

"Federation Corner" column
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John Q. Porter and the DIBELS debacle

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Two events in the past week bring me back yet again to John Q. Porter and to the DIBELS debacle, issues I covered twice in this column in January (see January 17 and 31, 2008). On March 7, Oklahoma County District Attorney David Prater released a 278-page report. "The evidence uncovered during the investigation failed to prove that Dr. John Q. Porter committed any criminal act. In fact, a number of documents discovered in the possession of the school district tended to exculpate or explain away most of the allegations made against Dr. Porter by the board," Prater said.

This week, the Washington Post wrote about MCPS' newfound concern over Mr. Porter's spending, sparked by the original allegations lodged against him in Oklahoma City. In 2006, as an MCPS deputy superintendent, Mr. Porter was reimbursed for \$11,722 for travel, dining, gifts for co-workers, nearly double the \$6,932 reimbursed to Superintendent Weast. This included first-class airfare and large tabs at fancy restaurants, a similar pattern as in Oklahoma City. My favorite Oklahoma City-related expense, and perhaps instructive, was a receipt of \$240 to park for six days at \$40 per day at Reagan National Airport. The economy surface lot at the airport is \$10 per day. Only the valet parking is \$40 per day, but even that goes down to \$25 per day by the fourth day.

The Post article states: "School system leaders maintain that Porter's service was unblemished when he left Maryland last year as a newly minted superintendent. Some of his activities have now come into question, however, by some school board members and community activists. Most notable is Porter's involvement in Spectrum International, the document management company he founded in 1993. Porter remained owner of Spectrum after coming to work for Montgomery schools. He is still listed as its sole agent in state corporate records. Lately, community activists, parents and a weekly newspaper columnist have pressed for an investigation of Spectrum.

"School system leaders say Porter assured them that he properly divested from active duty in the company, whose customers included school systems, when he went to work for Montgomery. But Porter was listed as the contact for the company as late as 2004 in a directory of the Montgomery Chamber of Commerce. Porter said yesterday that his name remained in some directories long after he gave up an active role in the company. 'That was completely inappropriate,' Edwards said when asked about the listing. 'Had we known about that, we would have taken appropriate action'."

This response suggests that MCPS did not give Porter permission to run his business out of his MCPS office, if that is what he did, even though its GCA-RA Regulation allows an MCPS employee to do just that with written permission of the superintendent. However, BBB Policy has financial disclosure requirements for associate superintendents that includes any financial interest in a business entity "with which the school system has been known to or is likely to do business. This would have applied to Mr. Porter, who apparently is the sole owner of Spectrum International, even if he had given up control of running the company. After all, Spectrum would be free to do business with MCPS as well as any other school system.

I read the 278-page report at:

<http://kwtv.images.worldnow.com/images/incoming/pdf/0803/praterporter.pdf>

What most interested me about the report was that Mr. Porter was paid \$60,000 to be a consultant by the Oklahoma City Board of Education (OKCBOE) before he actually began his new job on 7/1/07. He was paid

\$991 per day for the equivalent of 35 days, for a total of \$34,685 plus expenses (pages 53-60). The report (pages 86-87) states: "Porter said he was hired April [26] 2007. He said [OKCBOE president] Cliff Hudson wanted him to start as soon as possible, but he was actually still working in Montgomery County." Mr. Porter worked four days in April, eleven days in May, and twenty-one days in June for OKCBOE. The reason this matters is because Mr. Porter was still working for MCPS for some or all of this time period. Was he also paid by MCPS for the days he was paid by OKCBOE to be a consultant? Did MCPS know that he was being paid to be a consultant?

Porter was also questioned about the contract with Wireless Generation for the Dynamic Indicators of Basic Early Literacy Skills (DIBELS). According to the report (pages 86-87): "Porter did not competitively bid a contract for \$365,000 for a reading program called DIBELS... He said in June [2007] the Regional Director for OKC schools spoke with him about expanding the reading program. The Reading First Schools already had it and she felt the entire district could benefit from it. He said he was familiar with the program because it was used in Montgomery County Schools. He said all of the Top 20 Districts in the country have it. He said the Wireless Generation is the only company that has this unique program. He said he asked Dr. Ingraham to research it and present it for consideration. He said Dr. Ingraham told him there was no one who can compete for it against Wireless Generation. He said Dr. Ingraham contacted the state education office and was told that company is considered a sole source. He said he went to the board in September and told them that every school would get this hand held product. The board approved it. He said nothing was questioned then about this expenditure.

"Porter then said that about two board meetings later, Cliff Hudson asked him to resign from his position. He brought up the expenditure as one of the reasons. He said he told Cliff Hudson about what the state office had told Dr. Ingraham. Porter was asked if he receives royalties from any sales of this product. He said 'no, no, no. I will tell you who does'. He said the product was developed while he was at Montgomery County. He told us Montgomery County gets royalties from it. He said he gets nothing."

What is so strange about this statement is that Mr. Porter knew all about Wireless Generation and DIBELS, having been the one to bring the company and the program to MCPS years earlier and to negotiate the royalty agreement. Why would he have directed a subordinate to research it? Why did he not tell the OKCBOE about the royalty agreement from the very start, rather than blurting it out when confronted with suspicions of a royalty scheme of his own?

The report showed that the pressure to use DIBELS exclusively, without looking at existing competitors, did not just come from Mr. Porter, but also came from the Oklahoma State school superintendent and the State Department of Education [Pages 114, 115, 117]: "The State of Oklahoma considers the mClass software from Wireless Generation to be a single source product and as such the State does not bid this program. Further investigation revealed that the DIBELS software is proprietary and is part of the Federally mandated No Child Left Behind Act in the Reading First program. [State School Superintendent Sandy] Garrett stated that she was aware of the inquiry and wanted to supply investigators with evidence that the Wireless Generation mClass software is sole source. Garrett provided the document and it was placed in the case file."

The document was this letter: [1/9/08] "To whom it may concern: (DIBELS) comprise a set of procedures and measures for assessing the acquisition of early literacy and reading skills from kindergarten through sixth grade. Dynamic Measurement Group, Inc., in Eugene, OR holds the copyright and trademark for DIBELS. Through an exclusive publishing agreement with Dynamic Measurement Group, DIBELS currently are available for purchase only from Sopris West Publishing (print version) or Wireless Generation (electronic version. Additionally, DIBELS print materials are available for download from the University of Oregon DIBELS Data System website. Sincerely, Ruth Kaminski, Ph.D., President, Dynamic Measurement Group"

Readers of this column may recall this from my 1/31/08 column: "May 1, 2007: '...Three former and current University of Oregon researchers who served as advisers to the Reading First program reported at a House hearing that they received significant profits from materials they developed that are now widely used in schools receiving the federal grant funding." Ruth Kaminski's partner in Dynamic Measurement Group, Roland H. Good III, the developer of DIBELS, was one of the three.

As I've said before, based on previous and new issues raised by this report, more needs to be learned about Mr. Porter's activities at MCPS and at Spectrum, and more needs to be learned about the role of MCPS and BOE in the DIBELS debacle that has already led to federal government investigations and hearings and likely warrant new ones.