



**Office of Education
Performance Audits**

PERSONNEL PROGRESS AUDIT REPORT

FOR

LINCOLN COUNTY SCHOOL DISTRICT

JULY 2012

WEST VIRGINIA BOARD OF EDUCATION

INTRODUCTION

An announced Education Performance Audit of Lincoln County School District Personnel Progress was conducted on June 28, 2012..

The Education Performance Audit Team reviewed the High Quality Standards specific to personnel. These included: 7.6.1 Hiring; 7.6.2 Licensure; 7.6.3 Evaluation and 7.6.4 Teacher and principal internships. The Team interviewed central office staff and talked with four members of the board of education. The Team reviewed meeting minutes of the Lincoln County Board of Education and documentation relevant to personnel.

EDUCATION PERFORMANCE AUDIT TEAM

Office of Education Performance Audits Team Co-Chairs – Dr. Gus Penix and Dr. Donna Davis

7.6. Personnel

7.6.1. Hiring. County boards follow hiring practices set forth in W.Va. Code. (W.Va. Code §§18A-4-7a, 18A-4-8, and 18-2E-3a)

County Hiring Practices

The Team saw evidence that multiple positions were listed on one posting with one matrix completed to compare all of the candidates' credentials. A new matrix is to be completed for each vacancy with the applicants listed for the specific position. Successful applicants employed for previously posted vacancies are to be excluded from the matrix for any current vacancies. The comparison of the qualifications of the applicants for current vacancies is to be conducted for the position for which employment is sought.

The Team was unable to determine the most qualified applicants for various positions due to incomplete matrices.

The partially completed matrices did not include the signature/s of the staff conducting interviews for various positions.

The Team recommended that vacancies continue to be posted in pursuit of fully certificated teachers when filled by individuals holding a Substitute Permit. Efforts to advertise for positions were not exhaustive. County personnel staff said they sent emails and mailings of postings to principals. These positions were not posted on the county webpage or the West Virginia Department of Education webpage.

Service Personnel

The Team verified that it continues to be the practice for the Finance Secretary to be responsible for determining service employee qualifications for additional pay based on post-secondary education/training. The only education/trainings currently accepted for advanced salary are college credit and post-secondary trainings offered by the Charles E. Yeager Career Center. Eligible service employees may not be receiving the appropriate salary based on this limited interpretation of West Virginia Board of Education Policy 5301. A multitude of other post-secondary trainings were offered that could have potentially been accepted for advanced salary (i.e., cosmetology school, volunteer firefighter training through the W.Va. Extension Service, etc.).

Recommendations

1. The Team recommended that the format of the matrix be revised to include the signature of the interviewer/s, the matrix list only the candidates pursuing the vacancy, and the matrix be completed to reflect the determining qualifications of the most qualified candidate for the specific position prior to officially recommending the candidate for employment.

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RECOMMENDATION FOLLOWED

2. The Team recommended that professional personnel assume the responsibility for making the professional judgments regarding the credentials of service personnel for advanced salary purposes.

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RECOMMENDATION FOLLOWED

Lincoln County Board of Education

The Team interviewed central office staff and board members and reviewed meeting minutes of the Lincoln County Board of Education and local media reports regarding reports that a member or members of the Lincoln County Board of Education attempted to exercise influence on the personnel process.

Interviews and documents presented the following information pertaining to board member(s) undue attempts to override personnel hiring procedures of the superintendent of the Lincoln County School District for administrative personnel and the hiring of two administrators recommended by the county superintendent.

1. At the March 7, 2011 board of education meeting, the Lincoln County Board President proposed that the board change the selection procedure use by the superintendent.
2. At the May 16, 2011 board of education meeting, the board tabled two superintendent personnel recommendations, an assistant superintendent position and an assistant principal position at Lincoln County High School. The board approved one of the two recommended assistant principal personnel positions at the high school but not the other.

Note. The OEPA conducted a review of personnel progress March 30 and April 1, 2011. Reports had been received that a member or members of the Lincoln County board of Education attempted to affect employment procedures and influence individuals to apply for positions or to advise individuals not to apply for positions. The OEPA examined allegations of attempted influence of individuals to influence the employment of personnel. During the initial interview it was difficult to substantiate the veracity of these reports. Future board actions and return visits by the OEPA substantiated some of these reports.

3. At the May 26, 2011 meeting the Lincoln County Board of Education unanimously employed the recommended assistant superintendent and the board employed the recommended assistant principal at Lincoln County High School.

Note. The OEPA returned to Lincoln County May 18, 2011 to review information and interview county office staff pertaining to the May 16, 2011 board employment action. Through several interviews, the Team found that two board members approached a county office administrator regarding the superintendent's recommendations. This investigation substantiated that a board member(s) overtly attempted to interfere with administrative personnel recommendations.

Afterword. The events that transpired and the ensuing OEPA visits to the Lincoln County Board of Education Central Office and interviews showed that member(s) of the Lincoln County Board of Education had attempted to exert undue influence on a member of the administrative staff regarding employment recommendations. Superintendent employment recommendations at the May 16, 2011 meeting that had been tabled were presented and accepted at the May 26, 2011 board meeting. Without these visits, the OEPA believed that board member(s) would have persisted in attempts to influence personnel decisions and pose obstacles to the personnel process. County boards and/or individual members lack statutory authority to affect superintendent personnel recommendations directly or indirectly.

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The OEPA returned to Lincoln County June 28, 2012 to follow up on findings noted in the July 2011 report indicating, “that member(s) of the Lincoln County Board of Education had attempted to exert undue influence on a member of the administrative staff regarding employment recommendations.”

Dr. Howard O’Cull, Director of the West Virginia School Boards Association, arranged training for members of the Lincoln County Board of Education by Howard Seufer of Bowles, Rice, McDavid, Graff, & Love, Attorneys at Law. The training was conducted on February 2, 2012 and the focus of the training was, *The Lawful Exercise of the School Board’s Authority in Personnel Matters*. The presentation was organized around findings cited in the OEPA report to the State Board of Education in their July 2012 meeting. Mr. Seufer indicated, the presentation,

- stressed the significance of the laws that regulate West Virginia School boards in the employment, assignment, supervision, evaluation, disciplining, transfer, termination and non-renewal of personnel;
- emphasized the unfortunate consequences that can result from violating those laws, including low functioning schools, accreditation difficulties, formal legal proceedings, monetary liability, damaged reputation, removal from office, and criminal conviction;
- devoted significant time explaining why school board members in their personal capacities possess no powers of any kind over school personnel and must not presume to inject themselves into personnel processes;
- reviewed the separate roles assigned by law to the superintendent and the board of education in most personnel matters and the deference that a board must show to the superintendent’s personnel recommendations except in special circumstances;
- covered the rule under West Virginia’s Open Governmental Proceedings Act that restricts communications among board members outside of duly called

board meetings, as well as the Act's provisions that determine whether personnel issues may be discussed in executive sessions; and

- reminded board members about the conflict of interest rules under West Virginia's Governmental Ethics Act and Pecuniary Interest statute as applied to personnel decisions that involve the familial relationships and financial interests of board members.

There was a vacant seat on the Lincoln County Board of Education at the time of the training. The four remaining members along with the Superintendent and the Assistant Superintendent were in attendance during the entire training. Mr. Seufer reported the following in regard to the training session, "From the points raised and questions asked, it is my judgment that they [the board] participated in good faith, with a genuine interest in not only understanding the material, but also understanding how the legal concerns impact their individual and collective actions."

The OEPA Team interviewed central office staff and four of five board of education members. The remaining member of the board of education was on vacation at the time of the review. Individual board members indicated appreciation for the in depth training provided by Mr. Seufer, and found the information most beneficial for understanding the degree of involvement board members have in affecting personnel matters.

Unanimously, board of education members and the superintendent indicated that, to their individual knowledge, there has been no interference of board members on the superintendent's recommendations of personnel for hiring. Similarly, to their individual knowledge, board members indicated that there has been no interference of board members on potential applicants for positions. When board members were asked about other governmental agencies, groups, or individuals asserting influence on the board in hiring matters, members indicated they had no knowledge of such.

7.6.2. 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)

The following chart explains the certification issues the Team observed through a detailed review of the certified list, WVEIS Master Course Schedule, and the West Virginia Department of Education (WVDE) Certification Database.

During the visit, the Team reported 31 credential/licensure issues at nine of the nine Lincoln County schools. Based on assistance provided by the West Virginia Department of Education, Office of Professional Preparation, and Lincoln County’s follow-up research subsequent to the Team visit, Lincoln County provided assurances that many of the reported assignments of personnel to positions for which they were not properly credentialed were the result of errors by the county/school entering data. The county confirmed that data entry was the primary issue with most of the 31 licensure issues the Team found and initially reported. Data entry corrections by the county led to the licensure issues being reduced to 10 issues at six schools. The Team reported that these did not appear to be data entry errors.

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COMPLIANCE. The 10 remaining licensure issues were corrected as verified by the Lincoln County Superintendent of Schools.

**Lincoln County
Certification Issues**

School Code & Name	Educator	Current Personnel Assignment	Current Certification/Endorsement	Finding	Recommendation
101 Duval PK-8	Coach	Coach	Pending application for Technology System Specialist.	Not properly credentialed to coach Has not applied for the Temporary Authorization endorsed for Coach. Has not completed the required WVSSAC trainings.	Complete the required WVSSAC trainings. Apply for the Temporary Authorization endorsed for Coach.

301 Guyan Valley Middle	Teacher	Initially, no assigned courses reflected on Master Schedule County edited, reflected Handwriting 3	English 5-12 Out of Field Authorization for Reading Endorsement 5-12.	Master Schedule does not reflect assignment of reading courses; students are not assigned. Personnel position assignment code is incorrect.	Edit Master Schedule to reflect proper assignments of courses/ students, staff (Title I , Academic Coach, etc). If not teaching reading, recall Out of Field Authorization for Reading Endorsement 5-12.
301 Guyan Valley Middle	Teacher	Collaborative secondary Grade ____	Elem Education K-6. First Class Permit English 5-9.	Position is coded as a Title 1. Teacher is not properly credentialed to teach Title 1 above grade 6.	Edit Master Schedule to accurately reflect assignments. If teaching in a Title I position, accurately code course/s in Master Schedule. If not teaching English 5-9, recall First Class Permit. If teaching another course, above grade 6, apply for a First Class Permit or Out of Field Authorization.
302 Harts Intermed.	Teacher	Math 6-8	Multi Subjects K-8	Teacher is not properly credential to teach math 7-8. Team was informed during visit that the teacher had retired in early fall, substitute teacher is in this position.	Edit the Master Schedule/Special Education Roster and all other data to reflect the teacher assigned to this position.
506 Lincoln County High	Teacher	Master Schedule reflects no courses/ students assigned	Technology Integration Specialist PK-AD. School Librarian/ Media Specialist PK-AD. Multi Subjects K-8.	County confirmed 31 students were assigned to this teacher (7829-non instruction code) for first semester: Students received elective credit grade for first semester.	Edit Master Schedule to accurately reflect courses/students assigned. Elective course credit will not be awarded to students assigned to this teacher during the second semester of school year 10-11. It is recommended that the curriculum and CSO for an elective course be submitted to the Lincoln Co BOE for review/approval to award elective course credit in an area of specialization for which this teacher is properly credentialed.

506 Lincoln County High	Coach	Coach	JROTC	Not properly credentialed to coach. Has not applied for the Temporary Authorization endorsed for Coach. Has not completed the required WVSSAC trainings.	Complete the required WVSSAC trainings. Apply for the Temporary Authorization endorsed for Coach or renew the Professional Teaching Certificate.
212 Midway Elem.	Teacher	Self Contained 1	Pre-School Education Birth-PK.	Teacher is not properly credentialed to teach above Grade K.	Apply for an Out of Field Authorization or First Class Permit for Elementary Education.
214 Ranger Elem.	Teacher	Reading Title I Grade ____	Multi Subject K-8.	Teacher is not credentialed to teach Title I Reading. Application pending at WVDE for First Class Permit, received March 22, 2011.	If the teacher was in this position since the beginning of the school year, employment exceeds the limits of State Code: allowing employment for three school months pending certification.. The teacher should have been released from the position upon reaching the timeline mandated by law.
215 West Hamlin Elem.	Teacher	Art 1-5	First Class Permit Art PK-AD Elem Education K-6 Early Education PK-K	County edited Master Schedule, deleted all assignments.	Recall First Class Permit for Art PK-AD, if teacher is no longer in the 5-AD position for art. Edit Master Schedule to accurately reflect assignments.
215 West Hamlin Elem.	Teacher	Pre-School PK	Health/Physic al Education 7-12. Social Studies 7-9. Elem Education 1-6.	Initially, teacher not properly credentialed to teach PK. County edited Master Schedule, removed all assignments.	Apply for First Class Permit or Out of Field Authorization for PK or submit waiver to substitute in an area for which the teacher is not credentialed. Edit Master Schedule to accurately reflect assignments.

7.6.3. Evaluation. The county board adopts and implements an evaluation policy for professional and service personnel that is in accordance with W.Va. Code, West Virginia Board of Education policy, and county policy. (W.Va. Code §18A-2-12; Policy 5310; Policy 5314)

The Team randomly reviewed personnel evaluation files for teachers, coaches, principals, and service personnel.

Teachers

The Team reviewed 13 evaluation files for teachers. Ten of the 13 evaluations met all the requirements of State Board Policy 5310 and three of the teacher evaluations did not meet policy requirements. Two teachers' evaluation files did not contain observations to support the evaluation completed during the 2010-2011 school year. One teacher had not received feedback from the evaluating supervisor within the five day timeline required by Policy 5310.

Coaches

The Team reviewed personnel files for six coaching personnel. Five of the six personnel files did not contain evaluations for the 2009-2010 or 2010-2011 school years. State Board Policy 5310 requires coaches to be evaluated annually. One file included an evaluation for the 2010-2011 school year.

Principals

The Team reviewed the personnel files for five principals. All files complied with State Board Policy 5310.

Service Personnel

The Team reviewed evaluation files for 11 service personnel from various classifications including: Secretary, mechanic, custodian, bus operators, aides, cook, and coordinator for compliance with the Lincoln County policy on service personnel evaluations. Nine of the service personnel evaluations complied with policy. The policy required service personnel with more than five years of experience be evaluated every three years. Two of the service personnel reviewed, who fell into this group, had not had evaluations conducted within the past three years.

PARTIAL COMPLIANCE. It was difficult to do a thorough review of personnel evaluations due to Lincoln County Schools having recently closed for the summer and the personnel secretary's absence due to vacation. At the time of the audit, personnel evaluations were in the process of being filed in personnel files. In reviewing evaluations of coaches, six of six coaches had completed evaluation forms for the 2011-2012 school year. However, the Team was unable to locate observation documentation for four of the six coaches.

7.6.4. Teacher and principal internship. The county board develops and implements a beginning teacher internship program and a beginning principal internship program that conform with W.Va. Code and West Virginia Board of Education policies. (W.Va. Code §18A-3-2b and 2d; Policy 5899; Policy 5900)

The Team found that Lincoln County complied with W.Va. Code §18A-3-2b and 2d; Policy 5899 (Beginning Principal Internships) and Policy 5900 (Beginning Educator Internship Program).

Recommendation

The Team recommended that Lincoln County undertake a proactive approach to recruit principal and educator mentors. Evidence indicated that some educator mentors were assigned more than two (up to four) beginning educators to mentor. This practice resulted in an excessive loss of direct instruction time by the mentor. Additionally, county records indicated that mentors did not begin mentoring assignments until mid-November, even though new teachers were employed at/near the beginning of the school year.

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RECOMMENDATION PARTIALLY FOLLOWED

Lincoln County Schools has made some progress in recruiting principal and teacher mentors for the 22 beginning educators needing mentors. However, three mentors during the 2011-2012 school year mentored two or more beginning teachers or principals.

Summary

Members of the Lincoln County Board of Education received thorough training regarding school board members' statutory authority relative to personnel matters. The members were cooperative in the training and receptive to the appropriateness of the content.

Interviews with individual members of the Lincoln County Board of Education and the Lincoln County Superintendent of Schools yielded positive responses concerning the role of the board in affecting personnel recommendations of the superintendent. Individual interviews of board members and the superintendent indicated that attempts to influence personnel recommendations of the superintendent had ceased.

Further, based on State Board of Education action in their July 2011 meeting, Lincoln County was required to submit to the State Superintendent of Schools through the Office of Legal Services the following documents: monthly agendas of meetings and all official meeting minutes, and a separate schedule listing all county personnel actions. Lincoln County has supplied the required documentation and it has been reviewed by West Virginia Department of Education personnel.

Recommendations

Pursuant to W.Va. code §18-2E-5, the Office of Education Performance Audits (OEPA) recommends that the West Virginia Board of Education (WVBE) issue full approval status of Lincoln County Schools.

The OEPA further recommends that the review of monthly agendas of meetings, official meeting minutes, and county personnel actions be discontinued effective immediately and the OEPA conduct a review audit of the Lincoln County school system in the fall of 2012.