

THE SCHOOL DISTRICT OF PALM BEACH COUNTY, FLORIDA

OFFICE OF INSPECTOR GENERAL 3318 FOREST HILL BLVD., C-306. WEST PALM BEACH, FL 33406 (561) 434-7335 FAX: (561) 434-8652 www.palmbeachschools.org Hotline: (855) 561-1010 LUNG CHIU, CIG, CPA INSPECTOR GENERAL

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#### MEMORANDUM

TO:

Honorable Chair and Members of the School Board

Dr. Donald E. Fennoy, Superintendent

Chair and Members of the Audit Committee

KLC

FROM:

Lung Chiu, Inspector General

DATE:

12/14/2018

SUBJECT:

Transmittal of Final Investigative Report

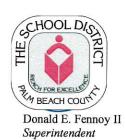
Case: #19-806

Title: Mismanagement

In accordance with School Board Policy 1.092 we hereby transmit the above-referenced final report.

The report addresses the allegation that I.T. Manager Jerry Nyman and ESE Specialist Dr. Christine Ferlita did not properly process Specialized Transportation Form PBSD 1848 for the bus route of an ESE student. The investigation concluded that the allegation is unsubstantiated.

The report is finalized and will be posted on the Inspector General's website; www.palmbeachschools.org/inspectorgeneral.



# SCHOOL DISTRICT OF PALM BEACH **COUNTY**

## OFFICE OF INSPECTOR GENERAL



## **INVESTIGATIVE REPORT**

Case Number: 19-806

**Date of Complaint:** 

7/10/2018

Complainant:

Jin Ma, Geographical Coordinator, Transportation

Subject:

Dr. Christine Ferlita, ESE Specialist/Special Needs, Transportation Jerry Nyman, I.T. Solutions Manager

Witnesses:

Dr. Christine Ferlita, ESE Specialist/Special Needs, Transportation Jerry Nyman, I.T. Solutions Manager

> Type of Report: **FINAL**

#### **AUTHORITY**

School Board Policy 1.092 provides for the Inspector General to receive and consider complaints, and conduct, supervise, or coordinate such inquiries, investigations, or reviews, as the Inspector General deems appropriate.

This investigative report was conducted by Investigator Tanya Lawson, in compliance with the Ouality Standards for Investigations, Principles and Standards for Offices of Inspector General, promulgated by the Association of Inspectors General.

#### INTRODUCTION

On July 10, 2018, the OIG received a complaint from Geographical Specialist Jin Ma. Ms. Ma alleged that I.T. Manager Jerry Nyman and ESE Specialist Dr. Christine Ferlita did not follow proper procedure when processing a Specialized Transportation Request (Form PBSD 1848) document for the bus route of an ESE student.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

#### **BACKGROUND**

Exceptional Students Education (ESE):

Services provided by the Transportation Department for ESE students are provided in accordance with the student's Individual Education Plan (IEP). If the student is eligible to ride an ESE route, per the IEP, that process is initiated by the ESE contact at the student's assigned school. Once the Transportation department receives the request from the attending school for an ESE route, the time period to establish a new route may take between three and ten business days.

The Call Center does not provide the ESE student bus information to parents. This information is given to parents directly from the school's ESE Coordinator<sup>1</sup>.

#### ALLEGATION<sup>2</sup>

District I.T. Manager Jerry Nyman and ESE Specialist Dr. Christine Ferlita did not properly process Specialized Transportation Form PBSD 1848 for the bus route of an ESE student.

#### **GOVERNING DIRECTIVES**

- Florida State Statute § 1003.5715
- National School Transportation Specifications and Procedures
- Local Education Agency (LEA) Guide
- Specialized Transportation Request Form PBSD 1848<sup>3</sup>
- Individual Education Plan (IEP) Form PBSD 0659

#### **ALLEGATION: EVIDENCE & TESTIMONY**

Allegation: District I.T. Manager Jerry Nyman and ESE Specialist Dr. Christine Ferlita did not properly process Specialized Transportation Form PBSD 1848 for the bus route of an ESE student. Unsubstantiated.

#### Testimony of I.T. Manager Jerry Nyman

On August 30, 2018, the OIG conducted an interview with Jerry Nyman. Mr. Nyman stated that Form PBSD 1848 is utilized for the purposes of assisting Exceptional Student Education (ESE) students who have current Individual Education Plan (IEP) to secure transportation to and from school. Mr. Nyman stated that the ESE Coordinator/Contact individual located at the school, is required to complete Form PBSD 1848 when making an initial request for transportation services for a brand new route, or making changes to an existing route. Mr. Nyman stated that he believes that the law states that the department has ten days to process a change, but was unsure. Mr. Nyman

<sup>1</sup> www. https://www.palmbeachschools.org/transportation/exceptional-student-education

<sup>&</sup>lt;sup>2</sup> The OIG findings were determined using the standards that appear on the signature page at the end of this report.

<sup>3</sup> Form PBSD 1848-Speciliazed Transportation Request form used in conjunction with a current IEP form to initiate a bus route for an ESE student, change a route or update information.

also stated that the department usually processes Form PBSD 1848 no less than ten days, usually the same day as the request was made. Mr. Nyman also stated there would always be a record of any address change by having a completed Form PBSD 1848.

Mr. Nyman acknowledged that the department does not have a policy and procedures manual that outlines how or when staff should process Form PBSD 1848.

Mr. Nyman stated that on June 25, 2018, Mrs. Linden Codling, the ESE contact at J.C. Mitchell Elementary, requested a change of address for an ESE student's aftercare location. The request was given to the router<sup>4</sup> assigned to that area (Jin Ma) in order for Ms. Ma to process the request. Instead of processing the change for only the aftercare location, Ms. Ma made the change to both the morning and afternoon locations. Mr. Nyman stated after the change to the ESE student's address had been completed, Mrs. Codling received notification of the address change. Thereafter, a series of email exchanges occurred between Ms. Ma, Dr. Ferlita, Area ESE Coordinator Ana Gomez and Mrs. Codling. In the email exchange, Mrs. Codling stated the request was only for the aftercare (PM) location, and that she did not request the morning location be changed. Ms. Ma insisted that Mrs. Codling needed to submit a new Form PBSD 1848. Mr. Nyman stated he tried to explain to Ms. Ma that there was no need for a new Form PBSD 1848 since it was the error of the transportation department. Mr. Nyman stated both he and Dr. Ferlita showed Ms. Ma the email exchanges that occurred earlier that illustrated Mrs. Codling's request. Mr. Nyman stated that he asked Ms. Ma to review the email, and locate the section of the email where Mrs. Codling stated that the request (Form PBSD 1848) was only for the aftercare location. Mr. Nyman stated that during the brief meeting, Ms. Ma acknowledged the email, but still insisted that a new Form PBSD 1848 was required. Dr. Ferlita asked Ms. Ma if she was going to make the correction and Ms. Ma stated she would not make the correction. As a result, Dr. Ferlita had another router make the necessary correction.

## Testimony of ESE Specialist Dr. Christine Ferlita

On August 30, 2018, the OIG conducted an interview with ESE Specialist Dr. Christine Ferlita. Dr. Ferlita stated when an ESE student has a change in their address or route, the ESE Coordinators located at the school are required to complete Form PBSD 1848 via liquid docs (e-forms). Once the document has been completed, it then goes into a work queue. Dr. Ferlita stated that she then reviews Form PBSD 1848 for accuracy. The document (Form PBSD 1848) then gets placed into a work queue that is processed by the router assigned to that area.

Dr. Ferlita stated as a practice, the routers have ten business days to process a Form PBSD 1848. Dr. Ferlita stated this process is practice, but not a written policy.

Dr. Ferlita stated after the address error for aftercare was discovered by Mrs. Codling, she began receiving emails from Mrs. Codling, Ana Gomez and Ms. Ma. Dr. Ferlita stated because there were so many email responses, it became confusing. Dr. Ferlita tried to intervene in the email thread by clarifying the mistake that had been made, and suggested a solution. Dr. Ferlita stated

<sup>&</sup>lt;sup>4</sup> A 'router' is an individual responsible for processing Form PBSD 1848 requests.

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tempers were getting high during the email exchanges, therefore, in order to calm the situation, Ms. Ma was not included in the remainder of the group emails.

Dr. Ferlita stated during the email exchanges, Ms. Ma insisted that Mrs. Codling provide a new Form PBSD 1848 even after Mrs. Codling informed Ms. Ma that she never requested a change to the morning pick-up location. Dr. Ferlita stated that Jerry Nyman became involved. Dr. Ferlita stated that Mr. Nyman had Ms. Ma come into her office, and she and Mr. Nyman tried to show Ms. Ma the mistake that occurred; however, Ms. Ma refused to make the correction. Subsequently, Dr. Ferlita asked another router to handle the correction (Exhibit 1).

#### **Documentation Reviewed**

The OIG obtained email documentation that displayed the conversation between Ms. Ma, Dr. Ferlita, Area ESE Coordinator Ana Gomez and Mrs. Codling (ESE contact at J.C. Mitchell for the summer session). The emails demonstrated that Ms. Ma insisted that Mrs. Codling complete a new Form PBSD 1848 after Mrs. Codling explained her confusion about needing to complete a new Form PBSD 1848 when she did not request a change to the morning pick up location.

The OIG also reviewed the request placed by Mrs. Codling on June 25, 2018. Mrs. Codling noted in the *submitter comments/notes* section, page 3 of the document "per parent request, changing the drop off location to [name of center withheld] aftercare" (Exhibit 2). The request only references the aftercare drop-off location, and not the morning pick-up location.

The OIG ascertained that Ms. Ma was told by I.T. Solutions Manager Jerry Nyman that for the request made by Mrs. Codling on June 25, 2018, a new Form PBSD 1848 was not required. Ms. Ma refused to make the necessary correction even after reviewing the emails regarding the matter. Due to the refusal of Ms. Ma to process the correction, Dr. Ferlita assigned Form PBSD 1848 to another router, who made the correction.

Routers are required to only make changes (updates) according to the ESE contact's specific directions in the 'Submitter Comments/Notes' section on page three of the document. No other changes are to be made if not specifically stated in that section.

The Transportation Department appears to be processing all Form PBSD 1848 documents according to best practices. New requests (initial route requests for ESE students), or changes/updates are being completed prior to the end of the ten-day deadline. This investigation did not find any District policies had been violated by the Transportation Department during this investigation.

Based on the testimony and documentation obtained during the investigation, the OIG has determined the allegation that District I.T. Manager Jerry Nyman and ESE Specialist Dr. Christine Ferlita did not properly process Specialized Transportation Form PBSD 1848 for the bus route of an ESE student is *Unsubstantiated*.

#### AFFECTED PARTY NOTICE

In accordance with School Board Policy 1.092 (8)(b)(iv), on November 16, 2018, Dr. Christine Ferlita and Jerry Nyman were notified of the investigative findings and provided with an opportunity to submit a written response to these findings.

As of December 5, 2018, no response was received from Dr. Christine Ferlita or Jerry Nyman.

## **DISTRIBUTION**

Palm Beach County School Board Members Donald E. Fennoy II, Superintendent Audit Committee Members Office of Professional Standards OIG file Investigation Conducted by:

Tanya Lawson, CIGI

7 14 18 Date

Investigation Supervised by:

Oscar Restrepo, CIGI, Director of Investigations

Date

Investigation Approved by:

K. Lung Chiu, CIG, Inspector General

The evidentiary standard used by the School District of Palm Beach County OIG in determining whether the facts and claims asserted in the complaint were proven or disproven is based upon the preponderance of the evidence. Preponderance of the evidence is contrasted with "beyond a reasonable doubt," which is the more severe test required to convict a criminal and "clear and convincing evidence," a standard describing proof of a matter established to be substantially more likely than not to be true. OIG investigative findings classified as "substantiated" means there was sufficient evidence to justify a reasonable conclusion that the actions occurred and there was a violation of law, policy, rule, or contract to support the allegation. Investigative findings classified as "unfounded" means sufficient evidence to justify a reasonable conclusion that the actions did not occur and there was no violation of law, policy, rule, or contract to substantiate the allegation. Investigative findings classified as "unsubstantiated" means there was insufficient evidence to justify a reasonable conclusion that the actions did or did not occur and a violation of law, policy, rule, or contract to support the allegation could not be proven or disproven.

**EXHIBIT** 

From:

Christine Ferlita < christine.ferlita@palmbeachschools.org>

Sent:

Wednesday, June 27, 2018 4:37 PM

To:

Jerry Nyman

Subject:

DOCUMENTATION Fwd: routing change

### 06.27.2018 @ 4:05 PM

REDACTED
#19.806

Jerry and Christine explained to Jin that when a school submits an 1848 as an Update, that the update being requested is documented in the Submitter Comments/Notes section of the 1848. This particular 1848 requested for the PM only to be changed. However, Jin also change the AM.

Jin emailed that another 1848 would be needed.

Christine looked up the history of the 1848s and communicated that another 1848 would not need to be submitted.

Jin countered that she would need another 1848.

Christine explained/showed the request history to Jerry.

Jerry looked up the stop location history and was able to verify that the AM bus stop location had been changed without a request being made for that change.

Jerry followed up with an email requesting that Jin make the adjustment back to the original bus stop location for the AM.

\*Jin refused to make the change.

\*Annette made the change per Jerry/Christine's request.

----- Forwarded message -----

From: Jerry Nyman < jerry.nyman@palmbeachschools.org>

Date: Wed, Jun 27, 2018 at 3:54 PM

Subject: Re: routing change

To: Jin Ma <jin.ma@palmbeachschools.org>

Cc: "Ana Gomez (Coor ESE Area 1)" <ana.gomez@palmbeachschools.org>, Christine Ferlita

<christine.ferlita@palmbeachschools.org>, Linden Codling linden.codling@palmbeachschools.org>, Victoria Jacobson < victoria.jacobson@palmbeachschools.org>, Pete Didonato < pete.didonato@palmbeachschools.org>

Jin.

If you look at the UPDATE 1848 sent on 6/19/2018, the school only wanted to update the PM location (see the comments entered in the 'SUBMITTER COMMENTS/NOTES). Please correct the AM stop back to LOWSON BLVD & SUTTON PL (screenshot below is from the routing log where it shows where the stop was before the UPDATE was sent.

'LOWSON BLVD & SUTTON PL', 'DELRAY BEACH', 'FL', '33444', 14, 7; 19AM', ".

,"LOWSON BLVD & SUTTON PL", DELRAY BEACH, FL", "33444", 15, '2:30PM", ",-

REDACTED

Thanks,

Jerry

On Wed, Jun 27, 2018 at 3:35 PM, Jin Ma <jin.ma@palmbeachschools.org> wrote: There have been multiple time changes, am and pm, please send new 1848 with correct am pm request. Thanks.

THE SCHOOL DISTRICT OF PALM BEACH COUNTY TRANSPORTATION DEPARTMENT	Request Type New Request				
📗 🕻 👣 🖺 Specialized Transportation 🗀	School Year O Current O Next   ESY				
Request	Is lift-equipped bus required? O Yes  No				
Red indicates a required field					
All fields MUST be completed unless request type is "Discontinue Service." If service is discontinued only student demographics are required. For all other request types, form will be rejected if any fields are left blank. If information requested is not applicable to this student type NA or mark not applicable.					
Start Date Student ID# Student First Name MI Last Name	e Gender Grade Birth Date				
6/19/2018	M PK				
Name(s) of Parent/Guardian Phone #1 (Required	Phone #2 (Preferred) Phone #3 (Optional)				
Name(s) of Emergency Contact Phone #1 (Required	) Phone #2 (Preferred) Phone #3 (Optional)				
SIBLINGS: Provide the initials and student ID number of all siblings that will be transported with this student.					
Complete and submit Sibling Transportation Request PBSD 2575 for ea	ich sibling listed below: PBSD 2575				
Printer Printe	t Category				
T - ESE PRE-K					
Zoned School # 0871 Assigned School # 0931					
Zoned School (based on home address)  PLUMOSA SCHOOL OF THE ARTS  Assigned School  J. C. MITCHELL ELEMENTARY SCHOOL					
STUDENT ADDRESS: You MUST check YES or NO for pick-up and Address					
YES NO Home	City State Zip DELRAY BEACH FL 33444				
O Pick Up	DELRAY BEACH FL 3344				
O Drop Off	Accessed to the second				
O Diop oil	DELRAY BEACH   FL   33444				

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THE SCHOOL DISTRICT OF PALM BEACH COUNTY TRANSPORTATION DEPARTMENT  Specialized Transportation  Request  Red indicates a required field  All fields MUST be completed unless request type is "Discontinue Service student demographics are required. For all other request types, form will if information requested is not applicable to this student type NA or mark	be rejected if any fields are left blank
Start Date Student IC# Student First Name MI Last Name 6/19/2018	Gender Grade Birth Date
Name(s) of Parent/Guardian  Phone #1 (Required  Name(s) of Emergency Contact  Phone #1 (Required	Phone #2 (Preferred) Phone #3 (Optional)  RED/
T - 1 ESE PI  Zoned School (based on home address) Assigne	Category RE-K Assigned School # 0931 ITCHELL ELEMENTARY SCHOOL
STUDENT ADDRESS: You MUST check YES or NO for pick-up and Address  YES NO Home	drop-off.  City State Zip  DELRAY BEACH   FL   334-44

DELRAY BEACH

FL | 33444

On Wed, Jun 27, 2018 at 3:26 PM, Ana Gomez (Coor ESE Area 1) < ana.gomez@palmbeachschools.org > wrote: Why?

On Wed, Jun 27, 2018 at 3:19 PM, Jin Ma < <u>jin.ma@palmbeachschools.org</u>> wrote: Christine, we do need 1848 with correct am and pm stop request. Linden, please resend, we try to start on Monday 7/2. Thanks.

On Wed, Jun 27, 2018 at 2:51 PM, Christine Ferlita < <a href="mailto:christine.ferlita@palmbeachschools.org">christine.ferlita@palmbeachschools.org</a> wrote: Jin,

#### AM ONLY

Pick Up

O O Drop Off

ORIGINAL S730 AM Route: Lowson Blvd & Sutton Pl

CURRENT S727 AM Route: 3 St & 13th Ave NOT REQUESTED BY SCHOOL

This email thread was getting a bit confusing, so I called Linden Codling/Summer Site Administrator @ JC Mitchell Elementary to see what exactly may be going on. Linden shared that the AM stop location was changed, and not by request. Please adjust the

stop back to Lowson Blvd & Sutton Pl which was the stop that had originally been provided. We do not require an 1848 as the school did not request this change in the first place. Again, this is specific to the AM only...

Warm regards, Christine

#### Dr. Christine Ferlita

Specialist, ESE and Special Programs Transportation Services Department

School District of Palm Beach County

OFF 561-

242-6594 (PX 5

REDACTED

6594) FAX 561-

242-8340 (PX 58340)
MBL 561-628-2776
<a href="mailto:christine.ferlita@palmbeachschools.org">christine.ferlita@palmbeachschools.org</a>

"We have no special needs children. Just children...with special needs."

Uwe Maurer

On Wed, Jun 27, 2018 at 2:30 PM, Ana Gomez (Coor ESE Area 1) < ana.gomez@palmbeachschools.org > wrote:

Not sure what I am submitting an 1848 for?

On Wed, Jun 27, 2018 at 2:22 PM, Jin Ma < iin.ma@palmbeachschools.org > wrote: Please submit new 1848. We'll try to start on Monday 7/2. Thank you.

On Wed, Jun 27, 2018 at 2:19 PM, Linden Codling < linden.codling@palmbeachschools.org > wrote: I don't know either... perhaps they moved but the address wasn't changed in SIS. Can we get it changed back to Lowson and Sutton, that is where they want him picked up from?

Mrs. Linden Codling | Assistant Principal | Verde Elementary 6590 Verde Trail | Boca Raton, FL 33433 | 561.218.6800 | PX 86805 | Inden.codling@palmbeachschools.org | Twitter@Proud2BVerdeAP

On Wed, Jun 27, 2018 at 2:09 PM, Jin Ma < jin.ma@palmbeachschools.org > wrote: Linden,

The first 1848 was rejected on 6/19 as the assigned school BOCA E is not a summer site, you made correction and resubmitted on 6/25, see screen shot below,	
am stop request is home address and we have an existing s @ SW 3rd St & SW 13th Ave which is 0.5miles away.	top
I am not sure about Lowson Blvd and Sutton PL, it is at the other side of I-95, 4miles away from the ho	me.

**REDACTED** 

Start Date Student ID# Student First Name 6/19/2018	MI Last Name	Gender G				
Name(s) of Parent/Guardian Ph	one #1 (Required)	Phone #2 (Preferred)	Phone #3 (Optional)			
Name(s) of Emergency Contact Ph	one #1 (Required)	Phone #2 (Preferred)	Phone #3 (Optional)			
SIBLINGS: Provide the initials and student ID number of all siblings that will be transported with this student.  Complete and submit Sibling Transportation Request PBSD 2575 for each sibling listed below: PBSD 2575						
Primary Exceptionality from IEP	Student Cate ESE PRE-K	gary				
Zoned School (based on home address) PLUMOSA SCHOOL OF THE ARTS	0871 Assigned Sch J. C. MITCH	As nool ELL ELEMENTARY :	ssigned School # 0931			
STUDENT ADDRESS: You MUST check YES or NO for pick-up and drop-off.  Address City State Zip						
YES NO Home		DELRAY BEAC	State Zip H FL 33444			
O Pick Up		DELRAY BEAC	H FL 33444			
O O Drop Off		BOCA RATON	FL 33432			

REDACTED

On Wed, Jun 27, 2018 at 12:03 PM, Ana Gomez (Coor ESE Area 1)

<ana.gomez@palmbeachschools.org> wrote:

The previous email is for Christine and transportation folks. Sorry Linden.

On Wed, Jun 27, 2018 at 12:01 PM, Ana Gomez (Coor ESE Area 1)

<ana.gomez@palmbeachschools.org> wrote:

Please assist the school with this request. Parents need to be informed of changes that are occurring.

Thanks

On Wed, Jun 27, 2018 at 11:46 AM, Linden Codling < <u>linden.codling@palmbeachschools.org</u>> wrote: Good Afternoon,

There has been some confusion with a change in transportation that was not created by us or the ESE department.

Student

was originally on route S730 with AM pick up at Lowson Blvd and Sutton PL.

He was changed to route S727: SW 3RD ST & SW 13TH AVE, DELRAY BEACH

The parent called transportation this morning as did I and there doesn't seem to be an explanation for the change as no one has requested it. These two locations are not anywhere near each other.

Please place student back on route S730 for the AM pickup. The afternoon is all set for

Thank you so much for your prompt attention to this. I'm hoping to hear back today so I can inform the parent that it's been corrected for tomorrow.

Please let me know should you need any further information.

Mrs. Linden Codling | Assistant Principal | Verde Elementary 6590 Verde Trail | Boca Raton, FL 33433 | 561.218.6800 | PX 86805 | Inden.codling@paimbeachschools.org | Twitter@Proud2BVerdeAP

REDACTED

SUBMITTER COMMENTS/NOTES:	世分
Per parent request, changing the drop off location to aftercar	e, a Boca Raton.
Submitter PX Submit Date 84941 6/19/2018	Signature (To make changes, click the box to un-sign the form Linden Codling 6/25/2018, 12:06:31 PM
The following information will be completed by the Transpivill be sent back to the originator to be placed in the stude student ID # Student First Name	MI Last Name
Pick-up Bus Schedule Facility Se	elect One
Start Date 6/28/2018 Time 7:1	10 AM
Bus Code S727 Location	The state of the s
Comments ESETO J.C. MITCHELL E JUNI	E 18 - JULY 19 2018DELRAY BEACH33444
Signature Jin Ma 6/25/2018, 1:15:46 PM	REDACTED
Drop-off Bus Schedule Facility Sel	ect One
Start Date 6/28/2018 Time 1:50	0 pm
Bus Code S728 Location	
omments	
Signature Jin Ma	

PBSD 1848 (Rev. 10/3/2017)

6/25/2018, 1:15:44 PM

**EXHIBIT**