

## **Page 8 Human Resources Office**

“In looking for root cause as part of our effort to evaluate and verify staff functions and activities, we occasionally had reason to request verification of the qualifications of the individual performing the process to ensure that problems were not a result of lack of training, experience, knowledge or skills on the part of the person performing the process. Responses to those requests were sometimes delayed, partial or verbal with no documentary verification. This was reported in interim postings on the secure web site related to the process being analyzed”.

### ***Incorrect***

***The Human Resources Department provided an exorbitant amount of information to the IDEAS Consultants. The information was submitted in a timely and efficient manner. Information was requested and items were expected immediately with disregard to work load. Even when I was encountering e-mail problems, the information was being sought from Sandra Martinez who provided the artifacts. Listed below are the artifacts provided by the Human Resources Department. Hard copies and/or electronic versions were provided numerous times and as many as three times in some instances.***

***Office Procedures***

***Evaluation Plan***

***Collective Bargaining Agreement***

***Human Resources Calendar***

***Information Contained in a Personnel File***

***Salary Schedules***

***All Teachers Licensing Information***

***Contract Templates***

***Information Related to Financial Specialists-ASBO Certification***

***Recommendation Form***

***Paper Screening Guide***

***List of Non-Teacher Licensed Staff***

***Employee Contract Information Form***

***Sample of Job Postings***

***Desk Audit Report***

***Curriculum Management Audit of 2003***

## **Page 8 Human Resources Office**

“We initiated this request for access to the files on June 10, 2009, and were able to obtain access for about two hours after the Superintendent walked us into the Personnel Office and asked the Personnel Director to give us access as soon as possible. We explained that the methodology would be to review every one of the administrators’ files and also a reasonable number of randomly selected controls. We also informed her that this particular review had been requested by and cleared by a TMS attorney”.

***Incorrect***

***IDEAS Consultants reviewed personnel files for 2 hours 50 minutes. The Interim-Superintendent did walk the consultants into my office and informed me that I was to provide IDEAS Consultants full access to personnel files and that he would meet with me in his office as planned. I stated to the Interim-Superintendent that being Records Custodian for Personnel Files that I did not feel comfortable leaving the files unattended. He agreed and allowed me to be present while IDEAS Consultants had full access. Because the review was un-scheduled, I requested we break because of other scheduled commitments.***

***Incorrect***

***IDEAS Consultants never informed me that the particular review had been requested and cleared by a TMS attorney.***

“Within two hours of the initial request for access to the files, there was a veritable storm of protest directed at the Superintendent’s office from administrators who complained that the files were not public record and IDEAS was not a “certified or accredited auditor” and therefore they wanted their files exempted from review. This very neatly deflected attention from the review of Human Resources Office practices that had been the focus of the process audit and had the effect of delaying IDEAS’ review of the files by a week, as the Personnel Director refused IDEAS access to the files until after a meeting with the Superintendent that could not be scheduled for four days. When the team was given access to the files, we were given a limit of 15 minutes per file and each employee whose file was being reviewed insisted on being present and asked us to explain what we were doing and why”.

***Incorrect***

***Never was there a veritable storm of protest directed at the Superintendent’s office from administrators within two hours. The only two individuals who verbally requested in front of IDEAS Consultants that they not be allowed access were non-certified employees. It appears IDEAS Consultants were angered at the protest and conveniently accuse the Human Resources Department of deflecting attention from the review. It is also stated that the Human Resources Department was the focus of the process audit when they professed to all departments otherwise. The delay had nothing to do with the Human Resources Department rather the availability of the Interim-Superintendent. After consideration, the Interim-Superintendent limited the continual review to 15 minutes and allowed the employee to be present and ask questions if desired.***

“On June 18, 2009, the Taos News reported that IDEAS had been granted access to all of the district’s personnel files and stated that “a June 11 letter from Albuquerque attorney Steven Sanders accuses the district of breaking the law and retaliating against administrators who filed a formal complaint with the Equal Employment Opportunity Commission by allowing IDEAS to access the files.” Mr. Sanders must have been approached on the same day that the Superintendent requested the Personnel Director cooperate with our review and gave her an opportunity to raise questions or concerns (which she did not take advantage of at the time) and his letter copied to the Taos News immediately”.

***Incorrect***

***The Human Resources Department is not responsible for what is reported in the Taos News. It also appears in the statement that IDEAS Consultants are perturbed with the fact that District Administrators filed EEOC charges against the School Board and District. The filing of EEOC charges should not have any bearing on the review and should not have been mentioned.***

***I did cooperate with the review, raised questions, and expressed concerns about IDEAS Consultants reviewing personnel files. The review was re-scheduled at the request of the Interim-Superintendent.***

***I also believe it to be out of line and presumptuous that IDEAS Consultants would get caught up in emotion and state that the Human Resources Department contacted the Taos News. No facts and just assumption on IDEAS part once again.***

### **Page 9 Human Resources Office**

“Several times, an IDEAS analyst has emailed a request for further documentation following an interview and been told when pursuing the request later on that the email was not received. As a case in point, the Personnel Director was asked to provide electronic files of two documents mentioned in an interview on May 19, 2009. Because several previous requests had been delayed due to reported nonreceipt of the email, the May 19 follow-up request was sent through internal email and copied to the secretary in that department. On June 19, the Personnel Director responded to another request for the same information by saying she had never received the original email. The header information from the GroupWise system shows the email was delivered the same day, read by the secretary a week later and never opened by the Personnel Director until June 19, 2009”.

***Incorrect***

***As stated earlier the Human Resources Department complied with the numerous requests. Many e-mails were not received until IDEAS Consultants were given GroupWise access. Oftentimes, I would request that my assistant provide the information because either I was occupied or simply because she had the information. IDEAS Consultants appear to hone in on irrelevancy and do not state that they did receive the information, whether they received the information from me or my assistant.***

“More troubling is the pervasiveness of the idea that an administrator may control in any way an auditor’s access to records or processes being audited. The Personnel Director expressed a legitimate concern, which had already been addressed by the TMS attorney who had both requested and cleared our review of personnel files. However, she, like the Finance Manager before her, seemed to believe that she could, by virtue of her office, act to “protect” her department from scrutiny and over-ride a directive from the board or the Superintendent or a legal opinion from TMS’ own attorney. Activities to frustrate the IPPA took any imaginable form — including contacting outside media sources known to be hostile to the district and providing fabricated information to legal representatives of parties bringing legal action against the district. These communications continued to take

place despite the Superintendent's reports having received specific instructions from him and from the attorney defending the district in those actions not to meet with opposing counsel outside the presence of the district's legal counsel".

***Incorrect***

***It is apparent that IDEAS Consultants did not review district policy with regards to personnel files and/or confidential material. Once again IDEAS Consultants allowed emotion to interfere and cloud better judgment with regard to biased statements. At no time, did I believe that I could "over-ride" scrutiny in my department nor did I disregard any directive from my immediate supervisor. Unfortunately IDEAS Consultants were the only ones who had the knowledge of what had been cleared by legal counsel with respect to personnel files. Once the Interim-Superintendent provided written documentation to my office with a directive on how he wanted to proceed with the review, it was acted upon immediately and judiciously. IDEAS Consultants assumed that the Human Resources Department is responsible for contacting the media and/or legal counsel.***

**Page 23 Department Organization**

"The HR Director appears to have encouraged and facilitated the two Payroll Specialists in obtaining their licenses even though they do not perform any finance functions other than payroll and do not appear to have demonstrated a good strategic understanding of the overall integrated functions of the Department. The salary increment for holding a license is \$2,000 per individual, for a department total of \$10,000".

***Incorrect***

***The salary schedule reflects that any financial specialist who possesses the ASBO credential qualifies for the increment. The HR Director did not encourage or facilitate the process when the Payroll Specialists obtained their license. According to the Job Description of the Financial Specialist they do in fact perform the requirements necessary to obtain the license from the Public Education Department.***

**Page 24 Table 3 — Finance Department Staff Qualifications**

"Information taken from the HR Desk Audit as provided by the Personnel Director. IDEAS did not physically verify that course work, degrees or experience were finance related".

***Incorrect***

***The Desk Audit did not state that Degree Requirements for a Financial Specialist is a minimum of an Associates Degree. All non-certified Job Descriptions list a minimum of an Associates Degree preferred and 3 years of experience directly related to Job Description.***

## **Page 28 The Financial Management Software**

“In 2007, the Human Resources module was purchased, but it has never been fully implemented”.

### ***Clarification***

***The purchase of the training for the Enterprise package has been on hold due to operational financial restraints.***

## **Page 45 Human Resources**

“In conducting interviews with regards to HR, we were contacted by a number of people who agreed to speak to us only if they could be assured of anonymity. As mentioned in Section II.E, this is not unusual and we do have a process to obtain corroborating information. The anonymous input we received was heavily focused on the hiring process. Although the Board Policy and the Human Resources Office Procedures Manual spells out a relatively straightforward process that puts the recommendation into the hands of a Screening Committee, we were told over and over again that the process is stacked to favor individuals “chosen by CRAB Hall, who are often not qualified”.

“The Personnel Director herself referenced these rumors, took pains to explain the sequence of steps in the hiring process and asserted that her involvement is purely focused on ensuring that the paperwork is complete and in order. Nonetheless, we were not able to observe a hiring and so could not verify the integrity of the process”.

### ***Incorrect***

***Hiring Committees are not chosen by CRAB Hall, despite what the anonymous informants want the public to believe. There is no minimum requirement to be a part of the hiring committee; therefore, qualifications should not be an issue. Hiring Committees are chosen predominantly by principals where the vacancy exists, except when hiring for a federal, special education or athletic position. When this occurs, the program coordinator determines the hiring committee. Stacking of committees may or may not take place; however, this does not take place in the Human Resources Department.***

“Two major areas of concern were expressed. Firstly, that the initial screening performed by HR, which should just weed out unlicensed or unqualified applicants, is arbitrary and capricious. Unlicensed applicants are included in the pool even when there is a surfeit of licensed applicants for the same position, and in several instances have been awarded the position in preference to a licensed applicant. To be sure, if this were the case, the newly hired employee would have to be able to obtain a license very rapidly, or the district and HR would be cited by PED for a violation of the requirement that teachers be highly qualified and several funding sources would be jeopardized”.

### ***Incorrect***

***The paper screening form that is given to the principals and/or coordinators clearly defines who meets the minimum requirement and who does not based on the***

*credentials requested of the position. The Human Resources Office does not arbitrarily and capriciously weed out applicants. The form was provided to IDEAS Consultants for their review and was explained in detail. Unlicensed applicants are not included in the pool to be interviewed, but are listed on the form as not meeting minimum requirements. IDEAS Consultants more than likely got their information from yet another anonymous source, because never was the information conveyed to them from the Human Resources Department, and never was their conversation with regard to any employee being hired the way indicated. The Human Resources Office pre-screens applicants to ensure that they are highly qualified and in line with PED requirements. IDEAS states in several instances unlicensed applicants have been hired in preference to a licensed applicant. Again not true, and unless the anonymous individual can show otherwise, I do not believe IDEAS Consultants can substantiate.*

#### **Page 46**

“The second area of concern was the selection of the Screening Committee. Although the board policy goes into detail about the constituencies that must be represented on the committee, neither the policy nor the Human Resources Office Procedures Manual clearly state who chooses the committee. The Personnel Director stated that principals do so, but several principals stated that HR does so. Thus several people said that the committees were “stacked” to favor “cronies.” “Cronyism in hiring” was in fact a phrase that we heard in a number of interviews. We heard variations on this theme from a sufficient number of people to cause concern that hiring actions might not match what is documented and what is said by HR. However, we had no way to test this as we were not present during a hiring exercise, and indeed the district has been under a hiring freeze for a while”.

#### ***Incorrect***

*Since 2006, the Human Resources Department has never selected a screening/hiring committee. IDEAS states that several principals stated that HR does so. I asked every principal if any of them had stated this. The answer was no. All principals were angered at the fact that they were quoted as saying any such thing. IDEAS states that several people indicated that the committees were stacked to favor cronies. If this is happening, it is not at the fault of the Human Resources Office. IDEAS were not present during a hiring exercise, but once again relied on anonymous sources to validate rumors. Perhaps, IDEAS should have contacted a committee member to find out who requested they serve on a hiring committee.*

#### **Page 46/47**

“A report from the Personnel Director to the board on March 5, 2009 includes a print out of the HR Excel spreadsheet that shows only one teacher in the district not highly qualified. HR could not account for the discrepancy, except to suppose that the transfer of data to STARS was corrupted in some way. Although the Visions® Human Resources Module was purchased in 2007, training for HR users was not completed in anticipation of a Visions® upgrade that was never purchased. Immediately following the purchase of the module, it is apparent that attempts were made to properly utilize the system. The

Windsor Management support log shows a history of calls with regards to using the Human Resources Module and generating the STARS staff report, and the records purge referenced in Figure 12 was a consequence of one of those support calls”.

***Incorrect***

***The report submitted to the board in March 2009 was accurate. Never was the Human Resources Department asked to account for the discrepancy in the STARS report. IDEAS Consultants clearly have not differentiated between staff data that is entered by the Human Resources Department and course codes entered by the school registrars.***

***In my board report (March 2009) I clarify the following;***

*It is the responsibility of the principals to create schedules/matrix that place the highly qualified teachers in their proper areas of licensure and endorsements. Furthermore, it is the responsibility of the principals to ensure that classes are properly coded in STI and teachers are assigned to their respective areas of endorsement. Inaccurate coding produces a document with information showing teachers not properly licensed. It is imperative that correct information be entered so that reports provide accuracy.*

*The HR Department provides the attached information to all principals on a yearly basis prior to scheduling. The reports indicate name of teacher, level of licensure, type of license, areas of endorsement (if they apply), expiration date of license and location of employment, as well as a list of License Types, Levels of Licenses and Endorsements used by PED.*

***Staff information is being entered in the Human Resources Department. The discrepancies between STI and STARS are a result of inaccurate coding by the school sites. Classes were not being coded in STI accurately or principals were assigning teachers to teach areas that they were not licensed. This has nothing to do with the information contained in VISIONS. Also, reference made in figure 12 had nothing to do with the Human Resources Department.***

**Page 49 Evaluations Required by Grant Makers**

“Many of the programs that fund increments for teacher compensation are conditional: the increments are to be paid on demonstration of certain things being accomplished, or on demonstration that the services compensated for were delivered to a certain demographic. While Payroll seems to do an adequate job of ensuring that the increments are charged to the correct fund, there is no systematic plan in place in HR to ensure that the conditions of the grant are met. This appears to be part of a pattern of “take the money and run” that marks the approach to many funding opportunities. (See also Section VI.G.4 and Section VI.H.4 regarding the Northern New Mexico Performance-Based Compensation Program.)”

***Incorrect***

***The Human Resources Office is not responsible for the Performance Based Compensation Program as it exists at Taos Municipal Schools.***

“Although the Personnel Director stated in her interview that she does not evaluate any employees who do not directly report to her (one employee, her secretary), in the desk audit she evaluated each employee’s “knowledge of assigned duties” and “whether staff member is meeting minimum requirements of Job Description.” Job descriptions were appended to the copy of the Desk Audit received by IDEAS and were consulted occasionally during the IPPA”.

***Incorrect***

***There is a difference between the evaluation of an employee day to day and the assessment of employees as a whole with regards to assigned duties and whether staff members are meeting the minimum requirements of the job. The desk audit was a result of a directive from the superintendent to assess work duties/time/alignment. This was not meant to replace the supervisor's role in the evaluation of their staff. Further desk audits may take place in the future.***

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“A number of the job descriptions appear to have been slightly adjusted from what would be expected to fit the person in the position at the time. For example, the Education and Experience section of the job description for the Finance Director reads:”

*Preferred Masers Degree or CPA licensure with 3 years experience in School Finance and expertise with school based/program based budgeting or similar experience in the industry; Minimum of a Bachelor's Degree in a Finance Related Field(s) or demonstrated experience in school business management; Must have strong public relations and communications skills*

***Clarification***

***Job Descriptions are working documents and may change depending on situations and/or at the direction of the Superintendent. IDEAS Consultants have no way of validating that slight adjustments are made to fit the person in the position. The example used was that of the Finance Director where the language is consistent with Job Description language of the past. As any long term employee can attest, it is virtually impossible to find school business officials who have school budget experience. The language of “or” is more than likely a result of the district having a difficult time securing individuals who have the experience. Universities do not provide formal training through their business colleges and individuals more than likely received hands on training.***

“The minimum requirement laid out in code for receiving the license required to be a school business manager has been eliminated in the TMS job description by substituting “or” for “plus.” The Desk Audit Final Audit Report states with regard to the Finance Director “The minimum credential is a Bachelor’s Degree or higher,” but this is actually incorrect because the requirement has been watered down by the insertion of that “or.” The Desk Audit also repeatedly states with regard to other positions that “All noncertified job descriptions list a minimum of an Associates Degree preferred and 3 years of experience directly related to Job Description.” If this is so, how did so many people who do not have this minimum attain the positions they have”?

***Clarification***

***I am not sure where IDEAS Consultants picked up the substitution of “or” for “plus”. Also, Associates Degree Preferred was added in 2007 because the previous board wanted to see that all job descriptions at a minimum stated this. To answer the question “If this is so, how did so many people who do not have this minimum attain the positions they have?” The minimum requirement state preferred, and does not***

***prohibit an individual from applying who does not possess an Associates Degree but may have years of experience. To state the obvious, many employees were hired prior to implementation as stated earlier.***

“Many are employees of long standing; they may have been employed prior to a change in the job description and they may have met the minimum requirements when they were hired. The incumbent Finance Director held a School Business Official License in 1993 — perhaps at that time a college degree was not required. Nonetheless, despite the fact that the Personnel Director faithfully documented that a number of employees did not have the minimum credentials described in the job descriptions, no recommendations were made in this regard”.

***Incorrect***

***The Desk Audit does not state that a number of employees do not meet the minimum credentials described in the job description.***

“All of the recommendations in the Desk Audit are in support of the *status quo* as audited. Job descriptions are to be changed to conform to what individuals are doing, but there is no analysis of whether what they are doing appropriately and effectively supports the function they are assigned to. The interests of the district in having qualified personnel perform specific administrative duties is not addressed”.

***Incorrect***

***Job Descriptions are not changed to conform to what individuals are doing. Recommendations may not be what certain individuals wanted to see, but at no time was the emphasis on how to discredit any one individual, rather how we could support and foster a more productive alignment of duties.***

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“The files that were reviewed were in relatively good order, particularly the partitioned files for certified staff. Hardly any files of long term employees were complete in every regard, although all had good credentialing documentation — what was missing was primarily from the historical record, such as one of many contracts or evaluations. The Personnel Director did state right at the beginning of our review that she had a lot of material to be filed, and in fact several of the files we examined did not contain information that we would have expected to find, such as the evaluations that should have preceded the 2009 contract renewals for some administrators”.

***Clarification***

***Typically, in all audits, the information being sought and audited is from prior year and not current year or past years. That was not the case with IDEAS. Information being sought was not only from many years past but from the current year. For example: they asked for current evaluations, contracts and other documents not filed or yet completed because the year was not over. IDEAS state “hardly any files of long term employees were complete in every regard”. So much information is contained within the file and unless a person is specifically trained on every aspect of the file, it would be difficult to make such an assessment.***

“We provided the Personnel Director a copy of our notes and she “filled in the blanks” to provide us information on items that we marked “not found.” As we were not present when she did this, it does not constitute verification that the items actually existed in the file at the time of the process check, although it is helpful information in other regards”.

***Incorrect***

***The “filling in of the blanks” was excessive and only confirms that IDEAS did not know exactly what they were looking for, and therefore showed up as “not found” in the report. As stated earlier a person trained on every aspect of the file would not have had a problem finding the information.***

“The Personnel Director advised us that the district had undergone a PED Training and Experience (T & E) audit in 2006, and that some improvements to filing practices had been made since that time at the suggestion of the auditors. She said she did not have a copy of the findings and recommendations, and after some research a copy was obtained from the PED Inspector General’s office. The T & E audit compares teacher training and experience as reported to PED for the purposes of calculating the T & E Index, which impacts the State Equalization Guarantee (SEG) computation, with what is documented in the personnel file”.

***Clarification***

***The T&E Audit of 2006 is irrelevant to the process audit of 2009. The findings are a result of what took place in HR prior to my tenure and go back to the 2005-2006 school year. I can not respond to this section of the report.***

**Page 52 Confidential Information**

“The contents listing that we were provided for a standard certified personnel file shows health records should be filed in the same pocket as licensure and training records, which are public information; evaluations, which are not public information, are filed with licensure documentation, which is public information. Benefits information (also protected by HIPAA) is filed in the Payroll Office. Personnel best practices developed in the early days of HIPAA implementation have long called for the isolation of employee medical records into separate files. According to the Personnel Director, district personnel files have been rebuilt in recent years in response to conversations with T & E auditors. It is not clear why the basic precaution of fully isolating medical records was not taken. The non-certified staff files have no separation of material whatsoever”.

***Incorrect***

***Medical Records are not kept in the Personnel File. Only medical information as it relates to letters of requests for leaves of absences are in the files in the miscellaneous correspondence section. Release to work documentation is kept in pocket B. Non-certified files are not audited by the T&E auditors; therefore we do not have the same filing processes in place as we do for the certified staff files.***

'IDEAS cursory, interrupted and partial review of a small number of files revealed that the official files still leave something to be desired despite efforts to respond to the 2006 findings. The net effect of the comingling of confidential and public information is that the Personnel Director has absolute control over those files. When we requested to examine the files *in situ*, she informed us that no auditor ever did that, but they sat outside her office and requested that she produce documentation. This works for the purposes of a T & E audit, which is intended to verify that employees' credentials are as stated. It does not work for a QA process audit, which is intended to verify that employee files are properly maintained and confidential information properly protected".

***Clarification***

***At no time was the above mentioned statement about what was expected ever articulated. A lot of confusion would have been eliminated had IDEAS provided my department with what they were trying to accomplish. The review appeared to be not organized and oftentimes the consultants were shooting from the hip. In the beginning, IDEAS stated they would be requesting documentation on an as needed basis and as time went on it appeared they were looking for stuff rather than performing a "process audit".***

***Incorrect***

***I never informed IDEAS Consultants that no auditor had ever reviewed files without my presence. What I did state to IDEAS is that copies of documents to my knowledge were never copied by either T&E auditors or fiscal auditors. The IDEAS Consultants never stated they would be verifying that employee files were being properly maintained and confidential information properly protected.***

"The comingling of protected and public information and the limited familiarity of staff with the reporting functions available in the information software in use combine to make the provision of public information a labor intensive task that requires HR staff to manually cull public information from the physical files when it is requested. The district is not pro-active about informing the community about good news, such as the fact that it has moved from 73 percent highly qualified teachers in 2005-2006 to 100 percent in 2009-2010".

***Incorrect***

***IDEAS Consultants stated that the district is not pro-active about informing the community about good news. This statement is totally irrelevant to the public information section of this report.***

"When this analysis was commissioned, the Personnel Director had been assigned the additional duties of Public Information Officer. It is not clear why such an assignment was made and it is not considered a good practice to collocate the Public Information Office with the office that is tasked with protecting confidential employee information. The present Interim Superintendent has since removed that responsibility from HR".

*Incorrect*

*The Personnel Director has never been assigned duties as the Public Information Officer; therefore, it is untrue that the Interim Superintendent ever removed such a responsibility.*

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“The HR calendar calls for the following progression of events leading to having all employment contracts in place for the beginning of the school year”

- January: Begin Salary Schedules
- February: Completion of Staffing Plan for budgeting purpose
- March: Evaluations and recommendations completed for certified staff
- April: Intent forms due from all employees
- May: Employment contract preparation and distribution
- June: New staff hiring

*Incorrect*

*The above information is a partial calendar of what was provided to IDEAS. Attached is the calendar in its entirety:*

<b>JULY</b>	<b>-New Staff Hiring -Job Descriptions update -Handbook update</b>
<b>AUGUST</b>	<b>-New Staff Orientation and Substitute Training -Teacher Professional Development</b>
<b>SEPTEMBER</b>	<b>-All Level I teachers must be assigned a mentor by Principals</b>
<b>OCTOBER</b>	<b>-Staff 40th day input completed -Professional Development Plans on all Certified Staff due from Principals, Program Administrators and Superintendent -October 1st. deadline for submission of transcripts and license changes</b>
<b>NOVEMBER</b>	<b>-Staff 80th day input completed</b>
<b>DECEMBER</b>	
<b>JANUARY</b>	<b>-Reflection on Annual Professional Development Plan (PDP) due from Principals on all Certified Staff -Begin Salary Schedules for following school year</b>
<b>FEBRUARY</b>	<b>-Completion of Staffing Plan for budgeting purpose -Staff 120th day input completed -Staff Evaluations completed on Administrators</b>

**-Administrator Evaluations and Recommendations completed by Superintendent**

**MARCH**

**-Summative Evaluations on all Level I staff to be completed annually and every three years for Level II and Level II teachers**

**-Progressive Documentation of Teacher Performance to be completed on all Level II and Level II teachers**

**-All Certified Staff Recommendations and Evaluations due from Principals**

**APRIL**

**-Intent Forms due from all employees**

**-All Non-Certified Staff Recommendations and Evaluations due from Principals**

**MAY**

**-Employment contract preparation and distribution**

**JUNE**

**-New staff hiring**

“This schedule appears to assume a short legislative session. During years when the legislature meets for a 60 day session, the budget may not be known until the end of February. In any case, it is obviously necessary that the re-employment process be coordinated with the budget process, but procedures to do so are awkward at best.

In February 2009, contracts for administrators to the total salary amount of \$1,148,080 were signed by then Superintendent Loretta DeLong. At that time, best guess was that the district would have to accommodate a \$1.6 million decrease in revenue, but no substantive budget discussions had been held. Budget was not actually finalized until early June, after long discussions with PED, and administrators’ salaries had to be cut by 2.1 percent to meet the expenditure reductions required by PED without reducing classroom presence, invalidating the contracts”.

**Clarification**

**All employment contracts stipulate *This contract may also be cancelled by the Superintendent for cause not personal to the Administrator when a reduction in personnel is required as a result of decreased enrollment or a decrease or revision of educational programs or insufficient legislative appropriation or authorization being made by the state and/or federal government for the performance of this contract, in accordance with the New Mexico Statutes and any applicable rules and regulations of the State and Local Boards of Education.***

“In prior years, administrators’ contracts were issued in June at the earliest, but more commonly in July or August. This would be consistent with ensuring that budget exists and has been approved by the appropriate fiduciary oversight bodies, the TMS Board of Education and PED Department of Budget and Finance, prior to binding the district to a contract amount. Table shows the normal flow of events, with administrators’ contracts in every prior year being signed well after budget approval”.

***Clarification***

***Dr. DeLong instructed me to change the HR Calendar to reflect changes as she saw fit in the summer of 2008. The board received a copy attached to an HR board report.***

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“IDEAS requested and received an electronic copy of the template purportedly used to create the February 2009 contracts. The document was imbedded in an email, but when it was extracted intact, our IT experts were able to read the creation date of the template as March 18, 2009, almost a full month after they were purportedly signed. This information has been placed in the hands of TMS legal counsel”.

***Incorrect***

***Administrative Contracts were generated in February 2009 at the direction of the Superintendent and not in March 2009 as stated above.***

“It is important to note that regulatory changes supporting the Public School Reform Act of 2003 gave control of hiring, firing and compensation decisions to the Superintendent, but any employment contract that results from the Superintendent’s execution of this task creates a fiscal obligation of the district, and as such necessarily falls under school board oversight. The act did not relieve the board of education of its fiduciary responsibility to approve expenditures related to staffing”.

***Incorrect***

***School Boards do not approve employment contracts.***

“Salary schedules, compensation discussions with the union, schedules for discretionary increments and all other components of overall compensation that are not mandated by labor law are all subject to budgetary approval, which must take place in a public meeting. 6.66.3.8 NMAC paragraph C clearly requires that administrators’ contracts be presented to the board for approval during a public meeting”.

*“C. No administrator contract, including any amendment or addendum, shall be signed, entered into, or executed that has not first been properly noticed and voted on openly at a public meeting held pursuant to the Open Meetings Act (10-15-1 to 10-15-4, NMSA 1978).”*

***Incorrect***

***School Boards do not approve employment contracts.***

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“Reporting requirements have significantly increased over the past several years and the IT and internal procedures in HR have not kept pace. As we mentioned in Section V.B.2, The Reporting Process, the full capabilities of the Visions® Human Resources Module, even in the current version, are far from being utilized. This must be the first priority in bringing efficiency of operation to HR”.

***Incorrect***

***All information requested of PED for staff information is being reported into VISIONS then extracted by STARS. Funding has not been compromised.***

“The intensely manual processes and duplicate data entry currently being performed introduces a significant opportunity for error, as demonstrated by the discrepancy between PED’s assessment of the district’s highly qualified teacher cohort and HR’s assessment. There is no valid way to verify the information entered into Visions® or into the manual spreadsheet record without a direct audit of the physical personnel files, which is hampered by the fact that the files combine public and confidential information, nor is there any valid way to verify that the information in the manual spreadsheet record which was identified by the Personnel Director as her primary data source — corresponds to the information in Visions®. The district’s upload to STARS appears to consistently yield reports with which the district disagrees. This is true of both the information taken from Visions® and information taken from STI”.

***Incorrect***

***Information entered into VISIONS is not kept separate on a spreadsheet. Highly qualified information is not a required component in the VISIONS staff template. PED picks up the Highly Qualified status of the employee which is then compared to the course coding at the school site through STI, not HR.***

“Because the Personnel Director is a long-term employee of the district and knowledgeable of the organization, she has become the “go-to” person for any number of widely varying questions from employees. This means continuous interruptions and distractions from what has become the primary function the district needs HR to execute: impeccable record keeping and verification”.

***Incorrect***

***It is a requirement of the Human Resources Department to interact with employees and potential employees; however, I never indicated to IDEAS that the interruptions prohibited me from doing my job. IDEAS misconstrues a lot of what is discussed to their own interpretations which are not validated. IDEAS Consultants asked “if I had one wish what would that be”? I stated that all administrators learn policy and interpret the law as it is written. This statement doesn’t say anything more than just that.***

“The nature of the findings in the PED T & E Audit described in Section V.D.1 raised some troubling questions, particularly when taken in conjunction with the Desk Audit described in Section V. C. The deficiencies cited in the T & E audit findings tended to overstate the employee’s qualifications, credentials or experience. The Desk Audit similarly downplayed lack of qualifications on the part of some individuals. This is troubling in light of the number of complaints aired in public and to the board regarding the lack of qualifications of district employees serving the students”.

***Incorrect***

***As stated earlier, I can not respond to the T&E findings of 2006.***

“The district should review HR’s involvement in and current processes for performance evaluation tracking, which currently is essentially limited to calendaring and record keeping. As more on line tools are developed and promulgated by PED and TeachNM.org (the central source for career resources for New Mexico school teachers and administrators operated by the University of New Mexico College of Education with the support of the Educator Quality Division at PED) these functions should be automated. In GroupWise and the unused functionalities of Visions®, the district already has the tools to remind individuals of what is due when and to record that PDPs, reflections and evaluations have been filed. Using these functions would allow HR to report compliance with these regulatory requirements on a regular basis to both the Superintendent and the board without time-consuming manual tracking”.

***Incorrect***

***Again IDEAS is assuming that the information is not being articulated. The information from PED is shared with the individuals needing the information and would be provided to the Superintendent/Board if requested. The HR department does keep track of all evaluation tools required of the PED and does communicate with the principals as to the requirements.***

“While HR Procedures call for site-centric hiring processes, there is some doubt as to how effective they are. The IPPA did not include an adequate audit of the procedure described in board policy and the HR Procedure manual. Sufficient questions were raised by individuals who contacted to the audit team in this regard to warrant a recommendation for an in-depth review of the hiring process”.

***Clarification***

***Once again IDEAS Consultants rely on anonymous sources and not fact.***

“District administrators are required to have training in Baldrige criteria and Baldrige certification has been added as a formal prerequisite to their job function by regulatory agencies. When the Personnel Director was asked about her knowledge of Baldrige and quality assurance methodologies, she responded, “Oh, I missed that seminar.” In fact, and understanding of the Baldrige tool kit and how to apply it in all forms of evaluation is now a functional requirement for any educational administrator”.

***Incorrect***

***There is no written policy that I know of that requires administrators to have training in Baldrige criteria; however, I am knowledgeable of the subject matter.***