

SPECIAL CIRCUMSTANCE

ON-SITE REVIEW REPORT

Summers County

August, 2020



Office of Support and
Accountability



West Virginia Board of Education
2020-2021

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Introduction

The Office of Support and Accountability conducted a special circumstance review of Summers County Schools to obtain specific information regarding financial indicators and purchasing compliance; grading policies and practices; and county board of education effectiveness. The review was conducted at the specific direction of the State Superintendent, due to reoccurring issues addressed by the West Virginia Department of Education (WVDE) and official complaints brought to the attention of the WVDE by the Summers County Board of Education and others. Due to the COVID-19 National Emergency, the WVDE completed the review with a blended approach, as some aspects were conducted remotely and some by an on-site visit, which occurred June 1-3, 2020. The review process was conducted as outlined in West Virginia Board of Education (WVBE) Policy 2322: *West Virginia System of Support and Accountability* (Policy 2322). The review included interviews of school and central office personnel, as well as local board of education members. Additionally, the Team reviewed 140+ documents submitted to the Office of Support and Accountability by the board president, faculty of Summers County Schools, and members of the central office staff.

A Team consisting of six staff members from the WVDE and a superintendent from another district in West Virginia (WV) compiled the information gathered during the onsite review and provided findings and non-compliances outlined in this report. The report provides recommendations and corrective actions to address deficiencies and improvement of county administrative practices.

During the on-site review, employees and board members communicated they had good intentions pertaining to all decisions and actions. Everyone interviewed expressed they only wanted to do what was best. However, poor communication was an overarching issue that surfaced throughout the duration of the on-site review. The Team observed a lack of communication along with difficulties regarding the delivery of communication. This led to deteriorated working relationships which impacted the well-being and productivity of staff in the central office. Distractions created by deteriorated relationships deterred staff and board members from focusing on student achievement and student well-being. During interviews of most central office staff and some board members, responses were focused on disagreements that had occurred between the superintendent and board members. A lack of communication and trust between the superintendent and board president disintegrated to the point that legal counsel was consulted on a regular basis by the board president regarding agendas, motions, and parliamentary procedure.

Through interviews, the Team determined the negative working relationship demonstrated by the superintendent and the board during public board meetings was noticed by principals and teachers. These circumstances adversely impacted the culture of the district and served as a distraction to teaching and learning. Furthermore, the Team determined the deterioration ultimately caused individuals taking on roles outside their purview. Overall, the Team determined the central office staff is willing to learn and receive technical assistance to address deficiencies resulting from the special circumstance review.

While there are several findings and non-compliances in the report, the WVDE is willing and prepared to assist Summers County Schools in addressing the identified deficiencies, if requested by the new superintendent. The new superintendent of Summers County Schools has been in communication with the WVDE and expressed interest in expediently addressing the deficiencies.

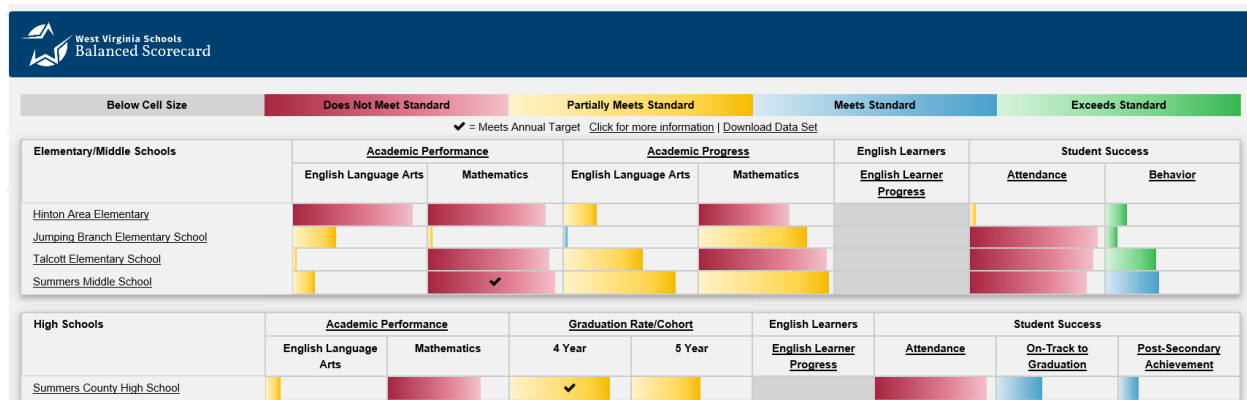
On-site Review Team Members

Charlene Coburn, Senior Accountability Officer, Office of Support and Accountability, WVDE
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 Amy Willard, Senior School Operations Officer, Office of Finance and Operations, WVDE

Background

Summers County Schools operates one high school, one middle school, and three elementary schools, with a total of nearly 1,500 students. According to ZoomWV state assessment results data, 68.08% of the students are economically disadvantaged compared to the state average of 46.93%. Summers County Schools' performance on the 2018–19 West Virginia General Summative Assessment indicated 26.8% of the students were proficient in mathematics and 36.8% in English language arts. These proficiency rates are significantly below the state averages of 38.7% in mathematics and 46.1% in English language arts (ZoomWV, 2020).

The 2019 Balanced Scorecard results indicate academic performance in English language arts and mathematics falls within “Does Not Meet Standard” or “Partially Meets Standard” for all five schools. The student attendance indicator at four of the five schools falls within the “Does Not Meet Standard” category with the fifth school designated as “Partially Meets Standard”. The student success indicators for behavior, on track to graduation and post-secondary achievement meet or exceeds standard at all schools in Summers County. Due to the COVID-19 National Emergency, data is unavailable for the 2019 – 2020 school year. A graphic representation of the 2019 West Virginia Schools Balanced Scorecard for Summers County Schools is provided below.



The areas denoted as requiring improvement were determined based on written evidence, audio and video recordings, and consistency of comments during interviews describing conditions and practices in the Summers County School District.

Focus Area 1: Financial Indicators and Purchasing Compliance

OVERVIEW: The Team investigated complaints submitted to WVDE regarding compliance with the minimum purchasing procedures set forth in WVBE Policy 8200, *Purchasing Procedures for Local Educational Agencies* (Policy 8200) as well as the Summers County School Board Policy of *Fiscal Administration VIII-N-4*.

PROCEDURE: The Team investigated complaints submitted to WVDE regarding the payment of bills generated from consultation with attorneys by the board president addressing board business. These bills appeared on several board agendas and minutes during the 2018–19 and 2019–20 school years. The board president did not inform the superintendent or Chief School Business Officer (CSBO) of the consultations with legal counsel. This conflicted with the historical practice of board members and the superintendent jointly obtaining legal counsel which caused the superintendent to question if the invoices were the responsibility of the county school board or the individual member. County school boards may contact legal counsel as indicated in *W.Va. Code §18–5–13(l)*. Based on evidence reviewed by the Team, many topics in which legal advice was sought could have been resolved through communication and collaboration between the board members and the superintendent. For the 2019–20 school year, the county budgeted and created a purchase order for \$17,500.00 to cover legal fees; however, the fees exceeded this amount by \$5,709.75 for a total of \$23,209.75. This resulted in the board increasing the amount of the purchase order and transferring funds from other areas of the county budget.

RECOMMENDATION 1-1: While this did not rise to the level of a finding, the Team recommended the county continue to establish a purchase order for legal services annually and monitor the balance to avoid expenditures greater than the purchase order permits. Furthermore, the Team recommended the board and superintendent communicate regularly to determine if other action steps may be taken prior to seeking legal counsel to avoid unnecessary expenditures.

PROCEDURE: The Team reviewed a sample of thirty purchase orders from fiscal years 2019 and 2020 and additional documentation. Such as corresponding invoices and check remittances to determine if purchasing procedures were followed. The Team examined the sample for compliance related to the proper sequence of requisitions, purchase orders, invoices and payments, and compliance related to obtaining multiple bids from vendors. Also, further review of the purchase order samples took place to ensure proper board approval for purchases when applicable. According to Policy 8200 section 18.5., all contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of \$100,000 or more must have the prior approval of the Local Education Agency's (LEA) governing board. Policy 8200 also requires each county board to adopt a local purchasing policy which, at a minimum, must adhere to the provisions of Policy 8200. Prior to January 9, 2020, the board's policy was to follow the guidelines of Policy 8200, but on that date, the board voted to adopt *Policy VIII-N-4 Summers County School Board Policy of Fiscal Administration* which placed more stringent requirements on the expenditure threshold. The county board policy requires purchases greater than \$5,000 to have prior approval by the board.

The local policy adopted by Summers County, *Policy VIII-N-4 Summers County School Board Policy of Fiscal Administration*, is not clear as to exactly which purchases require board approval. The policy indicates it is not the intent of the policy to cause restrictions for the “reasonable purchasing of goods and services that are considered repetitious, well established, and necessary for the day-to-day operations of the Summers County School System or to require Board approval for such instances of need.” Per discussion with the central office staff, there are many purchases that exceed \$5,000 which could potentially fall under the vague exception language.

Furthermore, the Team reviewed the purchase order sample to ensure competitive bids were acquired when applicable thresholds have been met as required. Based on discussion with central office staff, obtaining bids is currently the responsibility of each individual making a requisition request and only the successful bid is generally submitted to the finance office with the requisition request.

The Team also reviewed a separate sample of 30 total General Ledger payments from 2019 and 2020 to specifically test for the proper sequence of requisitions, purchase orders, invoices, and payments.

NONCOMPLIANCE 1-1: Of the sample of thirty purchase orders for fiscal years 2019 and 2020, the Team found the following instances of non-compliance:

- Ten of thirty sampled purchase orders were completed and posted after receiving a detailed invoice from the vendor for the goods received or services rendered.
WVBE Policy 8200 Section 4.1
- There was one instance of a check remittance dated prior to the date stamped on the invoice marking it received.
WVBE Policy 8200 Section 26.1, W. Va. Code §12-3-18
- Of eight purchase orders of an amount which required board approval, three did not receive prior approval from the board to execute the purchase.
WVBE Policy 8200 Section 18.5, Summers County School Board Policy of Fiscal Administration VIII-N-4
- Of nine purchase orders that required some form of competitive bid solicitation prior to purchase, four did not have proper bid solicitation documentation.
WVDE Policy 8200 section 7.11

Of the sample of thirty General Ledger transactions for fiscal years 2019 and 2020, the Team found the following instances of non-compliance:

- Two of thirty sampled transactions had requisitions and purchase orders dated after the invoice date and/or date on the packing slip.
WVBE Policy 8200 Section 4.1
- One of thirty sampled transactions did not have a requisition or purchase order and only had an invoice from the vendor.
WVBE Policy 8200 Section 4.1

CORRECTIVE ACTIONS 1-1: The Team recommended the following in response to the instances of noncompliance:

- Summers County Schools must provide training on WVBE Policy 8200 to all school level and central office staff that routinely make purchases to ensure they have an understanding of the procurement requirements.
- All staff must be required to follow the procurement guidelines and procedures to ensure requisitions and purchase orders are approved prior to ordering goods and services. If individuals repeatedly place orders for goods/services without required prior approval, they should face appropriate disciplinary action, including being held personally responsible for the purchases. Central office staff shall adopt procedures to help track instances of purchasing noncompliance.
- Finance staff must ensure a valid invoice is received prior to the issuance of payment to vendors.
- For all purchases in excess of bid thresholds, the county must ensure all required bids are obtained. Copies of all bid documents should be submitted with the requisition and retained by the finance office. This will help ensure all necessary bids are obtained prior to the creation of a purchase order and also ensures the bid documentation is retained in a centralized location.
- Related to *Policy VIII-N-4 Summers County School Board Policy of Fiscal Administration*, the local board should provide specific examples of the types of purchases they believe fall under the vague exception language so there is no question as to whether a potential purchase requires prior board approval. \$5,000 is much lower than the \$100,000 board prior approval threshold from WVBE Policy 8200, causing a potential delay in the purchase of goods and services while awaiting board approval.
- Summers County Schools must develop procedures to ensure all purchases requiring the prior approval of the local board are placed on a board agenda and approved by the board prior to placing the order with the vendor.

PROCEDURE: A separate sample of purchase orders were reviewed from the West Virginia Education Information System (WVEIS) system for fiscal years 2019 and 2020. This sample was comprised of 14 groups of purchases to ensure purchases were not separated into a series of separate requisitions or purchase orders, referred to as stringing, for circumventing the applicable threshold limits of competitive bidding procedures as defined in Policy 8200 section 7.5.

FINDING 1-2: Five of the fourteen sampled purchase groupings did not have documented bid solicitation when deemed applicable. It is the opinion of the Team this was due to a lack of understanding of policy rather than a blatant violation of policy due to stringing as defined in *WVBE Policy 8200*.

WVBE Policy 8200, Section 7.5

RECOMMENDATION 1-2: The Team recommended Summers County Schools provide training on *WVBE Policy 8200* to all school level and central office staff who routinely make purchases to ensure they have an understanding of the procurement requirements. Further, the county should review processes for issuing blanket purchase orders for supplies, such as bus parts or facilities-related parts, to ensure bids are obtained if the annual purchase of such parts will exceed the bid thresholds.

PROCEDURE: The Team interviewed central office staff regarding the internal procurement process used by Summers County Schools. It was determined the county does not currently utilize the warning features in WVEIS to alert the county as to whether sufficient funds are budgeted in the account being utilized.

RECOMMENDATION 1-2A: While this did not rise to the level of a finding, the Team recommended the county consider changing the internal flow of the procurement documents. The Professional Accountant could be trained on the proper account coding process, eliminating the need for the Chief School Business Officer (CSBO) to code each requisition before creating the purchase order in WVEIS. The county should implement the WVEIS warning features to alert the county of any budgetary issues when the purchase order is created.

PROCEDURE: WVDE staff alerted the Team that liquidation of federal grant funding had been delayed due the county neglecting to encumber Comprehensive Support and Improvement (CSI) funds and Title I funds, as indicated by the required federal guidelines.

FINDING 1-3: Failure to adhere to federal guidelines resulted in schools and students receiving delayed services that could have been used to improve educational programs in Summers County in a timelier manner.

RECOMMENDATION 1-3: Summers County Schools utilize the county needs assessment results in the county strategic plan to expediently use federal funding to support students, teachers, and programs.

Focus Area 2: Grading Policy and Practices

Overview: Prior to the on-site review, the Summers County Board of Education president, with the approval of the Summers County Board of Education, officially requested the WVDE investigate possible grading policy violations. The president indicated the possible violation had been reported to board members by Summers County High School staff. The staff members indicated grades had been changed by central office staff without consent of the teacher of record.

Through interviews and review of documentation, the Team discovered during the 2018-19 school year approximately 40 students enrolled in Spanish I or Spanish II at Summers County High School had discrepancies with grades reported on three different grading platforms used by the school. These discrepancies were discovered when a parent contacted Summers County Central Office in June 2019 to ask clarifying questions. Based on interviews with administrative and professional staff at Summers County High School and the central office, it was determined email documentation supports the timeline and explanation of actions that led to a manual data entry error causing the discrepancies.

Based on interviews and written evidence from staff responsible for virtual school instruction at the state, county, and school level, following the parent inquiry, it was determined that an unfortunate chain of events caused the error. Lack of communication with the virtual school instructor and facilitator, lack of availability of faculty members during the summer months, and a general misunderstanding of how each grading platform calculated grades contributed to the error in reporting student grades for the virtual Spanish courses. During the summer months, the central office staff and school administration investigated the issue and changed the grades based on what they believed to be accurate at that time.

In September, a high school staff member determined the grades on students' final transcripts remained incorrect. The superintendent contacted WVDE for clarification and the grades were changed again to reflect the correct grade for the courses as recorded in the WV Virtual Schools platform. Parents were mailed letters informing them of the error and revised grade. Additionally, parents and students were provided an opportunity to schedule a discussion with school staff. On Friday, September 13, 2019, WVDE personnel provided training to both school and central office staff in the roles and responsibilities of virtual school instructors and facilitators regarding grades to ensure this situation would not occur again.

The Team determined the students with grade changes were not in Grade 12 during the 2018–19 year. Furthermore, grades changed did not assist students in obtaining scholarships or grants. A calculation and reporting error occurred. All individuals interviewed from the school and central office indicated no malice was intended. In addition, the central office staff took immediate action to correct the error and notify the students and parents. Members of the Summers County Board of Education received email notification from the superintendent on September 21, 2019 accurately describing the virtual Spanish grading issue, the steps taken to correct the situation, and measures put in place to ensure the situation does not happen again.

FINDING 2-1: While the Team determined evidence did not exist to support a deliberate attempt to change students' grades to obtain scholarships or financial aid, a lack of communication between central office personnel, school administration, and teachers contributed to incorrectly changing students' grades for virtual Spanish classes at Summers County High School. The use of multiple grading platforms also contributed to the confusion.

W. Va. Code §18-5-46

RECOMMENDATION 2-1: Assure all staff members are knowledgeable of the grading platforms and how grades are averaged. Develop an administrative practice that outlines written expectations for communicating the processes used for data entry. For future WV Virtual School grades, continue to communicate with the WVDE virtual school coordinator to verify accurate grades are entered in the multiple grading platforms. If grading discrepancies are found, contact the teacher of record regarding grade inquiry to comply with *W. Va. Code §18-5-46*.

Focus Area 3: County Board Member Effectiveness–Open Governmental Meetings Act

Overview: Upon receipt of complaints and review of Summers' County Board agendas and minutes, it appeared to the WVDE Team possible violations of the Open Governmental Meetings Act may have occurred.

FINDING 3-1: On at least one occasion, the Summers County Board of Education changed meeting minutes nearly eight months after they were approved. There is no indication the minutes that were changed were incorrect. Revisiting or revising minutes after this length of time when there is no actual error serves to undermine public confidence in a board of education and perpetuates personal disputes unrelated to the actual business of the board.

W. Va. Code §6-9A-5.

RECOMMENDATION 3-1: W. Va. Code § 6-9A-5 states each governing body shall provide for the preparation of written minutes of all of its meetings. Subject to the exceptions set forth in section four of this article, minutes of all meetings except minutes of executive sessions, if any are taken, shall be available to the public within a reasonable time after the meeting and shall include, at least, the following information:

- (1) The date, time, and place of the meeting;
- (2) The name of each member of the governing body present and absent;
- (3) All motions, proposals, resolutions, orders, ordinances, and measures proposed, the name of the person proposing the same and their disposition; and
- (4) The results of all votes and, upon the request of a member, pursuant to the rules, policies, or procedures of the governing board for recording roll call votes, the vote of each member, by name.

Other than the items specified, no other information or commentary is required to be included in minutes of a public body. It is recommended the Summers County Board of Education limit the inclusion of any additional information in its minutes. This will eliminate the desire to revise or revisit statements in minutes which are more personal in nature.

Focus Area 4: County Board Member Effectiveness–Family Education Rights and Privacy Act (FERPA)

Overview: During the review of Summers County board agendas and minutes, the Team observed multiple instances of the publication of student personally identifiable information as it related to expulsion hearings. For students participating in expulsion hearings, the agendas and minutes included students' West Virginia Education Information System (WVEIS) numbers and the name of the school attended. Private student information should not be publicly reported as it is protected by the Family Education Rights and Privacy Act (FERPA). The Team determined using student WVEIS numbers during expulsion hearings has been a long-standing practice of Summers County Schools.

NONCOMPLIANCE 4-1: Summers County board agendas and minutes include private student information when recommending a student for expulsion.

WVBE Policy 4350 4.1.o., 17.1

CORRECTIVE ACTION 4-1: Review past board agendas and minutes to redact all student personally identifiable information. Create a system moving forward of identifying students for disciplinary action that does not provide personally identifiable information.

Focus Area 5: County Board Member Effectiveness–Policy to Promote School Board Effectiveness

Overview: WVBE Policy 2322 *West Virginia System of Support and Accountability* (Policy 2322) serves as a guide for continuous school improvement through self-assessment, decision making, professional learning, and strategic planning. In conjunction with Policy 2322, July 11, 2012, the West Virginia Board of Education endorsed the West Virginia School Board Association's (WVSBA) *Standards for High-Functioning County Boards of Education*. These standards include: leadership and advocacy, relationships, accountability, quality improvement, and board operations. The introductory statement to these standards state,

“A high-functioning county board demonstrates its leadership through commitment to serving its true constituents, the students of the school district. ...this commitment is exemplified by development of strong organizational beliefs, values, and practices, high expectations, and distributive leadership focused on continuous school improvement to increase student learning.”

Policy 2322 and WVSBA *Standards* serve as exemplars for effective school board operation, effective superintendent school board relationships and also provide a basis for evaluation of school boards' efforts regarding continuous school improvement and relationships with the community and county school employees.

Board, Superintendent, and Central Office: The Team analyzed board of education minutes from the 2018–19 and 2019–20 school years, including audio and video recordings when needed; conducted interviews with school board members and central office staff; read and catalogued over 140 documents; and examined county board of education policies.

Based on the information reviewed, the Team observed board members overreaching expected and trained roles and responsibilities with involvement in the day-to-day operations of the county school system. This was demonstrated by requiring additional bids for bus garage repairs, including one written by the board; requiring the superintendent to copy the board president on all correspondence with legal counsel; requiring central office personnel to contact the board president for permission prior to contacting legal counsel (i.e. contracted attorneys, prosecuting attorney); and contacting state agencies directly without first discussing with the superintendent or county office personnel.

Additionally, disagreements between the superintendent and the board regarding vendors and services used to provide support to a Comprehensive Support and Improvement (CSI) School resulted in delayed expenditure of CSI funds and delivery of needed school improvement services. The lack of trust and poor communication between the superintendent, central office staff, and county board served as a distraction and resulted in a lack of focus on implementing plans to improve student achievement and well-being.

Furthermore, interviews and observations of board meetings indicated the superintendent did not take an active role to foster a positive working relationship with the board to focus on student achievement. The absence of trust and respect between the superintendent and some board members led to central office staff enduring undue stress while attempting to complete their daily duties in fear of potential repercussions from either the superintendent and/or county board members. During the interview process, several staff members indicated they were concerned about being fired by either the superintendent or the board and expressed they were placed in the middle of the conflict. The staff members further indicated providing assistance to one person or group was viewed as a betrayal to the other person or group.

FINDING 5-1: The Team determined the board did not present a pervasive culture of ownership for student success with regard to student achievement and student well-being. A lack of attention to a clear and focused mission resulted in the absence of purpose and an approach to support learning for all. Additionally, a lack of trust by the board in the expertise of the central office staff's ability to make educational decisions on behalf of students hindered the progress of school improvement initiatives.

WVBE Policy 2322

RECOMMENDATION 5-1: The Team recommended the county board develop strong organizational beliefs and values and implement practices that demonstrate high expectations and distributive leadership focused on continuous school improvement to improve professional practice and increase student learning.

FINDING 5-2: The county superintendent did not develop a productive working relationship with and among county board members which hindered the effectiveness of the board and school system to implement initiatives to improve student achievement and well-being.

WVBE Policy 5800, Chapter 4, Sections 1 and 2

RECOMMENDATION 5-2: The superintendent establish processes for ensuring the board is informed and involved in strategic planning and goal setting for the district. Further, the superintendent is responsible for implementing a consistent and systematic method for contacting board members and keeping them informed of significant projects, events, and initiatives within the county school system.

FINDING 5-3: Based on interviews and written communication, the Team observed a lack of a shared leadership structure in the central office to support cohesiveness among the central office team and support for the leadership capabilities of others, as well as networks that foster teamwork and collaboration.

WVBE Policy 5800, Chapter 4 Section 2.a.3 through 2.a.5

RECOMMENDATION 5-3: The central office staff establish a shared leadership structure in the central office that promotes teamwork, trust, collaboration, and respect with the sole purpose of achieving the mission, vision, and strategic plan goals established by Summers County Schools as outlined in WVBE Policy 5800, Chapter 4.

Board Performance Appraisal: Policy 2322 outlines the expectation for each county board of education to annually assess their performance using the statutorily required performance appraisal. The Summers County Board of Education last conducted a self-evaluation in executive session at the June 27, 2019 board meeting. The board returned from the executive session with four resolutions, “seek continued improvement in financial stability; continue to seek input from professional and service personnel on key issues affecting student achievement; broaden board knowledge on the ever-changing WV laws and policies; and improve communication with the central office and public.” While these resolutions are admirable, the Team did not observe a focus on these areas.

Based on evidence reviewed, the board consistently tabled topics, some for several months, related to board policies, Comprehensive Educational Facilities Plan (CEFP), bids and repairs to the bus garage, Comprehensive Support and Improvement (CSI) funding, bonding for the board president, and the renewal of the superintendent’s contract. The minutes from board meetings and interviews with board members indicate a lack of attention to strategic planning, student achievement, attendance, and school improvement. WV Balanced Scorecard data for Summers County schools indicates these areas should be a priority.

NON-COMPLIANCE 5-1: A summary of the County Board Members’ self-appraisal did not include details regarding the process and findings.

WVBE Policy 2322 7.1a

CORRECTIVE ACTION 5-1: Provide a summary appraisal of the county board's effectiveness that includes strategies necessary to monitor and improve student achievement on a continuing basis, as well as all other components outlined in WVBE Policy 2322, Chapter 7, Section 1.a

Comprehensive Support and Improvement: Furthermore, WVDE staff working to support Summers County in the CSI process expressed concerns regarding the use of the CSI funding to the Team. While the expenditures generally meet the criteria for the use of federal funds, they are not utilized as part of a comprehensive, systemic plan for improvement based on the recommendations in the WVDE Diagnostic Report. Further, neither building level nor district leaders have effectively monitored the implementation and effectiveness of the professional learning, programs, and equipment purchased. For example, CSI funding had been utilized for teachers to attend further Positive Behavioral Interventions and Supports (PBIS) training. As of the last visit by WVDE CSI staff prior to COVID-19, the strategies from the training had not been implemented, and the school continued to report student behavior as a significant barrier to the process of improvement. In addition, multiple improvements in technology, such as digital displays for hallways and a projection system for the auditorium have been approved. However, this equipment has not been installed due to concerns with the long-term suitability of the structure. Therefore, none of these planned improvements are currently benefiting students as intended.

Summers County Schools currently has \$790,415.92 available in Title I funds and an additional \$94,885.56 in Title II funds available that were carried over from FY19 and FY20. This amount does not include Title I and II funding for FY21 and any Coronavirus Aide, Relief, and Economic Security (CARES) act funding the county may receive. These funds could be used for a myriad of supports including professional learning opportunities vetted by the central office to support improving classroom instruction, strategies for monitoring the implementation of instructional initiatives, and additional staff to provide extra support to students instead of materials and equipment not utilized in classrooms.

FINDING 5-4: The Team determined the county board and central office staff did not effectively collaborate with stakeholders in the CSI school to create and monitor goals for improvement, allocate spending to those goals, and create clear expectations for implementation, and monitoring to support student growth.

West Virginia's Consolidated State Plan for The Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act of 2015; WVBE Policy 2322

RECOMMENDATION 5-4: The Team recommended central office staff and personnel of the CSI school examine school data to determine goals for improvement, match spending to support goals, create a plan with expectations and timelines for implementation and monitoring, and provide regular updates of the progress of the plan to the board.

Board Meeting Procedures: It was also noted the board president frequently abstained from voting on payment of bills at board meetings. Of 21 regularly scheduled meetings for the 2019–20 school year, the board president abstained from voting on payment of bills in 18 meetings (86%). When asked during the May 7, 2019 board meeting by the secretary of the board the reason for his abstention, he stated, "I just abstained."

The West Virginia Ethics Act states, “public officials may not vote on a matter in which they, an immediate family member, or a business with which they or an immediate family member is associated have a financial interest. Public officials or their immediate family members are considered to be “associated” with a business if either the public official or an immediate family member is a director, officer, owner, employee, compensated agent, or owns 5% or more of the outstanding stocks of any class. “Immediate family” includes the spouse with whom an individual is living as husband or wife, as well as any dependent children, dependent grandchildren, or dependent parents.”

Additionally, “Public officials may not vote on a personnel matter involving the public official’s relative or person with whom the public official resides. The Ethics Act defines “relative” as a spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law.”

The Act further prohibits voting to appropriate public funds or award a contract to a non-profit corporation if the public official or an immediate family member is employed by or a compensated officer or board member of the non-profit. If the public official or immediate family member is an uncompensated officer or board member of the nonprofit, then the public official may vote on the matter only if the public official publicly discloses such relationship of the public official’s or his immediate family member’s relationship to the nonprofit. Such disclosure must be made on the agenda item relating to the appropriation or contract, if known at the time of the agenda, by the public official at the meeting prior to the vote, and in the minutes of the meeting.

Whenever a public official is prohibited from voting under the Act, the public official must fully disclose his or her interests and physically remove himself or herself from the room during the discussion and vote on the matter from which they are disqualified. Meeting minutes should reflect the recusal as well as the reason for the recusal.

W. Va. Code §6B-1-1 through §6B-3-11

While a board member cannot be compelled to vote, frequent abstention from voting on the payment of bills is inconsistent with best practices of a board of education member.

FINDING 5-5: The West Virginia Ethics Act sets forth specific rules regarding when elected public officials may vote. The overriding purpose of the rules on voting is to ensure a public official does not vote on a matter in which he or she has a financial interest. Unless a board member is prohibited from voting as set forth in the Ethics Act, there is no basis for a board member to refuse to vote on an issue of business properly before the board.

W. Va. Code §6B-1-1 through §6B-3-11

RECOMMENDATION 5-5: The team recommended Summers County Board of Education contact the West Virginia Ethics Commission for information and/or training to address the issue of voting.

Board Policies: The Team also analyzed the policy manual for Summers County Schools and found several policies did not reflect current W. Va. State Code, WVBE policies, and federal regulations. Of the 169 policies currently in place in Summers County, 78% have not been reviewed or revised for more than 10 years. As an example, W. Va. Code §18-5-14 *Policies to Promote School Board Effectiveness*, requires county boards of education to annually review their policy related to school

board effectiveness and make changes if needed. Summers County Board of Education Policy II–B–4, *Policy to Promote School Board Effectiveness*, was last reviewed July 2012. Since 2012, the West Virginia Legislature has passed two bills affecting W. Va. Code §18–5–14, in 2016 and 2019. These legislative changes are not reflected in Summers County Board of Education Policy II–B–4.

Several documents submitted to the Team contained numerous email exchanges regarding board agenda changes and the Team determined last-minute changes to agendas fell within the timelines found in Summers County Policy II–B–1. Unfortunately, this policy contains typographical errors and does not include a deadline for the submission of agenda items, which may have contributed to the confusion regarding the deadlines for submitting agenda items and posting agendas.

FINDING 5-6: Summers County Schools’ Board Policy Manual has not been sufficiently revised to reflect changes in state and federal law and policies. There are several policies that are ambiguous and may contribute to confusion regarding the roles and responsibilities of the board and superintendent. Over three-fourths of the policies have not been revised or reviewed in the last ten years, with 17% not revised or reviewed since 1974.

WVBE Policy 2322 Chapter 7, Section 1.a; WVSBA Standards for High-Functioning County Boards

RECOMMENDATION 5-6: Summers County Schools conduct a comprehensive review and revision to board policy to reflect current legislative mandates and best practices. In addition to revising policies, it is suggested administrative practices are created for the implementation of policies where necessary (i.e. purchasing procedures, transportation, board agendas, job postings).

Boardmanship and Governance Effectiveness: The WVSBA provides instruction to new and current board members regarding boardmanship and governance effectiveness as indicated in W. Va. Code §18–5–1a. A portion of the training addresses participation of board members during meetings. To demonstrate boardmanship and governance effectiveness, it is incumbent upon every member of a board of education to review and research agenda items and not rely on one member to govern. The Team reviewed video recordings of Summers County Board of Education meetings and found most board members minimally contributed to discussions and deferred to the board president to ask questions, provide information, and make comments on agenda items.

The Team found several instances in audio and video recordings of board meetings where the discussion prior to a vote on a motion did not reflect a “non-personal and factual debate regarding the motion” as described in *Robert’s Rules of Order* (11th Edition pp. 42– 44), the basis for operations and procedures as established in Summers County Board Policy II–B–2 (1974). In some cases, the discussions regarding motions became argumentative and personal.

FINDING 5-7: The Team found the general conduct of the Summers County Board of Education did not reflect appropriate boardmanship and governance effectiveness as described in new and returning board member training sessions provided by the WVSBA. In addition, the Team found the board become involved in the day to day operations of the school system and undermined the leadership of the superintendent as Chief Executive Officer (CEO). A CEO as defined in Black’s Law Dictionary (2014) is “A corporation’s highest-ranking administrator or manager, who reports to the board of directors.”

WVBE Policy 2322, W. Va. Code §18 – 5, WVSBA Standards

RECOMMENDATION 5-7: The Team recommended the superintendent, board members, and central office staff receive additional training from the WVSBA regarding roles and responsibilities of board members and appropriate interactions of board members with board employees and the superintendent, who acts as the chief executive officer (CEO) of the county board of education as referenced in W.Va. Code §18-4-10.

Additional Findings

While the scope of the special circumstance review addressed specific areas, during the process the Team discovered items of significance that warranted additional findings.

FINDING 6-1: At the April 23, 2020 board meeting, the superintendent recommended to the board a part-time elementary principal be reassigned by mutual agreement to a full-time principal position, at Jumping Branch Elementary, without previously creating and posting a full-time principal position. Note: The county board did not take action on this agenda item.

W.Va. Code §18A-4-7a; WVBE Policy 5000

RECOMMENDATION 6-1: Seek board approval of newly created positions prior to posting the positions. Additionally, post all new positions to assure all qualified, interested candidates have ample opportunity for consideration.

Overview: During review of board agendas and minutes the Team observed a high number of expulsion hearings. Further investigation revealed Summers County has a high percentage of student expulsions for its size. Summers County is ranked 44 out of 55 counties in relation to student enrollment; however, the county is ranked 7 out of 55 (with 1 being the highest percentage for the state and 55 being the lowest percentage for the state) for the number of expulsions for the 2019 – 20 school year. Summers County expelled nearly 1% of its student population during the 2019 – 20 school year.

FINDING 6-2: Summers County has an excessively high expulsion rate for its size which could be due to extraordinary circumstances or an ineffective preventive discipline program throughout the county.

W. Va. Code §18A-5-1(f), WVBE Policy 4373 Section 1; WVBE Policy 2419 Chapter 7

RECOMMENDATION 6-2: Conduct a review of the preventive discipline program in each school for compliance with policy and effectiveness. Revise plans as necessary to ensure schools are providing a safe and supportive environment for all students which includes an effective behavior intervention plan.

Overview: The Team observed a pattern of internal central office information being discussed with the community. Additionally, this led to conversations in social media and rumors undermining the credibility of the board and central office staff. These distractions hinder the board's ability to focus on continuous improvement and student achievement.

FINDING 6-3: Members of the Summers County Schools organization are releasing information to individuals and the public without the knowledge or authorization of the superintendent as indicated in Summers County Board of Education Policy II-E-1 *News Releases*.

Summers County Board of Education Policy II-E-1 News Releases

RECOMMENDATION 6-3: Representatives of Summers County Schools adhere to Policy II-E-1 *News Releases* to communicate information to the public ensuring an accurate explanation of a matter to the public. Additionally, train all employees on communication protocols and the consequences for sharing information without authorization.



W. Clayton Burch
West Virginia Superintendent of Schools