



EDUCATION PERFORMANCE AUDIT REPORT

FOR

MINGO COUNTY SCHOOL SYSTEM

NOVEMBER 2014

WEST VIRGINIA BOARD OF EDUCATION

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SECTION I

MINGO COUNTY SCHOOL DISTRICT

INTRODUCTION

The Office of Accreditation and Recognition, West Virginia Department of Education, conducted an on-site review of the Mingo County School System during the period October 5 through October 10, 1997. On January 8, 1998, the West Virginia Board of Education reviewed the report and unanimously determined that extraordinary circumstances may exist in the Mingo County School System.

On February 13, 1998, the West Virginia Board of Education unanimously approved an Intervention Agreement with the Mingo County Board of Education to be signed at a special session of the State Board and the Mingo County Board of Education.

The Intervention Agreement was executed by the West Virginia Board of Education and the Mingo County Board of Education at the February 24, 1998, State Board meeting. The Intervention Agreement set forth the areas in which the West Virginia Board of Education would intervene in the Mingo County School System. It also called for the limited intervention to end on June 30, 2002. Pursuant to W.Va. Code §18-2E-5, the West Virginia Board of Education declared that a state of emergency existed in the school system and voted to confer Nonapproval status on the Mingo County School System.

On April 18 through April 19, 2000, the Office of Education Performance Audits conducted a follow-up audit to verify correction of the noncompliances identified during the original on-site review in October 1997. A report was presented to the West Virginia Board of Education at its July 13, 2000, meeting and the State Board voted to continue Nonapproval status for the Mingo County School System and to continue the intervention.

On November 27, 2002, the Office of Education Performance Audits conducted a second follow-up audit to verify correction of the remaining noncompliances that had not been corrected by the Mingo County School System. At its December 11, 2002, meeting, the West Virginia Board of Education received the report and voted to confer Temporary Approval status upon the Mingo County School System and to return complete control of the operation of the Mingo County School System to the Mingo County Board of Education effective December 11, 2002.

As a result of official complaints to the State Board regarding the failure of the Mingo County Board of Education to implement its Ten-Year Comprehensive Educational Facilities Plan (CEFP), a negative financial trend, and limited high school curriculum offerings, the West Virginia Board of Education voted to direct the Office of Education Performance Audits to conduct a performance audit of the Mingo County School

System. An Education Performance Audit of the Mingo County School System was conducted January 10 through January 14, 2005. The audit report was presented to the West Virginia Board of Education at the February 9, 2005, regular meeting. Based upon the results of the Education Performance Audit, the West Virginia Board of Education declared that a state of emergency existed in the school system and voted to issue Nonapproval status to the Mingo County School System. The State Board deferred action on intervening into the operation of the Mingo County School System to allow its members time to fully review the audit report.

The West Virginia Board of Education held a special meeting February 15, 2005, to discuss and take action regarding the Mingo County School System. At the February 15, 2005, meeting, the State Board voted unanimously to re-intervene into the operation of the Mingo County School System.

Pursuant to the direction of the West Virginia Board of Education, the Office of Education Performance Audits conducted an audit of the Mingo County School District and the schools March 17 through 22, 2013, to assess the system's progress in alleviating the aforementioned conditions that resulted in the re-intervention. The OEPA found that the county displayed progress in curriculum and organizational functions; however, the Mingo County Board of Education caused impediments to the progress of the Mingo County School System. A report was presented to the WVBE August 14, 2013, No action was taken on the OEPA recommendations.

The Mingo County School District and school reports were presented to the WVBE September, 2013 and were approved. The OEPA was instructed to conduct a specific review of the Mingo County Board of Education, according to guidelines specified in W.Va. Code §18-2E-5, to assess the board's progress in transacting meetings, adhering to WVBE policies, and demonstrating willingness to manage the affairs of the Mingo County School District in a fiscally responsible, ethical, and legal manner.

A specific Education Performance Audit was conducted October 10, 2014, to examine the board's leadership in the aforementioned areas. The Education Performance Audit Team interviewed the Mingo County Board of Education president and all members of the board of education and school district superintendent. The Team reviewed agendas and minutes of the Mingo County Board of Education meetings.

This report describes the Education Performance Audit Team's assessment of progress made by the Mingo County School System in meeting the requirements for the county school system to assume local control.

EDUCATION PERFORMANCE AUDIT TEAM

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

7.8. LEADERSHIP.

7.8.1. 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)

W.Va. Code §18A-2-12a (1) provides “The effective and efficient operation of the public schools depends upon the development of harmonious and cooperative relationships between county boards and school personnel.”

The Office of Education Performance Audits (OEPA) Team interviewed the Mingo County Board of Education members, the superintendent, and county office staff. The Team reviewed agendas, minutes, and transcripts of the Mingo County Board of Education meetings, the Mingo County School District Five-Year Strategic Plan, the Professional Development Plan, and the Curriculum Audit report. The findings are the result of the interviews and document reviews.

County Leadership

1. The district office staff exhibited professionalism, collaborative work habits, effective communication skills, and a strong commitment to improving student achievement. The staff was unified in developing all aspects of a strong education system.
2. The district superintendent provided information and updates to the Mingo County Board of Education on the county Five-Year Strategic Plan, curriculum, personnel, finance, West Virginia Board of Education policies, etc., which were relevant to decision-making.
3. Mingo County School District is moving forward with a well-planned and organized curriculum. The district staff instituted programs and initiatives to improve student achievement and improve the graduation rate.

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The district office staff continued to exhibit all aspects of professionalism and a unified approach in continuing to move the education system forward.

Mingo County Board of Education

1. Board members have served for as long as 10 years and the newest member was appointed February 9, 2012, to fulfill the remaining term of a member that had resigned. This appointed member was later elected to office.
2. Board members expressed a desire to assume control of the school system. They identified personnel and finances as areas that they would like additional training.
3. Board members voiced personal goals of improving student performance and preparing students to lead successful lives after graduation. They would especially like to expand career technical programs.
4. Mingo County Board of Education members and district staff were especially pleased that a collaborative with Glenville State College had been established that encourages and supports Grades 8 through 12 students to pursue a college education.

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The composition of the Mingo County Board of Education changed with the spring election and the resignation of a long-serving member. The board adopted goals for FY14; specifically, Goal 1 states, "Cessation of West Virginia Board of Education Intervention, sets forth the actions of the board of education to regain governance autonomy for its schools and school district."

General Procedural Technicalities.

1. Mingo County Board of Education minutes were scarcely more than a board agenda and did not include information to inform the public of board meeting business conducted. Furthermore, meetings did not state an end time. While a complete transcript of each meeting was maintained in a separate notebook, minutes should include a brief description of the board items, reports, presentations or discussion, and include an end time.
2. The schools' local school improvement council (LSIC) reports to the board for the 2012-2013 school year had been presented. In each instance, the board minutes included a statement "that pursuant to W.Va. Codes §18-5-14, §18-5A-2, and §18-5A-3." The board met with each LSIC; however, information was not included in the board minutes that verified a quorum of the LSIC membership was present or that the chair or member designee addressed the school's status in meeting the school and county improvement plans.
3. A review of board meeting minutes indicated little recognition of staff and student accomplishments throughout the year. The high attendance record of personnel and the lower student dropout rate indicated high morale.

Additionally, the increase in academic programs illustrated a stronger focus on student learning. The board and administrators should establish processes to recognize academic successes.

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- 1. Mingo County Board of Education minutes were thorough and included information in a comprehensive and understandable manner to inform the public of board meeting business conducted.**
- 2. Local school improvement council (LSIC) meetings with the county board were being scheduled, and the OEPA Team was assured future minutes will reflect a summary of LSIC reports.**
- 3. Goal 4 of the officially adopted goals of the Mingo County Board of Education states in part, "The Mingo County Board of Education is committed to advancing the evident successes that are found within the system among its students, its employees and its citizenry that have or will advance the cause of public education in Mingo County." The board has established processes to recognize academic and other achievement successes of students and achievement of personnel. The board of education recently recognized a Tug Valley High School student awarded a world championship in archery.**

Leadership Development Indicators.

- 1. A major responsibility of local school boards of education is ensuring that a long-term vision is established for the school system and that the district remains focused on learning and achievement for all students. Mingo County Board members provided sketchy information about the Mingo County Five-Year Strategic Plan. They did not know which member had participated on the planning committee and three members did not recall that the staff had been provided a Power Point presentation about the plan at a Workshop/Special Board Meeting held October 18, 2012. Mingo County's administrative assistant presented comprehensive and clear information regarding all aspects of the county's plan.**

The county held a workshop for developing the plan and one member of the board attended the planning session and could not remember being a part of the plan's development. Another board member said, "This board has no input into the strategic plan." He further stated that he had no knowledge if the plan was submitted to the board and "it has not been analyzed or discussed in board meetings".

The Mingo County Board of Education must closely examine the strategic plans of the county and schools to determine if they, as a board, adequately focus on student performance goals.

2. Board meetings were not productive, organized, or conducted within a reasonable amount of time.

Transcripts of the Mingo County Board of Education meetings indicated numerous instances in which members shifted off topic and discussions reverted to former issues. Transcripts showed board members talking over one another, interrupting each other, deviating from the subject, etc. The Mingo County Board of Education should follow the agenda and limit discussions about past issues and conflicts.

3. It was apparent that some board members allowed service personnel, teachers, and community members to come directly to them with concerns. Members did not follow policy and procedures in reporting concerns to the superintendent, rather board members generally expressed instances of dealing with parent and/or employee concerns directly.
4. Board members frequently did not follow law in conduct of board meetings.

- a. **Secret Ballot.** A paper ballot was done at the February 9, 2012, Special Board meeting for filling the position of the term of a board member who resigned. During board member interviews, one member described this method as a “secret” ballot. Another member stated, “Nobody knew who voted.” This use of a written vote was recorded in the transcript of board meetings dated and signed March 5, 2012. W.Va. Code §6-9A-8. Acting by reference; written ballots states, “(b) A public agency may not vote by secret or written ballot.”

- b. **Official Board Capacity.** A board member disseminated a paper in his official capacity at a board of education meeting on March 5, 2013, “Economy of Scale”, prior to the levy. This paper was developed from other documents and appeared to politicize the upcoming levy. It specifically stated, “It is unconstitutional to call on parents to pay for textbooks and lab fees for required courses. And art, music, sports, basic educational support services and many extracurricular activities that promote learning, creativity and character are not luxuries; they too are essential features of a sound, basic education.” Source listed: newwoodburncommunityschool.org/2011/08/26/will-the-wv-school-building-authority-get-away-with-it/

- c. **Personnel Employment.** During an interview, one board member stated, “They did hire one person I recommended, a bus driver.”

- d. **Executive Session.** The agenda for the March 21, 2012, Special Meeting, included Presentations and Review Proposed Levy Rates for the Fiscal Year 2012-2013. The meeting recessed until April 17, 2012. The meeting convened April 17, 2012, and the agenda listed one item: Review Proposed Levy Rates for the Fiscal Year 2012-2013. A member moved to go into executive session according to §6-9A-4(A) and (B). The executive session called by the board president was not listed on the agenda. The

official transcript of the meeting reported the president stated the following authorization and motion for the executive session:

Matters arising from retirement, promotion, demotion, disciplining, resignation, discharge, dismissal, and so forth. And B, For the purpose of conducting a hearing on a complaint, charge, or grievance against a public officer, or employee. So having said that I will ask for a motion to go into executive session to discuss matters pertinent to those – one or more of those issues.

The county superintendent had previously dealt with this complaint and explained the procedure to address the complaint and the resolution. The board president requested a board meeting with the employee present to discuss things he, the board member, had been hearing. The meeting was held May 1, 2012, in which the employee was requested to attend an executive session to discuss the incident. The OEPA Team interviewed the employee who stated he thought things had been resolved at a personnel meeting held with the superintendent and assistant superintendent and the employee and the employee's representative.

- e. **Personnel Actions.** Board member(s) have been openly vocal about personnel and employment of personnel. According to interviews, a board member's friend went through the application process for a job posting. The county went through personnel procedures and concluded the required background check which disclosed a police record; consequently, the applicant was informed that he/she could not be hired. This board member called the Director of Human Resources and indicated that this person could be hired for the position. Other examples were found in transcripts of board meetings in which this member stated that he received calls about a lost application or misplaced application. The personnel office researched this and reported at the next meeting that the applicant lacked the qualifications in the job posting. The board member also questioned loss of an application for another applicant, which was explained to him. He further stated that people were calling him and crying because of the way they were treated by a specific individual in the personnel office, publically stating the name of the county office staff member.
5. Board members did not exercise boardmanship and leadership as demonstrated by the following actions and behaviors.
- a. One board member wrote a letter to an office at the West Virginia Department of Education about a particular employee. The member stated, "As a board, if we had power of authority we could address that." This correspondence was not shared with the county superintendent.
 - b. Board members did not participate on the steering committee for renewal of the school levy. Most said, "Dr. Paine told us not to be on the Steering Committee." Meeting transcripts showed that the superintendent invited

and encouraged board members to participate on the Steering Committee to voice input.

According to meeting transcripts, a board member stated that he could not get information about the manner in which the school excess levy was developed. However, the transcript of minutes indicated that the board was officially requested to participate on the Steering Committee. Board members expressed that they did not approve of some things in the levy call, specifically the ATV safety program and archery class while not providing input into the levy call.

- c. **Open Meeting Law.** The July 9, 2013, agenda for a regular meeting of the Board of Education of the County of Mingo listed the following items: I. Roll Call, II. Call to Order. III. Minutes, IV. Discussion of Williamson Middle School and Williamson High School Properties Attorney, Paul Pinson, V. Personnel, VI. Employee and Citizen Input, VII. Board Member Comments, and VIII. Adjournment. During the July 9, 2013, Mingo County Board of Education meeting, the president proposed to hire an attorney to represent the Board. The president called for a vote on this item, and the board voted four to one to hire an attorney to represent the board. This item did not appear in the published agenda prior to the properly and duly noticed Mingo County Board of Education meeting.

The Open Governmental Meetings Act prohibits amending an agenda and adding items unless it is reported in the same manner as the agenda was originally posted at least two business days in advance of the meeting. Furthermore, the Mingo County Board of Education does not have legal authority to make personnel decisions pursuant to W.Va. Code §18-2E-5 with respect to the State intervention into all aspects of the local board's authority in the operation of the school system.

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1. **The Mingo County Board of Education appointed the board president to serve on the county strategic planning committee. The committee has developed the strategic plan which was scheduled to be presented to the county board October 14, 2014, for additional board input and plan approval. All five board members were knowledgeable of the board's representative on the planning committee, the procedure for the plan's development, and anticipated reviewing the plan at the scheduled board meeting.**
2. **The OEPA reviewed Mingo County Board of Education meeting minutes from July 7, 2014, to present and found that board meetings were conducted in a productive, organized, efficient, and civil manner. Meetings adhered to the established agenda and board members were**

respectful of one another. Members did not deviate from business at hand and did not allow distractions to obstruct board business.

3. Each board member and county staff member interviewed reported that board members followed policy and procedures in responding to parent and/or employee concerns.
4. According to board meeting agendas and interviews with board members and the county superintendent, the Team verified that board members followed law and policy in conducting board meetings.
5. The current Mingo County Board of Education exercised board membership in all aspects of service and meeting conduct. Dr. Howard O’Cull, Executive Director of the West Virginia School Board Association has worked extensively with the Mingo County Board of Education on leadership procedures, legal issues, and the role of board members. Board members were enthusiastic and desired to learn and apply training provided by Dr. O’Cull.

The Mingo County Board of Education formally adopted Robert’s Rules of Order New Revised (RONR) as the parliamentary authority for Mingo County Board of Education meetings. Minutes of the board meetings verified the board meetings adhered to the Open Governmental Proceedings, §§6-9A-1 through 6-9A-12.

CAPACITY BUILDING

18.1. Capacity building is a process for targeting resources strategically to improve the teaching and learning process. School and county electronic strategic improvement plan development is intended, in part, to provide mechanisms to target resources strategically to the teaching and learning process to improve student, school, and school system performance.

The Mingo County Superintendent of Schools has demonstrated the capacity for targeting resources strategically to improve the teaching and learning process. Evidence of this has been exhibited by elementary students in all subgroups achieving at or above the State level and the high school improving from the previous year's assessment. A continuum of school improvement has been developed and implemented that resulted in the school district improving across student subgroups, academic areas, and performance outcomes.

The Mingo County Board of Education has not demonstrated the capacity to exercise board leadership, commitment, progress, cooperation, and fiscal responsibility. As a consequence, the school district superintendent and central office staff, schools and the community are affected by the actions and/or inactions of the local board of education.

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The current Mingo County Board of Education, in its entirety, has worked to examine board leadership and changing the culture of the board and community. In addition, the board was working to improve the community's perception and understanding of the board's responsibilities. Board members expressed, "We always want to be beyond reproach . . . and collaborate with the superintendent to make changes that improve education and develop trust in the board." The board receives monthly reports on personnel, finance, curriculum, facilities, student achievement, etc., and requested more in-depth training in personnel and finance.

This board has demonstrated the capacity to exercise board leadership, commitment, progress, cooperation, and fiscal responsibility to serve Mingo County School System.

SUMMARY

Earlier problems with the Mingo County Board of Education have been resolved with a significant commitment to “Doing Things Right”. The county is making progress in its facilities and implementing the Comprehensive Educational Facilities Plan. The county effectively managed fiscal resources with a positive fund balance as of June 30, 2014.

The Office of Education Performance Audits determined that the Mingo County Board of Education demonstrated the resolve, training, knowledge, and leadership to make decisions for the school system.

APPROVAL RECOMMENDATION

The Office of Education Performance Audits recommends that the West Virginia Board of Education return local control of the county school system to the Mingo County Board of Education effective December 1, 2014, subject to the following conditions: That,

1. The current superintendent remain in the position until June 30, 2017, unless the superintendent and the Mingo County Board of Education agree mutually to terminate the contract.
2. Transition to local control be provisional for two years.
3. Transfer of control of the following areas to the Mingo County Board of Education be executed with a Memorandum of Understanding between the West Virginia Board of Education and the Mingo County Board of Education.
 - a. Finance.
 - b. Personnel.
 - c. The establishment and operation of a school calendar.
 - d. Instructional programs.
 - e. Policy development.
 - f. Facilities.
 - g. Transportation.
 - h. All other decision-making authorities of the local board of education according to statutory provisions and West Virginia Board of Education policies.

Note: According to the new Policy 2320 (effective July 1, 2014), school system approval status (Full, Temporary, or Conditional) is tied to grades of schools (A-F) within the school system. Since grades will not be issued until the fall of 2015, at which time all school systems will receive their first approval status under the new accreditation system, it is not necessary to issue an approval status in this report.