

# SPECIAL CIRCUMSTANCE

## ON-SITE REVIEW REPORT

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***Logan County***

October 2022

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Office of Support &  
Accountability



**West Virginia Board of Education  
2022-2023**

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## Introduction

At the specific request of the West Virginia State Superintendent of Schools, the Office of Support and Accountability conducted an unannounced special circumstance review of Logan County Schools, commencing September 15, 2022, to investigate official complaints regarding board governance and central office leadership submitted to the West Virginia Department of Education (WVDE), in addition to documentation submitted to the WVDE through a routine Federal Programs Monitoring. Additionally, the county superintendent met with the state superintendent of schools and requested support regarding the recent actions of some County Board of Education members (CBEM) and the assistant superintendent circumventing the superintendent

The review process was conducted as outlined in West Virginia Board of Education (WVBE) Policy 2322: West Virginia System of Support and Accountability. The Review included interviews with central office and school-based personnel, in addition to a review of documents and data made available to the team.

A team consisting of staff members from the WVDE compiled the data collected during the Review to identify the findings and recommendations contained in this report. The report will be presented to the WVBE at a Special Meeting on October 27, 2022.

## Onsite Review Team Members

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# Focus Area 1: Deficiencies in Executive Leadership

***The areas denoted as requiring improvements were determined based on written evidence and overwhelming consistency of comments describing behaviors and conduct exposed through the interview process.***

The team acknowledged Logan County Schools has sought to establish many positive, research-based practices to improve student outcomes, including data analysis and proven instructional strategies. The team concluded, based on interview comments and evidence collected, the approach to establishing these practices and the subsequent follow-through by specific board employees, has often been counterproductive to achieving positive outcomes.

During CBEM interviews, each board member expressed devotion to the students of Logan County and a desire to help them succeed. However, through interview comments and document reviews, the team noted a pattern of decision-making and financial investment outside the scope and purpose of a county board of education. While partnerships between a county board of education and the surrounding community may be positive in nature and beneficial to both parties, a county board of education's primary responsibility is to oversee a thorough and efficient system of free schools for the students of the county. Investment of resources to projects and initiatives, with the expressed intention of benefiting the community at-large, may divert the limited resources of the school system from those projects and initiatives beneficial to all students. When federal funding has been used to provide community events, this represents direct noncompliance with the terms of that federal funding.

The team, determined based on interview comments and evidence collected, Logan County Schools failed to exercise due diligence and the appropriate oversight with regard to the contract with Heritage Educational Services to provide virtual school instruction. Evidence supports the Logan County Schools students who enrolled in the virtual school program have not received a free and appropriate public education and are not properly supported to ensure their academic achievement, safety, and well-being.

Additionally, the team concluded some expenditures by the board of education are not directly correlated with increases to student achievement and well-being. An example is approving the out-of-state travel of a board member, whose term was ending within a week, to attend a costly conference. Further, a single vendor, Step by Step, Inc., has received a large amount of funding to facilitate school improvement, provide mentoring to students, and establish after-school programs throughout the county. Evidence collected through the interview process and document review did not support the effectiveness of these programs in reducing at-risk behaviors or improving student achievement.

***W. Va. Code §18-5-13. Authority of Boards***

This table illustrates the West Virginia Balanced Scorecard data for Logan County Schools for the 2019-2022 school years. Note: Information from the 2020 school year, and progress data from the 2021 school year are not available due to the COVID-19 National Emergency.

Reporting Year	Assessment ELA Performance	Assessment Math Performance	Assessment ELA Progress Value	Assessment Math Progress	Attendance Value	Behavior Value	Graduation Rate Graduate 4-Year Value	Graduation Rate Graduate 5-Year Value	On Track Value	Post-Secondary Value
2019	53.0%	49.2%	41.7%	41.0%	59.1%	97.3%	90.6%	90.6%	75.2%	42.6%
2020										
2021	46.3%	37.0%			5.7%	99.2%	87.9%	90.8%	83.1%	54.9%
2022	48.3%	42.5%	42.4%	41.2%	46.0%	97.7%	84.8%	88.5%	71.3%	51.3%

# County Board of Education Members

**NONCOMPLIANCE 1.1:** During School Years 2020-21, 2021-22, and 2022-23 to present, the CBEM spent approximately seventy-eight hours in executive sessions related to facilities, personnel, employee issues, and student issues. Furthermore, seventy-nine separate executive sessions have been held in this period. This total does not include the time spent for purposes of student expulsion hearings and the superintendent evaluation. Additionally, the board has called sixty-four special meetings while holding forty-seven regularly scheduled meetings. The overuse of executive sessions displays to the community and stakeholders that there are extraordinary opportunities for the board to conduct the business of the board in a private setting, as demonstrated in the following example. At the meeting held September 26, 2022, the Logan County Board of Education voted to convene an executive session and the announced purpose of this executive session was to consult with a communications specialist regarding how to address the upcoming excess levy vote. *W. Va. Code §6-9A-4* identifies specific circumstances in which the governing body of a public agency may hold an executive session and the announced reason did not meet these criteria. Compounding the lack of transparency, minutes from eight meetings during this period have not been posted to the board of education's website *W. Va. Code §6-9A-4, West Virginia Open Governmental Proceedings Act*

**CORRECTIVE ACTION 1.1:** The board conduct business in an open meeting except in the circumstances to convene an executive session outlined in *W. Va. Code §6-9A-4*

**NONCOMPLIANCE 1.2:** As of the morning of September 26, the board meeting agenda for that evening was not posted on the county webpage. This oversight compounded ongoing concerns in the community regarding board actions and public transparency. *WVBE Policy 2322: WV System of Support and Accountability, §126-12-6.1*

**CORRECTIVE ACTION 1.2:** In collaboration with the superintendent, develop procedures to ensure meeting agendas are posted to encourage community engagement, to build trust through transparency, and to meet the requirements of *WVBE Policy 2322, Section 6.1, Logan County Schools Policy 0164, and W. Va. State Code §6-9A-3*

**NONCOMPLIANCE 1.3:** Actions and comments made by board members during the September 26, 2022, meeting demonstrated some board members lacked understanding of a previous board action and the process regarding the approval of the September 8, 2022, minutes. The motion in question from that meeting pertained to the Chapmanville Middle School baseball field, approved with a 4-1 vote and clearly stated in the minutes. All board members approved the minutes for the September 8 meeting; however, during the September 26 meeting, one board member verbally indicated the motion did not describe the board's intent. This was further demonstrated during interviews conducted with CBEM during the Review. Three members stated the approved motion did not describe their intentions. Board member interviews indicated there was extensive discussion of the field during the executive session. The discussion described to the team was information that would better serve the community and the board if discussed openly in the public meeting. *W. Va. Code §6-9A-4: West Virginia Open Governmental Proceedings Act; Logan County Schools Policy 0186: Minutes*

**CORRECTIVE ACTION 1.3:** A governing body may only convene an executive session when the subject to be addressed falls under one of the statutory exceptions. No decisions may be made in the executive session. Carefully read and consider meeting minutes to determine if they reflect the intent of the board before voting to approve them.

**NONCOMPLIANCE 1.4:** During board member comments at the conclusion of the September 26, 2022 board meeting, a board member directly addressed and questioned a citizen who presented as a delegation at the beginning of the meeting, even though this discussion was not related to an item on the meeting agenda. As his interaction with the citizen continued, the board member's language and demeanor became defensive and argumentative. *Logan County Schools Policy 0165.1. Regular Meetings*

**CORRECTIVE ACTION 1.4:** CBEM transact all business according to the agenda prepared by the board president and the superintendent and submitted in advance of the meeting. Arrange for additional training to be provided by West Virginia School Board Association in the areas of boardsmanship and governance.

**FINDING 1.1:** Upon review of minutes from previous meetings of the Logan County Board of Education, the team discovered many contracts are approved without an associated cost reflected in the agenda and minutes. The practice of approving contracts without publicly releasing the associated cost may obstruct public oversight of the business practices of the board and create the potential to circumvent established policies and procedures for purchasing, including the competitive bid thresholds prescribed in *WVBE Policy 8200, Purchasing Procedures for Local Education Agencies, Section 7.11*

**RECOMMENDATION 1.1:** Central office staff ensure transparency in all financial decision making by ensuring the dollar amount of contracts is reflected accurately in both the board agenda and minutes.

**FINDING 1.2:** CBEM were asked to address the reported low morale of staff members within the county. Two board members acknowledged they had been informed of low staff morale and expressed concern regarding the situation. Others stated they had not been made aware of any specific problems with morale. When asked to address principals who report feeling intimidated by specific members of the central office staff, a board member expressed people who are in entry-level positions should feel intimidated by their superiors to some extent. Another board member did not understand how any employee could feel intimidated, as this member was unaware of anyone being disciplined or written up for poor performance. A third board member attributed low morale to weak school-level leadership.

During CBEM interviews, one board member attributed problems with morale to teacher shortages and low pay. However, during the November 9, 2021 board of education meeting, the same member stated, "I am getting calls from people in schools who say morale is down, I think we need to discuss this. Teachers are saying they are getting overloaded with too many programs that cause extra work."

**RECOMMENDATION 1.2:** CBEM, in collaboration with the superintendent, work to understand the perspective of school administration and staff and develop protocols and a plan to provide a safe and healthy work environment free of harassment and intimidation and to identify and address the root causes of low morale. Logan County Schools policy specifically charges CBEM with the responsibility to investigate and respond to all accusations of harassment, bullying, and intimidation. Upon receipt of this report, CBEM must take seriously the accusations of intimidating behaviors contributing to low morale and address them swiftly and thoroughly.

**NONCOMPLIANCE 1.5:** Interview comments indicated a board member accompanied the assistant superintendent to visit a school on the first day for students in August 2022. It was reported that the board member commented he was there to evaluate the assistant superintendent because he



was her “boss” and she would be the next superintendent. During interviews, the board member claimed this had been stated in jest. However, other board members described almost immediately receiving multiple phone calls from concerned employees and community members as a result of that comment. Central office staff interviews described the purpose of the visits on the first day of school was to obtain an accurate count of how many students were in attendance in each classroom and to assess the possible needs at each school. The typical length of a school visit from other central office staff members, at other schools, was estimated to be thirty minutes. This visit by the assistant superintendent and board member was reported to have lasted two hours and included a walkthrough and inspection of school facilities and classrooms. The administrator of the building reported being verbally reprimanded by the assistant superintendent, in front of the board member. The Logan County Schools Code of Ethics for Board of Education Members, Logan County Schools Policy P0123: Code of Ethics for Board of Education Members, states that a board member shall “take no private action that will compromise the Board or administration.” The actions of the board member and assistant superintendent during this visit were perceived to be substantially disruptive to both the operation of the school and to the public perception of the local board of education members. *Logan County Schools Policy P0123, Code of Ethics for Board of Education Members; Logan County Schools Policy P0148.1, Board-Staff Communications*

**CORRECTIVE ACTION 1.5:** Board members refrain from becoming involved in the day-to-day operations of the schools. Additionally, board members expect central office staff members to professionally and confidentially address personnel performance.

**NONCOMPLIANCE 1.6:** Official complaints, staff interviews, and observed interactions during board meetings indicated the board relies heavily upon the assistant superintendent as opposed to the superintendent. This was further demonstrated through an interview with the superintendent who indicated the assistant superintendent approached her regarding a personnel action that was rejected twice by the superintendent. Following this, the assistant superintendent approached the superintendent a third time and explained that she had spoken with board members and the request had been approved by them and should be placed on the agenda. The superintendent further explained to team members, after observing interactions between the assistant superintendent and board members and hearing comments that had been made by board members and school system employees regarding the future of her own employment as superintendent, she felt she had no choice but to place the requested personnel item on the agenda. These behaviors undermine the superintendent and her duty to serve as the chief executive officer. This violates Logan County Schools Policy 1210, which stipulates that “certain of the Board’s actions must be initiated and guided solely by the recommendation of the superintendent. The superintendent should be given the latitude to determine the best method of implementing the policies of the Board. Further, the superintendent, as the chief executive officer of the county school system, is the primary professional advisor to the Board. S/He is responsible for the development, supervision, and operation of the school program and facilities.” *Logan County Schools Policy 1210: Board – Superintendent Relationship; W. Va. Code §18-4-10: Duties of County Superintendent. Logan County Schools Policy 0148.1: Board-Staff Communications*

**CORRECTIVE ACTION 1.6:** Board members refrain from behaviors that undermine the authority of the superintendent as the chief executive officer of the county school system and the primary professional advisor to the Board. Specifically, communicate with the superintendent in all matters related to the development, supervision, and operation of the school program and facilities. *Logan County Schools Policy 0148.1* states “All communications regarding the official business of the District

from staff members to the Board or its committees should be submitted through the superintendent. If a staff member chooses to communicate directly with an individual Board member regarding District business, then that communication should be sent by that individual Board member to all other members of the Board and the Superintendent.”

**NONCOMPLIANCE 1.7:** Board members failed to support the superintendent’s effort to oversee the efficient use of county resources in the daily operations of the schools by voting to approve the purchase of turf for a middle school ball field, after the superintendent communicated she was not in favor of the proposed purchase. She made board members aware of the extra cost involved and the possible request for turf for all fields in the county that would follow upon the approval of this purchase. The impact of the approval of this purchase was compounded by the fact several schools require HVAC systems, windows, electrical wiring, and other repairs totaling approximately \$7,000,000, as estimated by the facilities director. *Logan County Schools Policy 1230 – Superintendent, WVBE Policy 5300: County Board of Education Relations with County Staff and School Employees, W. Va. Code §18-4-11: Other Powers and Duties*

**CORRECTIVE ACTION 1.7:** Board members must carefully consider both their fiduciary responsibility and the role of the superintendent as the primary professional advisor to the board.

**NONCOMPLIANCE 1.8:** Three board of education members attended a conference in Orlando, Florida, June 26-29, 2022. One of the attending board member’s term ended July 1, 2022. Logan County Schools policy requires each board member to report back to the board after attending any conference at the county’s expense. Since this travel was funded with federal funds, it is only allowable if it is reasonable and necessary to increase the capacity of the board members. The expense incurred by sending this board member would have been better applied for the travel of a staff member who could reasonably implement the knowledge gained from the experience. *Logan County Schools Policy 0175.1 – School Board Conferences, Conventions, and Workshops*

**CORRECTIVE ACTION 1.8:** When arranging for out-of-state travel for board members to attend conferences and workshops, ensure the expense incurred is reasonable and necessary in nature. Carefully consider the capacity of each board member to fulfill the requirement of policy by reporting to the board after attending a conference at county expense.

# Central Office

**FINDING 1.3:** Throughout interviews, principals and teachers mentioned at least nineteen different programs and initiatives are established at all programmatic levels. Interview comments indicated teachers have little autonomy to determine which programs and initiatives to use within their classrooms. Many principals described scheduling to meet the requirements set by the central office as a “nightmare”, as the school master schedules require the approval of multiple central office staff members. Some principals reported the process to receive approval for the master schedule is a barrier to the efficient and effective operation of the school. Some central office staff members indicated school staff were told they are not required to use all programs. However, most principals reported they are required to use them and if they did not, instructional coordinators reported them to the assistant superintendent. This usually resulted in a call from either the federal programs director, the secondary director, or the assistant superintendent. Furthermore, principals reported receiving calls after hours concerning programming and instruction that they perceived to be accusatory or critical of their performance. Therefore, the perception exists that school staff is required to use programs selected by central office curriculum leaders. One teacher commented, “We are not teachers, we’re just program facilitators.” One central office director expressed concern because they have been implementing numerous programs and initiatives for five years and the county remains in the same academic standing.

**RECOMMENDATION 1.3:** Use a third party, such as a consultant, Mountain State Consortium, or WVDE staff, to facilitate a meeting among central office staff and school administrators in which an audit of all programs and initiatives will be considered. Further, prioritize the needs of each school and reach consensus on which programs and initiatives should be used at each school to meet the needs of students. Once this is established, county office instructional leaders provide supportive oversight and high expectations for the application of the agreed-upon programs and initiatives that can be reasonably delivered within the limitations of the weekly schedules. Additionally, the team recommended central office staff members conduct business phone calls during the workday and reserve after-hours work-related calls to school administrators for emergencies only.

**NONCOMPLIANCE 1.9:** There was an overwhelming perception among school staff and other stakeholders that the chain of command has been used to deter staff from approaching the superintendent and board members. Staff members reported they have been told they could not speak with the superintendent. Some school administrators were hesitant to discuss concerns with the team because they perceived the assistant superintendent to be closely aligned with the majority of board members and it could result in them or family members losing jobs, favor, or future advancement. While eighty-five percent of school leaders interviewed stated they felt supported within their schools and among colleagues, fifty-nine percent stated they do not feel supported by the central office. Of that fifty-nine percent, forty-four percent were hesitant or fearful of retaliation by some central office staff. The superintendent was mentioned throughout interviews as being positive and helpful while fifty-nine percent of school leaders described other specific central office leaders as negative and problematic. *WVBE Policy 5209: Employee Code of Conduct, Policy 2322: WV System of Support and Accountability*

**CORRECTIVE ACTION 1.9:** The superintendent immediately investigate to determine the root causes of more than fifty percent of school administrators' perception of intimidation and a lack of support from certain central office staff members in the workplace and work to eliminate the behavior that has contributed to low morale and fear among school administrators. Furthermore, the team recommended the superintendent work with school administrators to ensure high expectations for quality instruction, student achievement, and student well-being are maintained during this process.

**FINDING 1.4:** Fifty-two percent of school leaders expressed dissatisfaction with the professional learning opportunities offered. Interview comments described professional learning as designed to support programs and initiatives and is not designed to promote the professional growth of school leaders.

**RECOMMENDATION 1.4:** Utilizing feedback from the Professional Staff Development Council, develop a process to ensure professional development is aligned with the district mission, goals, and learning targets and is differentiated to meet the needs of all staff. Monitor the effectiveness of professional learning to ensure a positive impact on professional practice and student learning outcomes. Central office staff collaborate with principals to support collaborative learning teams as the central vehicle for professional learning.

**NONCOMPLIANCE 1.10:** The team determined, through consistency of interview comments, school leaders are frequently subjected to receiving negative feedback and criticism from the assistant superintendent in the presence of their peers. Multiple interviewees discussed being publicly corrected, questioned, or demeaned in meetings in front of colleagues leading to a hostile work environment. However, evidence indicates central office staff has not effectively utilized the WV Educator Evaluation System to address performance expectations for school leaders. Administrative employees reported summative evaluation conferences are often held before a panel consisting of multiple central office staff members. Additionally, CBEM comments regarding a lack of accountability for weak leadership indicate they have been made aware of concerns regarding employee performance without a required personnel action to justify such knowledge. When asked directly whether concerns with administrative employees had been reflected in their evaluation, the assistant superintendent indicated this had not occurred. The practice of publicly demeaning or criticizing employee performance without utilizing the tools and processes designed to support professional growth has substantially diminished the morale of the school leaders. *LCB Policy 3210: Employee Code of Conduct*

**CORRECTIVE ACTION 1.10:** Central office staff make use of the tools and processes of the WV Educator Evaluation System to promote the professional growth of school leaders. While modeling effective interpersonal communication skills, central office staff deliver actionable feedback designed to build the capacity of the school leader to meet high expectations for positive student outcomes and to foster the individual's professional growth. Maintain effective relationships throughout this process by treating individuals with respect and dignity, even when difficult conversations are necessary. Refrain from discussion of employee performance with CBEM unless personnel action is required. Evaluation to support professional growth is designed to be a process occurring between the employee and his or her immediate supervisor.

**NONCOMPLIANCE 1.11:** Sixty-three percent of school leaders shared they have been treated in a way they interpreted as demeaning, intimidating, or hurtful by specific central office staff. *Logan County Schools Policy 3362: Anti-Harassment and Violence* states, in part, "It is the policy of the Board of

Education to maintain an education and work environment that is free from all forms of unlawful harassment and violence.” *WVBE Policy 5209, Employee Code of Conduct, Section 4.2* requires all West Virginia School employees to “maintain a safe and healthy environment, free from harassment, intimidation, bullying, substance abuse, and/or violence and free from bias and discrimination.” The lack of confidentiality coupled with more than one-half of the administrators in the county reporting experiencing intimidation has resulted in a toxic culture that is distracting from the day-to-day operations of the schools, thus negatively impacting students. *Logan County Schools Policy 3362: Anti-Harassment and Violence; WVBE Policy 5209: Employee Code of Conduct, Section 4.2*

**CORRECTIVE ACTION 1.11:** Ensure central office administrators utilize language that is supportive, goal-referenced, and constructive when addressing professional expectations or non-compliances with expectations. Additionally, maintain the confidentiality of the conversations had with employees regarding personal circumstances and professional performance.

**NONCOMPLIANCE 1.12:** Based on collected evidence and interview responses, the team determined video surveillance equipment and electronic monitoring were used to monitor an employee’s work hours and subsequently affect the employee’s compensation. Additionally, some principals mentioned the assistant superintendent, secondary director, and curriculum coordinators have threatened to use camera footage to monitor principals or to implicate principals in wrongdoing. While video surveillance recordings may be used as evidence in disciplinary proceedings, administrative proceedings, or criminal proceedings concerning a specific incident, they may not be used in a discriminatory manner to monitor specific principals or personnel when no incident has prompted such action. Logan County Schools Policy 7440.01 states, “Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the District’s schools and facilities, and for law enforcement purposes, and not for any other purposes... The Board will not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring.” *Logan County Schools Policy 7440.01: Video Surveillance and Electronic Monitoring*

**CORRECTIVE ACTION 1.12:** Refrain from using video surveillance to monitor school staff for purposes of monitoring behavior to use for verbal threats or reprimands or routine staff appraisal or evaluation.

**NONCOMPLIANCE 1.13:** During interviews, the team was provided information regarding a recent incident involving an angry parent. The irate parent entered the school building during the school day, without following the appropriate security procedures, with the intent to confront a teacher. An administrator interceded and brought the parent to the office, where the administrator attempted to de-escalate the situation. The parent continued to yell and made statements threatening the administrator’s safety. The school resource officer advised the administrator to call the safety director and have the parent banned from school property. After doing so, two central office personnel came to the school and reported the parent “did not look dangerous in the video.” It was reported one of the two central office personnel stated the administrator was a “drama queen”. The administrator asked the two central office personnel to speak with other employees who witnessed some of the parent’s behavior, it was reported, they did not. It was also reported that the assistant superintendent texted the school’s principal and demanded the ban be lifted. Logan County Schools Policy 7440.01 states the principal is responsible for verifying that due diligence is observed in maintaining general campus security. The policy further states, “The Board recognizes that the use of a video surveillance/electronic monitoring system does not replace the need for the ongoing vigilance of

the school staff assigned by the building principal to monitor and supervise the school building.” Therefore, surveillance footage alone was not sufficient evidence to supersede the judgment of those professionals who witnessed the incident firsthand and felt unsafe with the parent’s behavior and comments. *Logan County Schools Policy 7440.01: Video Surveillance and Electronic Monitoring*

**CORRECTIVE ACTION 1.13:** Central office personnel refrain from overturning a school administrator’s decision regarding school safety based on video surveillance footage alone.

**NONCOMPLIANCE: 1.14:** It was reported the federal programs director and the assistant superintendent directed the facilities and maintenance director create and backdate a missing requisition requested as part of a routine Federal Programs Review. The fellow central office employees allegedly told this director they would receive a finding if the director did not comply. The director refused this directive and spoke with the superintendent to explain why he would not create the requisition. The superintendent agreed with the director. Following this, the assistant superintendent communicated to the superintendent she was disappointed in the director and said, “That is okay, that will be reflected in his evaluation.” The superintendent interpreted the tone and demeanor with which the assistant superintendent said this to be vengeful, which greatly alarmed the superintendent. Having considered other complaints that had recently been brought to the attention of the superintendent by the Office of Support and Accountability, coupled with the demonstrated strong alignment between the assistant superintendent and the majority of local board members, the superintendent reached out to the state superintendent of schools and the Office of Support and Accountability for assistance. This incident exhibits a hostile work environment and jeopardizes healthy work conditions for employees. *WVBE Policy 5209: Employee Code of Conduct, Policy 2322: WV System of Support and Accountability.*

**CORRECTIVE ACTION 1.14:** In the best interest of students, school staff, administrators, and central staff this situation requires the immediate attention of Logan County’s executive leadership.

**FINDING 1.5:** It was reported by the superintendent, during meetings initiated by the assistant superintendent with members of the county commission and county chamber of commerce, the assistant superintendent suggested combining funds earmarked for auxiliary gyms with other public funding to establish community centers for the Logan and Man areas. According to the superintendent, board agendas, and minutes, no discussion of utilizing local funds in this manner has been discussed with the superintendent nor publicly with the local board of education. At the October 10, 2022, board meeting, the assistant superintendent described the meetings as planting seeds for community centers that would address the impact of opioid use in southern West Virginia. While community partnerships may be positive and beneficial to the school system, the primary purpose of the local board of education resources is to directly benefit the students of the district. As there are currently unmet needs in the district’s school facilities, as well as an uncertain enrollment and funding forecast, investing in the establishment of community centers does not represent the most prudent use of the district’s resources.

**RECOMMENDATION 1.5:** All discussions related to contributing to or combining county board of education funds with other county entities should be discussed and approved by the board and the superintendent of schools in advance of discussing allocating funds for such projects with outside agencies. Research the legalities of using county school board funds to invest funds in building structures on property that does not belong to the school district.



## Focus Area 2: Provision of a Thorough and Efficient System of Free Schools

### **Virtual School Background Information**

W. Va. Code §19-5F-1 requires all counties to offer a full-time virtual option for students in Grades K-12 and stipulates it may be delivered through a county or a multi-county consortium for one or more schools. To assist with cost savings to all counties, the WVDE makes available a virtual school platform for students in Grades K-12. However, the WVDE has determined it is not in the best interest of most K-5 students to attend school virtually, as most students in this programmatic level learn best in a classroom setting. Due to this, the WVDE only provides teachers for Grades 6-12 in the WV Learns Virtual Platform. If a county decides to utilize WV Learns Virtual Platform to offer virtual school for Grades K-5, the county is responsible for providing a teacher and a facilitator.

During the school year 2020-2021, Logan County Schools entered into a contract with Heritage Educational Services, LLC, to provide facilitators for Grades K-12 and teachers for Grades K-5 for the education of Logan County's virtual students. The cost incurred by Logan County Schools in FY21 was \$199,500, FY22 was \$388,230, and as of 9/29/22 for FY23 \$29,430. According to records submitted by Logan County, there are 74 students currently enrolled in virtual education.

Eight days after the company was established, the district named Heritage Educational Services a sole source provider, thus circumventing the competitive bid process, based on a sole source letter provided by Heritage Educational Services dated August 1, 2020. However, the contract between Logan County Schools and Heritage Educational Services contradicts the sole source claim by prohibiting Logan County Schools from contracting with another entity to provide virtual education facilitation. During interviews, the assistant superintendent described the rationale behind partnering with an outside agency to provide virtual education services. Concerns regarding staffing for virtual instruction and maintaining the school funding formula were factors considered in this decision. Additionally, this decision supported teachers by removing the expectation of providing both in-person and virtual instruction.

Before partnering with Logan County Schools, Heritage Educational Services, LLC operated as Heritage Christian Primary & Preparatory School, a private school with a reported enrollment of 31 students. On July 23, 2020, Heritage Educational Services, LLC, was established. On August 26, 2020, email communication from the assistant superintendent informed principals that the Logan County Board of Education had entered an agreement with Heritage Educational Services, LLC to provide facilitation for virtual students. This email also informed principals that schools would be receiving enrollment packets for new students who may be transferring from private school to the virtual school platform provided by Logan County Schools. It was also shared that most of the parents enrolling their students from the private school would be choosing virtual instruction. Additionally, principals were directed to provide these students with an electronic device and assume responsibility for the students' records, transcripts, and grades.

Evidence supports that parents who enrolled students in Heritage Christian Primary & Preparatory School chose to transfer their children to Logan County Schools for the sole purpose of enrolling in the Logan County Virtual School Program. It is suspected that some of these students never physically reported to a Logan County School and continued receiving instruction through Heritage Christian Primary & Preparatory School or Heritage Educational Services, LLC.

During the course of the Review, it was reported some parents of virtual school students pay additional money for their child to attend the Heritage Education Services building daily to complete their virtual coursework. A review of publicly available financial transaction history shows multiple parents of Logan County students enrolled in virtual education are paying monthly tuition to Heritage Educational Service, LLC. Additionally, social media posts provided to the team, dated September 12, 2022, showed Logan County Schools students, dressed in Heritage school uniforms, soliciting donations for a fundraiser to benefit Heritage Educational Services.

Throughout the COVID-19 pandemic, data show that most students participating in virtual learning programs do not make the same academic progress as students learning in person and often face challenges related to social-emotional well-being, that cannot be addressed adequately in a virtual setting. However, there is minimal evidence of detailed, consistent communication between all stakeholders within Logan County Schools and Heritage Educational Services, LLC concerning the academic progress and social-emotional well-being of virtual students.

In several monthly updates by Heritage Educational Services provided to Logan County Schools, names of students who were not completing work or stopped working altogether appear over several months, indicating these students were at risk of failing virtual school due to non-participation. Additionally, Logan County Schools Policy 2370: Virtual Instruction, states, "Students must participate in a weekly online support meeting." One monthly report stated, "Few students participating in our weekly meetings." Logan County Schools has outlined its expectation that virtual students must participate in weekly online support meetings; however, there is no evidence that Logan County Schools was provided enough information to act on this alarming update. The assistant superintendent reported working with families at the end of the semester, to transition students who were failing in the virtual setting to in-person instruction. However, additional evidence was not provided by Logan County Schools to establish they had requested additional information from Heritage Educational Services nor provided support to students and the families prior to the end of the semester.

### **Virtual School Noncompliance**

**NONCOMPLIANCE 2.1:** Based on student enrollment data, staff interviews, and a review of documents, it is evident the arrangement between Logan County Schools and Heritage Educational Services, amounts to subsidizing private education with public funds. *WVBE Policy 1442.1: Accounting Procedures Manual for Public Schools, Section 2.2.a., Fiduciary Responsibility*

**CORRECTIVE ACTION 2.1:** Cease the use of public funds and the WVDE WV Learns Platform to support a private, for profit, entity. Pursue a more economically feasible option that could be supported by hiring Logan County staff to provide virtual instruction. Ensure all public and quasi-public funds are expended for the sole purpose of benefitting the students of the district.

**NONCOMPLIANCE 2.2:** Through interviews and a review of documents, it was clear there are many expectations for data collection, data analysis, and the implementation of multiple educational programs within Logan County Schools. However, the same expectations are not held for students enrolled in the virtual education program. The agreement between Heritage Educational Services and Logan County Schools requires monthly progress reporting for every student enrolled in virtual instruction. However, the monthly reports provided by Heritage Educational Services are vague and do not always describe the progress of each student. When student progress is provided it is solely the



percentage of completion of the virtual school platform and does not include quantifiable information regarding the progress of each student toward mastering grade-level content standards. Additionally, this information is inadequate to determine appropriate interventions and supports for students' academic achievement and overall well-being. *Article XII, West Virginia Constitution Sections 3&5: A Thorough and Efficient System of Free Schools. W. Va. §18-5F-4 County board policy adoption; W. Va. §18-5F-4 Compliance with existing state law*

**CORRECTIVE ACTION 2.2:** Assure Logan County Schools provide a thorough, free, education to all Logan County students regardless of the delivery format.

**NONCOMPLIANCE 2.3:** *Logan County Schools Policy 2370: Virtual Instruction*, states, "All full-time virtual students will participate in all state testing and accountability requirements. A student will not be permitted to enroll in virtual school the following school year if they have not met all state testing and WVDE and county accountability requirements the previous year." Based on the test completion rates of the 2021-2022 West Virginia General Summative Assessment, students enrolled in the virtual program had participation rates between eighty-one and eighty-five percent. These students were not assessed... to determine if virtual school is meeting their academic needs. *Logan County Schools Policy 2370: Virtual Instruction; WVBE Policy 2510: Assuring Quality Education: Regulations for Education Programs*

**CORRECTIVE ACTION 2.3:** Monitor student participation in the WVGSA conducted during the Logan County Schools' summative testing window by the Logan County testing coordinator via the testing platform and the Heritage Educational Services facilitators via the weekly virtual meetings with the virtual students. If for any reason the virtual students are unable test during the scheduled testing day, Logan County Schools and Heritage Educational Services assure students are participating in testing during the county's make-up testing window.

**NONCOMPLIANCE 2.4:** A review of virtual school enrollment documentation demonstrated evidence of allowing students to re-enroll in virtual school the following year after not meeting all state testing and WVDE and county accountability requirements the previous year. Three students in the virtual school participated in virtual instruction during the 2021-2022 school year without meeting all state testing requirements the previous year. *Logan County Schools Policy 2370: Virtual Instruction*

**CORRECTIVE ACTION 2.4:** Support students enrolling in traditional setting should they fail to meet the state testing requirements the previous year. Additionally, revise the Logan County Schools Virtual Education Application to include information about previous virtual school enrollment and performance.

**NONCOMPLIANCE 2.5:** Based on a review of emails from Heritage Educational Services and the assistant superintendent, appropriate rigorous protocols and procedures were not in place to secure both electronic and physical records. Heritage Educational Services compiled and shared a spreadsheet containing virtual students' personally identifiable information: students' first and last names, WVEIS numbers, parents' first and last names, home school, grade level, student email address, and student email password. These attachments containing personally identifiable student information were repeatedly emailed from a commercial email address belonging to Heritage Educational Services, despite a WVDE K12 email address being provided to the director of Heritage Educational Services. Commercial email accounts offer minimal safeguards for the protection of

students' personally identifiable information. Logan County Schools Policy 2370: Virtual Instruction, states "Student privacy is important. All laws and the Family Educational Rights and Privacy Act (FERPA) will be followed." *WVBE Policy 4350: Procedures for the Collection, Maintenance, and Disclosure of State Data, Section 4.3, Logan County Schools Policy 2370: Virtual Instruction*

**CORRECTIVE ACTION 2.5:** Utilize the WVDE K-12 email account assigned to Heritage Educational Services. Logan County Schools and Heritage Educational Services establish a secure method of transferring student data.

**NONCOMPLIANCE 2.6:** During a review of the Logan County Schools students enrolled in virtual instruction for the current year, it was determined that nine Man Middle School students have been incorrectly linked in the WV Learns Platform to a West Virginia educator who is neither employed by Logan County Schools nor Heritage Educational Services, representing a violation of The Family Educational Rights and Privacy Act (FERPA). Furthermore, virtual students have not been monitored or received facilitation by Heritage Educational Services. The nine Man Middle School students were enrolled in the WVDE virtual school program and began their coursework in September; however, as of 10/21/22, no one at Heritage Educational Services has been facilitating their learning and achievement because these students cannot be viewed by anyone at Heritage Educational Services. WVDE has requested the invoice reflecting services provided for the current school year. *20 U.S.S. § 1232g(b):The Family Educational Rights and Privacy Act*

**CORRECTIVE ACTION 2.6:** Revise *Logan County Schools Policy 2370: Virtual Instruction*, to improve the security of the virtual students' personally identifiable information. Current contracts should be amended, and any future contracts include a clear and concise plan for maintaining the privacy and security of student data when sharing of that data is necessary between outside businesses or agencies.

### **Virtual School Special Education**

**NONCOMPLIANCE 2.7:** Of the thirteen students enrolled in virtual school with IEPs, nine students had direct special education services removed and replaced with indirect services without documentation of need. Interviews with special education staff indicated when a parent chooses to enroll their child in virtual school, all direct special education services are removed. It is not in the best interest of students to remove direct services without considering the least restrictive environment and students' needs. *WVBE Policy 2419: Regulations for the Education of Students with Exceptionalities, §126-16-2.1 and Chapter 5, Section 2.J*

**CORRECTIVE ACTION 2.7:** Convene an IEP meeting for all students who had direct services removed to discuss current educational performance and determine the least restrictive environment. These meetings must be comprehensive and consider all educational environments and prior educational data.

**NONCOMPLIANCE 2.8:** Of the thirteen students enrolled in virtual school with IEPs, nine students had goals including requirements such as manipulatives, oral directions, modeling, and small group instruction that would be difficult to provide through the virtual education programming. *WVBE Policy 2419: Regulations for the Education of Students with Exceptionalities, Chapter 5, Section 2.E.*

**CORRECTIVE ACTION 2.8:** Convene an IEP meeting for all students who had goals that were not met in a virtual environment. As an IEP team, review and update the present levels of academic achievement and determine measurable goals that can be readily implemented in a virtual environment.

**NONCOMPLIANCE 2.9:** It was reported during interviews the virtual school teacher from Heritage Educational Services, LLC is not attending IEP meetings but is listed as attending via phone. Additionally, it was reported Logan County special education teachers are unable to contact the virtual school teacher to fulfill the indirect service minutes for students. An email from the virtual school provided to the team during the Review states, "Student IEPs should be sent to every virtual teacher on the student's schedule. We are here for student support but do not have anything to do with scheduling or accommodations." *WVBE Policy 2419: Regulations for the Education of Students with Exceptionalities, Chapter 5, Section 1.D and Chapter 6, Section 3*

**CORRECTIVE ACTION 2.9:** The chair of each IEP meeting must ensure the attendance page accurately reflects all people attending. If someone participates via phone, the chair of the IEP must verify it is accurately reflected on the attendance page. Additionally, the special education director must collect monthly consultation logs for all students receiving indirect services. If services are not fulfilled due to a lack of participation from virtual school teachers, the IEP team must convene to determine the least restrictive environment for the student.

**NONCOMPLIANCE 2.10:** During interviews with special education staff, it was reported there is little communication when a student with a disability and IEP transitions to virtual school. There was not a clear process for conducting an IEP meeting to discuss virtual school as an option for the student's education. *WVBE Policy 2419: Regulations for the Education of Students with Exceptionalities, Chapter 1, Section 2.A*

**CORRECTIVE ACTION 2.10:** Assign one person in the special education office to be a contact for exceptional students receiving virtual education. Modify the virtual enrollment process to include a section that will notify the special education director when an exceptional student applies for virtual education to ensure an IEP team can meet quickly to determine the least restrictive environment and the best educational offerings for the student.

**NONCOMPLIANCE 2.11:** Of the thirteen students enrolled in virtual school with IEPs, none had documentation of IEP services being provided as listed in the IEP. *WVBE Policy 2419: Regulations for the Education of Students with Exceptionalities, Chapter 6*

**CORRECTIVE ACTION 2.11:** Immediate action must be taken to address the lack of special education services provided to students currently enrolled in virtual school. Evaluate to determine compensatory services that must be provided to IEPs. Establish a clear schedule for all exceptional students receiving virtual instruction showing where each special education and related service will be provided. Collect service verification documentation monthly for each exceptional student receiving virtual instruction.

# Focus Area 3: Financial Indicators and Purchasing Procedures

## **Financial Inquiry 1**

Are purchases made in compliance with West Virginia Board of Education (WVBE) Policy 8200: Purchasing Policies and Procedures Manual for Local Educational Agencies (Policy 8200)?

### **Procedures Conducted:**

The West Virginia Department of Education (WVDE) obtained county financial data for all purchases made by the county between the dates of July 1, 2020, and August 9, 2022. The data were reviewed analytically and purchases requiring board approval and purchases falling within each bid threshold in Policy 8200 were randomly selected for testing. To ensure sufficient testing coverage, purchases that fell below Policy 8200 bid thresholds were also selected at random.

For fiscal years 2021, 2022, and 2023, the WVDE reviewed a total sample of forty-seven (47) purchases. For each purchase selected, the WVDE requested the following supporting documentation: (1) requisition and approved purchase order, (2) board approval (if applicable), (3) paid invoices, and (4) competitive bid documentation (if applicable). The WVDE examined the sample for compliance related to the proper sequence of requisitions, purchase orders, and invoices. Further review of the purchase order samples took place to ensure competitive bids and board approval were obtained when applicable. *Policy 8200 section 18.5* states “all contracts for the purchase of commodities or services, with the exception of consumable supplies, that involve the expenditure of \$100,000 or more must have the prior approval of the governing board.” *Policy 8200* also requires each county board to adopt a local purchasing policy which, at a minimum, must adhere to the provisions of *Policy 8200*. *Logan County’s Policy 6320 – Purchases* states “all procurement transactions shall be conducted in a manner that provides full and open competition, consistent with the ethical standards specified in state and federal statutes, *Policy 8200*, and all local practices and procedures”.

Additionally, the WVDE reviewed the financial data mentioned above specifically for purchases that might qualify as “stringing.” *Policy 8200 section 7.5* defines stringing as “separating purchases into a series of separate requisitions or purchase orders for the purpose of circumventing the applicable threshold limits of the competitive bidding procedures”. The forty-seven purchase orders tested were placed with nineteen different vendors. For each of the purchases made, the WVDE requested documentation that the appropriate competitive bids were obtained based on the amount that was spent with that vendor over an entire fiscal year.

Based on interviews with central office staff, obtaining bids is currently the responsibility of either the Chief School Business Official (CSBO) or each individual making a requisition request, and the bid documentation is maintained by the finance office.

### **General Observations:**

The following general observations were noted during employee interviews and the review of the forty-seven (47) purchase orders for fiscal years 2021, 2022, and 2023:

- *County employees seemed to have a good understanding of competitive bid requirements when evaluating purchases on an individual basis, however, when several purchases are made with*

*the same vendor over a fiscal year they are not consistently evaluated in total when determining whether competitive bid solicitations are needed.*

**POINTS OF NONCOMPLIANCE:**

**NONCOMPLIANCE 3.1.1:** Two (2) of forty-seven (47) sampled purchase orders were initiated and posted after receiving a detailed invoice from the vendor for the goods received or services rendered. *WVBE Policy 8200, Section 4.1*

**NONCOMPLIANCE 3.1.2:** Four (4) of the forty-seven (47) sampled purchase orders were issued to two different vendors. A sole source letter was provided from each vendor to show that competitive bidding procedures were met. A letter from a vendor claiming that they are a sole-source provider is not sufficient documentation of a sole-source purchase. Independent research must take place to make this determination and appropriate supporting documentation maintained to support the determination. *WVBE Policy 8200, Section 4.1*

**NONCOMPLIANCE 3.1.3:** Forty (40) of the forty-seven (47) individual purchase orders required some form of competitive bid solicitation prior to purchase, and seven (7) did not have competitive bid solicitation documentation. *WVBE Policy 8200, Section 7.11*

**NONCOMPLIANCE 3.1.4:** While individual purchases over bid thresholds are routinely put through the competitive bid process, total purchases with a vendor over the course of a year are not always evaluated in aggregate when deciding whether competitive bids are required. *WVBE Policy 8200, Section 7.5*

**NONCOMPLIANCE 3.1.5:** Two (2) of the forty-seven (47) sampled purchase orders did not have the required purchase requisition. *WVDE Policy 8200, Section 4.1*

**NONCOMPLIANCE 3.1.6:** Seven (7) of the forty-five (45) purchase requisitions reviewed were incomplete with either a missing date or proper signature authority. *WVDE Policy 8200, Section 4.1*

**Corrective Actions – Financial Inquiry:**

- *Training should be provided on Policy 8200 to all school-level and central office staff who routinely make purchases to ensure they understand the procurement requirements.*
- *All staff must be required to follow the procurement guidelines and procedures in Policy 8200 to ensure requisitions and purchase orders are properly completed and approved before ordering goods and services. If individuals repeatedly place orders for goods/services without required prior approval, they should face appropriate disciplinary action, including being held personally responsible for the purchases. Central office staff shall adopt procedures to help track instances of purchasing noncompliance.*
- *The county should review processes for issuing blanket purchase orders for supplies, such as bus parts or facilities-related parts, to ensure bids are obtained if the annual purchase of such parts will exceed the bid thresholds.*

## **Financial Inquiry 2**

Are all state and local overtime compensation policies followed?

### **Procedures Conducted:**

The WVDE obtained county financial data for all overtime paid by the county between the dates of July 1, 2020, and September 15, 2022. The data were reviewed analytically to determine which employees were paid the most overtime, and those individuals were selected for testing. To ensure sufficient testing coverage, individual overtime employee payments were also selected at random. For fiscal years 2021, 2022, and 2023, the WVDE reviewed a total sample of thirty-five (35) employee overtime payments. For each employee overtime payment selected, the WVDE requested the following supporting documentation: (1) approved overtime timesheets, (2) documentation of pre-approval of overtime, and (3) documentation of post-approval of overtime in the case of emergencies. All documentation was reviewed for compliance with the county's local policies, WVBE policies, and West Virginia Statutes.

### **General Observations:**

The following general observations were noted during employee interviews and the review of the employee overtime payments for fiscal years 2021, 2022, and 2023:

- *County employees seemed to have a good understanding of their local overtime policies and procedures. Most overtime reviewed had documented approval, but based on the documentation reviewed, it was difficult to determine whether it was approved before or after the overtime took place.*
- *Per our interviews with finance staff, no overtime is allowed without at least verbal approval of the superintendent, however, this approval is not always followed up with documented written approval.*

### **POINTS OF NONCOMPLIANCE:**

**NONCOMPLIANCE 3.2.1:** Seven (7) of the thirty-five (35) overtime payments tested had no documentation of supervisor pre-approval. Section 5.2 of Logan County's Policy 6700 - Overtime states the following: "A non-exempt employee shall not work overtime without the expressed written approval of his/her supervisor. The request must be submitted in writing using the appropriate form. In an emergency, verbal approval may be granted; however, a written request must be submitted within twenty-four (24) hours following the verbal approval." *Logan County Schools Policy 6700, Section 5.2*

**NONCOMPLIANCE 3.2.2:** The remaining twenty-eight (28) overtime payments tested had some form of approval, but it was not easily determinable whether approval was received before or after the overtime occurred. *Logan County Schools Policy 6700, Section 5.2*

**NONCOMPLIANCE 3.2.3:** Eleven (11) of the thirty-five (35) overtime payments tested showed that an overtime rate was paid to certain employees for any hours worked beyond thirty-seven and a half (37.5) hours. Policy 6700 states "Board employees may regularly and routinely be scheduled to work less than a forty (40) hour workweek, however, the Board retains the right to request an employee to perform his/her regular duties up to forty (40) hours during a workweek without additional compensation." The policy section is in alignment with requirements under the Fair Labor Standards Act. *Logan County Schools Policy 6700, Section 1.2*



### **Corrective Actions – Financial Inquiry 2:**

- *Training should be provided for all non-exempt employees on state and local overtime policies.*
- *Procedures must be developed to ensure that all overtime pre-approval requirements are met. Documentation should be clear that overtime was pre-approved by the inclusion of a date on the form. If individuals repeatedly work overtime without the required prior approval, they should face appropriate disciplinary action.*
- *Procedures must be developed to help track instances of overtime pre-approval noncompliance.*
- *Action should be taken to bring all employees' overtime pay requirements in line with the local county policy. This can be accomplished by:*
  - » *Requiring employees to work a 40-hour workweek before receiving overtime pay (or)*
  - » *Taking board action to amend the policy to allow for overtime pay to occur before a 40-hour workweek.*

### **Financial Inquiry 3**

Are all state and local travel policies followed?

#### **Procedure Conducted:**

The WVDE obtained county financial data for all out-of-county travel payments made to central office employees by the county between the dates of July 1, 2021, and September 15, 2022. A lesser period was tested under this inquiry in comparison to the testing procedures performed for other inquiries since no out-of-state travel took place during the COVID-19 pandemic. The data were reviewed analytically to determine which employees were receiving out-of-county travel reimbursement payments, and a random sample of those individuals was selected for testing. For the fiscal year 2022, the WVDE reviewed a total sample of eight (8) employee out-of-county travel reimbursement payments and a sample of three (3) payments for the fiscal year-to-date 2023. For each travel reimbursement payment selected, the WVDE requested the following supporting documentation: (1) a completed out-of-county travel request form with corresponding approval, (2) a completed travel reimbursement form, (3) a copy of remittance for the travel reimbursement payment, and (4) documentation that out-of-state travel requests were board approved. All documentation was reviewed for compliance with the county's local policies, WVBE policies, and West Virginia Statutes.

#### **General Observations:**

- *While the per diem amount paid to employees, thirty dollars, falls below the maximum amount allowed by the Internal Revenue Service (IRS), the amount should be re-evaluated for appropriateness in today's economic environment. The amount allotted to employees for meals and incidental expenses has been in place for over thirty years and has been unchanged during this period. Further, no per diem rate is included in Logan County's Policy 6550 – Travel (Policy 6550).*
- *Upon review of sampled travel reimbursement forms, partial reimbursement is provided in instances where certain meals are provided at the conference, etc. There is no mention of partial per diem allotments in these types of situations in Policy 6550.*
- *All sampled travel reimbursement forms that included reimbursed mileage were tested for accuracy and compliance with W. Va. Code §18A-2-14. All instances were determined to have been computed accurately.*

- *There were many instances where requirements were included on the travel request or travel reimbursement forms. These requirements include in-state travel request forms to be submitted within ten days before travel, out-of-state travel request forms to be submitted within thirty days before travel, and non-payment for travel reimbursement forms submitted after sixty days of the travel date. These requirements are not included in Policy 6550, but in the opinion of WVDE are good practice.*
- *When interviewing the CSBO, she stated her understanding is that all out-of-state travel is required to be board-approved before commencing travel. This is not included in Policy 6550, but in the opinion of WVDE, is good practice. There were no instances of non-compliance with the practice among the sampled payments.*
- *Six (6) of the eleven (11) travel reimbursement payments tested had an associated travel request form that was submitted in an untimely manner. Logan County Schools travel request forms state that all in-state travel request forms must be submitted to the superintendent or designee within at least ten (10) days prior to travel and that all out-of-state travel forms be submitted to the superintendent or designee within at least thirty (30) days prior to travel. These requirements are not included in Policy 6550, but in the opinion of WVDE, are good practice.*

**POINTS OF NONCOMPLIANCE:**

**NONCOMPLIANCE 3.3.1:** Most lodging expenses incurred for overnight travel are paid for using a county purchasing card (p-card) which is allowable under the WV State Auditor’s (WVSAO) p-card program established in W. Va. Code §6-9-2a. The procedures and controls in place surrounding the use of the county p-card appear to be sound. However, from a reimbursement perspective, there was no appropriate documentation available with travel reimbursement records to ensure that a reviewer of the records has a clear understanding that lodging was paid for using the p-card. These records must be kept on file with the travel reimbursement payment due to the IRS implications surrounding per diem rates and payments outlined in IRS Revenue Procedure 2019-48. According to this guidance, a per diem allowance is treated as paid for meals and incidental expenses only if (1) the payor pays the employee for actual expenses for lodging based on receipts submitted to the payor,(2) the payor provides the lodging in kind, (3) the payor pays the actual expenses for lodging directly to the provider of the lodging, (4) the payor does not have a reasonable belief that the employee will or did incur lodging expenses, or (5) the allowance is computed on a basis similar to that used in computing an employee’s wages or other compensation (such as the number of hours worked, miles traveled, or pieces produced). *IRS Revenue Procedure 2019-48*

**Corrective Actions – Financial Inquiry:**

- *Policy 6550 must be reviewed and revised to incorporate the following procedures:*
  - » *Per diem rate allotted to employees for overnight travel. Per diem guidance should include allotments for the first and last day of travel and partial meal reimbursement.*
  - » *Requirements that all lodging expenses incurred on a county p-card be explicitly noted on the travel reimbursement form and that proper documentation be submitted to the county finance office. Documentation includes but is not limited to hotel folio and receipt of payment.*
  - » *Submission timeline requirements associated with travel and reimbursement request forms.*
  - » *Explicitly state when board approval is required for employee travel.*



## **Financial Inquiry 4**

Is the contract pertaining to grant writing services being handled appropriately?

### **Procedures conducted:**

When reviewing financial data associated with purchased services, a particular service was questioned due to the invoice describing grant writing and management services. Upon further review it was discovered that a former sheriff in the county created Cardinal Strategies, LLC., and was contracted by the county to write grant applications beginning with fiscal year 2022. The WVDE requested further information surrounding the contract during an interview with the CSBO.

### **General Observation:**

- *It was found that Cardinal Strategies LLC has been unsuccessful in obtaining grant awards for Logan County Schools since the initiation of the contract.*
- *Upon researching the incorporation of Cardinal Strategies LLC, it was found that the incorporator, Sonya Porter, is a contracted career and technical education teacher with Logan County Schools. Ms. Porter's employment with Logan County Schools commenced during the 2023 school year.*
- *Payments made to Cardinal Strategies LLC are made monthly at a set rate of \$2,375 per month which equates to a \$28,500 annual contract.*
- *The contract with Cardinal Strategies LLC was not competitively bid but is not required to be due to exemptions that exist in Policy 8200 surrounding accounting services.*

### **POINTS OF NONCOMPLIANCE:**

The following exceptions were noted during the review of the Cardinal Strategies LLC contract:

**NONCOMPLIANCE 3.4.1:** The fact that the incorporator of Cardinal Strategies LLC is now a full-time employee of the county could potentially violate the pecuniary interest law found in *W. Va. Code §61-10-15*. The county should review the contract with their legal counsel to determine its legality. *W. Va. Code §61-10-15*

**NONCOMPLIANCE 3.4.2:** The payments made to Cardinal Strategies LLC were accounted for under program function code 12661 – Security, which is not the appropriate coding structure. Due to the importance of program function code X26 from a state aid funding perspective as it relates to the reimbursement expenditures related to the operation and maintenance of facilities, it is important that the miscoding be corrected. *W. Va. Code §18-9A-9*

## **Personnel Concern 1**

Are procedures surrounding employee retirement being handled appropriately?

### **General Observation:**

When reviewing financial data surrounding employee payments, the WVDE came across a supplemental payment made to an employee for unused annual leave. Per *Logan County Schools Policy 3433 – Vacation*, annual leave payout is an allowable practice upon separation of employment. *Policy 3433* states in part, "Upon termination of employment, accumulated vacation may be used to receive a lump sum payment based upon the employee's daily rate of pay for, up to a maximum of

eighteen (18) days.” Upon further review of the situation, it was found that the employee submitted their resignation at the end of the fiscal year 2022 but was re-employed five days later.

**POINTS OF NONCOMPLIANCE:**

The following exceptions were noted during the review of the personnel data:

**NONCOMPLIANCE 3.5.1:** As of September 15, 2022, a reimbursement to the county of the annual leave payout had not taken place nor was there a reduction to the employee’s leave balance. *Logan County Schools Policy 3433 – Vacation*

**Corrective Actions – Personnel Inquiry:**

- *Logan County Personnel and Payroll offices work collaboratively to ensure that all employee leave balances are accurate. In instances where employees have terminated employment, applicable leave balances should be zeroed out immediately.*

**Personnel Concern 2**

Are procedures surrounding the hiring of retired employees on a full-time basis being handled appropriately?

**Procedure Conducted:**

The WVDE continued its investigation into the first personnel inquiry by contacting the West Virginia Consolidated Retirement Board (CPRB). In discussions with CPRB, it was found that Logan County had not contacted the board to inform them that the county was employing this retired employee full-time.

**General Observation:**

Per *W. Va. Code 18-7A-13a*, county boards must notify CPRB of the resumption of service of an employee. Some consequences negatively impact retirement benefits for retirees who elect to resume service as full-time employees. The WVDE consulted with CPRB on whether Logan County had reached out regarding the status of another employee in a similar resumption of service situation, and it was determined that they had done so. Therefore, the WVDE believes this to be an isolated incident.

**POINTS OF NONCOMPLIANCE:**

The following exceptions were noted during the review of the personnel data:

**NONCOMPLIANCE 3.6.1:** As of September 15, 2022, Logan County Schools had not contacted CPRB to notify the agency of the resumption of service by a retired employee in the county.  
*W. Va. Code 18-7A-13a*

**Corrective Actions – Personnel Inquiry:**

- *Applicable Logan County administrative personnel should work with CPRB to understand the required duties of employers in the state of West Virginia as it relates to the notification of the resumption of service for retired employees.*

## Focus Area 4: Operation of Federal Programs

**NONCOMPLIANCE 4.1:** The team noted instances in which a contract for staff retreats included food and beverage charges totaling \$1,120. Food and beverage expenses for conferences are not an allowable expenditure with federal funding. Additionally, the district is required to maintain documentation to support why these retreats are reasonable and necessary and why they needed to be held out of town resulting in additional costs. The county did not maintain this documentation. *2 CFR 200.404(a): Reasonable Costs*

**CORRECTIVE ACTION 4.1:** The district shall implement processes to ensure that conference contracts do not include fees for food or beverage. Also, the associated federal account shall be reimbursed for the unallowable charges noted above.

**NONCOMPLIANCE 4.2:** The team noted instances where the district paid for the travel expenses of vendors totaling \$512.05 through direct bill. All vendor expenses, including travel costs, must be included in the vendor's total contract for services. These costs shall not be directly billed or otherwise reimbursed in the same manner as the district pays for employee travel. Section 12.3 of Policy 8200 states "The agreement amount must also include the total being paid for any anticipated travel expenses incurred by the service provider. The payment of travel expenses for an independent contractor has federal and state income tax implications. Room or travel accommodations are not to be paid directly by the LEA for contract service providers." *WVBE Policy 8200, Section 12.3*

**CORRECTIVE ACTION 4.2:** The district shall reimburse the federal program for a total of \$512.05 and implement processes to ensure vendors' travel is not paid directly by the county and is covered by the vendor as a cost in the total contract with the vendor.

**NONCOMPLIANCE 4.3:** The team noted several instances in which the district entered into non-competitive contracts in which the only support for sole source was a letter provided by the vendor. Two examples include the multiple contracts with Step By Step, Inc., totaling \$660,279.15, and Heritage Educational Services totaling \$565,200. There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply: the acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold; the item is only available from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation; The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-federal entity; or after solicitation of a number of sources, competition is determined inadequate. The service contracts reviewed were not items available only from a single source and in total exceeded the federal acquisition threshold. Without additional documentation to support the use of a non-competitive contract, these costs would be considered unallowable costs and potentially qualify as stringing. *2 CFR 200.320: Methods of Procurement to be Followed*

**CORRECTIVE ACTION 4.3:** The district shall implement processes to ensure that purchasing is completed following federal regulations and that all sole-source contracts are appropriately documented and in compliance with those regulations.

**NONCOMPLIANCE 4.4:** The team identified several contracts, totaling \$654,229.15, with terms in violation of *WVBE Policy 8200: Purchasing Procedures for Local Educational Agencies*. The team noted several instances that included contract terms such as “There is no right to terminate this obligation once the contract is signed.” *WVBE Policy 8200: Purchasing Procedures for Local Educational Agencies, Agreement Addendum*

**CORRECTIVE ACTION 4.4:** The district shall implement the use of the agreement addendum provided in *WVBE Policy 8200: Purchasing Procedures for Local Educational Agencies*, to ensure contract term compliance.

**NONCOMPLIANCE 4.5:** The team noted several parent involvement events were community events involving the general public, which is a misuse of public funds. On one occasion, federal funds totaling \$20,600 were used to contract a public speaker for four speaking engagements, one of which was listed on the contract as a “community meeting – location to be determined.” When the sign-in sheet for the event was provided to the team, only three community members and five central office employees were in attendance. Other events noted were Arts in the Valley totaling \$2,410 and Dream Big Celebration totaling \$1,016.40. Both of those events were advertised as being open to the general public with catered food provided. Funds reserved for Parent and Family Engagement by a local educational agency shall be used to carry out activities and strategies consistent with the local educational agency’s parent and family engagement policy. Additionally, the expenditure of public or quasi-funds for the purchase of food and drink for meetings of the public is considered an unallowable expenditure. *Public Law 114–95 Every Student Succeeds Act, Attorney General Opinion of May 7, 1987*

**CORRECTIVE ACTION 4.6:** Parent and family engagement events should be limited to the family of students, as evidenced by sign-in sheets. Additional documentation should also be maintained when food is being provided. The team identified occasions in which catered meals were provided with federal funds. Food for parent involvement events should be kept to a minimum and supporting documentation must be provided to justify the expense as reasonable and necessary to meet the goals and objectives of the parent involvement event. Additionally, a journal entry must be completed to move the expense of \$5,500 for the Damon West Community Meeting as it does not meet the requirements to be charged to federal funds as parent engagement, as evidenced by the sign-in sheets showing total attendance as three community members and five central office administrators.

**NONCOMPLIANCE 4.7:** The team discovered federal funds were used to purchase parent involvement supplies from a local grocery store owned by the family of the federal program director, who signed for the approval of the purchases. Logan County Schools Policy 6320 states, “No board member, officer, or employee shall participate in the selection, award, or administration of a contract or purchase order with a related party, or where a conflict of interest, real or apparent, exists.” *2 CFR Part 200 § 200.318 General Procurement Standards, W. Va. Code §61-10-15*

**CORRECTIVE ACTION 4.7:** All district employees involved in the purchasing process review the applicable policies on conflict of interest. This purchase is a potential violation of the pecuniary interest law found in *W. Va. Code §61-10-15*. Additionally, the district expand yearly conflict-of-interest certifications to include employees at the director level.

**NONCOMPLIANCE 4.8:** An LEA using ESSER funds for remodeling, renovation, and new construction must comply with additional federal requirements. These projects require prior written approval

by the WVDE. Approved construction projects also must comply with applicable Uniform Guidance requirements (2 *CFR Part 200*), Davis-Bacon prevailing wage requirements (34 *CFR* §76.600 and §75.600-75.618), and all applicable WVDE policies and regulations concerning construction. The district spent a total of \$14,587.00 on asbestos removal. The district did not receive prior written approval for the project and there was no indication it complied with Davis-Bacon requirements. 34 *CFR* §76.600 and §75.600-75.618

**CORRECTIVE ACTION 4.8:** For an allowable use of funds, all expenditures for remodeling, renovation, and construction must have both prior written approval and evidence of Davis-Bacon compliance. Central office staff refrain from presenting projects for board approval without documentation of prior written approval and evidence of Davis-Bacon compliance. Additionally, the federal program shall be repaid for the total amount of \$14,587.

## Focus Area 5: Additional Findings

**FINDING 5.1:** All classrooms at Holden Central Elementary School have full glass doors with full glass sidelights on either side. This is not conducive to providing a safe space for students and staff in the event of an armed intruder.

**RECOMMENDATION 5.1:** Prioritize the replacement of doors and removal of glass sidelights on doors at Holden Central Elementary School.

**FINDING 5.2:** Man Elementary and Man Middle School, which are both housed in the same building, share a single point of entry for visitors. However, the office for Man Middle School is situated on the other side of the building from the visitor entrance. Visitors to Man Middle School walk through the elementary side of the building, including the cafeteria where students are often present, to reach the office area for the middle school. During the review, team members observed middle school parents who were on their way to the middle school office stop and talk to elementary school students in the cafeteria. This procedure presents a potential school safety issue by providing access to student areas of the building to visitors who have not signed in.

**RECOMMENDATION 5.2:** Prioritize the construction of a secure entrance for Man Middle School to avoid visitors being in common areas with students.

**FINDING 5.3:** During interviews, it was revealed that Man Middle School's phone system is often not functioning due to poor infrastructure serving the school. According to the principal, the service provider cannot perform maintenance on the service line due to its age. Cellular phone service in the vicinity of the school is also poor. This causes a major concern with communication in the event of an emergency at the school.

**RECOMMENDATION 5.3:** Explore options for upgraded phone systems, such as Voice over Internet Protocol (VoIP) systems, that do not require the use of outdated infrastructure and are compatible with data transmission lines.











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