

KENTUCKY DEPARTMENT OF EDUCATION
CAPITAL PLAZA TOWER • 500 MERO STREET • FRANKFORT, KENTUCKY 40601

MEMORANDUM

To: Kentucky Board of Education

From: Kevin C. Brown *KCB*
Associate Commissioner and General Counsel

Lisa K. Lang
Assistant General Counsel

Date: October 3, 2012

Subject: **Western Hills High School Principal – Rita Rector**
OEA Referral Pursuant to KRS 160.345(9)(b)

The Office of Educational Accountability has forwarded the attached letter referring the matter of Principal Rita Rector to the Kentucky Board of Education pursuant to KRS 160.345(9)(b) for action consistent with its jurisdiction.

KRS 160.345(9)(b) provides as follows:

- (9) (a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.
- (b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.
- (c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.
- (d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.

Because it is not clear that the school district has been given the opportunity to address the issues in the OEA reports, it is our recommendation that, during that part of the meeting discussing the hearing officer report, KBE consider directing the attached draft letter to Superintendent Jones.

October 3, 2012

Superintendent Chrissy Jones
Franklin County Schools
916 E. Main Street
Frankfort, KY 40601

Dear Superintendent Jones:

By letter dated September 21, 2012, the Office of Educational Accountability ("OEA") forwarded to the Kentucky Board of Education ("KBE") the results of four investigations involving numerous complaints filed against Western Hills High School Principal Rita Rector. You were also copied on this letter. In its letter, OEA states that its investigations reveal actions on the part of Ms. Rector that demonstrate a pattern and practice of behavior "which is detrimental to the successful implementation of or circumvents the intent of the school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decision in areas of policy assigned to a school council." OEA further states that it has made efforts to resolve the matter with Ms. Rector, but has been unsuccessful in that effort. Because Ms. Rector continues to conduct business without concern for KRS 160.345, OEA has now referred this matter to the KBE for action consistent with its jurisdiction pursuant to KRS 160.345(9)(b), (copied enclosed).

The KBE has reviewed the OEA investigations and has noted that, until its letter of September 21, 2012, OEA has not copied you or past superintendents on the results of the past investigations. Because it is unclear whether you or past superintendents were on notice of OEA's investigations, KBE will refrain from exercising its jurisdiction at this time and refer the matter to you for appropriate action first. The KBE does request, however, that you forward a report to the KBE by December 3, 2012 regarding the actions, if any, that you have taken as a result of the conduct stated in OEA's investigations. This information will be helpful to the KBE in the event this matter is again referred to the KBE for action because school district action has failed to resolve the issues identified in the OEA reports.

On behalf of the KBE, I express my appreciation for your prompt and thorough attention to this matter. Should you have any question related to this request, please feel free to contact Kevin Brown, KBE's General Counsel.

Sincerely,

David Karem
Board Chair

Cc: KBE Board Members
Terry Holliday, Ph.D
Mary Ann Miller
Kevin C. Brown
Marcia Seile

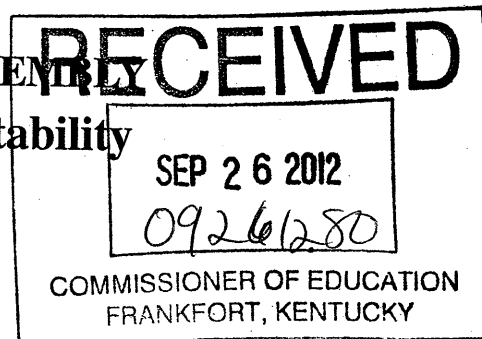
Marcia Ford Seiler
DIRECTOR
Office of Education Accountability



— Copy to Jesse L.
— to MAM / then for brown sheet, then to KCS
475 Coffee Tree Road
Frankfort, Kentucky 40601
502/564-8167
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OEA Hotline 800/242-0520

KENTUCKY GENERAL ASSEMBLY
Office of Education Accountability

September 21, 2012



Kentucky Board of Education
% Kevin Brown, Deputy Commissioner
Kentucky Department of Education
500 Mero Street, 1st Floor
Frankfort, Kentucky 40601



Re: *Western Hills High School Principal – Rita Rector*

BY:

Dear Kevin:

The Office of Education Accountability (OEA) has received and investigated numerous complaints that Western Hills High School Principal Rita Rector impeded the implementation of KRS 160.345. OEA conducted these investigations pursuant to KRS 7.410(2)(c)4, which empowers OEA to investigate allegations of wrongdoing in school districts.

OEA's investigation of Ms. Rector dates back to 2007 when she was the principal of Frankfort Middle/High School and continued after she was hired by Western Hills High School in Franklin County to the present. OEA has issued final reports of its findings relating to each investigation.

The investigations revealed actions by Ms. Rector which establish a pattern and practice of behavior "which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council."

Beginning with violations occurring in 2007, while she was principal of Frankfort Independent Middle & High Schools, and continuing through her tenure at Western Hills High School in the Franklin County School District,

OEA has found Principal Rita Rector to be routinely impeding the implementation of SBDM. The following list outlines prior violations by Principal Rector documented in three OEA reports from 2008 and 2011.

1. Frankfort Independent School District, Frankfort High School - OEA report dated March 14, 2008.
 - Suspended eligibility requirements for extra-curricular activities at Frankfort High School without SBDM approval.
 - Implemented a "pay to play" policy for athletic participation without approval of SBDM council and in violation of Board policy for student fees.
2. Frankfort Independent School District, Frankfort High School - OEA report dated June 30, 2008.
 - Failed to consult with SBDM council prior to hiring a computer lab manager.
 - Failed to post the vacancy in accordance with Board policy.
 - Failed to communicate legal opinion from Board to SBDM council as directed.
3. Franklin County School District, Western Hills High School - OEA report September 26, 2011.
 - Interfered with SBDM council process relating to schedule for the school day.
 - Violated SBDM council by-law regarding duties of council members to communicate with their constituents.
4. Franklin County School District, Western Hills High School - OEA report dated September 5, 2012.
 - Violated the SBDM council policy on Loss of Student Privilege and Discipline by punishing entire student body for fighting when only few students engaged in fighting.
 - Violated KRS 158.060 by failing to provide duty-free lunch to teachers.
 - Violated 704 KAR 3:345 and Franklin County Board Policy 03.18 by failing to evaluate teachers.

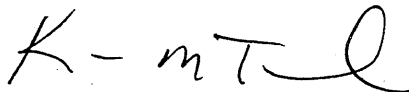
Kentucky Board of Education
% Kevin Brown, Deputy Commissioner
Re: Principal Rita Rector
September 21, 2012
Page 3

- Violated KRS 7.410(2)(e) by failing to allow OEA staff access to teacher records.

Following each investigation, OEA made efforts to resolve the matter and insure that future violations would not occur. Ms. Rector has continued to conduct business without concern for KRS 160.345. OEA has exhausted its options for resolving these matters with Principal Rector, and therefore pursuant to KRS 160.345(9)(b), refers this matter to the Kentucky Board of Education for actions consistent with its jurisdiction.

Enclosed are copies of all Final Reports issued by OEA regarding Ms. Rector. If this office can be of further assistance on this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'K - m T l', with a stylized flourish at the end.

Karen M. Timmel
Division Manager, Investigations

cc: Rita Rector
Chrissy Jones, Superintendent

Marcia Ford Seiler
DIRECTOR
Office of Education Accountability



475 Coffee Tree Road
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KENTUCKY GENERAL ASSEMBLY Office of Education Accountability

MEMORANDUM

TO: RITA RECTOR, PRINCIPAL
WESTERN HILLS HIGH SCHOOL
FRANKLIN COUNTY SCHOOL DISTRICT

FROM: MARCIA FORD SEILER, DIRECTOR
OFFICE OF EDUCATION ACCOUNTABILITY

DATE: SEPTEMBER 5, 2012

SUBJECT: INVESTIGATIVE FINAL REPORT

The Office of Education Accountability (OEA) has completed an investigation into allegations of wrongdoing on the part of Western Hills High School Principal Rita Rector. This office is empowered to investigate complaints dealing with regulatory and statutory issues [KRS 7.410(2)(c)4, KRS 160.345(9)(b)]. This agency is to have access to all public records in the course of an investigation (KRS 7.410(2)(e)).

On May 4, 2012, OEA staff began an investigation at the Franklin County School District's Western Hills High School. OEA interviewed appropriate staff and gathered necessary documentation relating to the allegations. The following represents the **ALLEGATIONS, FINDINGS OF FACT, CONCLUSIONS,** and **RESOLUTIONS** by OEA.

ALLEGATION #1: Principal Rector has taken away the duty-free lunch period for the teachers of Western Hills High School.

FACTS

On Thursday, December 8, 2011, at 6:15 p.m., Principal Rector sent an e-mail to all Western Hills High School teachers regarding "lunch supervision". The letter states in pertinent part,

We continue to have fights/assaults among our student body....I hate to impose on the small amount of time you have for a "duty" free lunch but I feel that we need to send a message to students about their behavior. This is why I am asking that you give up your lunch time to supervise students, during lunch, in your rooms. Mr. Lawson will be sending a schedule that will show your lunch schedule which will involve, escorting students to the cafeteria, walking your group back to class and then someone will relieve you for 10-13 minutes so you can retrieve your lunch or use the restroom, returning to supervise your students in your room for the remainder of their lunch (or yours)...I know this seems extreme and that many students haven't been involved in fights, but as I stated before the sensationalism of these events is perpetuated by a larger group of our student population....As a teacher if you don't feel you can support this initiative, please let me know and we will work out other methods for your class supervision. This lunch situation will not be permanent, BUT that's not something that needs to be shared with students at this time.

At 8:33 p.m. on December 8, 2011, Principal Rector responded to a request to meet with teacher council members regarding the initiative. Principal Rector's response in part was, "This isn't an SBDM issue."

Principal Rector sent a follow-up e-mail to all teachers on December 8, 2011, at 9:52 p.m. after Mr. Lawson had forwarded the lunch schedule to all teachers. The follow-up stated,

As stated below...if you don't feel you can support this initiative, please let me know and we will work out other methods for your class supervision. Please let me know by 10:00, if you are not able to supervise your students during lunch.

On Friday, December 9, 2011, Principal Rector sent another e-mail to all Western Hills High School teachers stating,

I don't anticipate that we will need to continue this lunch schedule a long time since it seemed to get students attention....I know to some it seemed like a drastic measure, but eating lunch with their peers is a privilege and one that students cherish.

It is unclear exactly how long the lunch supervision initiative remained in effect. Discussions with Principal Rector as well as staff of Western Hills High School revealed only that the initiative lasted "a few days" or "about a week".

CONCLUSIONS

Principal Rector violated KRS 158.060 and the *Loss of Student Privilege and Discipline* policies of the Western Hills High School SBDM Council when instituting the lunch supervision initiative during the 2011-2012 school year. By not following the council approved loss of privilege policy, Principal Rector circumvented the authority of the SBDM council, a violation of KRS 160.345(9)(a).

KRS 158.060 states,

Each full-time teacher shall be provided with a duty-free lunch period each day during the regularly scheduled student lunch period. The duty-free lunch period shall be not less than the length of the lunch period specified in the school calendar approved by the chief state school officer. A full-time teacher may be assigned to lunch room duty during the regularly scheduled student lunch period only for an amount of time equal to the noninstructional time in excess of fifty-five (55) minutes included in the teacher's daily schedule. The calculation of noninstructional time shall not include the teacher's duty-free lunch period, the time teachers are required to be at school prior to the start of the student's instructional day, or the time teachers are required to remain at school after the students are dismissed.

Western Hills High School Council's Loss of Privilege Policy 04.60 states,

Each year a student will lose the privilege to participate in extra-curricular or co-curricular events sponsored by Western Hill if their attendance, behavior, or negligence results in any of the following...

The seven items listed in the policy relate to attendance, payment of fees, and discipline. Specifically regarding discipline the policy states,

5. Three (3) or more referrals that result in assignments to in-school suspension.
6. Out-of-school suspension, legal violation, or major disciplinary infraction. (Examples include, but are not limited to: possession of weapons, possession of drugs/and or alcohol, or participation in an assault against a student or staff member.) The Principal determines major disciplinary infractions.

Principal Rector's implementation of the lunch supervision initiative clearly violated the requirements of KRS 158.060. And while the loss of privilege policy allows the principal to determine "major disciplinary infractions" that would prompt a loss of privileges for a student. In this specific situation Principal Rector implemented a "loss of privileges" to all students without consideration of each student's discipline/behavior history. This is a clear violation of the adopted council policy and thus a violation of KRS 160.345.

KRS 160.345(9)(a) states, "No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making". The intent of school-based decision making as determined by the Kentucky Supreme Court in Board of Educ. v. Bushee, KY, 889 S.W.2d 809, 1994, is the decentralization of decision making authority so as to involve all participants in the school system.

Principal Rector stated in her response to the Investigative Preliminary Report that "teachers were asked, not required" to provide lunch supervision for their students. *KRS 158.060 however, makes it clear that each teacher "shall be provided with a duty free lunch period" making Principal Rectors assertion that because, in her opinion, the supervision was voluntary it was allowable invalid. Principal Rector went on to state that she "asked staff to give up 10-15 minutes of their lunch to help supervise" and that "teachers were still afforded their full 55 minute, non-instructional time planning; as well as 20 minutes prior to school."* *Principal Rector's statements clearly reflect her lack of understanding of the law in determining whether teachers can be assigned lunch duty as the statute excludes the use of non-instructional time prior to the start of the school day, 55 minutes of non-instructional time and the teachers duty free lunch period from the calculation.*

Finally, in regard to Allegation #1, Principal Rector responded that she was "not sure how or why the SBDM policy, Loss of Privilege, was noted in this report since this policy was approved to monitor individual student behaviors, not school wide safety or discipline." *Principal Rector clearly stated in her e-mail regarding lunch supervision that it was being instituted because of "fights/assaults among our student body and that the punishment to the entire student body was the loss of "eating lunch with their peers" which "is a privilege and one that students cherish". Fights and assaults are clearly individual issues that should be resolved based on the SBDM Council's Discipline policy which in turn allows for the implementation of the Loss of Privilege policy.*

ALLEGATION #2: Principal Rector has not appropriately completed the evaluation process for certified staff at Western Hills High School since beginning her tenure as Principal.

FACTS

Personnel files at the central office were reviewed for the four years that Rita Rector has been Principal of Western Hills High School. Files were reviewed for the two guidance counselors and the two assistant principals along with a sample of certified teachers. Table 1 reflects the date that either a summative evaluation or an Individual Professional Growth Plan (IPGP) was completed. If no date is listed in the chart, no documents were in the personnel file maintained at the Franklin County School District central office. Notes are included in the chart regarding the teacher folders that were reviewed.

Table 1
IPGP and Summative Evaluation Summary

Position	2009		2010		2011		2012	
	IPGP	Summative	IPGP	Summative	IPGP	Summative	IPGP	Summative
Assistant Principal #1	*	*	*	*	*	6/24/2011	*	*
Assistant Principal #2	*	*	*	*	*	*	*	*
Guidance Counselor #1	*	*	*	*	*	6/30/2011	*	*
Guidance Counselor #2	*	*	*	*	*	*	*	6/8/2012
Teacher #1	*	*	*	5/24/2010	*	*	*	
Teacher #2	*	*	*	5/11/2010	9/27/2010	*	*	*
Teacher #3	*	*	*	3/24/2010	*	5/11/2011	*	*
Teacher #4	*	*	*	3/25/2010	*		*	
Teacher #5	*	*	*		*		*	*
Teacher #6	*	4/15/2009	*	*	*		*	
Teacher #7	*		*	*	*	3/30/2011	*	
Teacher #8	*	*	*	4/1/2010	*	*	*	*
Teacher #9	*		*	4/16/2010	*		*	

* indicates missing IPGP or Summative

Notes

- Teacher #1 Original hire date was 8/8/2007 requiring a summative evaluation each year through 2011.
- Teacher #2 A tenured teacher. Teacher #2 rec'd a summative evaluation on 3/18/2008 and on 5/11/2010.
- Teacher #3 Original hire date was 8/1/2008 requiring a summative evaluation each year through school year through 2012.
- Teacher #4 Original hire date was 8/1/2006 requiring a summative evaluation each year through 2010.
- Teacher #5 Original hire date was 8/1/2005 requiring a summative evaluation each year through 2009 and again in 2012
- Teacher #6 Original hire date was 7/1/2006 requiring a summative evaluation each year through 2010.
- Teacher #7 Received summative evaluations on 4/27/2004, 3/28/2007 and 3/30/2011. The 2011 evaluation was a year late.
- Teacher #8 Original hire date was 8/1/2008 requiring a summative evaluation each year through 2012.
- Teacher #9 Received the appropriate evaluations.

Based on the lack of documentation in the personnel files maintained at the central office, a review of personnel files maintained by Principal Rita Rector at Western Hills High School was attempted by OEA staff. Principal Rector refused to allow OEA staff access to personnel files at the school; she stated that she was "not comfortable" giving OEA access to the personnel files. OEA staff explained the requirements of KRS 7.110 and 7.410 to Principal Rector; however, she continued to refuse to produce the files.

CONCLUSIONS

Principal Rector has violated 704 KAR 3:345, Board Policy 03.18, and the Franklin County Evaluation Plan each of the four years she has served as Principal of Western Hills High School by neglecting to appropriately complete employee evaluations or ensuring that they were completed and by neglecting to maintain proper records if evaluations have been completed.

704 KAR 3:345 states in pertinent part, "(c) The evaluation system shall include a professional growth plan for all certified personnel below the level of superintendent...and shall be reviewed annually...(h) Summative evaluation shall occur a minimum of once every three (3) year period for each tenured teacher. (i) Summative evaluation shall occur annually for an administrator. (j) The evaluation of a certified employee below the level of the district superintendent shall be in writing..."

Franklin County Board of Education Policy 03.18 states that, "the superintendent shall recommend for approval of the Board and the Kentucky Department of Education an evaluation system...for all certified employees below the level of District Superintendent, which is in compliance with applicable statute and regulation." The policy further states that, "All employees shall be afforded an opportunity for a review of their evaluations...Both the evaluator and evaluatee shall sign and date the evaluation instrument...All evaluations shall be maintained in the employee's personnel file."

The Franklin County Evaluation Plan states that "the IPGP can be built as early as March 1 of the current year for continuing employees" and "no later than October 1 of the new school year" for employees new to the building. The plan further states that "the IPGP must be reviewed annually by the evaluator and evaluatee. This should occur no later than the end of the school year for teachers and non-teaching certified school personnel." The plan reiterates the requirements of 704 KAR 3:345 as stated above regarding summative evaluations of tenured and non-tenured certified staff. The plan also requires formative evaluations. For tenured teachers in the formative evaluation cycle

(two years between summative evaluation) "formal observations/conferences will be completed once each year during the first semester". For non-tenured teachers, "formative observations/conferences will be conducted twice a year", once each semester. The plan also specifies that "administrators who receive annual summative evaluations...are central office certified staff, principals, assistant principals and guidance counselors. These administrators must have an IPGP and a summative evaluation each year, whether they are tenured or non-tenured."

The Franklin County Evaluation Plan requires that,

The evaluatee and evaluator shall each set up a school/working evaluation folder which will hold the following:

- *Professional Growth Plan(s) (As described in 704 KAR 3:345, Section 1, paragraph 11, (a, b and c)*
- *Post-Observation Conference Formative Report Forms, as required*
- *Individual Corrective Action Plan(s), as needed*
- *Evaluatee or evaluator documentation or notes that may have a bearing upon the evaluation process*
- *Summative Conference Form, as required*
- *Summative evaluation for Teachers/Administrators Form*

At the end of the evaluatee's evaluation cycle, as required, evaluators will cause to be placed in evaluatees' folders at the Central Office, the originals of the Summative Evaluation Form and all Professional Growth Plan pages created during the evaluation cycle. This form is to be considered the official copy of the evaluatee's performance report.

KRS 7.410, Section 2 (e) states, "the Office of Education Accountability shall have access to all public records and information on oath as provided in KRS 7.110. The office shall also have access to otherwise confidential records, meetings, and hearings regarding local school district personnel matters." Principal Rector violated KRS 7.410 by refusing to allow OEA staff access to personnel files at the school.

In response, Principal Rector stated that she had concerns regarding the accuracy of the evaluation data as presented by OEA. Principal Rector specifically stated that "we do not send our IGP's to central office." This response demonstrates Principal Rector's lack of knowledge of the requirements of the Franklin County Evaluation Plan as approved by the Board and submitted to KDE which clearly states that "the originals of the Summative Evaluation Form

and all Professional Growth Plan pages" shall be "placed in evaluatees' folder at the central office".

Principal Rector states in her response that she has attached an update which was sent to the Central Office pertaining to evaluations in "my" building. OEA found no such attachment with the response.

Principal Rector in her response questioned the validity of the information pertaining to Assistant Principals and Counselors in her building "since one of my counselors has only been employed for one year and both of my principals have been employed, 2 years or less." Again, Principal Rector fails to demonstrate an understanding of her duties under the Franklin County Evaluation Plan and her failure to comply with those duties. While the individuals who currently hold those positions haven't been employed at WHHS in the positions during the entire time Ms. Rector has served as Principal, the positions have been staffed each year Ms. Rector has served as principal. As stated previously in the report, the Franklin County Evaluation Plan requires that all Assistant Principals and Counselors receive a Summative Evaluation and IGP each year; therefore, each Assistant Principal and Counselor position, regardless of who the individual in the position was, should have completed an evaluation and IGP each of the years Rector has served as Principal. Again, the documents supporting such should have been on file at the Central Office based on the Franklin County Evaluation Plan.

Principal Rector stated in her response that she did not believe OEA staff had permission from her superintendent to view the files and that she refused to allow OEA staff access to personnel files based on advice from her KEA attorney. *First of all, KRS 7.410(2)(e) states in pertinent part, "The Office of Education Accountability shall have access to all public records and information on oath as provided in KRS 7.110. The office shall also have access to otherwise confidential records, meetings, and hearings regarding local school district personnel matters." OEA did not need the permission of the superintendent although OEA staff had communicated via email with the superintendent who was in Aruba at the time. Secondly, since Principal Rector was following the advice of her KEA attorney in not allowing OEA access, once the preliminary report was received a prudent response would have been to provide copies of the evaluations along with her written response. OEA has received no evidence that Principal Rector completed the required evaluations between 2009 and 2012.*

RESOLUTIONS

Beginning with violations occurring in 2007, while she was principal of Frankfort Independent Middle & High Schools, and continuing through her tenure at Western Hills High School in the Franklin County School District, OEA has found Principal Rita Rector to be routinely impeding the implementation of SBDM. The following list outlines prior violations by Principal Rector documented in three OEA reports from 2008 and 2011.

1. Frankfort Independent School District, Frankfort High School - OEA report dated March 14, 2008.
 - Suspended eligibility requirements for extra-curricular activities at Frankfort High School without SBDM approval
 - Implemented a "pay to play" policy for athletic participation without approval of SBDM council and in violation of Board Policy for student fees.
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 - Failed to consult with SBDM council prior to hiring a computer lab manager
 - Failed to post the vacancy in accordance with Board Policy.
 - Failed to communicate legal opinion from Board to SBDM council as directed.
3. Franklin County School District, Western Hills High School, OEA report September 26, 2011.
 - Interfered with SBDM council decision making process relating to schedule for the school day.
 - Violated SBDM council by-law regarding duties of council members to communicate with their constituents.

These previous reports, combined with the findings in this report, clearly indicate that Principal Rector has engaged in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of SBDM, specifically the SBDM at both Western Hills High and previously in the

MEMO: FRANKLIN COUNTY INVESTIGATIVE FINAL REPORT, RECTOR
SEPTEMBER 5, 2012
PAGE 10

Franklin Independent School System. Principal Rector's continued disregard for the decisions made and the policies adopted by the council is contrary to the provisions of KRS 160.345.

This is the fourth instance of violations, establishing a pattern of SBDM circumvention by Rita Rector, Principal of Western Hills High School. This report shall be forwarded to the Kentucky Board of Education for action in accordance with the provisions of KRS 160.345(9)(c).

Marcia Ford Seiler
DIRECTOR
Office of Education Accountability



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OEA Hotline 800/242-0520

KENTUCKY GENERAL ASSEMBLY Office of Education Accountability

MEMORANDUM

TO: RITA RECTOR, PRINCIPAL
WESTERN HILLS HIGH SCHOOL

FROM: MARCIA FORD SEILER, DIRECTOR
OFFICE OF EDUCATION ACCOUNTABILITY

DATE: SEPTEMBER 26, 2011

SUBJECT: FINAL REPORT

The Office of Education Accountability (OEA) has completed an investigation into allegations of wrongdoing by Principal Rita Rector. This office is empowered to investigate complaints dealing with such matters under KRS 7.410(2)(c)(4). This agency is to have access to all public records in the course of an investigation (KRS 7.410(2)(e)). Following the investigation, OEA is mandated to resolve the conflict, if possible, or to forward the matter to the Kentucky Board of Education [KRS 160.345(9)(b)].

The complaint investigated in this case focused on the following allegations regarding Principal Rector.

1. Principal Rector impeded the work of the Western Hills High School Site Based Decision Making (SBDM) Council by attempting to influence the Council regarding the school's schedule for the 2011-2012 school year.
2. Principal Rector impeded the SBDM process by ordering teachers to stop communicating with teacher representatives

and not allowing parent representatives to communicate with parents regarding SBDM agenda items.

Beginning on November 23, 2010, OEA staff members conducted onsite investigations regarding these complaints. The appropriate persons were interviewed and documents were reviewed relevant to the issues. The following report represents the **Findings, Conclusions, and Resolutions** of OEA.

FINDINGS

1. At the November 16, 2010 Western Hills High School SBDM Council meeting the Ad-hoc Scheduling Committee presented a report including "the pros and cons of three potential schedules". The ad-hoc Scheduling Committee recommended to the council that a six period flex schedule be adopted for the 2011-2012 school year. A motion was made to accept the six period flex schedule for the 2011-2012 school year. A second to the motion was not given so the motion died. The meeting was adjourned after a Special Meeting was scheduled for the following night. At the November 17, 2010 SBDM Council meeting, after extended discussion regarding the schedule, a motion was again made to accept the six period flex day. A motion was made and seconded; however, the resulting vote was split. Principal Rector informed the Council that she would take the schedule charge back to the Scheduling Committee. On December 7, 2010 the council once again had discussion regarding the schedule. The options stated were to continue with the current schedule or to change to a six period flex schedule. A motion and second was made to change to the six period schedule. Upon vote, the six period schedule was adopted for the 2011-2012 school year.

Interviews with Council members revealed that although the Council did make the final decision on which schedule to approve, the majority of members felt that Principal Rector had attempted to force the Council to vote for the schedule she preferred. Members stated that Principal Rector became very agitated and angry at the November 16 and 17 meetings and made threats to teacher members when the vote did not go the way she wanted. Council members confirmed that Principal Rector both cried and yelled during these meetings and stated at the conclusion of the November 17 meeting that the "planning period was cut". Minutes of the December 7, 2010 meeting state that "Ms. Rector also made

an apology to the council members for how the last meeting ended". Those interviewed also stated that Principal Rector spoke with Council members one-on-one outside of the meeting in an attempt to sway their decision. Some of those interviewed stated that even these individual meetings became heated discussions, some so much so that Principal Rector could be heard yelling from out in the hallway.

2. In preparation for the 2010-2011 school year, the WHHS SBDM Council began working on SBDM allocations at its February 22, 2010 meeting. At that time the Council agreed to cut two JROTC positions so they could focus on the remaining 1.5 positions that would need to be cut. The allocation issue was revisited during the March 2, 2010 meeting with the decision being made to eliminate two of the six options presented and place this item on the agenda for a Special Called meeting on March 16, 2010. At the March 16 meeting, lengthy discussion ensued. A motion was made and a roll call vote was taken on one option with a split vote being the result. A motion was approved on a second option and again a roll call vote was taken with the result again being a split vote. Another Special Meeting was scheduled for March 30, 2010.

Prior to the March 30 meeting, a parent member of the SBDM Council sent an e-mail to approximately 60 parents that included, an "Update on the Special SBDM Meeting", "What Can You Do", and "My Views". The body of the e-mail explained the two options that were voted on at the March 16 meeting, who voted, and how. The e-mail also informed the parents that they could contact Principal Rector or Superintendent Buecker and "let the SBDM know how you feel about cutting yet another classroom teacher". The parent further explains that it is their intention to not cut any more classroom positions. In closing, the e-mail gives the recipient approval to forward the e-mail or to unsubscribe.

Principal Rector responded to the parent via e-mail informing the parent that they are "not to send out information to parents in this manner". The e-mail further states that "unless we, as a council, have approved a polling of individuals (your private distribution list), which is documented in our minutes, this is not to be done. This is the second time you have attempted a polling with your list of constituents [sic]".

The parent member of the Council forwarded his original e-mail along with Principal Rector's response to the Kentucky Association of School Councils (KASC) requesting that organization's input regarding whether a parent Council member is within their authority to send such e-mails. The response from KASC states, "your role as a parent representative is to keep your constituents informed about what goes on. Your role should not be to tell them how you feel and try to recruit others to support you. Of course you are an individual with opinions and if asked, one on one, it wouldn't be wrong to give your opinions but you really shouldn't be soliciting support like this". The response also mentioned that the parent should not have included how members voted on the subject since "minutes by law only need and should only include the decisions made, not who voted for what". In closing, the KASC response stated, "Our opinion would be that in future emails to parents you just stick to the facts".

A second incident occurred after the November 17 meeting, mentioned in Item 1 above, a teacher Council member sent an e-mail to teachers of WHHS asking for their thoughts and input regarding the schedule for the following school year. Principal Rector responded via e-mail stating, "The scheduling committee is the only group that was given a charge by SBDM to investigate or gather information. If staff contact you as directed per e-mail, that's fine but soliciting a poll at this time is not".

CONCLUSIONS

1. Principal Rector attempted to impede the decision making authority of the SBDM Council regarding the schedule for the 2011-2012 school year. KRS 160.345(9)(a) states, "No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making". The intent of school-based decision making as determined by the Kentucky Supreme Court in Board of Educ. v. Bushee, KY, 889 S.W.2d 809, 1994, is the decentralization of decision making authority so as to involve all participants in the school system. Principal Rector's behavior in Council meetings and in individual meetings with Council members does not demonstrate the intent of SBDM, but an attempt on her part to force the Council to support her preferences in violation of KRS 160.345(9)(a).

2. Principal Rector impeded the authority given the members of the SBDM Council by not allowing information to flow freely between the members and their constituents. The *WHHS SBDM Council By-Laws, Article IV-Duties of Officers and Council Members* (E) Council Members, states: "Duties of council members include...3. Encouraging and requesting opinions from their constituencies 4. Supporting, promoting and communicating council decisions 5. Seeking information independently and as needed about issues brought before the school council, and bringing that information to the council". The WHHS Council By-Laws clearly allows and promotes the type of contact that occurred between the council members and their constituencies. Principal Rector's actions regarding communication by Council members with their constituents not only violate the WHHS SBDM Council By-Laws, it is a violation of KRS 160.345(9)(a).

OEA is in disagreement with KASC's response to the parent Council member. KASC's opinion is incorrect especially because the by-laws of the WHHS SBDM specifically require members to request opinions from their constituencies, to communicate decisions of the council and to seek information independently and as needed about issues brought before the school Council, and bring that information to the Council. As an elected representative of parents with students in the school, a parent Council member would be remiss in their duty not to communicate with their constituents and seek input on controversial issues affecting the students in the school. In this situation, the parent member included a rationale for why they voted the way they did, and nothing in the e-mail states that they expect their constituents to agree with that rationale, they simply request that the constituents send their thoughts on the matter to the superintendent and/or the principal.

In her response to the preliminary report, Principal Rector provided copies of emails from Darryl Thompson, KDE Division of Leadership and Support dated March 22, 2010, in which Mr. Thompson supports Ms. Rector's position that no individual council member is authorized to survey his/her constituents unless the full council has authorized the survey. OEA is in disagreement with Mr. Thompson's response to Ms. Rector. Mr. Thompson's opinion is incorrect especially because the by-laws of the WHHS SBDM specifically require members to request

opinions from their constituencies, to communicate decisions of the council and to seek information independently and as needed about issues brought before the school Council, and bring that information to the Council.

OEA has consulted with KDE legal counsel and current program personnel about the position taken by Mr. Thompson in his email to Ms. Rector. KDE advises that the position taken by Mr. Thompson in the email is not consistent with KDE's current position on this issue. However, since Ms. Rector sought advice on this matter from the appropriate department at KDE and followed the advice she received, OEA cannot find that Ms. Rector intentionally violated KRS 160.345 under this allegation.

RESOLUTIONS

1. Principal Rector shall receive 6 hours of training on The Role of the Principal as Chairperson of the SBDM Council & the Use of Effective Communication with Council members and their Constituents. This training shall be conducted by an approved KDE Endorsed SBDM trainer. Proof of completion of the training must be provided to OEA by October 29, 2011.
2. While no intentional violation of law was found, OEA cautions Ms. Rector that the Council members are elected to represent a constituency and she should cease efforts to stifle communication by Council members within the school.

Principal Rector has intentionally engaged in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making for the Western Hills High School SBDM Council. Principal Rector's use of coercive tactics to force the Council to adopt her preferred goals is contrary to the provisions of KRS 160.345.

A 2008 investigation by OEA found that "Principal Rector has difficulty discerning her authority". At that time Principal Rector was required to receive 12 hours of training regarding the roles of the Board, the Council, and her role as principal in interacting with the two. Principal Rector's actions and comments to other Council members both during Council meetings and outside of Council meetings makes it clear that she needs instruction on the intent of KRS 160.345 and her responsibilities and

limits as Chairperson of the Council. Principal Rector also continues to disregard the authority of the Council by ignoring the adopted by-laws.

This is the second instance of a pattern of circumvention of the school-based decision making process by Rita Rector, Principal of Western Hills High School. Any subsequent violations or acts of circumvention by Principal Rector may be joined with these occurrences to form a pattern of practice. Such a pattern of practice may be forwarded to the Kentucky Board of Education for a hearing in compliance with the provisions of KRS 160.345(9) (c).



KENTUCKY GENERAL ASSEMBLY
Office of Education Accountability

MEMORANDUM

TO: Rita Rector, Principal
Frankfort High School

School-Based Decision Making Council
Frankfort High School

FROM: Marcia Ford Seiler, Director
Office of Education Accountability

RE: **SBDM Final Report**

DATE: June 30, 2008

The Office of Education Accountability ("OEA") has completed an investigation into allegations of improper School-Based Decision Making practices by Rita Rector, principal of Frankfort High School. This office is empowered to investigate complaints dealing with School-Based Decision Making issues [KRS 7.410(2)(c)4, KRS 160.345(9)(b)]. This agency is to have access to all public records in the course of an investigation, [KRS 7.410(2)(d)]. Following the investigation, OEA is mandated to resolve the conflict, if possible, or to forward the matter to the Kentucky Board of Education [KRS 160.345(9)(b)].

The complaint investigated in this case focused on the following allegations:

1. Principal Rector violated statutory law and SBDM policy by hiring a computer lab manager without posting or consultation.
2. Principal Rector violated statutory law and Board policy by improperly amending an athletic fee policy calling it a Sports Agreement policy.

3. Principal Rector misrepresented legal opinions to the SBDM council regarding the assessing of fees by the council.

On April 3, 2008 two (2) staff members from the OEA visited Frankfort High School and requested school council and school board documentation such as policies and minutes, financial account information and other pertinent materials from Principal Rector. OEA staff members also interviewed council members, and the principal regarding the allegations. The following represents the **FINDINGS OF FACT, CONCLUSIONS, and RESOLUTIONS** by the Office of Education Accountability:

FINDINGS OF FACT

1. The computer lab manager position became vacant unexpectedly at the end of December 2007. Principal Rector was utilizing staff from other areas to fill in at the computer lab when school resumed in January, 2008 after the winter break. The computer lab manager position was posted in the district office and at the High School and Second Street School on January 3, 2008 (a copy of the posting was provided to OEA). This posting was in accordance with Board Policy 3.22. Principal Rector described the need to fill the vacancy quickly as somewhat of an emergency situation. She received only one application for the position. She advised that she discussed with her council the applicant's qualifications and the need to get the position filled quickly. Board Policy 3.22 contains a provision for not posting classified vacancies when there is an emergency need to fill the vacancy. The council members advised that they do recall discussing the position and the applicant with Principal Rector prior to anyone being hired. Some believed that it was at a SBDM meeting, others thought that she had spoken to them one on one. A review of the council minutes indicates that at the February 25, 2008 meeting, Principal Rector announced that a person had been hired to fill the computer lab manager position. OEA staff could not find any minutes from previous meetings in which Principal Rector consulted with the council prior to hiring the computer lab manager. It should be noted that the Board Minutes for January 15, 2008 show that the computer lab position was filled.

Ms. Rector no longer serves as FHS principal, effective June 13, 2008. She will be employed as a principal in the Franklin County School District during the 2008-09 school year.

2. The Frankfort High School School-Based Decision Making Council enacted a "pay-to-play" school policy in September 2007. This policy required students to pay a fee to participate in sports. Those unable to pay the fee were to "work off" the fee with athletic fundraising activities. The Athletic Fee policy adopted by the Frankfort High School Council in September 2007 came back before the council on February 25, 2008. At that time Principal Rector advised the council that the name of the policy needed to be changed in order to bring it into compliance with Board Policy 9.15 regarding student fees. She advised that the fee had to be called a rental fee. In addition, she advised that the language in the policy requiring those unable to pay to work concessions had to be removed. The revised policy is actually called a "Sports Agreement" and requires parents and/or guardians to pay a sports rental fee in order for their student to participate in sports at FHS. Some council members believed that the council had approved the revision of the policy. However, a review of the minutes from the February 25, 2008 meeting do not reflect that there was a motion to amend the policy. The minutes simply reflect that the revision was discussed with the council without further action.

Ms. Rector brought the athletic fee issue to the council in June 2008. The council took action to continue with a rental fee policy.

Ms. Rector no longer serves as FHS principal, effective June 13, 2008. She will be employed as a principal in the Franklin County School District during the 2008-09 school year.

3. The Frankfort Independent Board of Education met on February 19, 2008. At that meeting, the Frankfort High School's athletic fee policy was discussed. During the discussion, the Board reviewed a legal opinion received from Hon. Robert Chenoweth, who advised the Board that they could not delegate their responsibility for setting fees to a SBDM council. It further advised that if the council was to set a fee it must comply with the existing Board policy 9.15, which allows uniform rental and equipment fees. The opinion also recommended that the council develop a policy for implementing the fees. The Board determined that "the legal opinion will be shared with Ms. Rector so the SBDM will have the same information." The Board further recommended that a "request be made to the FMS/FHS SBDM to modify their sports agreement to align with the legal opinion from Mr. Chenoweth." (Item #12, Board Minutes, February 19, 2008)