

**OFFICE OF EDUCATION PERFORMANCE AUDITS**



**OFFICE OF EDUCATION PERFORMANCE AUDIT  
RESPONSES TO EDUCATION PERFORMANCE AUDIT  
REPORT**

**AND**

**IMPROVEMENT CONSULTANT TEAM  
RECOMMENDATIONS FOR HAMPSHIRE COUNTY  
SCHOOL DISTRICT**

**JANUARY 2006**

**WEST VIRGINIA BOARD OF EDUCATION**

**EDUCATION PERFORMANCE AUDIT TEAM**

Office of Education Performance Audits Team Chair – Dr. Donna Davis, Deputy Director

**TEAM MEMBERS**

<b>Name</b>	<b>Title</b>	<b>School/County</b>
Pam Abston	Coordinator	West Virginia Department of Education Office of Professional Preparation
Dr. Richard Butler	Superintendent	Ritchie County Schools
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Kay Johnston	Coordinator	West Virginia Department of Education Office of Special Education
Delores Ranson	Assistant Superintendent	Jackson County
Carroll Staats	Board of Education Member	Jackson County

## ISSUE I

### 6.4. REGULATORY AGENCY REVIEWS

#### 1. SPECIAL EDUCATION

##### 1.1. Finance.

#### **OEPA Report p. 4 and ICT Report pp. 4-5.**

1. Documentation and interviews indicated various expenditure line items in the special education funds exceed budgeted amounts.

**OEPA RESPONSE.** The budgets in the county finance budget and the FY 04 and FY 05 LEA Application Approved Budgets were not aligned when the budgets from the LEA Application were supplemented into the county budget. This created an impossible situation where expenditures did not align with the budget line items. The county staff, with the assistance of the State special education and finance department staffs, has reviewed all expenditures in the FY 04 Budget and aligned them with the LEA Application Approved Budget to the extent they could be identified and aligned. There was about \$3,000 of expenditures that could not be aligned with the LEA Application Approved Budget. This \$3,000 has been refunded to the West Virginia Department of Education. The FY 04 Budget has now been closed. The staffs are currently using this same process to align the FY 05 Budget. The FY 06 Budget aligns perfectly with the LEA Application Approved Budget.

2. Documentation and interviews indicated special education funds were not being reviewed or updated to reflect current year activity.

**OEPA RESPONSE.** Procedures for review and update of the special education funds have been put into place and the Special Education Director along with the County Finance Director review the fund at least monthly and adjust as necessary.

3. Hampshire County Board of Education made transfers between items of appropriations without approval of the West Virginia Department of Education.

**OEPA RESPONSE.** Procedures have been made to ensure the approval of the West Virginia Department of Education grants before any budget transfers are made.

4. Documentation and interviews indicated purchase orders [were] dated after the invoice date and expenditures.

**OEPA RESPONSE.** Training has been provided personnel to ensure they are knowledgeable that purchase orders must be issued prior to any purchase being made.

1.2. **Program.**

**OEPA Report pp. 4-5 and ICT Report pp. 5-6.**

1. Interviews indicated that monies were not expended for materials for Fiscal Year 2004 (FY 2004) and Fiscal Year 2005 (FY 2005) in accordance with the local educational agency (LEA) application. Special education teachers have not received materials for two (2) years.

**OEPA RESPONSE.** Interviews and documentation indicated that Hampshire County Schools Special Education Department expended monies for materials and supplies according to the LEA Plans submitted in 2004-2005.

2. Interviews indicated that approximately 40 special education students were not receiving speech therapy services as specified by the Individualized Education Programs (IEPs).

**OEPA RESPONSE.** Interviews and documentation indicated that Hampshire County Schools Special Education Department has contracted with two agencies (Cumberland Therapy Services and Winchester Speech and Hearing) for three speech/language therapists to provide speech services according to the individual student Individual Education Programs (IEPs).

**ICT REPORT – NEW ISSUE-MEDICAID pp. 6-8.**

**OEPA RESPONSE.** An interview with the Special Education Director reports that four times a year the RESA VIII Medicaid Specialist will conduct a random review of the billing and Medicaid reimbursement.

2. FINANCE

2.1.1. \$100,000 Grant.

**OEPA Report p. 5 and ICT Report pp. 8-9.**

**OEPA RESPONSE.** Through the Team’s extensive research into the finance records, documentation has been found that will verify that more than \$100,000 was expended for the cost of substitutes for professional personnel who needed substitutes because of the need for them to attend professional staff development training during the school day. Absences for this purpose had been coded with a “93” which allowed the computer to identify them. During the 2002-2003 school year, \$81,217.75 was expended for substitutes coded “93” (substitutes for professional personnel who were attending staff development activities), and during the 2003-2004 school year, \$78,719.85 was expended for substitutes coded “93”. A total of \$159,937.60 was expended for

substitutes for professional staff who attended professional staff development activities during the two years covered by the \$100,000 grant award for substitutes for professional staff development.

The oddity in the process was the charging of the \$100,000 for professional staff development in June 2003 when only \$81,217.75 had been expended for this purpose at that time during the grant period. If one looks at the grant over the two year period, the expenditure for substitutes works out all right.

The county staff and the HCBOE are currently working on policies dealing with financial procedures, internal controls, and a system of financial reporting for all levels of the school system. On December 5, 2005, the Hampshire County Board of Education adopted a large number of policies, one of which was Policy 6111 dealing with how financial grants are to be handled in the county.

#### 2.1.2. \$75,000 Grant.

**OEPA Report pp. 5-6 and ICT Report pp. 10-12.**

**OEPA RESPONSE.** Because of the approved changes in the budget and purposes of this grant, the Improvement Consultant Team determined \$40,000 of the \$75,000 grant was expended for its intended purposes. The remaining \$35,000 was distributed to entities that were not approved by the West Virginia Department of Education to receive these funds, and these funds were not appropriately expended.

Hampshire County Board of Education issued a \$35,000 check to the West Virginia Office of Internal Operations to repay the misappropriated expenditures.

Procedures to safeguard and protect the school board's funds are currently being developed to implement the HCBOE board policies approved on December 5, 2005. These procedures are basically in place and functioning at this time, but they need to be in writing to ensure all persons handling funds use the same procedures.

One of the county's treasurers has been training staff on the policies and procedures to implement Policy 1224.1, *Accounting Procedures Manual for Public School in the State of West Virginia*. The appropriate county office staff members have received some training in handling budgets and funds for program budgets for which they are responsible. This process is ongoing.

#### 2.1.3. Pay for the high school principal.

**OEPA Report pp. 6-7 and ICT Report pp. 12-13.**

**OEPA RESPONSE.** The Hampshire Senior High School principal was paid a salary of \$72,000 for the 2003-2004 school year, the principal was paid a salary of \$72,000 for the 2004-2005 school year, and was paid based on an annual salary of \$72,000 for time

worked in the 2005-2006 school year. The Hampshire County Board of Education did not attempt to adjust the salary to make it correct. The principal resigned on October 28, 2005. These salaries were not in accordance with the Hampshire County Supplemental Salary Scale and the Hampshire County Principals' Index. No attempt has been made to collect the overpayment of the salary. In interviews with the staff the Team was told the school Board's lawyer had advised them not to collect the overpayment.

A new principal for Hampshire Senior High School has been employed to replace the principal who resigned. Salary for the new principal will be calculated from the Hampshire County Supplemental Salary Scale and the Hampshire County Principals' Index. Using these documents to calculate the new principal's salary, produces an annual salary of \$59,646 for the position.

#### 2.1.4. Migrant Grant.

**OEPA Report pp. 7 and ICT Report pp. 13-15.**

**OEPA RESPONSE.** The funds in question are balances left in two Migrant Education Grants. One grant (Budget 41830) was received in 1997 and wasn't spent during the obligation period (7/1/97 through 6/30/99). In 2002 \$4,046.40 of these grant funds were expended, leaving a balance of \$5,944.60 in the grant budget. The second grant (Budget 41930) was received through RESA VIII during the 98-99 fiscal year. This grant in the amount of \$17,921.65 showed expenditures of \$5,186.51 and a balance of \$12,735.14. The balances of the two grants (\$5,944.60 + \$12,735.14) were combined and a check in the amount of \$18,679.74 was submitted to RESA VIII on 4/16/03 to close the budgets for these two grants. The Improvement Consultant Team recommended the Federal Government be contacted by the WVDE staff member responsible for the Migrant Grant funds to determine the appropriate method for resolving the improper handling of this grant money. This has been done. One of Hampshire County's Chief School Business Officials, reported that a representative of the US Office of Education, visited the county finance office close to the end of the 2005 Fiscal Year and interviewed office staff and reviewed records. This individual told the official he was visiting RESA VIII and the West Virginia Department of Education after he left Hampshire County, and she would hear from him following those visits. He called the official during the summer of 2005 and told her "It had been taken care of". She has heard nothing further about the matter and presumes the matter resolved.

## ISSUE II

### 6.6. PERSONNEL

**6.6.1. Hiring. County boards follow hiring practices set forth in W.Va. Code. (W.Va. Code §§18A-4-7a, 18A-4-8, and 182E-3f)**

**OEPA Report pp. 8-11 and ICT Report pp.15-16.**

**1. W.Va. Code §18A-4-7a. Posting and Filling of Principal Vacancy, Hampshire Senior High School.**

1. Noncertified applicant was hired over certified applicants.
2. Job was **reposted** (twice) when certified applicants were available during the first and second posting.
3. Interviews were not held after the third posting.

#### **ICT Recommendations.**

1. Hampshire County personnel policies and procedures are to be revised to reflect W. Va. Code §18A-4-7a.

**OEPA RESPONSE. The Hampshire County Board of Education (HCBOE) contracted with a company (NEOLA) to revise and write new policies for the school system. This is currently taking place.**

2. All county administrators are to receive comprehensive training on the new county policies.

**OEPA Response. The HCBOE contracted a retired West Virginia school superintendent to work with the school system in providing comprehensive training on the new county policies.**

3. The Hampshire County school system is to establish hiring procedures that utilize the same interview procedures with all qualified applicants. These procedures should include the development of a standard set of questions to be asked of each qualified candidate interviewed for a properly posted position.

**OEPA RESPONSE. The HCBOE has improved on establishing hiring procedures; however, evidence indicated that additional work is needed in this area. For example:**

- **Although several certified individuals applied for a recent posting of Assistant Superintendent, only two applicants were selected for interview. A candidate, who appeared to be the most qualified, disqualified himself in the interview. The other candidate got the position by default.**

The Board, who served as the Interview Committee along with a county staff member, did not review other applications. According to a Board Member, the Board was told by the county staff member that as per the “matrix” the Board could only interview the two candidates. (Note: It does not appear proper for the Board of Education to interview for an Assistant Superintendent position.)

- In an interview with the new Assistant Superintendent (“acting” superintendent), the individual stated that she usually selects two applicants to interview (although for one interview she selected four applicants). Directors or principals have no input as to who is selected to be interviewed for a position.
- Although school law requires that principals have an opportunity to interview candidates, they are not always afforded that opportunity, as stated by the Assistant Superintendent.
- With the exception of special education and bus operators, the Assistant Superintendent (“acting” superintendent), independently determines and selects regular education teachers, principals, and substitute service personnel to interview. The Personnel Director receives the applications for postings, places information concerning the applicants on a matrix (professional) and gives the matrix to the Assistant Superintendent. Prior to this individual serving as “acting” superintendent, the matrix went to the appropriate director. The director, with input from the Personnel Director, made the recommendation as to who should be interviewed.
- According to central office staff, the Assistant Superintendent told the Director of Special Education that she (Assistant Superintendent) did not want to be involved with special education and that she (Director of Special Education) could take care of special education hiring.
- Most substitute aides work in special education classrooms, the Director of Special Education has not been given the opportunity to be involved with the interviewing and selection of substitute aides, although she has made that request to the Assistant Superintendent.
- As recommended, the county has developed a standard set of questions to be asked of each candidate interviewed.
- It appears that the current staff member conducting hiring recommendations to the HCBOE has limited knowledge of personnel procedures. For example: Recently, the Personnel Director used the wrong set of criteria (matrix), found in §18A-4-7a, for a principal position. The matrix, which was provided to the Assistant Superintendent (“acting” superintendent), clearly identified it as a matrix for classroom teachers. However, the “acting” superintendent did not realize that it was the incorrect matrix and used it for the selection of the principal. A mistake was made by the Personnel Director; however, it should have been corrected by the “acting” superintendent when it came to her.



4. The Hampshire County Superintendent of Schools must establish a monitoring plan to ensure the proper implementation of the new policies and the successful training of employees on the new policies.

**OEPA RESPONSE.** The overriding problem in Hampshire County is that there is no superintendent working in the school system. As noted in the narrative for ISSUE II, PERSONNEL, personnel and hiring practices remain a problem in the Hampshire County School System.

**OEPA Report p. 16 and ICT Report pp. 16-17.**

2. **Alternative Education Program Supplemental Service Position.** W.Va. Code §18A-4-7a. Filling of a supplemental service position in Hampshire County's Alternative Education program with a noncertified individual and, in turn, changing the position to a one-half time regular teacher position and assigning, without posting, the same noncertified teacher.

**ICT Recommendations.**

1. Hampshire County personnel policies and procedures are to be revised to reflect W.Va. Code §18A-4-7a.

**OEPA RESPONSE.** The HCBOE contracted with a company (NEOLA) to revise and write new policies for the school system. This is currently taking place.

2. All county administrators are to receive comprehensive training on the new county policies.

**OEPA RESPONSE.** The HCBOE has contracted with a retired West Virginia school superintendent to work with the school system in providing county administrators comprehensive training.

3. The Hampshire County school system is to establish hiring procedures that utilize the same interview procedures and all qualified applicants. These procedures should include the development of a standard set of questions to be asked of each qualified candidate interviewed for properly posted position.

**OEPA RESPONSE.** Refer to response listed for Issue I.

3. **Child Nutrition Director Position.** - Filling a position with an individual who does not meet the requirements of State Board Policy 4320.

**ICT Recommendations.**

1. The Hampshire County Superintendent of Schools must receive training on State Board of Education policies as they relate to filling this type of position in West Virginia Schools.

**OEPA RESPONSE.** Unfortunately, there is no Superintendent in Hampshire County. The Superintendent has been off work on Personal Leave and a Medical Leave of Absence (with pay) for more than a year.

2. The Superintendent of Hampshire County Schools must follow W.Va. Code and State Board of Education polices regarding the employment of personnel.

**OEPA RESPONSE.** There is no superintendent in Hampshire County Schools. The staff member performing the employment duties does not appear to know school law concerning personnel.

#### **4. Treasurer/Business Official.**

**OEPA RESPONSE.** According to the Improvement Consultant Team Recommendations, the position, Treasurer/Business Official, was posted according to W.Va. Code §18A-4-7a.

### **OEPA New Findings**

The previous, chief business official/treasurer was terminated from the position a couple years ago. The individual filed a grievance and won at Level IV. He was subsequently replaced back in the position of treasurer/business official. In his absence, a new chief school business official/treasurer was employed. The new Assistant Superintendent (“acting” superintendent) stated during an interview that the employee who was reinstated was the treasurer (which was his primary duty) and the replacement employee was the business official (which was her primary duty). The Assistant Superintendent (“acting” superintendent) stated in an interview that she needed the two individuals, just like she needed a Director of Elementary Education and a Director of Secondary Education.

The reinstated employee has not signed his contract and is currently paid \$58,000 per year while the other treasurer/business official is paid \$60,000. He is in a discussion of this matter with the Assistant Superintendent (“acting” superintendent).

In an interview with the original treasurer/business official, he stated that his primary responsibilities included the Substitute Employee Management System (SEMS), which is used to call substitutes to work. He has been assigned the responsibility of auditing schools. He is currently substituting for the Child Nutrition Director who is off work due to personal illness. He will also be responsible for ensuring that all employees have name/identification tags which they will be required to wear. Additionally, he is working with the other Business Official to get direct deposit for employees.

At no time did this individual state that his duties could be considered business manager or treasurer. He said that his signature as treasurer is not on the county checks.

**OEPA Report p. 15-16 and ICT Report pp. 18-19.**

**5. Personnel Assignments. W.Va. Code §18A-2-7, §18A-4-7a (4). Transfer and Subsequent Assignment of Personnel.**

**ICT Recommendations.**

1. If the Community Specialist/Administrative Assistant position is retained, the Superintendent of Schools must work with the HCBOE to develop an appropriate job description for this position.

**OEPA RESPONSE. The Community Specialist/Administrative position was not retained.**

2. If the job description is substantially changed, the county must comply with all necessary provisions of W.Va. Code §§18A-3-7, 18A-2-2, and/or 18A-4-7a. However, it should be noted that, generally, a superintendent may reorganize the duties of his administrative staff members when they voluntarily accept the change. The required actions of the Hampshire County Board of Education will depend on how significantly the position is changed.

**OEPA RESPONSE. The HCBOE has not improved in this area. Example: The HCBOE posted a full-time position for Assistant Superintendent. A current administrator who held the position of Technology Director (half-time) and Attendance Director (half-time) was transferred (appointed) to the assistant superintendent position. This change left a vacancy of Technology Director (half-time) and Attendance Director (half-time).**

**At a subsequent meeting of the HCBOE, instead of posting the above vacant position, the board appointed the new Assistant Superintendent as Attendance Director. (Basically, this is what they did previously with the Community Specialist/Administrative Assistant's position, added new titles without posting.)**

**Note: Attendance Director is a position required for each county board of education by statute. A county with 4,000 or less students must have at least a half-time Attendance Director (W.Va. Codes §§18-1-3 and 18-1-4). The Assistant Superintendent ("acting" superintendent) is reported on the county's certified list as assistant superintendent (half-time) and Attendance Director (half-time). This is a significant change in the individual's assignment and the position should have been posted.**

**OEPA Report p. 17 and ICT Report pp. 19-20.**

**6. Personnel Qualification. W.Va. Code §18A-4-7a. Judging and selection of most qualified applicant.**

**6.1. Professional Personnel.**

**ICT Recommendations.**

1. The Hampshire County school system must revise personnel policies to comply with W.Va. Code §18A-4-7a.

**OEPA RESPONSE. The HCBOE has contracted with a company (NEOLA) to revise and write new policies for the school system. This is currently taking place.**

2. The Hampshire County School System must develop a county policy which directs administrators to consider all applicants who meet the standards of the posting in the selection for the most highly qualified applicant for positions.

**OEPA RESPONSE. The Hampshire County Board of Education (HCBOE) contracted with a company (NEOLA) to revise and write new policies for the school system. This is currently taking place.**

**6.2. Service Personnel.**

1. The Hampshire County School System is to develop specific postings for each service personnel position.

**OEPA RESPONSE. Hampshire County School System has complied with this recommendation.**

**6.3. Professional and Service**

**ICT Recommendations.**

1. The personnel office may wish to seek assistance from other county personnel administrators and organize the personnel office to ensure appropriate collection of data from the posting and filling of positions.

**OEPA RESPONSE. As recommended, the Personnel Director contacted other personnel directors in the state concerning the collection of data from the posting and filling of positions and has since organized data for each posting in individual file folders. The posted positions are also numbered. At a minimum, each file folder contains a copy of the posting, applications received for the position, and hiring matrix (professional personnel). There is no matrix for service personnel positions.**

**OEPA Report pp. 17-18 and ICT Report p. 21.**

**7. W.Va. Code §18A-4-7a (d).**

**ICT Recommendations.**

1. The Hampshire County School System must follow W.Va. Code §18A-4-7a when selecting the most qualified applicants for teaching positions.

**OEPA RESPONSE.** A matrix for each of the two sets of criteria in §18A-4-7a has been developed and is being used. However, the Assistant Superintendent (“acting” superintendent stated in an interview that she basically selects only two applicants to be interviewed. If the first set of criteria is being used, and the county gives ½ of the weight (18 points out of a total of 36 points) to the interview, it would appear that it might be difficult to identify the most qualified applicant based only on the first six criteria.

**OEPA Report pp. 18-19 and ICT Report p. 21.**

**8. W.Va. Code §18A-4-7a (o). Postings: Professional Personnel**

**ICT Recommendations.**

1. Hampshire County School System policies should be developed so that a person at the site where notices are posted will verify with a signature that the job is posted in an appropriate location.

**OEPA RESPONSE.** The county established a system whereby principals sign the posting and return it to the personnel office after the closing of the posting verifying that the posting has been posted.

2. The Hampshire County School System may want to develop a formal method of posting jobs by establishing a standard county hotline and/or a website for public use, including the WVDE website “K-12 job bank.”

**OEPA RESPONSE.** In addition to the regular posting in schools, the county posts its professional positions on the K-12 job bank. It posts all positions on their website.

**OEPA Report pp. 19-20 and ICT Report p. 22-24.**

**9. W.Va. Code §18A-4-8g. Competency Testing of Service Personnel.**

**OEPA RESPONSE.** County personnel reported that the individual who was hired as an aide/paraprofessional without taking the aide competency test or holding a

paraprofessional license is no longer employed by RESA VIII. Neither is he employed by the HCBOE.

## **OEPA Report p. 20 and ICT Report p. 24.**

### **10. Financial Personnel.**

#### **ICT Recommendation.**

1. The Superintendent of Hampshire County Schools is to follow W.Va. Code when employing personnel.

**OEPA RESPONSE.** It does not appear that this recommendation is being followed. An aide worked prior to her extracurricular employment as an aide for the 2005-2006 school year in the Alternative Education Program. After a timesheet was submitted for payment for August 29 through September 9, the Assistant Superintendent (“acting” superintendent) approved it by saying that she be paid on “last year’s contract.” The individual was hired effective September 14, 2005. At the September 26th Board meeting, the board made this individual’s start date retroactive to August 29, 2005. Extracurricular contracts on file indicate that two teachers were also hired effective September 14, 2005 at a rate of pay of \$20/hour for three nights per week. One teacher was paid for 18 hours of evening work before his employment effective date. The other teacher was paid for 12 hours of evening work before her employment effective date. There was no evidence that the board changed their starting date.

The salary of the principal of HCHS, was not corrected for the 2005-2006 school year to be aligned with the Board’s adopted salary schedule for principals. Neither was the salary schedule changed to pay the principal of HCHS an annual salary of \$72,000. As a result, several principals have filed a grievance (The principal has resigned from the position and left the county.) The Board president stated that the Board plans to review the principal’s salary schedule effective for next year.

There is some controversy between the salary of two individuals who are employed as Business Officials/Treasurer. One individual is paid a salary of \$58,000 and the other is paid \$60,000. There is speculation that a grievance may be filed if the salary difference is not resolved.

Financial responsibility remained an issue. The OEPA Team asked the Assistant Superintendent (“acting” superintendent) about having two Business Officials/Treasurers. She responded that both individuals were needed, just like she needed a Director of Secondary Education and a Director of Elementary Education. One Board member interviewed did not know that the salary for these individuals came from local funds.

**OEPA Report p. 20 and ICT Report pp. 24-25.**

11. **W.Va. Code §18A-2-5 (1). Employment Contract.** It states in the Service Personnel Contract the following: “The Employee is employed by the Board as a (Job Classification) at (Place of Assignment) for the school year or remaining part thereof commencing. . . .”

**ICT Recommendation.**

**Note:** All Improvement Consultant Team Recommendations appear to have been followed.

**OEPA Report pp. 20-21 and ICT Report pp. 25-26.**

12. **W.Va. Code §18A-4-7a (l)-Transfer of Professional Personnel.**

ICT Recommendation. None.

**OEPA New Finding**

**Transfers of professional personnel after five days prior to the beginning of the schools term (Refer to W.Va. Code §18A-4-7a).**

Between August 26 and October 14, 2005, the Assistant Superintendent (“acting” superintendent) recommended the transfer of four classroom teachers. However, when a Title I position became vacant in an elementary school, she refused to make a transfer of a fully certified teacher (Reading specialization K-12) this year (2005-2006), thus making the transfer effective for the 2006-2007 school year. This resulted in the students having a non-certified substitute teacher teaching reading for the year. Since this was a School of Improvement, the Title I Director and the principal of the school attended a Board meeting and made a plea for the transfer. The transfer was made at the subsequent meeting. **Note:** This practice of transferring professional personnel after five days prior to the beginning of the school term may be “technically” acceptable, the concern is that it is applied inconsistently and resulted in students having a non-certified substitute. This decision is questionable.

**OEPA Report p. 21 and ICT Report pp. 26-27.**

13. **Miscellaneous Information-Employment of Parents in Title I Schools.**  
**OEPA RESPONSE.** Recommendation was being followed.

**OEPA Report pp. 21-23 and ICT Report pp. 27-28.**

**14. Reporting of Certified Personnel List.**

ICT Recommendation.

1. The Hampshire County Superintendent of Schools must carefully examine the duties of all staff members and report the positions accurately to the State for funding purpose.

**OEPA RESPONSE. This recommendation, in part, was not met. The staff members did not carefully examine the duties of all staff members, as they reported being unable to schedule a meeting with the county leadership for this purpose.**

**Staff encountered difficulties in the development of the certified list for second month submission this fall (2005). Central office personnel reported that, although meetings were requested, no meetings were held between personnel, finance, and the Assistant Superintendent (“acting” superintendent) to collaborate on this important task. As a result, the county submitted a second month certified list that reported 1.15 professionals and 9.5 service personnel under funding limits. This error could have potentially cost the HCBOE more than \$200,000 had it not been detected by Joe Panetta (West Virginia Department of Education) just before final certification in late November. (Mr. Panetta worked with one of the county’s Treasures/Business Officials to correct the errors.)**

**Summary of Hiring Practices  
OEPA New Findings**

**The “New Findings” listed below just skim the surface of what appears to be a few of many problems with the Hampshire County School System. This school system appears to be very dysfunctional in terms of personnel hiring practices and it is evident in too many situations reviewed that a lack of leadership exists in the county.**

**Although the Board members interviewed believed that, the Assistant Superintendent (“acting” superintendent) worked hard, they also agreed that a void existed in leadership and communication skills.**

**Interviews with the county office staff reflected that, the Assistant Superintendent’s (“acting” superintendent) communication is basically via e-mail. Staff members say that only two directors’ meeting have been held since this individual assumed the responsibilities of “acting” superintendent.**

**Numerous examples of poor leadership were present. Individuals were eager to talk with Team members and some whispered, “It is worse than before.” It appeared that there were many improper or “use of poor judgment” situations. It also appeared that there were many errors that the Team did not have time to uncover. A conversation about one incident seemed to bring out an infraction of some other incident.**



At the county level, it was apparent that the employees are begging for someone to step in and provide leadership and direction for Hampshire County. A review of the new findings will help substantiate their cry for help. However, a number of employees expressed a fear of harassment, retaliation and possible termination if they speak out.

**1. Superintendent Position.**

Currently, Superintendent \_\_\_\_\_ is on an approved medical leave of absence. This medical leave of absence has extended for more than one year in which he is receiving his salary using accumulated personal (sick) leave. His absence or the absence of a superintendent has left a huge void in the county. Initially, an assistant superintendent was appointed by the (HCBOE as Interim Superintendent. Earlier this year she resigned her position as Assistant Superintendent and returned to a previously held position of Director of Secondary Schools. Note: It has been reported that \_\_\_\_\_ has resigned from the position, but at this time it is unclear if it has been accepted by the HCBOE.

**2. Vacant Position of Assistant Superintendent.**

Eight (8) individuals applied. However, only two names were submitted to the HCBOE for consideration and interviews. As per board members and a central office staff member, who were members of the interview team along with the entire board, one applicant was considered the most qualified applicant for the position (He received 440 points; the other applicant received 407.5 points on the hiring matrix.); however, the Board members interviewed said that this candidate disqualified himself when he told the board in his interview that he would not work with Superintendent \_\_\_\_\_ upon his return to work.

The Board president said that she thought they could only interview the two candidates since only two were presented to them by the "Interim Superintendent" at that time. Both Board members stated that they were aware that there was lack of leadership in the county.

The current Assistant Superintendent's position was effective August 19, 2005. A letter to the individual from the President of the HCBOE, dated August 24, 2005, states that this individual was transferred from Director of Attendance, Fairs/Contests, and Technology to Assistant Superintendent. Board members interviewed stated that this person told them in the interview for the Assistant Superintendent position that she would keep her position of Attendance Director. The Team noted that this was not in the Board's motion when they transferred this individual to Assistant Superintendent. At a subsequent Board meeting (September 26, 2005), without the job being posted, this individual was appointed to Attendance Director.

The Assistant Superintendent ("acting" superintendent) is reported on the Certified List for 2005-2006 as one-half time Assistant Superintendent and one-half time Attendance Director. The half-time Assistant Superintendent vacancy has not been posted.

Since the Attendance Director is a position established by statute and Hampshire County must have at least a half-time position, it is not a position that can be incorporated in the assistant superintendent or any other positions as one of the duties of a full-time job. By statute, it stands alone as a full-time (more than 4,000 students) or as a half-time position.

3. An applicant was interviewed for an elementary position and found to be the most qualified applicant. The Interview Committee and Assistant Superintendent (“acting superintendent) recommended the candidate to the HCBOE for the position. The Board went into Executive Session, chose not to hire the candidate, and released a statement regarding the decision through the Assistant Superintendent (“acting” superintendent) that the situation could not be discussed as it occurred in Executive Session. Two concerns were noted: 1. The HCBOE failed to accept the recommendation of the Acting Superintendent and 2. The documents regarding the candidate’s references suggest that the candidate may be disabled and may require some accommodations.

4. The position of Special Education Director was posted for an experienced special educator. A former county Speech Language Pathologist was hired for the position with no teaching experience and with a Bachelor’s degree only. Other candidates possessed a Master’s in the field and the teaching experience listed on the job description.

5. The current principal at Hampshire Senior High School, was hired for the position without official evidence of completion of an Educational Leadership program of study, grade point average or potential certification requirements being met other than an out-of-state certificate.

6. Personnel Laws and Procedures.

The situations listed below do not appear to be in violation of school law, but are not helpful in creating a positive working relationship or unity among the superintendent’s staff.

- The Assistant Superintendent (“acting” superintendent) changed procedures so that the hiring matrix comes to her when there are vacancies in secondary and elementary schools instead of going to the Director of Secondary Education and Director of Elementary Education and Title I. Although the two directors can be a part of the interview, the Assistant Superintendent (“acting” superintendent) identifies who will be interviewed for a position. Principals may be a part of the interview for teachers in their respective schools, but have no say in who is interviewed.
- Reportedly, the Assistant Superintendent (“acting” superintendent) told the Director of Special Education that she wants no part of special education. Therefore, all interviews and recommendations are made by that director to the superintendent.

- **The Director of Personnel has no voice into who is interviewed.**
- **As a rule of thumb, the Assistant Superintendent (“acting” superintendent) says she only selects two applicants to be interviewed or considered for a position.**
- **The Assistant Superintendent (“acting” superintendent) is the sole person who interviews for substitute service personnel, with the exception of bus operators, although the Director of Special Education stated that she has requested more than once that she be a part of the interviews and selection process for aides, as they work mostly with special education students and once they are hired as a substitute employee, they subsequently become full-time employees.**

**7. Personnel Law and Procedures that may be in conflict with school law.**

**Hiring of service personnel for extra-curricular position.**

- **A service personnel member who holds a coaching authorization and who coached assistant soccer at Hampshire County High School (HCHS) last year (2004-2005) was the only applicant for the job this year (2005-2006). She was not recommended to be employed as the Board was told her employment into the extra-curricular position would create overtime pay for the employee. The Assistant Superintendent (“acting” superintendent) had the job reposted. Prior to the soccer season beginning and in order to have a team, a teacher applied. The first applicant has filed a grievance.**
- **The same was true for a cheerleader coach position at Romney Middle School. As a result, there has been no cheerleader sport at the school this year. The individual, who applied for this position during the first posting, has since withdrawn her name for the position.**
- **Two service members held extra-curricular positions as School Coordinators for Project TEACH last year (2004-2005). They were the only two who applied for the posted position this year (2005-2006). According to the Personnel Director and the Secondary Curriculum Director, they have not been hired due to the overtime issue, although The Assistant Superintendent (“acting” superintendent) stated in her interview that they have been hired.**
- **The Assistant Superintendent (“acting” superintendent) in an e-mail to the Personnel Director on November 29, 2005, told the Personnel Director to put the coaches who had not been hired on the agenda for December 5, 2005. The Personnel Director wanted to talk with her about that because: 1) Soccer season was over and the position was filled by another individual and 2) the cheerleader coach withdrew her application.**

**Calling of Substitute Service Personnel.**

- A couple of individuals indicated that the rotating calling list is not always followed. However, the Team saw only one verification in an e-mail dated September 13, 2005, in which this may have happened when The Assistant Superintendent (“acting” superintendent) approved to move an employee into a full-time substitute job. The Personnel Director told her that it would circumvent the substitute calling system and the substitute seniority list. The Assistant Superintendent (“acting” superintendent) said she would approve it.
- A full-time regular service employee recently transferred from Cafeteria Manager to maintenance and is also employed as a substitute custodian. Because of the overtime issue, The Assistant Superintendent (“acting” superintendent) has to approve his substitute work. Until recently, he was not on the rotating list. He could be available to work evening shifts; however, having regular full-time employees who would be paid overtime to also work as a substitute employee does not appear to be an efficient way to run a school system. Also, it does not appear to be fair to other substitute employees.
- Other regular service employees are calling the personnel office to ask if they, too, can get on the substitute list. It would appear that if this is continued, a regular professional employee could also be on the substitute service personnel list and work evening or midnight shifts as a custodian at an over-time rate of pay.

**8. Budget.**

- The Assistant Superintendent (“acting” superintendent) stated in her interview with two Team members that she originally thought that the county had a carry-over of \$100,000, but the business official later recalled that she had already paid for a \$100,000 project and therefore the carry-over was actually \$200,000. It appears that she has little knowledge of the carry-over balances. The amount reported to the West Virginia Department of Education was \$873,000. It was reported that all but \$124,000 of the carry-over has already been spent or obligated rather than maintained for contingencies.

**9. County Leadership Team.**

- The Director of Elementary Education, Title I, and Staff Development was a member last year of the County Leadership Team for School Improvement. It would appear with her title, including Title I and Staff Development that she would automatically be considered a member of the County Leadership Team. She was excluded from the team this year (2005-2006). The Assistant Superintendent (“acting” superintendent) did not talk with her about it, but sent a memo to staff naming the Leadership Team members.

- In the Team’s interview the Assistant Superintendent (“acting” superintendent) said that she did not put this on the list because the individual had a conflict with the Charleston training. When the Director was asked if she had a conflict with going to the training, she was surprised and said that she did not, and that if she did she would have set priorities. She said that she did attend a grant meeting for one of her principals during that time, but the decision to do that was after she was not a member of the County Leadership Team for School Improvement. Team members were concerned that this individual was not a member of the Leadership Team since she is Director of Staff Development and that is a key component of the State Training.
- When the Team member asked the Assistant Superintendent (“acting” superintendent) if she would put this director back on the team if she did not have a conflict during the next training, she said that she might, but she needed someone to cover the county office. Team members from the county office included the superintendent, the Director of Secondary Education, Director of Special Education, school psychologist and testing.) Individuals left in the office who could cover the office included the Director of Personnel, Business Officials, and Director of Transportation.

**10. School Building Authority (SBA) Project.**

- Although the Team Member was addressing personnel, the county office staff wanted to share information that pointed out that they felt there is no leadership or communication in the county and that the Assistant Superintendent (“acting” superintendent) is working in isolation from her administrative staff.
- Several staff members (including the Director of Secondary Schools and Business Official) stated that they were never involved in the SBA project that was submitted for approval. It was never discussed with any internal staff member. The Director of Secondary Schools thought she should have been a part of the planning since it was the school for which she is responsible. When one of the Board Members was asked, if he knew who wrote the SBA Project, he said that he thought the previous HCHS principal wrote it.

**11. Evaluation of Personnel.**

- With the exception of the high school principal job description, the job descriptions for administrators state that they report to the superintendent. The high school job description states that the principal reports to the superintendent or assistant superintendent. Hence, this would mean that the superintendent is the immediate supervisor and evaluator of the principals.
- \_\_\_\_\_ had the directors evaluate the principals; however, this year the Assistant Superintendent (“acting” superintendent) told the directors that she would evaluate the principals, but they would sit in on the conferences and have input.

- Last year, one principal did not meet her goals. “Since she was a good principal,” the previous interim superintendent told her that they would include the goals (to complete a minimum of three walk-throughs a day by her or her assistant principals). She shared this information with the Assistant Superintendent (“acting” superintendent) when the new Assistant Superintendent stated that she would be doing the evaluations. A meeting was scheduled for a Monday when the former interim superintendent (now Director of Secondary Education) was to return from a week’s vacation. When she returned and reminded The Assistant Superintendent (“acting” superintendent) that they had a conference scheduled for that day, she informed the Director of Secondary Education that she had already done the goal setting conference with the principal. The director said the goals that were to be worked toward this year were not included.

**12. Releasing Teachers from contracts after July 1, 2005.**

- After school began Assistant Superintendent (“acting” superintendent) released two certified and highly qualified teachers (English and Special Education) from their contracts to go to a neighboring county when it was likely that Hampshire County would not be able to replace them with certified teachers. The Secondary Director and Special Education Director requested that the teacher not be released.

**13. Outstanding Grievances, per Assistant Superintendent (“acting” superintendent).**

- To be scheduled for Level II: Service personnel employee who was the only applicant for a coaching position; however, was not hired due to overtime pay. Job reposted.
- In Circuit Court: Several principals who requested that their pay be adjusted to receive the same salary increase that was given to the former principal of, HCHS. Note: Grievance was granted in Part at Level I by \_\_\_\_\_ and fully Granted at Level II by the current Assistant Superintendent (“acting” superintendent) based upon the recommendation of the Board’s lawyer. The Board denied the approval of the Level II Decision.
- Citizen Grievance returned from Level IV. It needs to go through regular county policy.
- Level IV: Aide grievance denied at Level IV. Has appealed to Circuit Court.
- To be scheduled for Level II: Three applicants filed concerning the selection and hiring of the Assistant Superintendent.
- Level II: Retired executive secretary. Not paid overtime.
- \_\_\_\_\_ filed in Circuit Court.
- \_\_\_\_\_ filed in Circuit Court.

## ISSUE III

### 6.6. PERSONNEL

- 6.6.2. **Licensure. Professional educators and other professional employees required to be licensed under West Virginia Board of Education policy are licensed for their assignments including employees engaged in extracurricular activities. (W.Va. Code §18A-3-2; Policy 5202)**

**OEPA Report pp. 24-27 and ICT Report pp. 28-31.**

**OEPA RESPONSE. Most of the original findings were corrected with the exception of the following personnel**

#### 1. COLLABORATION

- 1.7. \_\_\_\_\_, teacher at Capon Bridge Middle School, is not consulting with appropriately certified content teachers.
- 1.8. \_\_\_\_\_, teacher at Capon Bridge Middle School, is not consulting with an appropriately certified content teacher.
- 1.13. \_\_\_\_\_, teacher at Hampshire Senior High School, does not appear to be collaborating with appropriately certified content teachers for art, history, and/or physical education.
- 1.14. \_\_\_\_\_, teacher at Hampshire Senior High School, does not appear to be consulting with appropriately certified content teachers.

#### 2. ASSISTED READING

- 2.8. \_\_\_\_\_, Assisted Reading teacher at Capon Bridge Elementary School, does not hold the proper credential for this course nor is she collaborating with a teacher properly credentialed to teach the course.

#### 3. OTHER CERTIFICATION ISSUES

- 3.1.1. \_\_\_\_\_, teacher at Capon Bridge Middle School, is teaching journalism without the proper endorsement.

## NEW FINDINGS

### Licensure Issues.

1. \_\_\_\_\_, teacher at Capon Bridge Elementary, is reportedly consulting with fully certified content teachers except in Reading. \_\_\_\_\_ must consult with a certified reading teacher.
2. \_\_\_\_\_, teacher at Capon Bridge Middle, must collaborate with a fully certified content teacher in Pre-Algebra and Geometry, Development Reading, and CATS.
3. \_\_\_\_\_, teacher at Capon Bridge Middle, is not certified to teach Grade 6.
4. \_\_\_\_\_, teacher at Capon Bridge Middle, is not certified to teach Grade 6.
5. \_\_\_\_\_, teacher at Capon Bridge Middle, is not consulting with fully certified content teachers (see also follow-up report from February).
6. \_\_\_\_\_, teacher at Romney Middle, is on a First Class Full-time Permit for Multi-categorical Special Education and must consult with fully certified content area teachers.
7. \_\_\_\_\_, teacher at Hampshire Senior High School, is not certified to teach Speech and Oral Communications.
8. \_\_\_\_\_, teacher at Hampshire Senior High School, does not appear to be consulting with fully certified content area teachers.
9. \_\_\_\_\_, teacher at Hampshire Senior High School, is not certified in “Mentally Impaired” but is listed on the schedule as teaching in that area.

### OEPA Report p. 27.

#### 6.6.3 Evaluation.

**OEPA RESPONSE.** Administrative Evaluations. Administrative goal setting for 2005-2006 has been completed by THE Assistant Superintendent. The October 14, 2005, cover letter to each administrator indicates that the attached pages are a review of the goals discussed (individual meetings held within a date range of September 26 through October 7 with one on November 1) and asks each individual to return one copy of the signature page. A review of the “Administrative Goals 05-06” folder in the Superintendent’s Office verified that all timelines had been met although several of the signed forms had yet to be returned. Contained within this folder were documents for:

1. \_\_\_\_\_, Director of Secondary, Adult, and Vocational Education (signed by both \_\_\_\_\_ and the employee).
2. \_\_\_\_\_, Director of Psychological/Counseling Services (signed by both).
3. \_\_\_\_\_, Principal, Springfield-Green Spring Elementary (signed by both).
4. \_\_\_\_\_, Principal, Slanesville Elementary (signed by both).
5. \_\_\_\_\_, Chief School Business Official/Treasurer (signed by both).
6. \_\_\_\_\_, Director of Personnel (signed by both).
7. \_\_\_\_\_, Director of Special Programs (original signed by \_\_\_\_\_ only).
8. \_\_\_\_\_, Director of Elementary Education/Title I/Reading (original signed by \_\_\_\_\_ only).
9. \_\_\_\_\_, Principal, John J. Cornwell Elementary (signed by both).



10. \_\_\_\_\_, Principal, Augusta Elementary (signed by both).
11. \_\_\_\_\_, Principal, Romney Elementary School (signed by both).
12. \_\_\_\_\_, Director of Transportation (signed by both).
13. \_\_\_\_\_, Principal, Romney Middle School (signed by both).
14. \_\_\_\_\_, Principal, Capon Bridge Elementary (signed by both).
15. \_\_\_\_\_, Treasurer/Chief School Business Official (signed by both).
16. \_\_\_\_\_, Principal, Capon Middle School (signed by both).
17. \_\_\_\_\_, Technology Facilitator (signed by both).

**Note:** No goal setting document was found for the principal of Hampshire Senior High School, who resigned and left the county this fall. The Technical Center is also under the direction of the high school principal.

Evaluations for Central Office Administrators for 2004-2005 were examined with all evaluations in order except for School Nurse \_\_\_\_\_ who had no 2004-2005 evaluation (her last evaluation in her file is dated January 2004). Files were in order for:

1. \_\_\_\_\_.
2. \_\_\_\_\_.
3. \_\_\_\_\_ – new to central office for 2005-2006.
4. \_\_\_\_\_ – was “acting” supt. in 2004-2005 so evaluation is Board property.
5. \_\_\_\_\_.
6. \_\_\_\_\_.
7. \_\_\_\_\_.
8. \_\_\_\_\_.
9. \_\_\_\_\_.
10. \_\_\_\_\_ – new to central office for 2005-2006.
11. \_\_\_\_\_.
12. \_\_\_\_\_.
13. \_\_\_\_\_.
14. \_\_\_\_\_.
15. \_\_\_\_\_.
16. \_\_\_\_\_.

Evaluations for building principals were found to be in order for 2004-2005.

1. \_\_\_\_\_, August Elementary.
2. \_\_\_\_\_ – current principal at JJ Cornwell (\_\_\_\_\_ was there in 2004-2005 and his evaluation was in order for this time period).
3. \_\_\_\_\_, Romney Elementary.
4. \_\_\_\_\_, Slanesville Elementary.
5. \_\_\_\_\_ – current principal at Springfield-Green Spring Elementary (\_\_\_\_\_ was there in 2004-2005 and her evaluation was in order for this time period).
6. \_\_\_\_\_, Capon Bridge Elementary.
7. \_\_\_\_\_, Capon Bridge Middle.
8. \_\_\_\_\_, Romney Middle.
9. \_\_\_\_\_, Hampshire Senior High – evaluation in order for 2004-2005 but left Hampshire County school system in fall 2005.

**Professional Evaluations.**

**A review of the “Evaluation Cycle for Professional Teaching Staff” documents from each of the schools verifies that all professionals are on an evaluation rotation per their years of experience as required by law. As evaluations are filed in the county personnel office, a master checklist is marked with the date submitted by the school. A random examination of the 2004-2005 files indicates that all evaluations were submitted in a timely manner and properly signed by all parties.**

## ISSUE IV

### 6.7. SAFE, DRUG FREE, VIOLENCE FREE, AND DISCIPLINED SCHOOLS

OEPA Report pp. 28-30.

#### 6.7.2. Policy implementation.

**Note:** The Hampshire County Board of Education has been working with a representative of NEOLA, Inc. since September 2005 to review/revise the county policy manual to align policies with all federal and state law/policy requirements. The Board met on December 5, 2005, and adopted many policies within the new/revised manual.

- **Bylaws (Definitions, Identification, Powers and Ethics, Functions, Membership, Organization, Meetings, and Duties)**
- **1000 – Administration**
- **2000 – Program**
- **3000 – Professional Staff**
- **4000 – Service Personnel**
- **5000 – Students**
- **6000 – Finances**
- **7000 – Property**
- **8000 – Operations**
- **9000 – Relations**

Policies not adopted at the December 5, 2005, Board meeting due to a need to review additional comments received or to delete comments included the following.

:

- **Policy 1215 – Board and Superintendent Goals and/or Objectives (deleted).**
- **Policy 1540 – Termination of Administrative Contracts (hold).**
- **Policy 2340 – Field and other County-Sponsored Trips (new policy to be inserted).**
- **Policy 3131 – Reduction in Force (hold).**
- **Policy 3170.01 – Employee Assistance Program (hold).**
- **Policy 4120 – Employment of Service Personnel (hold).**
- **Policy 4120.04 – Employment of Substitutes (hold).**
- **Policy 4170.01 – Employee Assistance Program (new page 1).**

It should also be noted that, per the Assistant Superintendent (“acting superintendent), the only county policy that was used outside the NEOLA, Inc. templates was Policy 5200 Student Attendance Policy. All other policies adopted follow the NEOLA templates which conform to current federal and state laws/policies and have been reviewed by attorneys contracted by NEOLA.

The revised policy manual is not complete in that all policies have not been adopted by the Hampshire County Board of Education per their work with NEOLA, Inc. Policies within many of the ten (10) sections have not passed committee review and comment prior to

submission to the Board for approval. This implies that some of the issues found previously may or may not be found in policies yet approved. Assistant Superintendent \_\_\_\_\_ indicates that approximately thirty (30) are yet to be reviewed and adopted by the Board.

**Specific OEPA February 2005 findings related to Standard 6.7.2 – Policy Implementation**

**(1) Religious Freedom.**

**OEPA RESPONSE.** County Policy 2270 (Religion in the Curriculum), page 2 of 2 in paragraph 2 states: “The Board acknowledges that it may not adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary exercise or expression of the student’s religious beliefs. However, such exercise or expression shall be limited to lunch periods or other noninstructional time periods when students are free to associate.” Similar language is also found in Policy 8800 (Religious/Patriotic Ceremonies and Observances) page 1, paragraph 3.

**(2) Protection of Pupil Rights Amendment.**

**OEPA RESPONSE.** County Policy 2416 (Student Privacy and Parental Access to Information), page 6+ under “Annual Notification of Rights” states “...must inform parents or eligible students that they have the right to: ... E. the right to inspect U.S. Department of Education (ED) or Non-ED funded surveys; ... G. the Board policies with respect to surveys ...; ... H. the right to opt out of – remove their child from – participation in the following activities: ... 2. the administration of any third party (i.e. non-ED funded) survey containing ....”

**(3) Children’s Internet Protection Act/Federal Communications Act – Internet Safety Policy and Monitoring.**

**OEPA RESPONSE.** County Policy 7540 (Computer Technology and Networks) page 1 of 1 in paragraphs 2 and 3 states: “The Superintendent, in a manner consistent with State Board of Education Policy 2460, is directed to establish administrative guidelines not only for proper acquisition of technology but also to provide guidance to staff and students concerning making appropriate and ethical use of the computers and other equipment as well as any networks that may be established. (¶) The Superintendent shall establish appropriate procedures to inform both staff and students about disciplinary actions that will be taken if Board technology and/or networks are abused in any way or used in an illegal or unethical manner.”

The Assistant Superintendent is currently reviewing all policies adopted on December 5, 2005, to determine any specific implementation requirements outlined in each. In this case, she will need to establish administrative guidelines for the proper acquisition of technology and to provide guidance to staff and students concerning making appropriate and ethical use of the computers and other equipment as well as any networks that may be established. Additionally, she will need to establish appropriate procedures to inform both staff and

students about disciplinary actions that will be taken if Board technology and/or networks are abused in any way or used in an illegal or unethical manner.

**(4) FERPA.**

**OEPA RESPONSE.** County Policy 8330 (Student Records) page 3 of 5 (Directory Information) in paragraph 4 states: “In accordance with Federal and State law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information.”

**(5) Medication:**

**OEPA RESPONSE.** County Policies 5330 (Use of Medications) and 5330.02 (Use of Asthma Medications) detail the definition, storage, administration, etc. of medication by and for students.

**(6) Policy to Notify Criminal Justice and/or Juvenile Justice System when a student brings a firearm or other weapon to school (requires referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.**

**OEPA RESPONSE.** County Policy 5772 (Weapons) page 3 of 4 in paragraph 5 states: “The Superintendent will refer any student who violates this policy to the student’s parent(s) or guardian(s) and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.”

**(7) Safe Schools.**

**OEPA RESPONSE.** County Policy 5630 (Corporal Punishment) page 1 of 1 states in various paragraphs the following statements: “Corporal punishment shall not be permitted.” “This prohibition applies as well to volunteers and those with who the County contracts for services.” “The Board shall adopt policies providing for the training of school personnel in alternatives to corporal punishment ....” “The Superintendent shall provide administrative guidelines which shall include a list of alternatives to corporal punishment.”

The Assistant Superintendent \_\_\_\_\_ is currently reviewing all policies adopted on December 5, 2005, to determine any specific implementation requirements outlined in each. In this case, she will need to develop a policy providing for the training of school personnel in alternatives to corporal punishment as well as providing administrative guidelines which shall include a list of alternatives to corporal punishment.

## **ADDITIONAL ISSUES -OEPA Report p. 30.**

### **(1) County Policy 7.5.11 – Mandatory Retirement.**

**OEPA RESPONSE.** This language no longer exists in the new policies of the Hampshire County Board of Education policy manual, as structured by NEOLA, Inc. and adopted on December 5, 2005. The 4000 Service Personnel section as well as Policy 8600.04 (Bus Operator Certification) was reviewed with no age requirements found.

### **(2) County Policy 11.2.1 – Pre-Employment Qualifications/Requirements.**

**OEPA RESPONSE.** This language no longer exists in the new policies of the Hampshire County Board of Education policy manual, as structured by NEOLA, Inc. and adopted on December 5, 2005. The 4000 Service Personnel section as well as Policy 8600.04 (Bus Operator Certification) was reviewed with no age requirements found.

### **(3) County Policy 7.3.1.1 – Recruitment – Advertising of Positions.**

**OEPA RESPONSE.** County Policy 3132 (Vacancies / Professional Staff section) part A, subsection 1 states: “The notices shall be posted in conspicuous working places for all professional personnel to observe for at least five (5) working days. Notices shall be posted in each work location and on the Hampshire County Board and West Virginia Department of Education websites, advertised in the Hampshire Review, Cumberland Times-News and Winchester Star and posted at each work location that is officially open.”

County Policy 4132 (Vacancies / Service Personnel Staff section) part A, subsection 1 states: “The notices shall be posted in conspicuous working places for all service personnel to observe for at least five (5) working days. Notices shall be posted on the Hampshire County Board website and at each work location. During the summer break notices shall be only advertised in the Hampshire Review, Cumberland Times-News, the Winchester Star Newspapers, the Hampshire County Board website and at work location that is officially open.”

**Note:** The language previously in policy whereby the vacancies would not be advertised to the media or public unless it was known that no qualified person(s) were available within the system is not contained in either the new professional or service personnel “Vacancy” policies.

### **(4) County Multicultural Plan.**

**OEPA RESPONSE.** The *Training Manual and Handbook for Education Performance Audits* section 6.1.12 labeled as *Multicultural Activities* state that multicultural activities are [to be] included at all programmatic levels, K-4, 5-8, and 9-12 with an emphasis on prevention and zero tolerance for racial, sexual, and religious/ethnic harassment or violence (Policy 2421).

**WV State Board Policy 2421 for Racial, Sexual, Religious/Ethnic Harassment and Violence, section §126-18-11, “Prevention Programs” within item 11.1 states “Each agency must develop and implement an education program for each programmatic level, K-4, 5-8, and 9-12, as well as a program for all faculty and staff. The programs, at a minimum must: raise awareness of the different types of harassment, how it manifests itself, its devastating emotional and educational consequences, and its legal consequences. In addition, multicultural education programs must be developed and implemented for faculty, staff and students to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial and religious backgrounds.”**

**These two citations imply that a county could have two plans whereby (a) one addresses prevention and zero tolerance for racial, sexual, and religious/ethnic harassment or violence and (b) the other requires a multicultural education program to be developed and implemented to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial and religious backgrounds.**

**Currently under development is a county multicultural plan (Hampshire County Schools Cultural Diversity Plan) that began last summer. Four goals are identified within the county plan: “(1) Develop a comprehensive curriculum that is inclusive, reflects ethnic diversity, and promotes contributions by all cultures. (2) Provide an environment that aids in the development of a positive self-image for all students. (3) Recommend a program that actively recruits ethnic minority faculty and staff to reflect the student population. (4) To encourage community involvement in creating a culturally inclusive school environment.” The latest revision of the plan was made at the end of November 2005 and is now a working document for site-based use. \_\_\_\_\_ indicated that she wants the schools to comment on the plan with final work to be completed in the summer of 2006.**

**Recently passed County Policy 5517 (Anti-Harassment and Violence) page 13 (Implementation and Education) requires that “The Human Rights Officer shall develop a program designed to raise the awareness of the different types of harassment, how it manifests itself, its emotional, educational and legal consequences. Multicultural education programs must be established to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial and religious backgrounds.”**

**It is recommended that Hampshire County Schools combine these two concepts (zero tolerance and multicultural understanding) into one “program” that would comply with OEPA Standard 6.1.12 – Multicultural Activities.**

## ISSUE V

### 6.8. LEADERSHIP

6.8.1. Leadership. Leadership at the school district, school, and classroom levels is demonstrated by vision, school culture and instruction, management and environment, community, and professionalism. (Policy 5500.03)

OEPA Report p. 31 and ICT Report pp. 32-33.

### HAMPSHIRE COUNTY BOARD OF EDUCATION – BOARD OPERATIONS

#### 6.8. LEADERSHIP

#### OEPA RESPONSE.

A. Initially the Team again noted the continuing negative impact of some of the convoluted, questionable and perhaps illegal hiring and employment practices identified by the OEPA Team members in January 2005. These incidents, which occurred prior to Superintendent \_\_\_\_\_ extended absence, were never effectively addressed by the superintendent or the Board. Thus, their concussion continues to destabilize efforts to re-establish effective leadership in Hampshire County Schools. [Please see the February 2005 OEPA Report for more details on each of the following examples.]

1. After improperly filling the principal vacancy at Hampshire Senior High School in August 2003 with an uncertified applicant, Superintendent \_\_\_\_\_ directed the finance office to set the salary at \$72,000, an amount he acknowledged the principal “negotiated”. This amount was between \$4,000 and \$5,000 above the Board salary scale for the position. Board minutes do not reflect any action to justify \_\_\_\_\_ directions. Even after OEPA recommendations to correct this salary, the Hampshire County Board of Education voted on June 27, 2005 to continue the principal’s salary at \$72,000 for the 2005-2006 school year. Other Hampshire county principals grieved and interim county leadership has tried to deal with the fallout. The Board has refused to implement the Level II decision granted to principals and currently court action is pending. The outcome has significant financial implications for Hampshire County and the conflict further hinders the trust and confidences in the Board/Central Office/Principals’ relations.

2. The Financial Director and two accountants were suspended from their jobs in October 2003. The two accountants have been reinstated as a result of grievance decisions and the Finance Director has also been reinstated as a result of court proceedings. In addition to the expense of an ultimately failed defense of the superintendent and board’s actions, Hampshire County Schools now has two Treasurer/School Business Officials - one making \$60,000 and one making \$58,000. During this current on-site, central office personnel and board members gave little justification for two finance directors, yet there exists no plan to correct this fiscally irresponsible situation.



**Unresolved Issues.**

1. The hiring of a ½ time alternative education classroom teacher without his being licensed as a teacher or posting the position.
2. The interviewing of an individual for Treasurer/Business Official when he had not applied.
3. The hiring by RESA VIII of Superintendent \_\_\_\_\_ son as an aide/paraprofessional at the Alternative Program at Hampshire Senior High School without posting in the schools. The individual did not hold proper license.
4. The repeated attempts by Superintendent \_\_\_\_\_ to employ a secretary as Food Service Director, when the individual clearly lacked qualifications required for the position.

These four incidents have not been adequately explained and, without resolution or accountability, continue to contribute to an extremely high level of uncertainty toward the superintendent's leadership – both from the perspective of central office staff and Board of Education members. It appears these actions also precipitated the spring 2005 citizens' lawsuit seeking the removal of Superintendent \_\_\_\_\_ and three Board Members. Although that suit was withdrawn or dismissed this fall, Board members report that legal defense fees for them were about \$22,000 while Superintendent \_\_\_\_\_ attorneys have billed for about \$88,000.

B. Although interim leadership has attempted to implement many of the recommendations of the State Improvement Consultant Team, some hiring issues emerged in a review of personnel actions in \_\_\_\_\_ absence.

1. The hiring of Springfield–Green Spring Elementary principal on June 27, 2005 was accomplished using an inappropriate set of hiring criteria. The Personnel Director takes responsibility for this mistake and there is no reason to think it is anything other than an error. Perhaps a greater concern is that none of the interviewers or the Board members were sufficiently trained in West Virginia's required hiring criteria in order to catch this error before a hiring decision was made. This is more significant in light of OEPA's strong recommendation to review and correct this very issue.

2. The hiring of the current Assistant Superintendent illustrates either the Board's continuing willingness to skirt proper hiring procedures or perhaps just their inability to get it right. The minute record is confusing but seems to say:

- July 5, 2005 Hampshire County Board of Education (HCBOE) adopts Assistant Superintendent's job description.
- July 5, 2005 HCBOE accepts \_\_\_\_\_ resignation from her Assistant Superintendent portion of her job effective July 29, 2005.
- July 5, 2005 HCBOE gives permission to advertise for Assistant Superintendent.

- July 25, 2005 HCBOE tabled the 252 days and \$15,000 supplement part of posting? position? job description?
- July 25, 2005 HCBOE tables the Assistant Superintendent's position.
- July 25, 2005 HCBOE approves \_\_\_\_\_ request to rescind her July 5 resignation from the Assistant Superintendent's part of her job.
- Aug. 1, 2005 HCBOE abolishes Assistant Superintendent's job description.
- Aug.19, 2005 9:03 a.m. HCBOE goes into executive session for the purpose of interviewing applicants for Assistant Superintendent and returns to regular session at 12:52 p.m.
- Aug. 19, 2005 HCBOE accepts Paula \_\_\_\_\_ resignation from Assistant Superintendent portion of her job effective August 22, 2005.
- Aug.19, 2005 HCBOE employs \_\_\_\_\_ as "Assistant Superintendent".
- Sept. 26, 2005 HCBOE "approves" \_\_\_\_\_ as Attendance Director.

This extraordinary sequence of events raises concerns regarding the forthrightness and openness of this process.

- If no job description existed between August 1 and August 15 - what accompanied the job posting during this period of time?
- If the job description didn't exist until Monday night, August 15<sup>th</sup> – could this job have been posted for the minimum 5 days (between Monday night and Friday morning)?
- The job \_\_\_\_\_ received was apparently not the job posted since the Board later (on September 26, 2005) approved her as Attendance Director, a job statutorily required to be at least half-time. It had appeared that \_\_\_\_\_ was hired into a full time (252 day) job on August 19<sup>th</sup> with a \$15,000 supplement according to minute record.

Also troubling are reports from the interview and selection process for the Assistant Superintendent's position that confirm that another candidate had a higher interview/application score but was "eliminated" on the basis of his answer regarding his willingness to work with Superintendent \_\_\_\_\_, should he return. Additionally, two other central office directors believe that they equaled or exceeded \_\_\_\_\_ qualifications but neither were interviewed. They have current grievances filed on this matter.

C. Evidence of the absence of effective leadership continues beyond the findings of the January 2005 OEPA on-site. There appears to be critically damaged relationships between the Board and Superintendent, between the Superintendent and his staff, between the Board and the community, and between the community and superintendent. Morale of staff in the schools is reported as extremely low. Central office staff and Board members alike characterized the leadership situation as a "mess".

1. Superintendent \_\_\_\_\_ has been absent from his duties since September 2004. Superintendent \_\_\_\_\_ continues to request medical leave of absence and the Board has continued to approve medical leave. The Board has failed its leadership responsibilities in providing stability during this period of time.

2. In addition to the absence of \_\_\_\_\_ from his duties, an obvious rift has developed between the superintendent and the Board.

- In May 2005 the Hampshire County Board of education unanimously voted to “direct the Board’s counsel to proceed with necessary steps relating to the dismissal of Superintendent, \_\_\_\_\_.

- Although no subsequent action on dismissal proceedings is noted in the minute record, the HCBOE held a special meeting on September 20, 2005 partially for the stated purpose of “. . . taking up the matter of Superintendent \_\_\_\_\_ contract and a possible buy-out....” that they said was over a quarter million dollars. Although no official figure is quoted in the minute records, the record does show that the HCBOE voted unanimously against the buy-out proposal.

- Board members and Superintendent \_\_\_\_\_ have not developed goals and objectives upon which to evaluate the performance of the superintendent and thus have failed to comply with West Virginia Board of Education Policy 5309 which in part requires in Section 6.1.1., “the county board and superintendent to annually, before September 15, establish written goals or objectives for the superintendent to accomplish within a given period of time”. Without the required goal setting – the rest of Policy 5309 can not be followed. No documentation that this process occurred in either school year 2004-2005 or school year 2005-2006.

- Board members interviewed on this OEPA visit seem frustrated and embarrassed about events occurring both before and during \_\_\_\_\_ absence.

3. Regardless of the lengthy absence of Superintendent \_\_\_\_\_ or the conflict that exists between the superintendent and the Board, HCBOE has a leadership responsibility to provide effective district leadership in his absence. In spite of the admirable efforts of \_\_\_\_\_, and now \_\_\_\_\_, as well as many others in the central office, conditions detrimental to their potential for effective leadership hampered/hampers them.

- The former Interim Superintendent was expected to continue her full-time duties as Secondary Curriculum Director while assuming the duties of the superintendency. This situation resulted in an untenable work load and ultimately to this individual’s relinquishment of the “interim” superintendent’s duties after a few months.

- The same mistake is being repeated with the current Assistant Superintendent (“acting” superintendent). The individual seems to be expected to fill three positions at present: Assistant Superintendent, Acting Superintendent, and Attendance Director. This individual reported to the Team that she continues to devote half-time to her attendance duties. If this is true, that leaves little time for the effective exercise of her

remaining mammoth job responsibilities. The potential for effective leadership under these conditions is questionable.

- One illustration of this failing would be the difficulties encountered in the development of the certified list for second month submission this fall. Central office personnel reported that, although meetings were requested, no meetings were held between personnel, finance, and the “acting” superintendent to collaborate on this important task. As a result, the county submitted a second month certified list that reported 1.15 professionals and 9.5 service personnel under funding limits. This error could have potentially cost the HCBOE more than \$200,000 had it not been detected by Joe Panetta just before final certification in late November. (Mr. Panetta worked with \_\_\_\_\_ to correct the errors.)

- A second illustration is the lack of an up-to-date organizational chart for the central office. The chart approved by the HCBOE in March 2005 does not reflect \_\_\_\_\_ position, \_\_\_\_\_, \_\_\_\_\_ position, or the second Chief School Business Official/Treasurer’s position.

- The Team also found that a June 30, 2005 financial balance of over \$873,000 had dwindled to just over \$124,000 in reserve according to the November financial reports. If these figures accurately reflect recent HCBOE spending patterns, both Board and central office leadership may want to spend more time analyzing the impact of spending requests.

4. Community and staff relations are not positive in Hampshire County at this time. The HCBOE has not fostered a perception of positive vision, school culture and instruction, management and environment, community, and professionalism with its constituents.

- An inordinately high number of employee grievances have plagued the HCBOE in the last two years.

- Numerous articles in the Hampshire review over the past several months have chronicled the difficulties of the HCBOE, Superintendent \_\_\_\_\_, and a former employee.

- A citizen group filed suit in the spring of 2005 demanded the removal of three board members and the removal of Superintendent \_\_\_\_\_.

- January 2005 OEPA Team reported employees fearful of recriminations which still exist.

- Board members, central office staff, and others in December 2005 reported extremely low morale in the public and among staff, including school-based staff.

- It appears that an inordinate amount of time and money are being consumed in addressing the negative issues in the county.

## **HAMPSHIRE COUNTY SUMMARY**

**The December 2005 full Education Performance Audit and the follow-up of the January 2005 county office audit revealed that some issues have been resolved, but that others were not resolved. The problems previously identified in the personnel area were not. The problems previously identified in the personnel area were extensive and many linger since there has not been continuity in the county leadership. Additionally, new issues have emerged, particularly in the area of personnel administration and decision-making.**

**The earlier financial issues have been resolved, but a few new issues have been revealed with our examination extending to the individual schools during this audit. The finance area is related to personnel issues at the county level such as a former financial official has been reinstated through the grievance process, producing a duplication of positions and failing to adjust an improper salary, may impact finances.**

**The greatest problem facing the Hampshire County School system is the lack of leadership at the county office level. Numerous errors and problems were reported dealing with personnel from improper selection to certification issues.**

**Trust and relationships have continued to deteriorate at the Board/Superintendent county office level. The uncertainty of the superintendency and the acting superintendent arrangement not being stable and flawed in its process has rendered the county at an impasse relative to leadership and its ability to resolve deficiencies and conflict and move forward.**

**The Education Performance Audit of the individual schools did not reveal serious deficiencies that could not be corrected by good county leadership except at Hampshire Senior High School. Deficiencies cited at Hampshire Senior High can also be traced to turnover and transition of leadership at the school. Student performance is an issue at one school not making adequate yearly progress (AYP) and a few other schools have marginal scores in some of their subgroups. Facilities were found to be in good shape in most schools with progress being made in renovations and replacement of schools. Hampshire Senior High School had space problems and insufficient science laboratories.**

**The Hampshire County Board has also shown lapses in its leadership role and the conduct of its meetings. Their accountability should extend to oversight of functions that are performed by the superintendent and/or others who are giving them recommendations. They have also been slow in resolving the policy issues for which they have primary responsibility.**

## **Office of Education Performance Audits Recommendations**

**Due to the inability of the Hampshire County School system to resolve the deficiencies identified in the initial Education Performance Audit and the continuing deficiencies that were revealed in the follow-up audit and the full audit of the county, it is recommended that the Nonapproval status of Hampshire County Schools be continued and that the West Virginia Board of Education intervene in the operation of the school system to cause improvements to be made.**

**It is specifically recommended that:**

- 1. The position of county superintendent be declared vacant, and**
- 2. that the State Board of Education limit the authority of the Hampshire County Board of Education in the areas of personnel and finance until such time that all deficiencies are resolved and the system is providing a thorough and efficient educational program.**