

SPECIAL CIRCUMSTANCE

ON-SITE REVIEW REPORT

Nicholas County Schools

May 2025



Office of Accountability



**West Virginia Board of Education
2024-2025**

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Introduction

The West Virginia Department of Education (WVDE) began a Special Circumstance Review of Nicholas County Schools on April 14, 2025. The State Superintendent of Schools directed the review to investigate recent actions by the Nicholas County Schools Board of Education members and staff; to substantiate official complaints submitted to the WVDE; and to examine processes and structures to ensure a safe and supportive learning environment. The review was conducted per *W. Va. Code §18-2E-5* and *West Virginia Board of Education (WVBE) Policy 2322: West Virginia System of Support and Accountability*. The following areas were reviewed:

- Superintendent and central office leadership
- County board of education member responsibilities
- Personnel and hiring practices
- Procedures to create and support safe and supportive school environments

Prior to the onsite review, the team reviewed records, documents, and local board policies relative to the identified areas of focus. On Monday, April 21, 2025, two WVDE teams were on-site in Nicholas County. One team visited the central office to conduct interviews of county board of education members and central office staff. A second team visited Summersville Middle School to observe and assess the learning environment.

In response to parental and community complaints regarding ongoing activity at Summersville Middle School, an independent investigator was obtained through Mountain State Educational Services Cooperative (MSESC). This individual examined each allegation of student-to-student sexual misconduct before the onsite review by the WVDE team. The resulting 40-page report was reviewed by the WVDE team and was deemed to be exceptionally thorough and credible. As part of the independent investigation, multiple students, parents, teachers, counselors, and school administrators were interviewed. Additionally, the investigator reviewed extensive notes, reports, documents, and video footage. **Therefore, the scope of the WVDE review did not include additional investigation of specific allegations but was instead focused on assessment of the learning environment and support for positive behaviors at the school.**

Onsite Review Team Members

Jessica Austin, Coordinator, Office of District and Leadership Support
Hannah Cooper, Coordinator, Office of District and Leadership Support
Alexandra Criner, Director, Office of Accountability
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Stephanie Hayes, Coordinator, Office of District and Leadership Support
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Background

In March 2025, WVDE personnel were notified that a service employee of Nicholas County Schools was a registered sex offender and disclosed his conviction on his employment application. It was later ascertained that the individual in question was a relative of the superintendent. Around the same time, social media posts began to circulate alleging that serious student sexual misconduct had gone unaddressed at Summersville Middle School. Due to the nature of the two separate situations, the public outcry has been substantial, and the circumstances have significantly impacted the focus and daily operation of the school district.

Focus Area I: Personnel and Employment Practices

- At the June 17, 2024, meeting, an individual was hired for Job Posting 21614. This individual is a relative of the Nicholas County Schools superintendent. Interview responses indicated that the assistant superintendent/personnel director and the then transportation/maintenance director were aware that this person was a relative of the superintendent. The assistant superintendent denied feeling pressure to hire this individual because there was no other interest in the job.
- The superintendent stated during his interview that he was aware this relative was looking for work and that he encouraged him to apply at the board of education in the maintenance department.
- The superintendent recalled learning that this relative had gotten into trouble when he was informed that he had lost his job at the fire department because “he’d had an inappropriate interaction with an underage child.”
- Job 21614 was advertised as a Summer Custodian III. The job was to be a 40-day contract at Pay Scale E. The qualifications listed for the position included a criminal background check per *W. Va. Code 18-5-15c*. The job description states, among other responsibilities and expectations, that the staff member would aid students, teachers, the public, and other employees as assigned.
- While employment records showed this individual began working on 6/11/2024, the only job application on file was submitted on 8/17/2024.
- The superintendent gave conflicting answers about whether he had viewed the employment application. At one point in the interview, he stated he had not seen the application until recently. At another point in the interview, he denied having seen it.
- On the job application, the applicant listed the Nicholas County Board of Education president as a professional reference. The board president stated that the applicant had worked for his landscaping business when he was in high school. However, the application indicated he was employed full-time at the landscaping business from July 2021 to September 2023 at an annual salary of \$24,000. The board president stated he was unaware the applicant had used him as a reference.

- On the employment application, the applicant disclosed being charged and convicted of “Prohibiting Child Erotica” in August of 2017. Criminal records indicated the conviction was the result of a plea agreement. While the offense is a misdemeanor, the applicant is required to register as a sex offender and has been on the West Virginia State Police Sex Offender Registry since 2017.
- The assistant superintendent, who serves as the personnel director, stated that a background check was completed at the time of his employment and recalled a conversation in which the superintendent said to her, “Something is going to come back on that background check. I don’t want to know what it is.” The assistant superintendent stated the background check indicated charges had been dismissed.
- The assistant superintendent indicated that while she did not view the job application, she did have a conversation with him at the time he was hired in which he disclosed that he had been talking to an underage girl, and that her father reported him to the police.
- This individual was employed continuously from June 11, 2024, until March 18, 2025, despite the job for which he was initially employed being for a 40-day contract. The assistant superintendent stated in her interview response that his employment continued beyond the contract without an additional application, board approval, or job posting.
- This employee’s first pay stub, dated June 25, 2024, indicated he was paid at the rate of \$123.80 per day, Pay Grade D. The job description listed on his pay stub was “Substitute Service.” The final pay stub, dated March 25, 2025, indicated he was paid at the rate of \$130.80 per day and was earning personal leave despite continuing to be classified as “Substitute Service.” When asked about this employee’s job responsibilities, however, the assistant superintendent stated he was “never hired as a substitute for anything.”
- The assistant superintendent indicated that this employee did summer maintenance work and helped move boxes and furniture from Cherry River Elementary, but she was unaware of his day-to-day responsibilities from November 2024 to March 2025.
- Interview comments and records review indicate the individual began working before his background check results were received. The individual was approved by the board of education “pending background check,” although his background check had already been completed and reviewed.
- The employee’s file indicated he passed the written portion of the custodian test on June 10, 2024, and the performance section of the custodian test on June 17, 2024. No evidence supporting his certification to perform maintenance duties was provided.
- In response to a records request made under the Freedom of Information Act (FOIA), the assistant superintendent indicated Nicholas County Schools does not have a nepotism policy. However, all public officials, including those employed by local boards of education, are subject to *W. Va. Code §158-6-3: Nepotism*, which prohibits favoritism shown or patronage granted in employment or working conditions by a public official. The employment of family members and relatives is not a violation of policy, however, those individuals cannot receive special treatment in the employment process or in their working conditions.

- In reviewing employment information, the two examples below were identified:
 - A relative of the superintendent is employed as a cook in the county. This individual served as a substitute cook before the current superintendent was hired. At the November 20, 2023, board meeting, this individual was employed as a half-time cook at Mt. Nebo Elementary. On December 4 of that same year, she was approved as a full-time cook at Nicholas County High School. On May 6, 2024, this person was approved as the cafeteria manager at Summersville Middle School. Records requested during the review indicated this individual was not the most qualified candidate for some of these positions. However, it was unclear whether the more senior applicants had declined the position, making her eligible to accept the position.
 - A relative of the superintendent does not hold the appropriate certification for their teaching position. Because this individual was hired full-time and not as a substitute, she should have been placed on a First-Class/Full-Time Permit. In February 2025, the WVDE Office of Certification received an email from the assistant superintendent requesting a waiver for this individual, which would allow her to access a learning platform. The assistant superintendent indicated in that email that the teacher was planning to take the Praxis exam to gain certification for the position. At the time of this report, no application for a permit has been submitted to the WVDE.
- Records review indicated parent volunteer background checks are conducted by a retired law enforcement officer who is now a private investigator. A review of board minutes found examples of parent volunteers with criminal backgrounds approved during the 2023-2024 and 2024-2025 school years.
- The review of personnel records indicated that background checks are not conducted on teachers who transfer from other counties. On at least one occasion, a teacher from another county was hired despite having disclosed that serious disciplinary action had occurred in the previous county.
- An individual who has never held a teaching certificate has been employed in a teaching position since 2023. Multiple additional examples of incorrectly or inadequately certified personnel were identified during the review.
- Interview comments indicated that principals often directly contact substitutes listed as pending on personnel agendas, which results in employees being “back paid” for days worked before they were approved and in the payroll system.
- When the team requested certain employment records, a member of the central office staff responded that the previous personnel director had destroyed all files and records when she left her position. However, the review team confirmed that personnel records were retained and shared in digital format.

Focus Area 2: County Board of Education, Superintendent, and Central Office Leadership

- Expulsion hearings are conducted by the Nicholas County Board of Education. Recently, at the parents' request, a student expulsion hearing was held publicly, livestreamed, and recorded. Although this is within the student's right to request, the lack of oversight and protocols for the hearing resulted in a chaotic and unruly atmosphere. Although the board's legal counsel and board president attempted to maintain order, procedures for the swearing-in, questioning, and cross-examination of witnesses were not consistently followed.
- Some interview comments indicated a pervasive lack of understanding of the implementation of *WVBE Policy 4373*. Personnel from the Office of District and Leadership Support conducted a training on the policy on March 4, 2025, and reported the need for central office leadership to support compliance with and implementation of the policy.
- Clear procedures for the reporting and investigation of Title IX complaints were not evident to the team based on interview comments. Some central office staff have attended Title IX investigation training, but clear protocols and expectations for the process have not been sufficiently communicated to school administrators, teachers, and students.
- The superintendent attributed the issues that led to the Special Circumstance Review to personal and political attacks motivated by resentment from previous controversies regarding school closings and consolidation.
- Lack of employee accountability was evident based on some comments from central office staff. Some interview respondents described potential violations of the employee code of conduct that were not adequately addressed and negatively impacted the work environment.
- The team noted a lack of collaboration and collegiality in the central office. Communication appeared to be impacted by a general lack of trust among central office staff.
- During the Special Circumstance Review, it became apparent to the team that the responsibility to maintain confidentiality and professional discretion was not consistently upheld by all members of the central office staff. Information relative to the review was circulated in the community, potentially undermining and causing disruption to the review process.

Focus Area 3: Summersville Middle School Learning Environment

- The review of the learning environment at Summersville Middle School consisted of student, teacher, and administrator interviews as well as observations.
- The review team noted that most teachers reported a low incidence of behavior problems. Students expressed feeling generally safe at school.
- The team observed safe and developmentally appropriate student behavior occurring throughout most of the school environment.
- While a Positive Behavior Intervention and Support (PBIS) program is in the initial phases of implementation, students reported that behavioral expectations are inconsistent. Additional training and technical assistance may be necessary to support the PBIS program as part of a Multi-Tiered System of Support for student behavior.
- The team determined, based on interview comments and observation, that the school leadership is visible and respected by students and staff. School administrators reported the superintendent has been in classrooms to observe.
- The team concluded that additional engagement from the central office staff is necessary to support the school's administrators going forward. This includes, but is not limited to, guidance in navigating messaging and community relations, clear protocols for addressing both substantiated and unsubstantiated allegations of student misbehavior, and the frequent, collaborative monitoring of discipline data.
- The independent investigator concluded that the perception that nothing has been done to address complaints of sexual misconduct at the middle school has been caused by a focus on community gossip and rumors circulating via social media. The investigator found that school officials have responded appropriately to all documented student and parent complaints.

Timeline

August 2017	The individual in question is arrested and pleads guilty to the misdemeanor charge of “Prohibiting Child Erotica,” the result of a plea bargain with the prosecuting attorney. This individual is required to register on the West Virginia State Police Sex Offender Registry for life.
June 10, 2024	The individual successfully completes the written portion of the custodian test.
June 11, 2024	The individual starts working at Nicholas County Schools on a 40-day contract as a summer custodian. A background check is submitted.
June 12, 2024	The background check is received. The assistant superintendent, upon reviewing the background check, had a conversation with the individual in which he reportedly disclosed he had been talking to an underage girl and her father reported him to the police.
June 17, 2024	The board approves the individual’s hiring, effective June 11, “pending background check,” and completes the performance portion of the custodian test.
August 18, 2024	The first application for employment is submitted by the individual, at which time he discloses his conviction for “Prohibiting Child Erotica.”
On or around February 12, 2025	The employee was arrested for failing to update his sex offender registry status. He is charged with felony failure to register as a sex offender and pleads no contest to the misdemeanor “Interference with officers or members and false information.”
March 18, 2025	The assistant superintendent is presented with the magistrate's report detailing the original crime committed by the employee and his sex offender status. After a conversation with the employee, she sends him home.
March 27, 2025	The employee is recommended for termination.



Michele L. Blatt
West Virginia Superintendent of Schools