addressing federal concerns, on top of existing administrative duties, significantly heightened the pressure and tension I was experiencing.

### **Vignette Two: Misalignment in Student Grade Placement**

V2: The second vignette shows the differences between federal and state accountability in relation to student grade placement and the resultant attempts at the navigation of such a situation in the presence of this misalignment.

In *NCLB*, Sec. 1111. State Plans, (b)(3) Academic Standards, Academic Assessments, and Accountability, Part (A) reads:

IN-GENERAL- Each State plan shall demonstrate that State educational agency, in consultation with local educational agencies, has implemented a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the State and of each local educational agency and school in the State in enabling all children to meet the State's challenging student academic achievement standards, except that no State shall be required to meet the requirements of this part relating to science assessments until the beginning of the 2007-2008 school year. (U.S. Congress., 2002).

In the same section in part (C) Requirements-Such assessments shall-, it statutorily states:

(v)(I) except as otherwise provided for grades 3 through 8 under clause vii, measure the proficiency of students in, at a minimum, mathematics and reading or language arts, and be administered not less than once during--(aa) grades 3 through 5; (bb) grades 6 through 9; and (cc) grades 10 through 12; (II) beginning not later than school year 2007-2008,

measure the proficiency of all students in science and be administered not less than one time during-- (aa) grades 3 through 5; (bb) grades 6 through 9; and (cc) grades 10 through 12. (U.S. Congress., 2002).

In short, as it applies to the WTSD, *NCLB* required that all students take a federal accountability test at some point between the grades of 10<sup>th</sup> -12<sup>th</sup>.

### **Practitioner's One-on-One with the USDOE**

On Tuesday, June 7, 2011, with almost no notice I was directed by the Chief of Staff to speak with the USDOE auditors at the high school, which was the focal point of the cheating accusations. When I arrived, I went to the designated area assigned to the USDOE, they had both working space and office space at the school. I was greeted by the Office of Inspector General (OIG) Assistant Regional Inspector General for Audit Dallas Regional Office, and three OIG Auditors from the Dallas Regional Office. I was under the impression I was going to meet the team of auditors to provide access or direction to the people they wanted to meet and interview. I was not aware that I was walking into an interview where I was the interviewee.

A "Memorandum of Record," (MOR) created by the U.S. Department of Education, OIG-Region VI, Audit Title: [West Texas] School District Compliance with Accountability and Academic Assessment Requirements of *No Child Left Behind Act of 2001*, memorialized my interview with the USDOE. The purpose of this document is stated as "To determine James Andersons' interpretation of No Child Left Behind Act of 2001 (NCLB) and the requirement that all students must be assessed, at least once during high school" (OIG, June 7, 2011). The auditors asked me the following two questions: (1) "What is his [James'] interpretation of NCLB's requirement that all students must be assessed at least once during high school" and (2) "How did [WTSD] ensure all high school students take the NCLB adequate yearly progress (AYP) 10th

grade assessment before graduating?” (OIG, June 7, 2011, p. 1). They documented my reply as follows:

Mr. Anderson stated that his interpretation is similar to the State of Texas’ (Texas Education Agency (TEA’s)) interpretation. He said the [WTSD] is under TEA requirements, which states that students take the Texas Assessment of Knowledge and Skills (TAKS) test (or assessment) based on the grade they are in, for example:

- 9th graders take the 9th Grade TAKS test.
- 10th graders take the 10th Grade TAKS test.
- 11th graders take the Exit-level TAKS test.

Mr. Anderson stated that TEA requires that all students take the Exit-level TAKS test before graduating high school. He stated in Texas students will not graduate unless they pass the Exit-level TAKS test. (OIG, June 7, 2011, p. 2).

The next heading on this MOR was “State Law Prohibits 11<sup>th</sup> and 12 Graders Taking the Tenth Grade Assessment.” The Assistant Regional Inspector next asked me the following question: “Once a repeat 9th grader has earned enough credits to become an 11th grader, would he/she be allowed or required to take the NCLB AYP 10th grade assessment?” (OIG, June 7, 2011, p. 2). My simple answer to this was, “No.” At that point in the meeting, I felt as though the mood of the auditors had changed. As an educator, I had no reservations about telling the truth to any question they asked. I felt that ethics dictated, both personally and professionally, that I be as direct and truthful in my explanations as is required in the TAC (247.1(b), 2016): “The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character.” This mood change can be contributed to the fact that I just answered their main audit intention of



discovering if the West Texas District was in compliance/alignment with NCLB, the answer being “No.”

After I felt the mood of the audit/interview change after my one-word answer of “No,” they asked for me to explain and documented my reply as:

He stated that [the WTSD] has a structure in place to ensure that students are moved/promoted based on credits earned; and once they are in another grade, they take the “grade appropriate” test for the grade they are in. He also said TEA says that students cannot take the 10th grade assessment if they are classified as 11th or 12th graders. Mr. Anderson said allowing 11th or 12th graders to take the 10th grade assessment would go against state (TEA) law. He also commented that if a student repeats the 10th grade, that student may take the NCLB AYP 10th grade assessment multiple times, because again, they will take the test for whatever grade they are in. [The auditor] asked Mr. Anderson if TEA provided that requirement in writing and if TEA did, requested a copy. Mr. Anderson responded that he would check to see if there is something in writing from TEA and if it were, he would forward a copy to [auditor]” (OIG, June 7, 2011, p. 2).

The next heading on the MOR was, “Students are not always promoted based on credits earned.” The MOR does not state the question, but it does give my reply to the heading as follows:

Mr. Anderson said there may be times when a 9th grader has enough credits to be classified as a 10<sup>th</sup> grader, but the District will not reclassify the student due to the “content” of the classes. Mr. Anderson said [WTSD] takes the “type” of course into consideration before promoting students to the next grade level. We asked Mr. Anderson for examples, or a document describing situations for which a student may have earned

credits but not be reclassified or promoted to the next level. He said he would provide the information. (OIG, June 7, 2011, p. 2).

After the meeting, I provided the USDOE the school district policy, which is described in the next section. Overall, the district, like many other districts in Texas, required particular courses to be completed before passing the 9<sup>th</sup> grade. However, the only requirement above number of credits was a ½ credit of Algebra I. This was far less than the standards of other districts around the state.

The final heading in the MOR from the USDOE in my interview was, “High School Change-in-Placement Forms and Reclassifications” (OIG, June 7, 2011, p. 2). Again, on this report they did not note the question they asked but did write my response to the topic as:

Mr. Anderson said before a student is promoted, he reviews the forms to ensure the student has earned enough credits in the right courses. He said before simply promoting students based on “credits” earned, [WTSD] takes the student’s age and the number of credits into account – and they also look at the cohort the student is in. Mr. Anderson stated about a year ago, (July 2010), he began reviewing Change-in-Placement (CIP) Forms because [WTSD] revised their Reclassification policy, which affected all grades (9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>). He stated the policy says students can be reclassified at two points-in-time during a school year:

- Within the first nine weeks of the first semester and/or
- By the third Friday of the second semester.

He said 12<sup>th</sup> graders and repeat 11<sup>th</sup> graders are different because of graduation; and thus, they can be reclassified, and the CIP Forms can be turned in at any time. He also said the 9<sup>th</sup> grade level is the most repeated class. (OIG, June 7, 2011, p. 3).

The last aspect of this document and element to be considered is the “Conclusion,” which states:

Based on our discussion with Mr. Anderson, we conclude that [the WTSD] did not comply with NCLB and ensure that all students took the NCLB AYP 10th grade assessment before graduating. [WTSD] only ensures that students in the 10th grade take the NCLB AYP 10th grade assessment. All other students take the grade appropriate test for the grade they are in at the time; and before graduating, they must pass the Exit-level test. In addition, [WTSD] did not have a policy or system in place to ensure all students take the 10th grade AYP TAKS test before graduating. (OIG, June 7, 2011, p. 3).

Just two days after my meeting with the USDOE, the same OIG officials called a momentous meeting with top officials of the TEA and the WTSD.

#### **USDOE Calls a Meeting with TEA and the West Texas School District**

On June 9, 2011, at 1:00 PM, the USDOE called a meeting to summarize their findings in the audit of the WTSD. This meeting took place just two days after I provided the USDOE with the fact that the WTSD policy was not in alignment with the federal *NCLB* Act of 2002. The title of this meeting was simply the “USDOE Exit Conference.” I took handwritten notes, one of my co-workers took typed notes, and the WTSD legal counsel provided a summary of the meeting to me in email format. People present in the conference room from the school district included the Superintendent, Chief of Staff, School Board President, school district legal counsel, Chief Financial Officer, Secondary School Director, Director of Secondary Schools, Director of Pupil Services, and me as the Assistant Superintendent of High Schools. The USDOE were represented by three OIG auditors in the room along with their supervisor. On the phone from the Texas Education was a Deputy Commissioner of Education, along with those he asked to participate, as well as state level legal counsel.

The most succinct summary of this meeting came from the legal counsel representing the WTSD. In an email sent to me their attorney outlined several key points. The first was, there were students in the WTSD who had been promoted from 9<sup>th</sup> to 11<sup>th</sup> grade and who were unable to take the 10<sup>th</sup> grade TAKS test. Thus, due to the USDOE interpretation of NCLB requirements that all students must take a federal AYP test, the district was not in alignment. However, due to this issue being caused by state procedures the USDOE included a recommendation to TEA that it “provide adequate guidance to all Texas districts on this issue” (Personal Communication, June 9, 2011, 7:00 PM). The attorney further went on to state:

Bottom line: In not administering the 10<sup>th</sup> grade TAKS to anybody but 10<sup>th</sup> graders, the [WTSD] was following common practice throughout Texas, evidently condoned by TEA to the extent of its instruction to districts who should take the test. USDOE has come up with an interpretation of NCLB that will require a change on who gets tested, not just in [The WTSD], but statewide. (Personal Communication, June 9, 2011, 7:00 PM).

All of the practitioners of the WTSD felt as though the tension was finally going to lift after this meeting. When the USDOE announced that the issues in the district were caused by a misalignment of state law and policy with the *NCLB*, the Superintendent exhaled loudly, and his eyes teared up. The recommendations were for the TEA to make changes at the state level, and the WTSD was directed to test all students in the 10<sup>th</sup> grade test, regardless of the student's ability to move passed 10<sup>th</sup> grade, in the future. I took the USDOE auditors very seriously and began to implement regulatory changes in the district. My insistence that the school district follow the direction of USDOE caused me tremendous difficulties in the year following this meeting.

## **The FBI Exerts Control Over the West Texas School District: Revelations and the First Arrest**

Two weeks before the start of students returning for the upcoming school year, on Monday, August 1, 2011, I went to work at the Central Office of the district where I was the Assistant Superintendent of High Schools. This day started with a district-wide principals' meeting held at the professional development building next to the Central Office. This meeting was conducted like any other principals' meeting for the upcoming school year. The District's Superintendent presented his well wishes for the start of the year, told a joke, and passed the microphone to other presenters. As far as the principals' meetings went, this one was rather short, and I was able to return to the office at mid-morning instead of in the late afternoon. As the Superintendent left the meeting that morning there was a memorable buzz of a rumor spreading that the Superintendent was going to be arrested due to the investigation being conducted by the FBI. Agents of the FBI had been in the schools for months speaking to teachers and administrators. This was not the first time this rumor had circulated, so I gave it little thought. After all, just two months prior, the USDOE auditors had already determined that there was no wrongdoing on behalf of the West Texas School.

Once back at the office, I was called into a meeting with the Chief of Staff. When I arrived at the Chief of Staff's office, the Superintendent was already there, and they were going over some data. I took a seat by the desk the Chief of Staff was sitting behind while the Superintendent paced the office verbalizing his thoughts. The Chief of Staff's office was at the back of the building and had windows facing the rear. I happened to notice a bald, White man looking in through the dirty window. I assumed it was the former Associate Superintendent who had taken a job in a neighboring district but who would often come by to visit. I told the Chief of

Staff I thought I saw the former Associate Superintendent looking through the window, and asked if she wanted me to let him in through the back door. She said it was no problem and that she would let him in.

The Chief of Staff returned to her office looking pale as she entered. Behind her followed four or five agents from the FBI. I could hear other agents outside the office as well as see more agents moving around the windows outside. In short, there was nothing less than a full raid by the FBI taking place as I sat there stunned. I kept my hands visible by placing them palms down on the desk in front of me as the agents began to arrest the Superintendent. The agents were quick about the arrest, and they laughed and joked with each other as they put handcuffs on my boss and emptied his pockets. After cuffing him and on their way out of the office, one of the agents turned to me and laughed with a business-card in hand; he said, “call me.”

The headline in the [West Texas] Newspaper the next day was “*Arrest shocks district; chief of staff in charge*” (Ballinger, 2011, p.1). Just over a year later the FBI published its own press release announcing the incarceration and sentence of the...[Superintendent]. The formal press release from the FBI contained the framework for their continued investigation with the following:

...[Superintendent] abused the trust of the citizens of ... [West Texas]. He illegally manipulated state and federal education statistics, abandoning his duty to properly educate all ...[district] students. He shamefully turned his time and attention to fraudulently obtaining performance-based bonuses for himself. Today, he was held accountable for this breach of trust,” stated United States Attorney ...[name].  
and

...[Superintendent] admitted that in order to achieve his contractual bonuses, he caused material, fraudulent misrepresentations regarding ...[district] accountability to be submitted to the Texas Education Agency and the U.S. Department of Education in order to make it appear as though the district was meeting and exceeding AYP.

and

...[Superintendent] admittedly manipulated ...[district] data by implementing a reclassification program designed to evade 10th grade testing and accountability requirements. Essentially, ...[Superintendent] directed others to reclassify students' grade levels from the 10th grade to either the ninth grade or 11th grade, using partial course credits; require that all transfer students from Mexico be placed in ninth grade, no matter whether they had sufficient credits for the 10th grade year; change passing grades to failing grades in an effort to prevent qualified students from taking the 10th grade TAKS test; and implement course credit recovery programs to help intentionally held-back students catch up prior to graduation. (FBI, 2012).

Upon reading the official United States press release, I found the content surprising. At the time, I was uncertain as to why the former Superintendent would plead guilty to those claims. This arrest and guilty plea caused the USDOE withhold releasing the findings in the "Exit Conference." Rather, they came back to the district with a renewed sense of direction to find the proof of fault to which the Superintendent had plead guilty.

### **USDOE Questioning of the West Texas School District Over Grade Placement**

Just like in the question by the USDOE about awarding credit, the USDOE sent a similar set of questions regarding grade placements in high school. I utilized the same committee and process described in V1 to answer the following questions by the USDOE:

**Q7: Which West Texas policy/procedure describes what should occur if a student's grade level/classification needed to be changed (for example, going from 9th grade to 11th grade)?**

During the 2007-08 school year, EIE(Local) [issued 12/19/2005] the WTSD classified 9 – 12 grade students as follows: 0 – 5 credits: Grade 9, 5.5 – 11 credits: Grade 10, 11.5 – 17.5 credits: Grade 11, 18 – 24 credits: Grade 12. Following these guidelines, students were enrolled at the beginning of the 2007-08 school year into the corresponding grade level depending on the number of credits the student had accumulated to that point, based on EIE(Local). Likewise, at the end of the school year, students were promoted or retained based on the number of credits the student had accumulated to that point (Personal Communication, Feb. 21, 2012, p. 5).

February 9, 2007 memorandum from the Associate Superintendent of Priority Schools and the Associate Superintendent of Secondary Schools to West Texas High School Principals, High School Guidance and Instruction Assistant Principals and High School Registrars authorized the reclassification to Grade 11 of those sophomores who had completed the required number of credits and who had already taken the 10th grade TAKS test.<sup>14</sup> A December 12, 2007 memorandum from the Associate Superintendent of Priority Schools referenced the continued use of the previous year's reclassification procedures (Personal Communication, Feb. 21, 2012, p. 5).

At the end of the 2007-08 school year, EIE(Local) was reissued [8/1/2008] to reflect the following changes to credits, beginning with the freshman class of 2007-08: 0 – 6 credits: Grade 9, 6.5 – 12 credits: Grade 10 (credits and a minimum of .5 credit Algebra I), 12.5 – 18 credits: Grade 11, 18.5 – 26 credits: Grade 12. During the 2008-09



school year, EIE(Local) [issued 8/1/2008] classified 9 – 12 grade students, as follows: 0 – 5 credits: Grade 9, 5.5 – 11 credits: Grade 10, 11.5 – 17.5 credits: Grade 11, 18 – 24 credits: Grade 12. Beginning with the freshman class of 2007–08, the following credits shall be required for each classification: 0 – 6 credits: Grade 9, 6.5 – 12, credits: Grade 10 (credits and a minimum of .5 credit Algebra I), 12.5 – 18 credits: Grade 11, 18.5 – 26 credits: Grade 12 (Personal Communication, Feb. 21, 2012, p. 6).

The procedure of reclassifying students based on the criteria from the previous school year continued. A February 24, 2010, memorandum from Mr. James Anderson, Assistant Superintendent of High Schools to the Superintendent asked for an extension to the timeframe in which the “Request for High School Change in Placement” was to be submitted and approved. The Superintendent granted this request on February 24, 2010. The “Request for High School Change in Placement” form was revised on 9/29/10 to include the Division Assistant Superintendent’s signature, as well as a counselor’s signature. During the 2010-11 school year, the procedure of reclassifying students based on the criteria from the previous school years continued. EIE(Local) policy was reissued (4/20/2011) for purposes of identifying a timeline. This timeline was within the first nine weeks of the first semester and/or by the third Friday of the second semester in which a student may be reclassified to catch up to their cohorts, or for early graduation if the student had completed the required credits (Personal Communication, Feb. 21, 2012, p. 7).

**Q8: What source document (or supporting documentation) was required to be in place when reclassifying a student?**

In order to determine the number of credits a student had accumulated, a number of sources were used when reclassifying a student. Transcripts, audit cards and/or TAKS scores have been the essential data sources in this determination. For school years 2007-08 through 2010-11. Additional resources used include: 2007-08: Promotion and Retention reports from EPISD's Research, Evaluation, Planning and Accountability Department, and Credit listing report run through SASI (Schools Administrative Student Information system). For the years 2008-09: TEAMS query from TS (Technology Services), "Request for High School Change in Placement" form. For the years 2009-10: TEAMS query from TS (Technology Services), "Request for High School Change in Placement" form. For the years 2010-11: TEAMS query from TS (Technology Services), CCRP (College and Career Readiness Planner), "Request for High School Change in Placement" form (Personal Communication, Feb. 21, 2012, p. 8).

**Q9: Who (specific individual or position title) was authorized to initiate the change (prepare the source document)?**

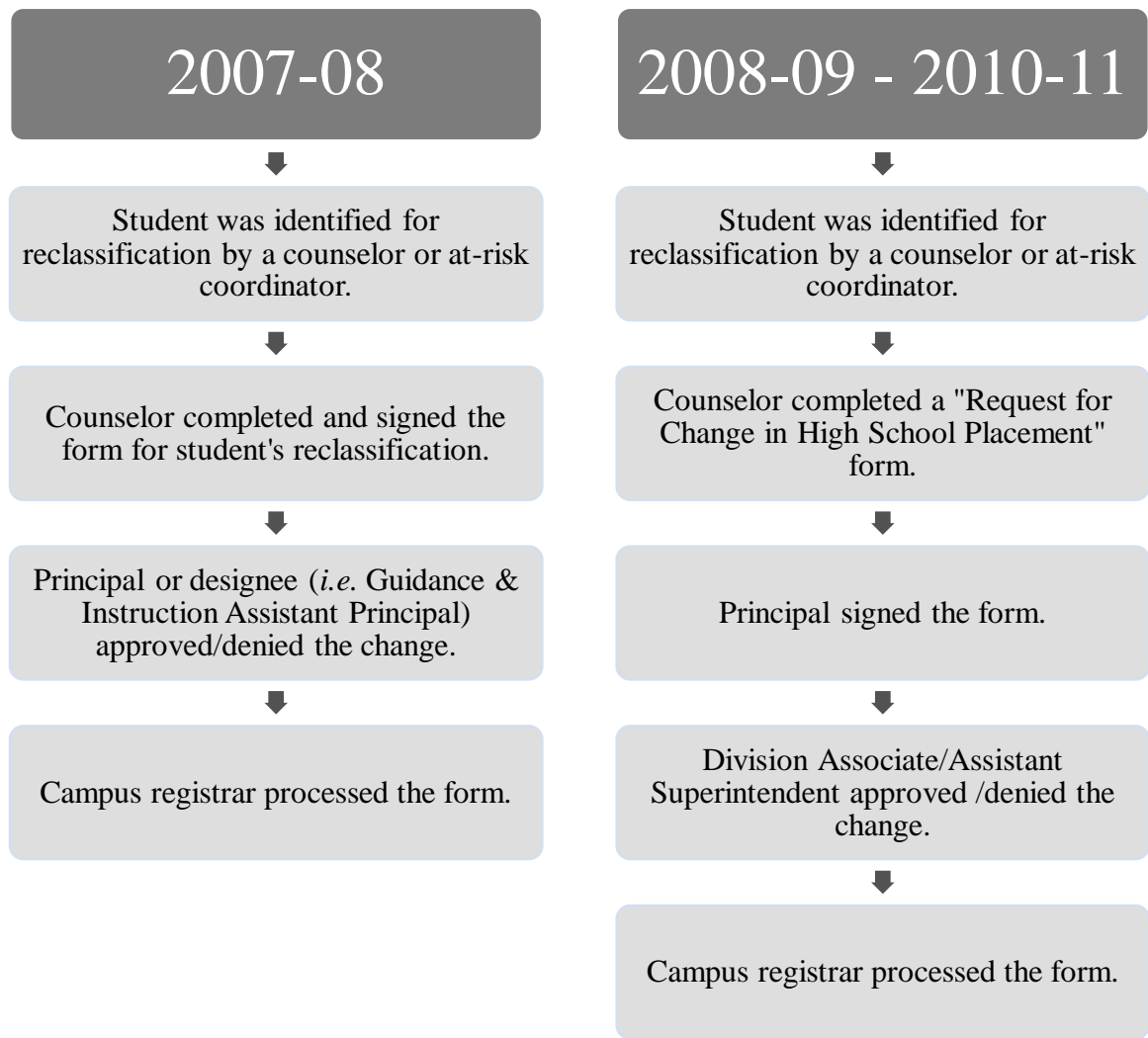
For school years 2007-08 through 2010-11, the campus counselors and/or the Guidance & Instruction Assistant Principals were authorized to initiate the change (Personal Communication, Feb. 21, 2012, p. 8).

**Q10: Whose signature (title positions) were required on the source document?**

Transcripts, audit cards and/or TAKS scores do not require signatures. For the years 2007-08: Principal or Principal designee signature on Promotion and Retention reports and no signature required on the SASI credit listing report. For the years 2008-09: sign-off of TEAMS query from TS (Technology Services) varied by campus and

Principal and Division Associate Superintendent signatures on “Request for High School Change in Placement” form. The years 2009-10: sign-off of TEAMS query from TS (Technology Services) varied by campus and Principal, Counselor and Division Associate/Assistant Superintendent signatures on “Request for High School Change in Placement” form. For the years 2010-11: sign-off of TEAMS query from TS (Technology Services) varied by campus, no signature required on the CCRP (College and Career Readiness Planner), Principal, Counselor and Division Associate/Assistant Superintendent signatures on “Request for High School Change in Placement” form (Personal Communication, Feb. 21, 2012, p. 8).

**Q11: Provide a flowchart of the process of what was supposed to happen when a student needed to be reclassified?**



**Figure 4.3 Student Reclassification**

*Note.* (Personal Communication, Feb. 21, 2012, p. 8).

## **Summary**

In the second vignette, I share my experience as an administrator in the West Texas School District, striving to ensure our grade reclassification policies were robust and transparent. From 2007 to 2011, we followed a clear credit-based framework for student advancement, refining our policies over time to align with state and federal guidelines. Our commitment was to uphold the highest standards of educational integrity. Despite our efforts, an atmosphere of suspicion emerged when the USDOE and FBI launched investigations into the district's practices. This scrutiny came unexpectedly, as we were confident in our adherence to proper protocols. It was during this period of external examination that the superintendent was arrested for matters unrelated to our grade reclassification procedures. This arrest cast a shadow over the district, despite our proven commitment to compliance and accuracy in student placement.

Through these challenges, I witnessed firsthand the dissonance between state and federal educational policies and the local efforts to navigate them. My narrative underscores the complexities of educational administration and the critical importance of sustaining rigorous oversight during times of bureaucratic discord.

### **Vignette Three: From Accused to Exonerated: A Personal Journey Through Adversity**

V3. The third vignette will examine the life experiences of a school administrator faced with a state and federal trial stemming from the misalignment of Texas and federal interpretation of educational law.

#### **The West Texas School District Descends to Turbulence and Confusion**

Two days after the arrest of the Superintendent the school board placed him on administrative leave, three days later the board named the Chief of Staff as Interim Superintendent (Torres, 2012). At first, I felt a sense of relief at having someone from within the

district taking the lead. Traditionally, in any change of superintendents, the cabinet level appointee must be aware they are most likely on their way out. In graduate school when working on my superintendent certification it was often discussed that superintendents often bring in their own cabinet level staff, displacing the sitting cabinet. With the Chief of Staff being promoted, I felt that my displacement would not be considered, since the Interim Superintendent knew about my work and my ethics. After all, this Interim Superintendent was on the interview committee that had hired me for my position. However, the stresses of this new position proved to be too much for the newly appointed Interim Superintendent. The stresses placed on the Interim Superintendent quickly spread to the lower levels of our system (the microsystem), including me and all the principals as the turbulence and confusion in the district grew.

After the arrest of the Superintendent, and despite the USDOE audit clearing the district, the greater system (macrosystem) had a renewed vigor in their investigation into the WTSD. The Interim was constantly asking me for documents I had already provided; often asking for me and the staff around me to rerun reports or produce laws or policy related to our work. Within a few months, it was clear that the Interim Superintendent was working toward placing blame on the lower-level practitioners in the school district. Instead of the normal weekly meetings, a sense of isolation descended as meetings and communications became guarded. I went from being in a position that worked toward the improvement of the District to being in the position of running copies. These copies were always for a different request for one of the larger agencies as they continued their investigation.

One Saturday, the Interim Superintendent called me about some copies of a grade placement form I had provided. There were two copies of the same form. On the first form, I denied the student being raised from the 11<sup>th</sup> grade to the 12<sup>th</sup> grade. On the second form, I had

approved the 11<sup>th</sup> grade student's promotion to the 12<sup>th</sup> grade. She asked me if I wanted one of those forms to be withheld from the USDOE auditors. I asked if the USDOE had requested all forms or just the final form, to which the reply was all forms. I replied without hesitation to give all forms. Confused, the Interim Superintendent asked why I would deny grade placement to immediately change my mind a week later. I had to explain that there had been changes in state policy on which physical education credits counted toward graduation. If a student had taken more than two years of physical education, the extra credits could not be used for graduation. However, if the additional credits of physical education were due to being in athletics, then those credits could be considered for graduation. This difference in two credits made a difference in whether the student could graduate or not. On the first form the physical courses were coded as physical education and on the second form I had had a letter from the school counselor explaining that the physical education courses were actually athletics as such they were coded differently. As an assistant superintendent I did not have access to the same information that a campus principal or counselor would have, and I would often have to seek clarification on information or decisions that were made on the campus.

After this incident, I felt it necessary to discuss course coding with the Lead Counselor and the Associate Superintendent of Curriculum and Instruction. I spent much of my time the next year organizing committee meetings to assist in rewriting course codes to match the PEIMS of the TEA. Policy and procedures were being constantly updated to try and meet the requirements of the USDOE, regardless of the fact that there had been no changes in state policy. Many students who had earned the credits allowing their promotion to the 11<sup>th</sup> grade were denied this promotion due to not taking the 10<sup>th</sup> grade test. At one point, the Assistant Superintendent of Research Evaluation and Testing asked me to sit with the Lead Testing Coordinator and call

TEA about this issue. TEA mandated that I (as the one required to sign the forms), and the district, follow the credit aspect and promote students regardless of the student having taken the federally mandated 10<sup>th</sup> grade TAKS test—I refused. I worked with educational authorities to update course codes and policies according to TEA guidelines amidst federal-state conflicts, documenting in line with state mandates, but I resisted TEA's push to promote students lacking the federally mandated 10th grade test, prioritizing federal adherence over state directives.

### **West Texas School District Denied Help from the Texas Education Agency**

With all the practitioners on edge about every decision on policy that the district had in place, the environment became very toxic. I, as well as those around me, had a feeling of dread when going to work. After months, leading to years of investigation, the Interim Superintendent reached out to the TEA asking for help. The letter written on May 9, 2012, by the Interim Superintendent to the Commissioner of Education of TEA stated:

As you know, [the WTSD] has been the subject of an ongoing audit by the U.S.

Department of Education, Office of Inspector General, since December of 2010. ...The District has also conducted its own internal reviews regarding issues similar to those being audited by the Department of Education, and in this regard, I am enclosing herewith a copy of my letter to [name removed], dated May 9<sup>th</sup>, 2012, in which we are self-reporting the results of work done by the District's internal auditor.

On April 24, 2012, as part of an effort to ensure that the [WTSD] is operating within all applicable state and federal laws, regulations and requirements regarding the education of our students, I announced to our community that I would be seeking Board approval to solicit assistance from the Agency by way of assignment by you of an administrative partner for the District, or such other assistance as you could provide or recommend to



help the District continue to develop and implement improved policies and procedures in regards to issues of student records, credits, classification, and grades. At the Board of Trustees meeting held on May 8<sup>th</sup>, 2012, the Board specifically authorized me to seek such assistance from you.

Accordingly, I am formally requesting that you assign a member of your staff to serve as an ‘administrative partner’ for the District as we work through these issues and seek to ensure full compliance by the District...” (Personal Communication, May 9, 2012, May).

The following is the response from TEA, dated May 31, 2012, in reference to the above letter:

We have carefully reviewed your May 9<sup>th</sup>, 2012, letter in which you requested the Texas Education Agency (TEA) assign a member of its staff to serve as an ‘administrative partner’ for the [WTSD]. As we understand, the purpose of your request is to seek technical assistance to help [WTSD] continue to develop and implement improved policies and procedures in regard to issues of student records, credits, classification, and grades. You explained that such assistance is part of [WTSD] ongoing efforts to ensure that it is operating within all applicable state and federal requirements.

Given that TEA’s roles and responsibilities are regulatory in nature, we encourage [WTSD], as we would any charter or school district, to seek technical assistance and support from appropriate entities, including the regional educational service centers (RESCs). Amongst a variety of services, regional ESCs are established to provide assistance concerning district operations, address professional development needs, and support districts in meeting state and federal accountability requirements. Additionally, should ESC Region [#], in your area, be unable to address certain needs, they may be

aware of and suggest alternative resources to you. A charter and school district may obtain technical assistance and support at any time from entities, as it deems appropriate. We acknowledge and appreciate your leadership in identifying the need of [WTSD] and your efforts to address them proactively...” (Personal Communication, May 21, 2012).

This denial of help from the TEA had direct consequences for the entire district. Within months of this denial, the Interim Superintendent asked to be placed back into the position of Chief of Staff and the district then needed to hire an outside Interim Superintendent. In September of 2012, the School Board appointed a retired administrator with considerable experience in administration and in the local area. With the hiring of an outside Interim Superintendent, I knew it would just be a matter of months before I would be looking for a new job.

### **The Start of the State Take-Over of the West Texas School District**

In August of 2012, the TEA appointed a monitor to the WTSD. The TEA is authorized under TEC §39A.002, §39A.102, §39A.107, §39A.111 that “the Commissioner of Education may appoint a monitor, conservator, management team, or board of managers, as applicable, as the result of findings of a special investigation or as a sanction ordered by the Commissioner of Education” (TEA, n.d.). The following are the different levels of appointments that can be made by the TEA:

- Monitors report to the Texas Education Agency (TEA) on the activities of the board of trustees or the superintendent.
- Conservators oversee the operations of the district and can direct the action of a campus principal, superintendent, or board of trustees.

- A management team directs the operations of a district in areas of insufficient performance.
- A board of managers exercises the powers and duties of the board of trustees (TEA, n.d.).

The first thing the newly appointed monitor in the WTSD did was to set up interviews with the practitioners, starting at the cabinet level. My meeting with the Monitor was on August 28, 2012. The first thing that the Monitor asked me was, “What was your role in the cheating scandal?” (Personal Communication, Aug. 28, 2012). I told the Monitor that I did not believe there was any cheating and provided the Monitor with pages of documentation showing how the district was following the laws and directions of the TEA. I also provided the Monitor with documentation describing how we failed to comply and the accompanying audit that took place. I provided the Monitor with my phone logs showing my communications to different levels of the TEA, including the Deputy Commissioner of TEA, who explicitly told me that I and the district were following the laws of Texas. The Monitor went from being accusatory to being angry; the Monitor’s anger was evident with the tight line of their pursed lips. The Monitor then pushed the copies of the documents away, refused to take them, and walked out of my office. It was clear to me that the monitor was not there to help us, but rather to protect TEA.

After the Monitor walked out, I thought it would be best for me to memorialize this meeting to ensure the Monitor could not say something different that took place during our interaction. Even though the meeting took place in the afternoon, I waited until the evening and sent the following email:

It was a pleasure to meet you and I wanted to thank you for taking the time to discuss the different topics. I did notice that you left some notes behind that we reviewed. I am

attaching all of the notes that we reviewed for your reference. I can understand that your time is valuable, and we did not get to all of the topics or details that related to your questions of me. If I can be of any assistance, please do not hesitate to contact me”

(Personal Communication, Aug. 28, 2012, 7:14 PM).

By attaching all the documents, I made sure the Monitor, and by association the Texas Education Agency, had everything it needed to show that there was “no cheating” in the WTSD. The Monitor replied two days later with one line, “I appreciate your spending time with me; I know there is lots to be done at the start of the school year” (Personal Communication, Aug. 30, 2012, 7:02 PM).

It was a few weeks following this incident, and during a cabinet meeting held by the new Interim Superintendent, that my suspicion about the Monitor was validated. The second Interim Superintendent made a point to look directly into my eyes then into the eyes of the Chief of Staff (who had just recently relinquished the position of Interim Superintendent). After looking into our eyes, he stated with no uncertainty that the Monitor and TEA wanted him to “fire” some district employees with no cause or due process. With all sincerity, the Interim Superintendent stated he would not take orders from the Monitor and would not “fire” anyone without evidence of wrongdoing and without first providing them with due process. It was amazing to see such a strong figure in that seat. However, this refusal of the Interim Superintendent to take the mandates of the TEA Monitor limited the number of days he continued to hold the position.

Just two weeks after the second Interim Superintendent stood up for me and refused to let the Monitor fire me with no due process or evidence that I had done anything wrong, he was removed from his position. The third Interim Superintendent was put in place by the school board on Tuesday, September 25, 2012. This new, third Interim Superintendent seemed ready to accept everything the TEA Monitor would tell him. The following week on October 4, 2012, I was called into this third Interim Superintendent’s office. The third Interim Superintendent was sitting with the Director of Human Resources, and the atmosphere in the room indicated the

impending nature of what was about to take place. Without preamble, the Interim Superintendent conveyed that, based on consultations with the TEA Monitor, it was deemed prudent to place me on administrative leave.

I felt at that point that I had to exhibit fortitude and had nothing to lose with being direct. I told the third Interim Superintendent that he was sending me home on administrative leave without providing me with any reason or due process. I stated that in my position I had an ethical obligation to protect the district and taxpayers even if that meant to protect them from me, and that I would sue the District for the action he was about to take. After some discussion, which I memorialized in a memo to the third Interim Superintendent the following day, I was not placed on administrative leave at that time. The first three paragraphs of that memo are as follows:

This memorandum is written in appreciation to you for taking time to speak to me yesterday, October 4, 2012, and for reconsidering your decision to place me on leave upon listening to my account of events that have transpired over the course of the investigation of wrongdoing at the District. I am grateful that you gave me your personal telephone number and encouraged me to speak to you openly regarding any issues.

Further, this memo serves to summarize what was discussed during our conversation with the hope that it will assist you in your investigation.

Reports filed by James Anderson:

1. Report to TEA Monitor, [name removed]: Upon asking you, [name removed, third Interim Superintendent], if when having spoken to [name removed, TEA monitor] you had read the notes that I had provided her, you responded that you had not. I asked if before you finalized your decision you would allow me to review those notes that I had provided to [name removed, TEA monitor]. I returned to your office at 9:33 a.m. with the said notes. You, [name removed, Humans Resources Director] and I sat at the conference

table and reviewed all documentation that was provided to [name removed, TEA monitor] that shows I had reported to TEA and was, again, reporting to TEA through [TEA monitor]” (Personal Communication, Oct. 5, 2012, p. 1).

That was the start of start of the three-page memo entitled “Summary of October 4, 2012, Meeting.” One other paragraph in that memo that has great relevance to this study is as follows:

The U.S. Department of Education told me that all students must take a 10th grade test. As a result, last year I denied all grade placements that would prevent a student from taking a 10th grade test. Although this goes against local policy, I feel that a directive from USDOE overrides local. This year the State does not have a 10th grade test for repeaters, and I do not know what direction to go. This responsibility has fallen on me even though this should be overseen by Curriculum and Instruction and Guidance Services. I spoke to [name removed] at Region 19 and he was going to try to assist, but he still has not provided an answer. I have addressed this several times with [name removed, Assistant Superintendent of Research Evaluation and Testing] since the direction needs to come from him; nonetheless, the onus still falls on me through [the, name removed, Chief of Staff]” (Personal Communication, Oct. 5, 2012, p. 2).

Shortly after the meeting, the Human Resources Director and I went to lunch together. During this lunch on October 4, he told me that the third Interim Superintendent shared with him that “he almost made the biggest mistake of his career by placing him [referring to me] on administrative leave” (Personal Communication, Oct 4, 2012).

The same evening, Oct. 4, 2012, I was assigned duty at a high school football game. This game was not your typical Friday Night Lights, but rather a rivalry game between of the two biggest high schools in the district and was held at the local college stadium. In the press box,

were board members, political figures, and many of the city's top dignitaries. At this football game, I was approached by one of the sitting school board members. I asked this board member directly if I could speak to him in his official capacity as a board member to which he replied, "Yes." I asked if he knew that the third Interim Superintendent had attempted to place me on administrative leave earlier in the day. Immediately upon arriving home that night, I documented the entire conversation I had with this board member in an email to my attorney. The board member had the following key points in response to the actions of the third Interim Superintendent from earlier that day:

- This came from [name removed, TEA Monitor] and [name removed, Board President]. They both want you removed.
- That [TEA Monitor] had spoken to the board about your removal and I and [other board member] were against it.
- [That] the District was already being sued by someone who did something similar and that the District wants to remove people without any indication of wrongdoing.
- It was stated again, 'This is clearly coming from [TEA Monitor] and [Board President].'
- That [TEA Monitor] was going to get you removed and the [second Interim Superintendent] would not do it, but now that they have [third Interim Superintendent], he would.
- The board member stated: 'This is clearly retaliation,' after referencing the reports that I had made to TEA and to the School Board.
- [That] in the closed session of the board meeting, the Hispanic board members (who held the majority seats) stated: 'All leadership should be brown and how dare TEA

send [TEA monitor, being White] to [West Texas]—that all leadership should be brown like them and the rest of [West Texas],’ indicating that me being white (and not brown) was the sole cause for my removal.

- [That] in closed session it was stated, ‘The new Board President rescinded on the commitment of the former school board president, for the School District to pay the attorney fees of those employees fighting TEA, USDOE, and FBI.’ This meant that all the attorney fees I had already paid to my attorney, at the direction of the Board President and Superintendent, would not be reimbursed. These fees were already in the tens of thousands of dollars.
- He finished the conversation in the parking lot and said: ‘It’s late, let’s go on home. I am glad that you were able to show your documentation and that you were not put on leave and be aware that [TEA Monitor] is after you and if you get a chance tell [fellow employee] that [TEA Monitor] is after her as well and she should get her documentation together. (Personal Communication, Oct. 5, 2012, 12:01 AM).

This one day in time shows a glimpse into the stresses I was under during the *West Texas School District Cheating Scandal*. Two months later in December of 2012, the TEA Monitor was raised to TEA Conservator and the WTSD Board of Trustees was stripped of their power (Anderson, 2016).

### **Final Stand Against the Texas Education Agency as an Assistant Superintendent**

On Oct. 15, 2012, in one of my daily emails summarizing the events of the day to my attorney I documented the following. The third Interim Superintendent in a cabinet meeting stated that:



I'm sure you all read the [news] paper and this is a sinking ship and I am the captain of this ship. If you are causing the ship to sink, then get off. We have to work together and if you're not then get off. I want to warn you... (Personal Communication, Oct. 15, 2012, 8:35 PM).

It was also discussed during this meeting that TEA was bringing in a forensic auditing agency that would start on Nov. 5<sup>th</sup>. Immediately after the cabinet meeting, I was directed to meet the third Interim Superintendent in his office along with the Chief of Staff. In this meeting I was handed a pile of Change of Placement Forms. These forms required a signature from me or someone above me in order for students to go from the 9<sup>th</sup> to the 11<sup>th</sup> grade, thus missing the 10<sup>th</sup> grade federal assessment.

The third Interim Superintendent directed me to sign the forms. I told him that I would not sign the forms due to the USDOE telling me directly that I should not put a student in the position to bypass AYP even if it is at the direction of the State [Texas]. He then told me to follow state policy and to sign the forms. I again refused. He asked if the USDOE had put it in writing to not follow state policy, to which I replied "no," but that I could provide him with a summary provided by the school districts legal counsel stating as such.

I then told the third superintendent, "If you want it in writing the just read *NCLB* standards where it says all high school students should be evaluated for AYP and what you are doing is bypassing it, I don't have the answer but I know the Federal law is above state law and I know what I was told." I told him as the Superintendent and my supervisor, he could sign the forms. The third Interim Superintendent then took the forms from my hand and placed them in the hands of the Chief of Staff and stated, "[Name removed, Chief of Staff] document why you're changing the grade [level] and sign off on it," and the Chief of Staff nodded and complied

(Personal Communication, Oct. 16, 2012, 9:12 PM). In my commentary to myself and my attorney I wrote the following in the same email:

I feel like I am being stuck in the middle and have no answer for this. He [third Interim Superintendent] directed [Chief of Staff] to do what the state would say but I know it is not what Federal says to do.

At the District wide principal's meeting when talking about ethics Mr. [third Interim Superintendent] said to the whole group "Sometimes it's better to ask for forgiveness than for permission when trying to do things for kids...I'll leave it up to you." This is the same thing that [ex-Associate Superintendent] used to say.

After his [third Interim Superintendent] attempted removal of me, then his comment at the district wide principals' meeting, the [third Interim Superintendent's] don't talk to the press speech, and telling [Chief of Staff] to sign off on the grade placements without making the state give direction I feel like [third Interim Superintendent] is not following all of the ethics standards he set out for everyone else. (Personal Communication, Oct. 16, 2012, 9:12 PM).

After this meeting I created and sent a memo to the third Interim Superintendent in which I stated:

As per our conversation on October 15, 2012, regarding grade placements of students who have not taken the 10th grade TAKS test. I informed you that the USDOE gave verbal directions to me that we should not bypass this test and that all students should take a test for AYP at least once in High School. You asked me if the USDOE had given me the directive in writing, which they did not. However, I did inform you that it is part of the NCLB Standards. I am attaching Part A, Subpart 1, Section 1111. (C)(v)(l) of the

Elementary and Secondary Education Act (No Child Left Behind). Specifically, this section provides guidance on Federal requirements of assessments.

In regard to the State requirements, please refer to the highlighted portions of the attached sections of TEA's 2012 Adequate Yearly Progress Guide.

I would like to be certain that any decision [WTSD] makes with regard to testing will be in compliance with the all-applicable laws both Texas and Federal. If a student has earned the credits to be placed in a new grade level thus bypassing the AYP test or unable to take an AYP test and is there further direction that the State or legal counsel could provide. I feel like we do not have a system in place or the correct information to make an appropriate decision for these students who have not taken a High School AYP test. I do not want to put a campus principal at risk of making a poor decision regarding testing. I am looking to you for direction in this matter and will assist in any way that I can help resolve this issue” (Personal Communication, Oct. 17, 2012).

I did not hear much on the misalignment, for the next two weeks as the third Interim Superintendent was trying to set a phone conference with TEA and their legal counsel. On November 1, 2012, at 1:36 PM, I documented the following in an email to myself and attorney:

There was a meeting to call TEA scheduled today at noon. The call was to be in reference to getting directions from the state as how to handle the repeat 10th graders with no test. When I arrived at Mr. [third Interim Superintendent] office his secretary came out to tell me that the meeting was canceled due to [name removed] (R & E) not being able to get in contact with anyone from TEA. As I was leaving, I saw [name removed, Assistant Superintendent of R & E] sitting in [Chief of Staff's] office and he called me in. [Name removed] told me he felt that since we couldn't get ahold of TEA that we should just

move the repeaters up to 11th grade so that they would have a test to take. I told him no and that I did not agree. I told him we need direction from the state as the law shows that students must take a test for AYP.

[Name removed] stated that since there is no test, we should just move them up. I told [name removed] that I heard the USDOE tell TEA that at the state level they must fix it and ensure that there was a test. I told him that we need something in writing from TEA and then we must forward it to the USDOE for approval. He said, "well I wasn't there for the Exit Interview with USDOE, so we need to do something." I told him we need direction as we as a district have been told that we can't skip a test for AYP.

He said, "well do you think we should send it in writing to TEA," to which I replied yes. I showed [name removed] the language from NCLB that shows we must test for AYP in the high school. [Name removed] then said "okay" and left [Chief of Staff's] office. I told [Chief of Staff] that [third Interim Superintendent] wanted me to just move the kids up and that I said no for the reasons just described. I said that I'm not okay with doing anything without TEA and USDOE approval as they don't match in their testing procedures. (Personal Communication, Nov. 11, 2012, 1:36 PM).

On November 8, 2012, I put all of this information in a follow up memo to the third Interim Superintendent. This was what I feel got the wheels turning as it then was addressed with the TEA. The same day I got this reply email: "Thanks for your input. Whatever direction or decision we make will be done in the best interest of students and the [WTSD]. Hopefully, once we get some questions answered by TEA and have a conference call with them [TEA officials] we will know and have better direction" (Email Communication, Nov. 8, 2102, 6:10 PM).

On December 7, 2012, I received confirmation that all of the questions that I had drafted in reference to the state and federal misalignment had been sent to TEA by the Assistant Superintendent of Research Evaluation and Testing. It is important to note that these questions could only be sent to TEA by him as he was the designated official to communicate with TEA on these matters. That same morning, I was called into a phone conference call with five TEA top officials to include the Associate Commissioner of Accountability and Assessment, Director of Student Assessment, Director of Accountability, and Director of Complaints and Special Investigations, and TEA's lead legal counsel. From the WTSD those present were me, third Interim Superintendent, and the Assistant Superintendent of Research Evaluation and Testing. The following is what I documented in an email to my attorney afterwards:

TEA stated: [TEA] talked to the USDOE and said to go ahead and move students up to appropriate grade level even if they had not taken the 10th test or an accountability test previously. [USDOE] stated [to TEA] that if they were moved up at least they would have a test to take. [TEA] acknowledged that during the USDOE exit interview they were told to have a test for accountability for all students and that students should not be promoted without having taken such a test. [TEA] stated that since they don't even know what test and/or grade level will be used in Texas for AYP purposes until 2013 (May) that we need to go ahead and do move ups by local policy and academic level. [TEA] said if you can explain a 9-11 or a 10-11 [grade] move with a straight face then to go ahead and make the move.

I was direct [by TEA to disobey what the] USDOE [had] told them that we must have a 10th test and a test for accountability. The law for NCLB states that. [I told TEA] You

are asking us to violate that based on a conversation you had with USDOE. I asked if they [TEA] had that in writing to which they replied "no." I then asked for the protection of the district if they [TEA] could obtain that in writing from the USDOE before mandating the district to violate Federal Law. I also asked if they [TEA] could accomplish that in a timely manner due to this semester ending shortly. TEA's reply was they would ask the USDOE but did not expect an answer anytime soon as they have been pending answers to questions for over five years. TEA stated that they believe that the 11th grade TAKS test may be used in AYP this year, so it makes sense to move them. [Associate Superintendent for R and E] asked about those who did not qualify to move and will not have a test to take what do they do? TEA stated they just will not have tests to take, and it can affect participation rate and accountability. TEA stated that they will get something [in writing] from the USDOE but do not know when--"no promise that we can get it in time."

That was the end of the call. I will be working on a summary of this call with my notes as well as [Assistant Superintendent R and E] this afternoon to send a summary of our call to TEA.

After the call I explained to [third Interim Superintendent] and [Assistant Superintendent R and E] that we were told by the USDOE, and I had been told by the FBI that we must follow the law. This recommendation by the TEA does not follow the law. [Third Interim Superintendent] asked would I be signing off on things that does not follow the law to which I stated, 'are you asking me to?' He then said 'no,' and that there could be a process put in place that I would not have to sign off on. I recommended that we have our attorney look at the summary of our call with TEA and then send a letter to TEA asking if

what we summarized is correct. Mr. [Third Interim Superintendent] agreed to this first step.

I will then plan on recommending that what decision they ultimately decide to make, go to [TEA conservator] and let her approve it as district policy, so that it is a standard and does put any individual in the district at risk” (Personal Communication, Email, Dec. 7, 2012, 9:08 AM).

The lead legal counsel from the TEA put the following in writing after the phone conference regarding moving students up to 11<sup>th</sup> grade and bypassing federal accountability:

Yes, if the student is correctly classified as a junior at the time the spring TAKS exit level test is administered, he or she is required to take the Exit test” (Personal Communication, Email, Dec. 14, 2012, 8:33 AM).

and

[Name removed], you asked several questions around the proper grade placement and assessment of students in [West Texas] in light of the discussions we have had with OIG and others. We also had similar questions and were able to confer with [name removed] and [name removed] at the US Dept of Ed prior to our telephone call. As we told you on the phone, we were instructed to have districts properly place students in the appropriate grade based on course completion and local policy and then administer the test that is appropriate to that grade. We were explicitly told that it would be inappropriate to administer a test from another grade to a student, including a student who was legitimately promoted from 9th to 11th grade and had not taken the 10th grade test. We agree with that guidance.

There is not a state test available for a student who will be a 10th grader this year after being classified as a 9th grader for the preceding two years due to the phase out of the TAKS assessment program.

[Name Removed]

General Counsel [TEA]” (Personal Communication, Email, Dec. 13<sup>3</sup>, 2012, 2:11 PM).

With my refusal to follow the misguided directives of TEA, the third Interim Superintendent, and the now TEA conservator, I knew my days were limited to stay with the district. On December 14, 2012, I received a letter to my home stating that starting December 17<sup>th</sup>, until further notice I was being placed on administrative leave with pay. With multiple circumstances at play and with advice from legal counsel I decided to resign my position. The district wrote me a letter of recommendation and paid out my contract until the end of its term.

### **The Author’s Arrest**

On Wednesday, April 20, 2016, I received a call from my attorney informing me that I had officially been indicted along with five others in relation to the former superintendent in the district’s Cheating Scandal case. After much discussion with my attorney, he recommended that I turn myself in at the FBI offices in [West Texas] to be formally arrested and processed on Friday, April 22, 2016. I got up that morning and put on slacks, a shirt and tie, and had my wife drop me off at my attorney’s office so that he could take me to surrender myself. I remember my attorney laughing at me for wearing a tie as he said, “you won’t be in the tie long; they are going to have you change into a prisoner jumper for processing.”

My attorney and I arrived at the federal building, and we walked in. The whole time I was preparing myself to spend the weekend in jail before my bond could be set by a judge the



upcoming Monday. By turning myself in the week of indictment, my attorney explained to me that my case would be assigned to what he believed was a fair and reasonable judge. The price I would have to pay to get the fair judge, who was on that weeks' docket, would be sitting in lock-up for the weekend. My attorney approached the federal agent sitting behind a computer and said this is my client James Anderson, and we are here for him to turn himself in. The agent looked me up on the computer and said that he saw the indictment from two days prior and for us to hold on.

After several minutes of watching the agent make phone calls, he called my attorney over. The agent declared that they would not take me in or process me that day. The agent who seemed confused as well said that he "was directed not to process the arrest that day." There was some back and forth between the federal agent and my attorney, but ultimately, we were directed to leave. More than directed, the agent escorted us out of the front office. My attorney, confused about the refusal of the agent to perform his duty and process an indicted person that he clearly had record of, told me "They [the federal prosecutor's office] are playing games." My attorney directed me to take a week vacation while he sorted things out. The attorney told me "I'll see you in my office Monday morning, May 2, to turn yourself in, don't take your phone, don't contact anyone in West Texas, and take this time to yourself."

There were five other administrators (one associate superintendent, one principal, and three assistant principals) also indicted in this case who were directed to turn themselves in the following Wednesday. The five people were promptly taken into custody that Wednesday. My attorney informed me that the five people experienced an unusual surrender. He explained that, after surrendering, they were handcuffed, then marched around the block of the courthouse for the photographers and reporters. The media had been informed of their surrender time prior to

their arrival at the station. The federal agents would pause the administrators for them to be filmed and photographed. My attorney explained that this practice of putting indicted people on a “perp-walk” had not been used in West Texas for almost twenty years.

The local newspaper already had the multipage article written and published on their website by 9:29 a.m. with accompanying video the morning of their arrests. The article titled “5 *Educators Arrested in ... [District Name] Scheme*,” by Martinez and Anderson (2016) included statements pre-made by the FBI such as:

These newly charged [District Name] administrators engaged in criminal conduct and brazen efforts to manipulate testing populations, graduation rates, and attendance figures,’ FBI [... West Texas City] Division Special Agent in [Agent Name] said in a statement. ‘The message should be loud and clear that the FBI, American people, and citizens of West Texas will not tolerate the manipulation and corruption of our public educational system. (p.1).

I followed the directions of my attorney and took time to visit my mother in California. When I turned myself in on Monday morning May 2nd, 2016, I had my belt and shoelaces removed, I was then cuffed and placed into a holding cell. After a few hours the federal agents were ready to escort me outside and take me to the federal building for processing. I was told by my attorney that the delay was so that they had time for the media to set up. Even though they were federal agents and had parking directly in front of the pickup area they decided to park a few blocks away. My attorney explained that they did this so that they could “perp-walk me around”. The agents would make me pause and turn for the media’s photographers and camera people to get their needed footage.

The FBI had used the week that I was out of town to make me into a known and wanted figure in my hometown of [West Texas]. Instead of me being processed and released like the previous five arrests, the U.S. Prosecutors worked to have me confined indefinitely, seeking a denial of bond, and declaring to the judge I was a flight risk. The media was present for each of the two bond hearings I would have in the coming week. The media used quotes from federal prosecutors' statements in their stories such as:

- He was given another opportunity to turn himself in,” ... [Officer Name] said. “If at any time he would have surrendered, we would have gladly taken him in.”
- After Anderson did not turn himself in, FBI agents searched for Anderson at his home, his parent’s home, his workplace at ...[Office Name] Real Estate, his lawyer’s office and they had an ...[District] police officer outside of ...[Name] Middle School, where Anderson’s child attends school, in case he picked up the child, ...[Officer Name] said.
- Anderson’s wife, ...[wife’s name], called ...[Name] Middle because she was concerned about FBI agents being outside of the school, ...[Officer’s Name] testified. [Officer Name] said that FBI agents weren’t at the school and only the ...[District’s Name] officer was looking for Anderson there. “It is clear that Mr. Anderson knew of the indictment and arrest warrant and he did nothing in those nine days,” ...[Prosecutor’s Name] said. “There has been extensive media coverage and his face had been on the front page of the newspaper for several days. He was aware he was indicted and there was an arrest warrant out for him” (Martinez, 2016a, para 24).

Having grown up with TV shows such as *CHiPs*, *Hill Street Blues*, and *Dragnet* I had an idealized view of law enforcement as honest, trustworthy, and honorable people. During my two bond hearings I witnessed both FBI agents and federal prosecutors misrepresent the facts directly

to the judge. The FBI disregarded the fact that it was they who refused to process me when I promptly attempted to turn myself in two days after the indictment. As well as the fact that they did have FBI agents following my son in the hallways of his middle school, and following my wife everywhere she went. Lastly, the fact that my attorney informed the federal prosecutor of the exact time and date I would be turning myself in for the second time.

After spending most of the week in jail (details of which can be the subject of future research) I was released on bond. The United States through the use of the FBI and federal prosecutor's office had succeeded in its efforts to make sure this story was spread throughout the major media outlets in West Texas and throughout Texas. The story was even picked up by national and international media outlets. My picture had been published so much in the media it made it difficult for me to leave the house without fear of being attacked. The media had built me into an evil person that hurt the students/children of their community. The few times I did try and go to the store or to a restaurant I was pointed at and could hear people saying negative and even threatening things about me.

### **The Silent Resolution**

On Wednesday, June 28, 2017, over a year after the arrest, and after three weeks of trial, the federal judge declared a mistrial. Nonetheless, the judge verbalized that he was going to make sure there was a new trial. There were numerous reasons for the mistrial all due to failures on behalf of the U.S. Prosecutor and FBI to disclose pertinent information. At the time of the mistrial, it was declared by the judge and U.S. Prosecutor that there were a few hundred documents withheld from the defense that would be considered "Brady Material." Brady Material can be explained as:

The Brady rule, named after *Brady v. Maryland*, requires prosecutors to disclose material and exculpatory information in the government's possession to the defense. Brady material, or the evidence the prosecutor is required to disclose under this rule, includes any information favorable to the accused which may reduce a defendant's potential sentence, go against the credibility of an unfavorable witness, or otherwise allow a jury to infer against the defendant's guilt. (Cornell Law School, n.d., para.1).

Along with the documents that would be favorable to our defense, the U.S. Prosecutor's office had failed to disclose that a witness who had taken a guilty plea had recanted, stating that they took a guilty plea out of fear and intimidation on behalf of the FBI and/or the U.S. Prosecutor's office. In addition, this witness was refusing to take that stand and testify, and this witness stated those accused were innocent.

In a press release on Sep. 15, 2017, titled "*Prosecution tries to explain what lead to the mistrial of former [WTSD] administrators*," the release explains what the U.S. Prosecutor's office declared were the reasons for the mistrial in a 52-page response that was filed in federal court (Lopez, 2017). The article stated that, "Those administrators, James Anderson, [four names removed], are facing charges related to the 2009 District Cheating Scandal that made national headlines" (Lopez, 2017, para. 2). The news article further explains that the FBI had withheld 51 boxes, multiple compact disks, and more than 11,000 emails from the defense. This shows that four months after the mistrial it was not just a few hundred documents but rather a few hundred thousand documents withheld.

By December of 2017, my attorney was informed that the number of documents withheld was so voluminous that the judge was not going to mandate the typical bate stamping (labeling of the documents), or even that the documents be copied and handed over. My attorney was

given access to two conference rooms full of boxes and he was told could go whenever he wanted to examine the boxes of documents (called discovery in this case). If my attorney wanted a copy of a discovery, he would then have to give it to an FBI agent who would make a copy for him. I explained to my attorney that I believed choosing certain pertinent documents would (1) allow the prosecutor to know what we believed to be relevant and (2) lighten the load for him because it would be very difficult for him to accomplish reviewing all the material. My attorney took this argument to the judge who then allowed me to go without my attorney, to bring my own laptop, scanner, and DVD burner to scan/copy documents as long as an armed FBI agent watched me the entire time. Below is my description in an email to my civil attorney what I was doing:

I've spent the last three days scanning documents. There are two separate rooms with about 80 boxes in total. More disturbing than that is that I've only made it through 5 boxes of scans but in those 5 boxes I found 19 DVD's full of data. Things TEA didn't give us, USDOE items, many, many things they hid from us that helped us. Each box takes about 4 hours. I have not had a chance to go through all the DVDs. Tomorrow is a working day with [criminal defense attorney]. I go to his office at 11. I'll go back to scanning next week.

I scan in an office with an FBI agent staring at me bored out of his mind the whole time—I don't talk. The two male district attorneys [U.S. Prosecutors] are officed right next to the room I'm scanning in. I can hear jokes made about me especially when [lead prosecutor] comes by. It's okay. I feel like Daniel in the lion's den, and I know God is taking care of me. (Personal Communication, Email, Dec. 7, 2017, 9:27 PM).

Throughout the next year I would get a new trial date because there was a new round of documents that the U.S. Prosecutor's office "found," and failed to disclose beforehand. Then another postponement would ensue. In May of 2018, in a back-and-forth email chain to my attorney, we were discussing the multiple releases of documents and disclosures by the federal government. One example is that the FBI agents failed to write up "49 interviews" of individuals until three months after the mistrial, which was seven years after the interviews had been conducted. In the email it states, "It is clear that they [the agents] left out any interview that did not agree with their scheme to go after innocent people" (Personal Communication, Email, 2018, May 23rd). Another key document showed that despite the USDOE doing a full audit and finding that the district complied with state laws; yet, were asked by the FBI to alter their official audit findings to say there was cheating solely due to the guilty plea the FBI garnered from the former superintendent in his plea deal to get his sentence reduced for steering funds to a personal friend—not related to cheating (Personal Communication, Email, May 23, 2018).

There were documents that were handed over in discovery, or that I found when I was scanning documents, which explicitly showed that the FBI used their power and influenced: (a) the TEA—expert witnesses provided by TEA were directed to alter their responses, (b) TEA's legal counsel—they were given directives, (c) TEA top officials, (d) the TEA monitor/conservator assigned to the WTSD, and (e) the Independent Auditing Group that was hired by the district—who had witnesses they interviewed for multiple Educator's Civil Cases (to retain their educator credentials) alter/change their statements. They even went as far as preparing and coaching witnesses who were to be deposed by the TEA, so that their testimony would align with what the agents wanted. All of this can be found in the discovery and backed by correspondence with multiple attorneys. The combination of the amount of discovery, what

the discovery revealed about the actions of the FBI and U.S. prosecutor, and documents showing everything they deemed “illegal” was the result of state and federal policy misalignment. At this point the Feds offered a way out.

The way out was for those being accused, and awaiting a new trial, was to either take a pretrial diversion or wait years for another trial. After considerable discussion with my family and my attorney, it was decided that the first option would put an end to this 10-year long ordeal; I took the pretrial diversion. On July 1, 2019, I signed an agreement for a pretrial diversion where all charges would be dropped after a waiting period of six months (Personal Communication, Pretrial Diversion Statement, July 1, 2019).

*An Order Granting Motion to Dismiss Indictment*, with the following statement: “IT IS THEREFORE OREDED that the Indictment filed on April 20, 2016, regarding Defendant, JAMES ANDERSON be dismissed.” was signed by the federal judge on January 8, 2020 (Court Document, Jan. 8, 2020). This dismissal of all charges did not receive the media exposure of the rest of news stories that involved in the *West Texas School District Cheating Scandal*, and only a few media outlets stated in one or two lines that the charges were dropped. Winning the criminal case was one victory but the method in which it was won did not provide me with a sense of exoneration. It simply showed that charges were dropped, but it did not explain that I was innocent.

An interesting event happened when my charges were dropped. A statement put out by the Department of Justice; Unites States Attorney’s Office of the Western District of Texas stated:

To ensure a fair and equitable outcome for all defendants in the [case number] indictment, our office has also filed joint motions with counsel for co-defendants [3



names removed], requesting the District Court to approve the withdrawal of their previously entered guilty pleas so that they will each receive a similar disposition.

(Personal Communication, Court Document, July 1, 2019).

In a conversation with my attorney, he explained to me that it was unheard of for someone who had already pleaded guilty, and who was only awaiting sentencing, to have their charges dismissed. My attorney explained that the only legal precedent for that was if the “guilty plea” was proven to be in error and if the person was innocent, as in my case.

During the time from 2016 through the dismissal of the federal criminal case against me, the TEA civil case instigated by the TEA monitor/conservator and the Board of Managers appointed by the TEA’s Commissioner, had been put on a stay. This meant that my teacher, principal, and superintendent certifications were put on hold pending the results of the criminal trial. With the charges being dismissed I expected an easy resolution after my civil attorney filed the following motion to lift the stay and other relief. The motion stated:

1. Criminal Matters.

After 7 years of investigation by federal authorities, and indictment, the Federal District Court declared a mistrial based on government misconduct. Mr. Anderson entered into a pretrial diversion and the federal criminal case will be dismissed on Dec. 21, 2019. Mr. Anderson’s pre-trial diversion did not stipulate wrongdoing in matters relevant to the administrative case at bar.

2. Misconduct by investigative authorities including TEA legal counsel.

Following the declaration of a mistrial, Mr. Anderson was given access to FBI investigative materials. He has obtained hundreds of documents demonstrating close participation by TEA’s legal counsel [name removed of 3 TEA attorneys].

[TEA Attorney] and her co-counsel concealed these documents and communications from Respondent's counsel and *made material and false representations to the Administrative Judges that the communications and documents did not exist or had been turned over to Respondent*. The facts of the use of Federal investigative materials and personnel, concealment of these documents, and misrepresentations to Administrative Judges raises additional procedural due process and substantive due process issues for resolution in this matter. The Rulings on several motions to compel and sanctions filed by this counsel should be reviewed and reconsidered. The Ruling in this matter were based on direct misrepresentations by TEA's counsel.

### 3. New Discovery Required.

TEA's counsel withheld thousands of documents including the communications described above *together with all communications among (and between) former TEA employee [name removed] and the US Department of Education, the auditors of TEA, and the FBI*.

TEA promulgated a request for production to Anderson for 'all documents relevant to the allegations' made by TEA against him. Anderson has several hundreds of thousands of documents received from the FBI to be produced to TEA at TEA's cost.

[Mr.] Anderson will now require the deposition of [TEA top official], a resident of Austin, Texas, and resumption of the Corporate Deposition of TEA on the merits [Mr.] Anderson will require the deposition of [TEA's lead attorney] and [another TEA attorney] on the defense of the violation of his substantive and

procedural due process rights. (Personal Communication, Legal Document filed, Dec. 13, 2013).

What proceeded was another grueling battle to prove my innocence. It is common knowledge that there have been people who have won their criminal case just to turn around and lose a civil case over the same topic (i.e., O.J. Simpson). The burden of proof differs greatly from criminal to civil in that:

The burden of proof the prosecution must meet in a criminal case is much higher than the one the plaintiff must meet in a civil case. In a criminal case, the state must prove beyond a reasonable doubt that the defendant committed the crime of which he's been accused. By contrast, a civil plaintiff must merely show that it is more likely than not that the accusations behind the claim are true. This is called the "preponderance of evidence" standard. (Nettles, n.d., para. 6).

At one point during the civil battle my attorney offered the following to the TEA's attorneys:

Please consider the following: If you can show me one violation of a duty by Anderson supported by competent evidence, we might have productive settlement discussions. I know that sounds harsh, but I mean it to sound 'focused.' What I see so far are factually erroneous allegations; misapprehensions about the relevant, applicable policies in place; and a history of your prior counsel engaging, (in my view) in egregious, unethical, manipulative, conduct (Personal Communication, Attorney Email, Mar. 3, 2020).

By May 6, 2020, TEA's legal counsel had just sent over their seventh amended petition of civil accusations against me. The TEA's lead attorney stated to my attorney that the TEA's Commissioner of Education had assigned multiple attorneys to the case against me, and that they

would fight it in court. I proceeded to express my innocence to my attorney and was prepared to go to trial.

On May 8, 2020, just two days after the lengthy, legal exchanges between my attorney and TEA's attorneys—I received several emails from multiple attorneys saying congratulations. Even before my attorney was notified the three other educators who were fighting TEA were told their certifications would be restored. The motion I then received was as follows:

ORDER NO. 5

GRANTING MOTION TO DISMISS

On May 8, 2020, the Staff of the Texas Education Agency, Educator Leadership, and Quality Division filed a motion to Dismiss this case. It read:

The motion is GRANTED, and this case is DISMISSED from the docket of the State Office of Administrative Hearings. SIGNED May 13, 2020 (SOAH, Docket No. 701-16-4126.EC, May 13, 2020,).

After years of relentless pursuit and a seemingly endless journey toward clearing my name, I finally held in my hands the undeniable proof of my innocence. It was an indescribable moment, a mixture of relief, triumph, and vindication. This victory was not just a mere win; it was deeply personal, a cathartic release from the chains that had bound my reputation and sense of self.

However, amidst this triumph, the silence was deafening. As I scoured newspapers and media outlets, not a single article was published to announce my innocence. The stark contrast to the past was palpable. Once, my name had been plastered across headlines nationwide, approximately a thousand stories weaving a narrative of guilt. My case had been the subject of

academic scrutiny, with educational researchers delving deeply into the intricacies of the situation.

And now, when the truth had finally emerged, when justice had swung in my favor, the media that had once been so eager to tell a story, was conspicuously silent. The void left by the absence of a single article proclaiming my innocence was a harsh reminder of the power and responsibility that lies in the hands of those who tell our stories.

### **Summary**

Chapter 4 titled "Facing the Challenges: Navigating Policy Misalignment from Within" delves into the complexities and challenges faced by an Assistant Superintendent of High Schools in a WTSD, as he and practitioners navigate discrepancies between state and federal educational policies. The narrative begins with the introduction of the Assistant Superintendent's career journey, highlighting his steady progression through various roles in education over fifteen years. Each step of his career is marked by successes, earning him respect and accolades. However, a turning point emerges, threatening to disrupt his professional and personal life—and his freedom.

Three vignettes provided a detailed exploration of the conflicts. The first vignette addressed the misalignment between the Texas state regulations regarding high school credit awarding and federal legal expectations, leading to investigations by federal agencies such as the FBI and the USDOE. This story spotlights the West Texas district's struggle with state policy juxtaposed against the backdrop of federal oversight. The second vignette focused on the rift between state and federal accountability concerning student grade placements. The accrediting misalignment spiraled into a criminal investigation, uncovered potential malfeasance, and lead to

the arrest of the district's superintendent on suspicions of manipulating educational data and misusing public funds.

The third and final vignette offered a personal perspective, focusing on James Anderson's experiences as a school administrator. He grappled with the fallout of a legal battle stemming from the conflicting interpretations of Texas and federal educational laws. This account unfolds amidst the vigilant supervision of TAPs and CAMs, emissaries of the Texas Education Agency and federal entities, who meticulously documented compliance through audits and guidance—yet, paradoxically, their overseeing bodies, the Texas Education Agency, the US Department of Education, and the FBI, proceeded as if unaware of the laws and policies these representatives had mandated the WTSD to follow. The vignette emphasized the immense pressure of media scrutiny, public judgment, and the consequences that arose when personal integrity collided with institutional mandates. This chapter called readers to reflect on the power dynamics present in education, the role of the media in shaping public narratives, and the intricate nature of justice within the educational sphere. The last chapter, Chapter 5, presents a summary of the findings, conceptual framework implications, discussion and interpretation, practical implications, recommendations for future research, a reflection on the researcher's journey, and final reflections.

## **Chapter 5: Moving Forward Humbly and with Grace**

Chapter 5 represents a culmination of a deeply personal and academically rigorous exploration grounded by the overarching research question of this study, which is:

**Q1:** What were the experiences of a public-school practitioner when the misalignment between Texas and federal policies resulted in the West Texas School District Cheating Scandal?

The narrative arc of this dissertation pivots around three meticulously crafted vignettes, each serving as a conduit to examine the varied dimensions of the research question. These vignettes, rooted in lived experiences, unveil the complex interplay between federal and state policy frameworks and the practitioner caught in the fallout from the *West Texas School District Cheating Scandal*. The vignettes are presented as follows:

**V1:** This vignette explores the highlights of the misalignment between the federal legal framework and what was present within the state of Texas in the awarding of high school credit, the resulting practitioner and school district actions, and actions taken on the part of the federal government in response to such events.

**V2:** The second vignette shows the differences between federal and state accountability in relation to student grade placement and the resultant attempts to navigate such a situation in the presence of this misalignment.

**V3:** The third vignette examines the life experiences of a school administrator faced with a state and federal trial stemming from the misalignment of Texas and federal interpretation of educational law.

These vignettes extend past simple narrative recounting; they represent the turbulent path that I, as a practitioner, and my fellow educators at the WTSD navigated while attempting to adhere to state and federal educational policies. Each vignette sheds light on different aspects of the disconnect between policy and practice. They serve as the cornerstone from which the in-depth exploration of the research question stems, unwrapping the complexities of the practitioner's voyage through myriad legal and ethical challenges. Through these vignettes a narrative on navigating through a landscape of policy discord, and its consequences, is chronicled in detail. This chapter aims to synthesize the findings, draw meaningful connections to the existing literature, explore the implications on policy and practice, and envisage pathways for future scholarly inquiry.

### **Summary of Findings**

#### **Vignette One: Misalignment in the Awarding of Credit**

**V1:** This vignette explores the highlights of the misalignment between the federal legal framework and what was present within the state of Texas in the awarding of high school credit, the resulting practitioner and school district actions, and actions taken on the part of the federal government in response to such events.

#### ***Macrosystem***

The intervention by federal bodies, the FBI and the USDOE, in the WTSD's (WTSD) educational practices, as detailed in Vignette One, significantly illustrates the influence of the macrosystem. This level, under the umbrella of control theory, orchestrates behaviors and outcomes through U.S. federal laws such as ESEA, NCLB, ESSA, IDEA, ADA, FERPA, and Civil Rights legislation. The narrative highlights the tensions between federal expectations of a "rigorous and quality education" and the local interpretation of Texas Administrative Code



§74.26 (Hickok & Paige, 2002, p. 27). Awarding of Credit and showcasing the inherent misalignments between different systemic levels, the code mentions that "No Child Left Behind is a program which has been very difficult for all schools throughout the nation to implement" (Personal Communication, April 20, 2011). Difficulty controlling the dynamics at play within the macrosystem are apparent. The external scrutiny from federal entities aimed to enforce a standardized educational framework across states, striving for uniformity and adherence to federal laws, thus reflecting the principles of control theory at the macrosystem level.

### ***Exosystem***

The exosystem, in the narrative of Vignette One, explained the administrative actions undertaken by the WTSD as they were under the regulation of the TEA. The District's proactive stance, such as detailing its grade change procedures, reflected an earnest endeavor to align local policies with overarching state edicts, embodying the control dynamics inherent in the exosystem. The detailed process delineated for modifying a student's grade involved myriad procedural steps and the inclusion of stakeholders, unveiled the operational intricacies of adhering to legal standards set by the exosystem as follows: "The Texas Education Code (TEC), §11.2541 sets out minimum requirements for district and campus planning and decision making, that all school districts must satisfy" (Personal Communication, Jan. 12, 2012, p. 15). Rooted in control theory, this exosystem acts as a conduit, bridging macro-level mandates with micro-level enactment. Its attempt at portraying a structured yet adaptive control mechanism failed due to the federal misalignment and the sway it holds over the microsystem. The Texas laws and policies, acting as instruments of control, steered the District's actions, illustrating a nuanced interplay of control across diverse systemic tiers. These laws and policies attempted to ensure congruence

with the broader educational agenda while permitting localized policy interpretations and implementations.

### ***Microsystem***

At the microsystem level, individual practitioners within the WTSD navigated the complex interplay of federal and state mandates while delivering educational services. Through the lens of ethical theory, the actions of the Assistant Superintendent and the committee formed to address the USDOE's inquiries reflected a localized form of control. The narrative asserted, "The committee I formed to help me answer the questions from the USDOE was composed of a diverse group of professionals from the district" (Personal Communication, Jan. 12, 2012, p. 15). This highlights the ethical obligations of practitioners in maintaining transparency and adherence to state and federal regulations during the investigative process. The meticulous process of responding to the USDOE's questions illustrated the microsystem's commitment to ethical practice amidst external pressures. Ethical theory at this level guides educators in translating federal and state policies into tangible educational experiences, demonstrating the crucial role of ethical and professional commitments in shaping the educational landscape at the microsystem level.

### **Summary of Vignette One Findings**

The data analysis from V1 delineated the intricate interplay between federal, state, and local educational policies as experienced through my perspective of an Assistant Superintendent in the WTSD. The findings were articulated through a structured lens of Macrosystem, Exosystem, and Microsystem as outlined in the conceptual framework of this study. Within the Macrosystem, a notable discrepancy between federal expectations of "rigorous and quality education" and the local application of Texas Administrative Code §74.26, concerning the

Awarding of Credit, is evident. This variance exemplifies the larger tension and misalignment between federal mandates and local interpretations, embodying the dynamics of control theory, which orchestrated behaviors and outcomes within the educational landscape.

Transitioning to the Exosystem, the narrative explores how the administrative actions undertaken by the WTSD were directed by the Texas educational authorities. The practitioners attempted to align local practices with broader federal and state mandates. The meticulous process for changing a student's grade unveiled the operational intricacies seen when trying to interrupt the expectations of the Exosystem, as underscored by control theory in adhering to legal standards and policy compliance. At the Microsystem level, the lens narrows down only focus on the ethical deliberations and the professional commitments of educational practitioners within the district. Ethical theory surfaces as a localized form of control, guiding the day-to-day interactions and policy implementations amidst external scrutiny from state and federal bodies. The endeavor to maintain ethical integrity while navigating a complex regulatory landscape highlighted the nuanced challenges faced at this systemic level. The narrative accentuates the ongoing endeavor to uphold educational equity and quality amidst a maze of external scrutiny, regulatory compliance, and the overarching aspiration to act in the best interests of the students and the educational community at large.

### **Vignette Two: Misalignment in Student Grade Placement**

**V2:** The second vignette shows the differences between federal and state accountability in relation to student grade placement and the attempts to navigate such a situation in the presence of this misalignment.

### ***Macrosystem***

The macrosystem is represented by the federal educational policies embodied in the NCLB. The core issue here was the mandate for all students to undertake a federal accountability test between grades 10 and 12, which is seen as a broad policy aimed at maintaining high academic standards across states. The enforcement of NCLB and the subsequent investigation by the USDOE and the FBI signified a macrosystemic attempt to uphold federal educational standards. However, this level also reflected a lack of alignment with the state's (Texas) educational assessment policies, leading to significant tension and legal complications.

### ***Exosystem***

At the exosystem level, the TEA and its policies played a pivotal role. The TEA's guidelines mandated students to take the TAKS test based on their grade level, which contrasted with the federal NCLB requirements. The miscommunication or misalignment between the federal and state educational policies created a challenging scenario for the WTSD, manifesting in the procedural intricacies of student grade placement and assessment. The situation encountered by the WTSD, resulting from the misalignment of state and federal policies, was an issue for any high school across Texas, reflecting a statewide systemic conflict.

### ***Microsystem***

The microsystem encapsulates the WTSD, its superintendent, and other staff navigating through the conflicting directives from the macrosystem and exosystem levels. The District's efforts to align with both federal and state guidelines, alongside the Superintendent's decision to change the course of the investigation by pleading guilty to manipulating data to meet NCLB requirements (after facing unrelated charges) illustrated the microsystem-level challenges, including ethical dilemmas and the pressures involved. The arrest of the superintendent and the

subsequent investigations significantly impacted the District's operational environment, highlighting the direct and indirect consequences of the misalignment on individual educational practitioners and the local educational ecosystem.

### **Summary of Vignette Two Findings**

Vignette two, analyzed through the conceptual framework, unravels a complex scenario stemming from the misalignment between federal and state educational policies. The macrosystem's overarching federal policies, the exosystem's state guidelines, and the microsystem's local practices and experiences intertwined, culminating in legal, ethical, and procedural irregularities. This analysis underscores the imperative for a more harmonized educational policy framework and enhanced communication among federal, state, and local educational entities to foster an environment conducive to achieving educational objectives while mitigating unintended negative consequences.

### **Vignette Three: From Accused to Exonerated: A Personal Journey Through Adversity**

**V3.** The third vignette examines the life experiences of a school administrator faced with a state and federal trial stemming from the misalignment of Texas and federal interpretation of educational law.

#### ***Macrosystem***

The macrosystem, as illustrated in Vignette Three, predominantly revolved around federal-level engagements and procedures, showcasing the cascade of judicial and administrative events that significantly influenced the unfolding legal narrative. A critical juncture at this level was the declaration of a mistrial by the federal judge, triggered by the U.S. Prosecutor and FBI's failure to divulge essential information. The vignette demonstrated the judge declaring that even though there was a mistrial he was going to make sure there was a new trial. There were

numerous reasons for the mistrial—all due to failures on behalf of the U.S. Prosecutor and FBI to disclose pertinent information. This mistrial reflected potential misconduct and a transparency deficit in federal operations, which, in turn, altered the trajectory of the case significantly.

In addition, the rigorous process of scanning boxes of documents under the scrutiny of an FBI agent, as depicted in the vignette, amplified the macrosystem's narrative by emphasizing the amount of federal oversight and the strenuous bureaucratic processes enacted. This procedure is exemplified as follows, “I scan in an office with an FBI agent staring at me, bored out of his mind the whole time-I don't talk...” (Personal Communication, Email, Dec. 7, 2017, 9:27 PM). The control theory facet of the conceptual framework at the macrosystem level is exhibited by the stringent control and oversight exercised by federal authorities during this process, epitomizing the power dynamics inherent in the federal judicial framework.

### ***Exosystem***

Navigating within the exosystem, symbolizing state-level actions, the TEA and the SBOE Certification is central to the experiences of the practitioner. The vignette unveils a level of collusion or cooperation between state and federal entities as indicated when it mentions, “Following the declaration of a mistrial, Mr. Anderson was given access to FBI investigative materials. He has obtained hundreds of documents demonstrating close participation by TEA’s legal counsel [name removed of 3 TEA attorneys]” (Personal Communication, Legal Document filed, Dec. 13, 2013). This revelation underscored the interactions between state and federal authorities, which exacerbated the legal challenges faced by the defense. Applying the control theory at the exosystem level unveils the control mechanisms employed by state-level entities, particularly in manipulating or withholding information to sway legal outcomes.

Furthermore, an analysis of the exosystem uncovered the overarching control the TEA exerted on the case, significantly impacting the course of the legal proceedings. The numerous legal exchanges between the defense and the TEA, as detailed in the vignette, accentuated the exosystem's complex dynamics. Control theory offers a lens to discern the control mechanisms and power dynamics at play, profoundly impacting the case's trajectory and, by extension, James Anderson's quest for justice.

### ***Microsystem***

The microsystem delves into James Anderson's personal tribulations and interactions within the overarching legal battle. Anderson's exhaustive efforts to review documents under stringent oversight are vividly portrayed in the vignette, underscoring the emotional and psychological toll endured throughout this ordeal. The ethical theory from the conceptual framework emerges prominently at the microsystem level, particularly in the moral dilemmas and ethical considerations enveloping Anderson's quest for justice amidst a challenging legal and systemic landscape. The vignette encapsulates this sentiment in its closing note, emphasizing the personal victory and emotional release experienced by Anderson upon the dismissal of charges. This level portrays a poignant narrative of personal struggle, resilience, and ethical quandaries in the pursuit of justice.

Moreover, the microsystem analysis further unveils the ethical dilemmas encircling the actions and decisions of other key stakeholders within the immediate environment, such as the attorneys and TEA officials. The narrative through the ethical theory lens amplifies the ethical considerations that pervade this level, outlining the moral fabric that underpins the individual and collective actions within this legal saga.

### **Summary of Vignette Three Findings**

The data presented in Vignette Three unraveled a complex narrative of legal, bureaucratic, and ethical challenges encountered across federal, state, and personal levels. At the macrosystem level, the federal judiciary's actions, particularly the declaration of a mistrial and subsequent bureaucratic processes, unveiled a narrative of potential misconduct and stringent control. The meticulous process of scanning documents under the gaze of federal oversight highlights the extent of bureaucratic hurdles and control mechanisms inherent in the federal legal framework. This data epitomizes the application of control theory at the macrosystem level, depicting the pervasive control and oversight exercised by federal authorities, significantly impacting the legal trajectory of the case.

At the exosystem level, the state's role, primarily represented by the TEA, emerged as a focal point. The data unveiled a level of interaction between state and federal entities, which exacerbated the legal hurdles faced by the defense. The application of the control theory at this level highlighted the mechanisms employed by state-level entities, particularly in withholding or manipulating information to influence legal outcomes. The exchange of legal motions between the defense and the TEA, as detailed in the vignette, underscored the complexity of state-level dynamics and control mechanisms that profoundly impacted the case's trajectory.

Within the microsystem, the personal trials and tribulations of James Anderson in navigating this labyrinth of legal and ethical challenges are poignantly depicted. The ethical theory noted as part of the conceptual framework is prominently showcased at this level, illuminating the moral dilemmas and ethical considerations that pervade Anderson's quest for justice amidst this challenging legal and systemic landscape. Furthermore, the ethical quandaries encircling the actions and decisions of other key stakeholders within the immediate environment,



such as the attorneys and TEA officials, are also underscored. This level of analysis portrays a poignant narrative of personal struggle, resilience, and ethical quandaries faced in the relentless pursuit of justice. The data at the microsystem level amplified the ethical considerations and moral fabric that supported the individual and collective actions, within this legal account; thereby offering an in-depth understanding of the ethical dimensions examined in the quest for justice.

### **Conceptual Framework Implications**

The conceptual framework developed in this dissertation, control theory, ethical theory, and Bronfenbrenner's ecological system theory, provided a structured analysis of the intricate interplay between various systemic levels in shaping educational policy and practice. By analyzing the interactions between federal laws and agencies, state-level organizations, and individual educational practitioners, this framework served as a valuable tool for future research and policy development. The following sections explore the potential implications that can be derived from using this framework, highlighting how control theory operates at the upper levels while ethics guide the lower levels.

### **Policy Development and Evaluation**

The framework outlines the critical role of federal and state policies in shaping educational practices. Future studies can employ this framework to assess the effectiveness of specific educational policies, examining how they influence, and are implemented, at the microsystem level. In this regard, control theory demonstrates the power vested in federal and state policies, which orchestrate predictable behaviors and outcomes. Researchers can also scrutinize the role of federal and state agencies in molding and supervising educational policies, providing valuable insights for policy development and evaluation. Future policy development

and evaluation must consider granting a measure of flexibility, acknowledging that a universal approach may not suit the diverse contexts and needs of individual educational environments.

### **Role of Localized Governance**

The exosystem, as conceptualized in this study, refers to the localized governing bodies within the Texas government such as the Texas SBOE and the TEA. These entities wield considerable influence over educational settings through mechanisms like the TAC, the TEC, and the SBOE policies and regulations. Under the framework of control theory, their power is granted and moderated by entities such as the Texas Office of the Attorney General, the TEA, and the Texas SBOE. These entities hold legal and sanction power to ensure compliance with state-level policies, thus serving as a vital bridge between federal mandates and local execution of educational policies.

For instance, in August 2012, the TEA appointed a monitor to the WTSD as authorized under TEC §39A.002, §39A.102, §39A.107, §39A.111 “These provisions grant the Commissioner of Education the authority to appoint a monitor, conservator, management team, or board of managers as a result of findings from a special investigation or as a sanction ordered by the Commissioner of Education” (TEA, n.d., para. 1). This appointment can manifest in various forms, such as monitors who report to the TEA on the activities of the board of trustees or the superintendent, conservators who oversee district operations and can direct the actions of a campus principal, superintendent, or board of trustees, management teams that direct district operations in areas of insufficient performance, and boards of managers who exercise the powers and duties of the board of trustees (TEA, n.d.). This example vividly illustrates the power and control exercised by the TEA as an integral part of the exosystem in shaping educational practices within Texas.

Within the context of the Texas Education Agency's (TEA) regulatory measures, the deployment of monitors or similar figures to school districts often aims to enhance adherence to standards and foster improvements. However, there is an academic discourse that suggests these assignments could carry secondary, less transparent objectives. In some instances, these overseers might be tasked, implicitly or explicitly, with identifying culpable parties for perceived educational failings, possibly to satisfy demands from influential external actors. Such a strategy may reflect a tendency toward assigning blame to individual district members as a means of resolving broader systemic issues. This practice resonates with scholarly discussions about the allocation of blame within organizations, a tactic that could potentially overshadow the need for comprehensive systemic reform. The existence of such dual motives in the oversight process compels a deeper examination of the real drivers behind state interventions in public education and their true impact on educational progress.

The significance of localized governing bodies, such as the TEA, in translating federal and state mandates into practical policy is a key component of the framework. Here, control theory is made manifest, with power granted and moderated by entities such as the Texas Office of the Attorney General and the TEA. Future researchers could explore the influence and responsibilities of these localized bodies, shedding light on how they contribute to the shaping of the educational landscapes that directly influence students.

### **Ethical considerations**

At the microsystem level, there are educational practitioners within individual school districts, operating under an ethical framework, such as the Texas Educator's Code of Ethics. In this system, practitioners have the least control but are crucial in terms of their direct impact on students. Ethical theory serves as a localized form of control theory, guiding educators in their

daily interactions with students, parents, colleagues, and policy implementation. Federal and state policies are translated into tangible educational experiences and are shaped by the ethical and professional commitments of individual educators.

However, it is essential for the upper levels of this conceptual framework, wielding control, and power through control theory, to critically examine the ethical frameworks that guide their actions and policies. Ethics at the microsystem level should serve as a reflective mirror for the upper levels, ensuring that their exertion of control and influence adheres to ethical principles that prioritize student welfare and educational equity. This introspection is necessary to create an alignment between the power dynamics dictated by control theory and the ethical considerations that should be at the forefront of educational policy and practice. Ensuring that policies and controls enforced at the upper levels are ethically sound will trickle down to the microsystem level, creating a harmonious and educational environment that is both controlled and ethically guided for the welfare of all of its stakeholders.

### **Impact on Student Outcomes**

The upper levels of the conceptual framework, governed by control theory, can significantly impact student outcomes, both positively and negatively. When these upper levels exercise control through carefully crafted and implemented policies that are in line with educational best practices, student outcomes can improve (TEA, 2023). This positive impact is evident when there is a clear and direct line from federal and state mandates to the day-to-day operations within school districts, ensuring a unified and coherent approach to education.

In contrast, if the upper levels exert control without adequately considering the unique needs of individual districts, schools, or students, the result can be a mismatch between policy and practice. This disconnect can have detrimental effects on student outcomes. For example,

overly prescriptive policies that do not allow for flexibility can stifle innovation and creativity in teaching methods, hindering student learning and progress. Furthermore, if policies are not adequately funded or supported, this can place undue pressure on school districts and educators, ultimately affecting the quality of education that students receive. It is crucial for the upper levels of the conceptual framework to exercise control in a manner that is responsive to the needs of all stakeholders, particularly the students who are the ultimate beneficiaries of the educational system. This balanced approach will ensure that control theory serves as a tool for positive change, rather than a hindrance to student success.

### **Long-term Effects**

The chronosystem (embedded in the macrosystem for this study) in the framework makes it a valuable tool for exploring the long-term effects of educational policies across generations. Here, control theory is at play in shaping educational paradigms, while ethics guide the implementation of these paradigms to ensure they benefit future generations of students. Over time, the educational paradigms established by upper-level policies will become the foundation for subsequent policies, creating a ripple effect that spans generations. This long-term impact highlights the importance of ethical considerations in policy development and implementation, ensuring that they not only meet the current needs of students but also lay a strong foundation for the future. By balancing control and ethics, educational leaders and policy makers can create a sustainable and positive educational environment that benefits both current and future generations of students.

### **Legal Implications**

The exploration of the legal implications embedded within educational policies is a rich and complex area that stands to benefit significantly from the integrated conceptual framework.

Central to this exploration is the recognition of the legal mandates, as part of control theory, play a pivotal role in influencing educational practices and their subsequent impact on student outcomes. The legal landscape, encompassing federal laws such as the ESEA, NCLB, ESSA, IDEA, ADA, FERPA, and Civil Rights legislation, functions as a robust mechanism of control theory, systematically orchestrating behaviors, and outcomes across the educational spectrum.

These laws and federal agencies, derive power from the Spending Clause of the U.S. Constitution, operate in conjunction with the Constitution to establish a standardized framework that governs educational practices (Article I, section 8, clause 1, United States Constitution). Moreover, the implementation and oversight of these laws often involves federal agencies such as the FBI, the USDOE, and the USDOJ, each of which plays a crucial role in shaping the nation's educational agenda. Researchers can explore how these entities synergistically operate to craft an educational landscape that is both progressive and in alignment with the nation's core values of equality and justice.

This inquiry can also extend to understanding how these legal mandates interact with state-level policies and local educational practices, revealing the intricate web of legalities that govern the educational field. Importantly, by employing this conceptual framework, researchers will be equipped with the necessary tools to unravel the complexities of the legal system and its implications on educational policy and practice, ultimately contributing to a more comprehensive understanding of the legal landscape that shapes education in the United States.

### **Summary of Conceptual Framework Implications**

The integrated conceptual framework presented in this study offers a comprehensive view of the various factors influencing educational policy implementation. At the macro level, the use of control theory, as represented by federal laws and initiatives, orchestrates behaviors

and outcomes to shape the nation's educational agenda. The exosystem, focused on state level and localized governing bodies, acts as a bridge between federal mandates and local execution, still utilizing their desired implementation through the use of control. The microsystem, consisting of educational practitioners, operates under an ethical framework that directly impacts students. The integration of these different levels creates a cohesive structure that allows for the examination of policy implementation from multiple perspectives.

Moreover, this framework emphasizes the need for a balanced approach for policy makers to implement effective policies in educational leadership. While control theory plays a crucial role in shaping the educational landscape, ethical considerations must not be overlooked. The ethical framework at the microsystem level serves as a localized form of control theory, guiding educators in their day-to-day interactions with students and the implementation of policies. By prioritizing ethics alongside control, educational leaders can ensure that policies not only comply with legal mandates but also align with the core values and principles that underpin the educational system. This balanced approach is essential for creating a positive educational environment that supports student success and upholds the integrity of the educational system.

## **Discussion and Interpretation**

### **Interpretation of Key Findings**

#### ***Macrosystem Dynamics***

The macrosystem, as illustrated in my study, represents the broadest layer of influence enveloping the educational landscape, primarily driven by U.S. federal laws such as ESEA, NCLB, ESSA, IDEA, ADA, FERPA, and Civil Rights legislation. These legislative frameworks, deriving their authority from the U.S. Constitution, orchestrate behaviors and outcomes across the educational spectrum, embodying the essence of control theory. My findings unveil how

these federal laws, alongside the federal agencies like the FBI and USDOE, wield a significant level of control, setting the national educational agenda and influencing the chronosystem that potentially shapes educational paradigms across generations.

### ***Exosystem Control Mechanisms***

Transitioning into the exosystem, the Texas context uncloaked a more localized sphere of control, embodied by entities such as the Texas SBOE and the TEA. Through mechanisms like the TAC and TEC, these organizations bridge the gap between federal mandates and local execution. My narrative brings to light the intricate control dynamics inherent at this level, moderated by state entities like the Texas Office of the Attorney General, TEA, and the Texas SBOE. The findings underscore the significant role these state-level entities play in ensuring compliance with state policies, acting as a conduit between federal directives and local educational practices.

### ***Microsystem Ethical Dilemmas***

At the microsystem level, the lifeblood of educational practice, the narrative unfolds the day-to-day realities faced by educational practitioners within individual school districts. Operating under the ethical framework of the Texas Educator's Code of Ethics, practitioners at this level arguably have the most direct impact on students, although they possess the lowest level of control. My findings align with the importance of ethical theory as a localized form of control theory, guiding educators in their daily interactions with students, parents, colleagues, and policy implementation. This level elucidates how federal and state policies are translated into tangible educational experiences, shaped by the ethical and professional commitments of individual educators.



### ***Interplay of Systemic Levels***

The intricate interplay between the macrosystem, exosystem, and microsystem narrates a complex tale of control dynamics, ethical deliberations, and policy implementations. The disparities between federal expectations and local interpretations underscore a notable tension, often challenging the practitioners' adherence to overarching legal frameworks. Through the lens of control theory, the narrative delineates how control dynamics manifest across different system levels, orchestrating a wide array of behaviors and outcomes. Furthermore, the findings accentuate the pivotal role of ethical theory at the microsystem level, guiding practitioners in navigating the complex landscape of educational policies while striving to uphold the ethical integrity of educational practice. This interplay crafts a nuanced narrative, enriching the understanding of the multifaceted educational landscape amidst a complex web of policy frameworks and ethical considerations.

### **Comparison with Existing Literature**

The dissonance between federal and state educational policies, although not novel, acquired a greater, and nuanced, understanding through my autoethnographic lens. While the existing literature explored the theoretical realms of policy misalignments, my narrative brought to life the real-world implications of these misalignments for practitioners and students. The application of control theory in understanding educational governance resonated with broader academic discourses; yet my narrative added a layer of practical insight into how these control dynamics manifest in real-world educational settings.

Similarly, ethical theory emerged as a pivotal framework in understanding the practitioner's role at the microsystem level, echoing the sentiments of existing literature on ethical practices in education. However, my narrative, intertwined with the Texas Educator's

Code of Ethics, enriched the understanding of how ethical considerations guide day-to-day interactions and policy implementations, bridging the theoretical postulations with practical realities.

### **Policy Implications**

The misalignments unearthed through my exploration underscore a pressing need for a more harmonized federal and state educational policy framework. The findings indicate a need for a streamlined policy landscape that can foster a conducive environment for achieving educational objectives while ensuring compliance at both state and local levels. The narrative underscores the potential for fostering a collaborative milieu between federal, state, and local entities, aiming to mitigate the challenges stemming from policy interpretation and discord.

Moreover, the state-level governance, embodied by the TEA and the Texas SBOE, emerged as pivotal entities in guiding and supporting local districts. The narrative underscores the need for stronger collaboration between state and local entities, advocating for a more inclusive and supportive approach to policy implementation and compliance. This aspect of the findings accentuates the potential for enhancing operational effectiveness and policy adherence within local educational settings.

### **Theoretical Contributions**

The application of control theory in dissecting the control dynamics across the macrosystem and exosystem provided a structured lens to discern the intricacies of educational governance. This theoretical endeavor resonated with broader academic discourses, yet added a fresh perspective on how control dynamics manifest in real-world educational settings. The narrative also hinted at the potential for further research and discussions around control dynamics in educational settings, bridging the theoretical with the practical.

On the other hand, ethical theory emerged as a beacon guiding the practices and interactions of educational practitioners at the microsystem level. Through the lens of the Texas Educator's Code of Ethics, my narrative underscored the indispensable role of ethical considerations in shaping educational practices. This theoretical excursion not only enriched my understanding but also contributed to the broader discourse on ethics in educational administration, advocating for a stronger emphasis on ethical considerations in policy implementation and educational practice.

### **Summary of Discussion and Interpretation**

The synthesis of insights from my autoethnographic exploration and policy analysis unveils a rich tapestry of experiences, challenges, and learnings. The narrative reiterates the potential for fostering a more harmonized and supportive educational policy landscape, extending beyond the confines of the WTSD. The broader implications of the findings beckon educational practitioners and policymakers to reflect upon, and navigate, their own policy landscapes through a nuanced understanding of the intertwined control and ethical dynamics at play.

The final remarks encapsulate a journey of personal and professional growth, a relentless quest for justice, and a deeper understanding of the complex interplay between federal, state, and local educational policies. Through the integrated lens of control and ethical theories, my narrative advocates for a more coherent educational policy framework that aligns federal, state, and local mandates, fostering a conducive environment for ethical discourse and positive action within the educational landscape. The quest for a more harmonized educational policy landscape continues, fueled by the learnings and insights gleaned from this in-depth exploration into the intricacies of educational policy and practice.

## **Practical Implications**

### **Transitioning from NCLB to ESSA**

The shift from the *No Child Left Behind Act (NCLB)* to the *Every Student Succeeds Act (ESSA)* marked a notable change in the US education policy landscape, moving towards greater state control and less federal oversight. According to Cornell Law School (2017), this change allowed states more freedom in creating accountability systems and addressing issues in struggling schools. However, with this increased autonomy comes the responsibility of states to ensure equal educational opportunities, a core focus highlighted by Cook-Harvey et al. (2016). The potential of ESSA to improve educational equity largely hinges on state policies and how well they are implemented. There is a persisting misalignment between the federal aspirations for equity and the state's capacity or willingness to prioritize it.

As the *ESSA* era began, there was a call to learn from the experiences of *NCLB* to make better policy decisions moving forward. Richmond (2016) emphasized looking back at the results of past policies to avoid repeating the same mistakes. Despite the transition to *ESSA* aiming to correct past misalignments, some tensions between federal and state responsibilities remain. While states enjoy more autonomy under *ESSA*, certain federal requirements are retained, creating challenges for states, and maintaining a level of misalignment between state and federal law (Cornell Law School, 2017). This misalignment is significant as it can hinder the effective implementation of policies aimed at promoting educational equity and improving school performance. The lingering misalignment underscores the importance for practitioners to be aware and seek understanding concerning what makes up these misalignments.

## Legal Protections Provided to Educators

The legal frameworks surrounding the educational sphere significantly shape the operational dynamics of schools while delineating the professional liabilities of educators. Understanding these legal protections, as encapsulated in acts such as the *No Child Left Behind Act (NCLB)*, the *Every Student Succeeds Act (ESSA)*, and the *Paul D. Coverdell Teacher Liability Protection Act of 2001*, is imperative for educators. This understanding allows them to navigate their professional responsibilities adeptly while minimizing personal liability. The *ESSA*, which replaced the *NCLB*, primarily aims to ensure equal educational opportunities for all students, while also focusing on Educator Equity to ensure that all students have access to effective educators (Education Week, n.d.). Alternately, school board members must be knowledgeable about these laws to formulate and implement policies that comply with state and federal regulations, thereby fostering a conducive environment for both teaching and learning.

On a broader spectrum, state and federal governments bear the responsibility of crafting, amending, and enforcing legislation that molds the educational landscape. A profound comprehension of existing legal protections for educators is critical for these governmental bodies to assess the adequacy and efficacy of current laws, and where necessary, amend them to better support educators and educational institutions. For instance, the shift from *NCLB* to *ESSA* was a federal initiative to address various educational concerns and provide more flexibility and support to states and educators (U.S. Department of Education, n.d.). Being well-versed in the legal protections afforded to educators, government entities can engage in informed policy-making and legislative processes that not only uphold the rights and responsibilities of educators but also align with the broader objectives of national education policy. Through this informed

lens, government bodies can better contribute to creating an educational environment that is legally sound, equitable, and conducive to the holistic development of every student.

### **Immunity Provisions of the NCLB/ESSA and the 10<sup>th</sup> Amendment of the United States**

In Section 1001 of (NCLB) [and subsequently in ESSA], Congress decreed that the purpose of the act was to hold schools, local educational agencies, and individual states accountable for improving academic improvement for all students. However, Congress expressly considered whether it would give jurisdiction to the federal courts to enforce violations of the act and specifically declined to give the right of enforcement to the executive branch and to the courts. This is perfectly aligned with the constitutional fact that education is a power that is reserved to the states, and that legislation, such as NCLB, is only permitted under the so-called tax and spend clause of the United States Constitution (Article I, section 8, clause 1, United States Constitution).

In recognition that education is a power reserved for the states, and that the Federal Government's power over the states is limited (to when the Spending Clause Legislation is concerned) NCLB has immunity provisions that preclude criminal sanctions against individuals. Under Sec. 2363 of NCLB, the term "teacher" includes teachers, instructors, principals, and administrators. Section 2366 articulates that except for specific exceptions listed in subsection b, teachers and administrators cannot be held criminally liable for any harm caused by an act or omission conducted on behalf of the school. (NCLB) provides the following:

#### ***Section 2366, Limitation on Liability for Teachers***

(a) Liability Protection for Teachers-Except as provided in subsection

(b) no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if:

- (1) the teacher was acting within the scope of the teacher's employment or responsibilities to a school or government entity,
- (2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school,
- (3) If appropriate or required, the teacher was properly licensed, certified or authorized by the appropriate authorities for the activities or practice involved in the State in which the harm occurred, where the activities were or practice was undertaken with the scope of the teacher's responsibilities,
- (4) The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher, and
- (5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle, vessel aircraft, or other vehicle for which the State requires the operator or owner of the vehicle, craft, or vessel to:

(A) Possess an operator's license; or

(B) Maintain insurance.

### ***Exceptions To Limitations on Liability***

(1) IN GENERAL-The limitations on the liability of a teacher under this chapter shall not apply to any misconduct that:

(A) constitutes a crime of violence (as that term is defined in section 16 of Title 18, United States Code) or act of international terrorism (as that term is defined in section

2331 of Title 18, United States Code) for which the defendant has been convicted in any court.

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court.

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

There are no criminal sanction provisions anywhere in the NCLB Statute. If Congress had intended for the legislation to have criminal sanctions, it could have included such sanctions. Instead, Section 2366 (of NCLB) has express limits on the criminal liability of teachers with the exception of violent offenses, sexual offenses, and for violations of civil rights laws (Perez, 2018).

### **The Tenth Amendment [Should] Prevent Federal Prosecution**

*“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”* (The Tenth Amendment).

The Constitution clearly states that the federal government possesses only those powers delegated to it by the United States Constitution. All remaining powers are reserved for the states or the people. This is the essence of federalism. The powers granted to the federal government are called the enumerated powers. Included in these are the right to go to war, enter treaties, coin money, levy taxes, regulate commerce, and maintain the armed forces (Perez, 2018). Of clear importance to this case study is that the United States Constitution grants no authority over education to the Federal Government. Education is a power reserved to the States or to the people (Perez, 2018).



## **Paul D. Coverdell Teacher Liability Protection Act of 2001**

On February 13, 2001, a bill was presented to the United States Judiciary Committee, the bill would come to be known as the Paul D. Coverdell Teacher Liability Protection Act of 2001.

Some key excerpts from the bill are as follows:

### **SEC. 15002. FINDINGS AND PURPOSE.**

(a) Findings. --Congress makes the following findings:

- (1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students are deterred and hindered by frivolous lawsuits and litigation.
- (2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.
- (3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.
- (4) Providing teachers, principals, and other school professionals with a safe and secure environment is an important part of the effort to improve and expand educational opportunities.
- (5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the scope of the problems created by the legitimate fears of teachers, principals, and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

(B) millions of children and their families across the Nation depend on teachers, principals, and other school professionals for the intellectual development of children.

(b) Purpose. --The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment (S.316-Pual D. Coverdell Teacher Liability Protection Act of 2001).

It would be a near impossibility for an educator to keep up with all policy and legal changes that take place in our current bureaucracy. Education law is so specific that there are only a handful of specialized educational attorneys in Texas. Large school districts have the luxury of creating departments to try and keep up with the changes. In the WTSD they have Human Resources, Curriculum and Instruction, Limited English Proficiency, Pupil Services, and Testing and Special Education Departments, as well as others, to keep up with the ever-changing policies and laws. Smaller districts in the state of Texas may not have the financial capacity to keep up with multiple departments and must rely on information coming from their Regional Service Centers or from the TEA.

When dealing with employment situations in education it is possible that many traditional attorneys have never heard of the above statutory/qualified immunity. Currently, there is abundant research being done on qualified immunity for law enforcement, prosecutors, and judges. However, no research appears to exist on the topic of federal and state immunity granted

to educators. Furthermore, educators may not know of the Paul D. Coverdell Teacher Liability Protection Act of 2001.

### **Texas Teacher Immunity Clause**

Texas incorporates the aforementioned law and put it into its education code as follows:

Sec. 22.0511. IMMUNITY FROM LIABILITY. (a) A professional employee of a school district is not personally liable for any act that is incident to or within the scope of the duties of the employee's position of employment and that involves the exercise of judgment or discretion on the part of the employee, except in circumstances in which a professional employee uses excessive force in the discipline of students or negligence resulting in bodily injury to students.

(b) This section does not apply to the operation, use, or maintenance of any motor vehicle.

(c) In addition to the immunity provided under this section and under other provisions of state law, an individual is entitled to any immunity and any other protections afforded under the Paul D. Coverdell Teacher Protection Act of 2001 (20 U.S.C. Section 6731 et seq.), as amended. Nothing in this subsection shall be construed to limit or abridge any immunity or protection afforded an individual under state law. For purposes of this subsection, "individual" includes a person who provides services to private schools, to the extent provided by federal law.

and

Sec. 22.0515. LIMITATION ON DAMAGES. The liability of a professional employee of a school district or of an individual that is entitled to any immunity and other protections afforded under the Paul D. Coverdell Teacher Protection Act of 2001 (20

U.S.C. Section 6731 et seq.), as amended, for an act incident to or within the scope of duties of the employee's position of employment may not exceed \$100,000. The limitation on liability provided by this subsection does not apply to any attorney's fees or court costs that may be awarded against the professional employee under Section 22.0517.

For the practitioner in the state of Texas, it is important to note some of the expectations. The first is that motor vehicle incidents are excluded. It is common that teachers, coaches, and administrators are tasked with driving students to events. While performing these job-related responsibilities involving motor vehicles, educators place themselves at great liability risk. The second to note is the \$100,000 threshold of liability. Many educators would not be able to afford the attorney fees, let alone the liability of \$100,000. Joining a teacher and/or administrator association can be of great help in mitigating this burden given the insurances they can provide. However, insurance companies will typically do their best to limit their liability in paying out on their insurance policies. Being a member of multiple organizations when practitioners undergo the process of filing claims, practitioners' reimbursements can be drastically reduced, as they are often able to get less than 10% of what they pay out in attorney fees alone. Furthermore, practitioners often do not receive the bulk of the insurance payout until some time has passed following the resolution of the legal case.

### **Recommendation to Practitioners to Save Data**

Good documentation is a cornerstone of professional practice for educational practitioners. It serves as a concrete record of decisions, actions, and interactions, which is crucial for transparency, accountability, and continuous improvement. In the complex and often litigious environment of education, having meticulous records can provide indispensable

protection. For instance, in cases where decisions are questioned or challenged, either legally or within the organizational hierarchy, having detailed documentation can provide a clear and factual basis upon which the practitioner's actions can be understood and justified.

Understanding the motivations behind actions is particularly pivotal in legal contexts, as discerning whether there was an absence of criminal intent—referred to as *mens rea*—can be crucial.

Moreover, documenting the rationale behind decisions is an integral part of this process. It not only provides a clear narrative of the thought process and the considerations that led to a particular decision but also demonstrates the practitioner's adherence to ethical, legal, and organizational guidelines. In adverse situations, such documentation can serve as a robust defense against accusations of misconduct or negligence, showcasing that decisions were made with a clear, well-intentioned, and rational basis. Additionally, it aids in self-reflection and professional development, enabling practitioners to review and learn from past decisions in a constructive manner. In a broader sense, this habit of thorough documentation, coupled with a clear elucidation of the rationale behind decisions, fosters a culture of openness, reflective practice, and legal prudence within the educational setting.

### **Systematic Daily Documentation Approach for Educational Practitioners**

#### **1. Establish a Routine:**

- Begin each day by reviewing your digital calendar for meetings, tasks, and deadlines.
- Allocate a specific time, preferably at the end of your workday, to update your daily log and documentation.

#### **2. Daily Logs:**

- Maintain a daily log to record your activities, decisions, conversations, and observations throughout the day.
- Include date, time, individuals involved, and the essence of discussions or decisions made.
- Use a digital note-taking app or a dedicated software that allows for easy entry, search, and organization of daily logs.

### 3. Digital Calendar:

- Utilize a digital calendar to schedule meetings, deadlines, and important events.
- Include detailed descriptions, agendas, and attendee lists in the calendar entries.
- Set reminders for upcoming meetings or deadlines to stay on track.

### 4. Email Documentation:

- Create a private email account specifically for documentation purposes.
- Send daily logs, calendar updates, and other important documentation to this private email at the end of each day.
- Organize emails into folders by categories such as 'Daily Logs', 'Meeting Agendas', 'Training', etc., to keep things organized and easily retrievable.

### 5. Saving Important Documents:

- Save critical documents, such as action plans, meeting minutes, and training materials, to a secure cloud storage service.
- Organize documents into folders and sub-folders with clear naming conventions for easy retrieval.
- Maintain a backup of important documents in a secure external hard drive.

### 6. Privacy and Security:

- Ensure the privacy and security of your documentation by using strong passwords and enabling two-factor authentication on your email and cloud storage accounts.
- Avoid sharing sensitive or personal information in your documentation. This documentation, if ever shared, should be reviewed and scrubbed of private data.

#### 7. Review and Update:

- Regularly review and update your documentation to ensure its accuracy and completeness.
- Archive outdated or irrelevant documents to maintain a clean and organized documentation system.

#### 8. Legal Compliance and Ethical Consideration:

- Abide by the legal and ethical guidelines related to documentation and privacy provided by your district and state.
- Consult with legal or professional advisors if unsure about documenting certain information.

This systematic daily approach will help educational practitioners keep thorough and organized documentation, which can be crucial for reflecting on practice, demonstrating compliance, and providing evidence in case of disputes or legal inquiries. Moreover, having this documentation accessible through private email ensures continuity and access to important information beyond one's tenure at a particular school district.

### **Recommendation to Practitioners to Be Aware of Possible Misalignments**

The complexity of educational policy landscapes, marked by a dynamic interplay between state and federal directives, demonstrates the need for understanding on the part of practitioners. Navigating policy terrains effectively is dependent upon a thorough awareness of

potential misalignments that may arise, thereby affecting the implementation and adherence to stipulated guidelines. This section reveals several key areas where such misalignments may manifest, offering practitioners a compass in their endeavor to align instructional and administrative practices within the governing legal and policy frameworks.

**1. Awarding of High School Credit:**

Differences in the awarding of high school credits between state and federal guidelines could engender conflicts. As illustrated in Vignette One, practitioners should remain abreast of these distinctions to ensure compliance and to preempt any policy misalignment.

**2. Student Grade Placement:**

The criteria delineating student grade placement may exhibit variations between state and federal policies, as explored in Vignette Two. Understanding and navigating these differences is pivotal in averting legal or ethical dilemmas.

**3. Standardized Testing and Accountability:**

The pressures surrounding standardized testing and accountability often form a nexus of misalignment between state and federal policy frameworks. Practitioners should acquaint themselves with the stipulations and expectations set forth by both federal and state governance levels to prevent infractions.

**4. Legal Protections Provided to Educators:**

It is paramount that educators familiarize themselves with the legal protections accorded under both state and federal laws, especially when maneuvering through policy misalignments.



**5. Dropout Rates and Their Implications:**

Disparate criteria or expectations between state and federal policies in computing and reporting dropout rates necessitate an informed understanding and strategic navigational approach.

**6. Special Education Services:**

Provisions for special education services may exhibit nuanced differences between state and federal laws. Awareness and adherence to these variances are indispensable to ensure compliant service delivery.

**7. Programs for First-Time and Repeat Ninth Graders:**

Programs targeting this demographic may fall under diverging guidelines between state and federal policies, necessitating an alignment to foster a conducive learning environment.

**8. Professional Development and Certification Requirements:**

The requisites for professional development and educator certification may harbor misalignments, urging practitioners to continuously update themselves on the evolving requirements from both governance echelons.

**9. Limited English Proficiency (Emergent Bilingual):**

Provisions and support structures for students identified as Limited English Proficient or Emergent Bilingual may vary, requiring practitioners to ensure that the educational needs of these students are met in compliance with both state and federal guidelines (National Association for Bilingual Education, 2020).

#### **10. Title IX Areas:**

Compliance with both federal and state mandates governing gender equality in education is crucial to ensure an equitable educational environment.

#### **11. Other Areas:**

Other potential areas of misalignment could include school funding, curriculum standards, teacher evaluation systems, and school safety protocols, among others. These domains warrant a thorough exploration and understanding to ensure compliance and to promote an inclusive and conducive educational ambiance.

In summarizing these potential areas of misalignment, it is imperative to note that this list is not exhaustive, given the ever-evolving nature of laws and educational policies at both the state and federal levels. The dynamic legal and policy landscape necessitates a continual effort on the part of practitioners to stay updated and adapt to new changes and interpretations. This compilation serves as a foundational guide, aiding practitioners in the formulation of informed strategies to navigate the often intricate and multifaceted educational policy terrains. The explanation of these domains underscores the imperative for robust awareness and a proactive approach in aligning educational practices with the existing legal and policy frameworks, thereby fostering a conducive and compliant educational environment. This proactive stance not only augments the efficacy and legality of educational practices but also underscores a commitment to providing a high-quality, equitable educational experience for all stakeholders involved.

#### **Recommendation to Exosystem and Macrosystem**

It is a recommendation that key organizations within the exosystem and macrosystem, specifically the Texas Education Agency (TEA), Texas State Board of Educator Certification (SBEC), the Federal Bureau of Investigation (FBI), the United States Department of Education

(USDOE), and the United States Attorney Office (USAO) undertake a thorough and ongoing review of their ethical policies and guidelines. This review should be grounded in the context of the substantial influence these bodies hold over the educational landscape, acknowledging their pivotal role in shaping policy at both state and federal levels. The aim is to ensure that their policies not only adhere to legal requirements but also robustly encapsulate ethical considerations reflective of the diverse needs of students and educators across various contexts. Such a review process should be transparent, inclusive, and reflective, taking into account the direct and indirect impacts of policy decisions on the microsystem level, particularly on the day-to-day learning environment, the effect on educators, and the experiences of students. By integrating this level of ethical scrutiny and responsiveness into their policy-making and evaluation processes, the bodies that have the most control and power can better align their actions with the goal of fostering an educational system that is not only compliant and efficient but also deeply rooted in ethical principles, ultimately enhancing the educational experience and outcomes for all students.

### **Recommendations for Future Research**

The interpretation of the intricate interplay between legal frameworks, educational policies, and practitioner experiences in this study opens the doors to a multitude of research pathways. This section delineates various directions that future research endeavors could adopt to delve more deeply into the realms of educational policy implementation, legal protections for educators, and systemic pressures leading to testing irregularities. Moreover, it explores the potential extension of the conceptual framework employed in this study to other fields such as medical or city and local governments.

#### **1. Expanding Legal Framework Analysis:**

The investigation into federal and state legal frameworks governing educational practices, particularly in Texas, lays the foundation for a broader comparative analysis. Future research could encompass a comparative study of different states or even countries to discern how varying legal frameworks impact educational equity, accountability, and practitioner liability. Such comparative analyses could unveil unique challenges and best practices conducive to fostering a supportive educational environment.

**2. Further Exploring the Ethical Dilemmas:**

The exploration of ethical dilemmas faced by practitioners in this study invites a deeper investigation into the moral and ethical conundrums educators confront. Future research might focus on understanding how these dilemmas manifest in different educational contexts and the coping mechanisms educators employ to navigate these challenges while upholding professional ethics and student welfare.

**3. Broader Examination of Control Theory:**

The application of control theory within the educational sphere, as seen through this study's lens, opens avenues for a broader examination. Subsequent inquiries might explore how control theory manifests in different educational settings, and how it interplays with other theoretical frameworks in shaping educational practices and policies. Understanding the broader implications of control theory could provide valuable insights into devising balanced control mechanisms that promote accountability while fostering a conducive learning environment.

**4. Replicating the Methodological Approach:**

The hybrid methodological approach of this study, blending autoethnography and case study techniques, proved instrumental in capturing nuanced practitioner experiences

amidst broader organizational structures. Replicating or adapting this approach in other settings or expanding it to encompass more participants could provide richer insights into the lived experiences of educators under varying systemic and legal frameworks.

**5. Standardized Testing Policies and Practitioner Liability:**

The study underscores a need for a deeper examination of standardized testing policies and their implications on practitioner liability. Future research could examine how these policies are communicated, interpreted, and implemented at the ground level, and how they might inadvertently contribute to testing irregularities. Such inquiries could inform policy modifications aimed at minimizing unjust accusations against practitioners.

**6. Enhanced Documentation and Data Management Practices:**

The significance of meticulous documentation in safeguarding practitioners from unfounded accusations highlighted in this study calls for research into innovative and efficient documentation and data management strategies. Exploring digital tools, secure data management platforms, and effective documentation practices could unveil ways to ensure transparent and accountable practice among educational practitioners.

**7. Development of Protective Policies:**

The dearth of sufficient safeguards for practitioners against accusations related to standardized test administration and assessment warrants the development and evaluation of protective policies. Research could focus on policy recommendations that bolster legal and professional protections for educators, ensuring a more just and supportive working environment.

**8. Educational Workshops and Training Programs:**

The findings suggest a need for enhanced awareness among practitioners regarding legal frameworks and protections available to them. Evaluating the effectiveness of educational workshops and training programs aimed at equipping educators with the necessary knowledge and skills to navigate the complex legal and ethical landscape of modern education could be a critical step towards fostering a supportive professional environment.

**9. Engagement with Policy Makers:**

Establishing a dialogue between educational practitioners, legal experts, and policy makers is crucial for fostering a conducive educational environment. Exploring mechanisms and platforms that facilitate such dialogues could help bridge the understanding gap between policy formulation and implementation on the ground, leading to more informed policymaking.

**10. Application of the Integrated Conceptual Framework in Other Fields:**

The conceptual framework employed in this study, encapsulating control theory, ethical theory, and Bronfenbrenner's ecological system theory, holds potential for application in other fields such as medical and/or city and local governments. The framework's emphasis on the systemic influences on individual practitioners could provide a valuable lens through which to explore how professionals in these fields navigate complex legal, ethical, and organizational landscapes. Future research could adapt and apply this framework to investigate the experiences of professionals in these fields, thereby contributing to a broader understanding of the systemic factors shaping professional practice across different domains.

The narratives and findings from this study are representative of a need for deeper engagement with the systemic, legal, and ethical aspects of educational practice. The recommendations delineated above provide a roadmap towards fostering a more equitable, transparent, and supportive educational environment for practitioners, and extend an invitation for the exploration of these themes in other professional domains. Through a multidisciplinary and collaborative approach, future research endeavors can contribute to a holistic understanding and improvement of professional practice across various fields.

### **Reflection on the Researcher's Journey**

The composition of this dissertation has been a journey not only through academic waters but also through the turbulent seas of my personal history. Each chapter, analysis, and reflection represent a window into the days that tested my mettle, faith, and spirit. In navigating the academic rigor, memories of past experiences surfaced often, pulling me into an emotional whirlpool. The journey sometimes led me to dark corners where echoes of the past resonated through the silence of the night. Flashbacks emerged uninvited as I delved deeper into the archives of the past, each word I wrote becoming a reflection of the myriad emotions surging within me. Nightmares were a realm where past fears and anxieties came alive, often leaving me in a cold sweat with a heart pounding against the veil of the unyielding darkness.

However, amidst this tumultuous journey, rays of hope and support functioned as my guiding stars. My faith, a beacon of light that pierced through the darkest clouds, illuminated the path of righteousness and hope. The sacred verses, divine guidance, and community of believers were sanctuaries that offered solace and strength to my weary soul. Above all, the fortress of love and support built by my family and wife was my haven. Their unwavering faith in me, endless love, and ceaseless prayers served as a lighthouse to keep me moving forward. Their

eyes held the calm of the deep sea, and their words were the balm to the emotional wounds that often resurfaced as I traveled through these memories. My wife, a pillar of strength, soothed the storms that often raged beside her calm and caring presence.

Although the process of writing was a solitary journey through the crowds of past faces, judgments, and fears, the arms of my loved ones were always open, ready to enfold me in the warmth of unspoken understanding, love that healed, and a faith that was as enduring as the endless skies. As I approach the conclusion of this scholarly journey, I am aware of the duality of the experience. The anguish of revisiting painful memories juxtaposed against the cathartic release that each word on paper brings.

The poignant nature of this journey serves as a testament to the fortitude of the human spirit, the recuperative potential of love and faith, and the unyielding valor hope instills. Through an academic perspective, I not only revisited the many-faceted details of my past but also embarked on a trajectory of convalescence, introspection, and profound gratitude for the network of advocates that served as my anchor in the tempestuous seas. This dissertation is not merely an academic treatise, but rather a tapestry that embodies my life's most arduous phase, interwoven with threads of hope, faith, love, and an unwavering pursuit of truth and justice.

As I reflect on my journey as a researcher, I realize that it has been a journey of growth, transformation, and empowerment. Conducting an autoethnography has allowed me to bridge the gap between the personal and the academic, challenge dominant narratives, and reclaim my voice as a researcher. Through this journey, I have come to understand that being a researcher involves not only producing knowledge but also being mindful of the power dynamics at play, committing to ethical principles, and being sensitive to the voices of the participants.



In summary, the journey of writing an autoethnography has been a humbling, challenging, and transformative experience. It has provided me with an opportunity to reflect on my own subjectivity, critically examine the research process, and challenge dominant narratives that often silence the marginalized. This dissertation is a testament to the resilience of the human spirit, the healing power of love and faith, and the indomitable courage that hope instills.

### **Final Reflections**

The journey of this research endeavor has not only been a pathway of academic exploration but also a voyage of personal and professional reflection, shedding light on the multifaceted realities faced by educational practitioners in the modern era. The intricate dance between educational policy, legal frameworks, and daily practitioner operations was unraveled, unveiling layers of systemic influences that shape the educational landscape.

The foundational theories of control theory, ethical theory, and Bronfenbrenner's ecological system theory served as the guiding lights, illuminating the complex interplay between the macro, exo, and microsystems of the educational domain. Through the lens of these theories, the complex experiences of navigating through a labyrinth of legal and ethical challenges were eloquently captured, presenting a tapestry of insights that significantly contribute to the burgeoning body of educational research in educational policy, associated legal frameworks, and daily practices.

The findings underscore the imperative need for a harmonious alignment between federal and state policies and their pragmatic execution at the grassroots level. This alignment is not merely a theoretical aspiration but a pragmatic necessity to ensure that the nobility of educational endeavors is not overshadowed by systemic discord. It is evident that a rigid, "one-size-fits-all" approach to policy application is often ill-suited to diverse educational landscapes, highlighting

the necessity for policy frameworks that allow for adaptability and clarity to mitigate ambiguity. The revelation that meticulous documentation serves as a linchpin in safeguarding practitioners from unwarranted accusations augments the discourse on professional protection and ethical practice.

Moreover, the research extends an olive branch towards policy makers and entities operating within the macrosystem, fostering a dialogue that transcends the silos of bureaucracy and reaches the heart of educational practice. It accentuates the need for a symbiotic relationship between policy formulation and its practical implementation, urging a collaborative endeavor to ensure that policies are not just well-intentioned but well-executed blueprints of educational excellence. Furthermore, the narrative beckons a deeper engagement with the ethical dilemmas in which practitioners often find themselves enmeshed and advocating for a nurturing environment where the moral compass of education is not lost amidst the stormy seas of accountability and performance metrics.

The extension of the conceptual framework used in this study to other fields, such as medicine or city and local government, amplifies the universality of systemic influences on professional practice. It heralds a call for a broader application and understanding of the systemic, legal, and ethical paradigms across various professional domains.

In essence, this research not only enriches the academic discourse in education but also serves as a beacon for practitioners, policy makers, and macrosystem entities, guiding them towards a horizon where legal clarity, ethical practice, and educational excellence sail together towards the shores of a promising future. The ripple effects of this academic endeavor aim to traverse beyond the pages of this dissertation, igniting a flame of inquiry, reflection, and action that resonates through the corridors of education and beyond.

This dissertation, hence, stands as a testament to the indomitable spirit of educational exploration, the quest for legal and ethical righteousness, and the unwavering commitment to fostering a realm of education that is as empowering and nurturing for the practitioners as it is for the pupils they endeavor to enlighten.

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## **Vita**

James D. Anderson was born into a family of educators in El Paso, Texas, which instilled a profound commitment to teaching and leadership in educational settings. Raised with the values of lifelong learning and service, he has actively pursued a career that blends innovative instruction with administrative excellence. After completing a Bachelor of Science in Interdisciplinary Studies with a Mathematics Specialty from Sul Ross State University in 1998, James advanced his educational expertise by obtaining a Master of Education from the same institution in 2001. Furthering his credentials in educational leadership, he attained Superintendent and Principal Certifications, demonstrating his preparedness for upper-level administration.

James's journey in education has been marked by significant roles, including Assistant Superintendent, where he was responsible for enhancing the academic and operational facets of 15 high schools. His tenure as Principal of a High School and a Middle School was characterized by creating nurturing environments and implementing reform initiatives that profoundly improved academic outcomes and school culture. Parallel to his educational endeavors, James has also made strides in the real estate industry as an agent and educator, indicating his versatile capability to lead and teach in various professional arenas. His teaching tenure spans across mathematics subjects, where he has consistently sought to integrate technology and real-world applications to enrich learning experiences. James envisions continuing his path in educational leadership with an aspiration to further contribute to his community's growth and to the field of education through research and potentially, authorship. His personal life is as fulfilling as his professional one, where he enjoys the support and inspiration of his wife and three children, all of whom share his passion for education.

Contact Information: [JamesDustinAnderson@outlook.com](mailto:JamesDustinAnderson@outlook.com)

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