

Final Report on the development and implementation of correctional plan and recommendation for state management of the Meniffee County Public Schools

After the Meniffee County Public School district (district) was designated a "state assisted district," the Kentucky Department of Education (KDE) provided management assistance to the district to develop and implement a plan to correct deficiencies identified in the Management Audit. KRS 158.785(6). The Management Audit is attached to this Final Report.

KDE monitored the development and implementation of the correctional plan to improve the governance or administration of the school district. Because the correctional plan is being inadequately developed and implemented, the commissioner of education (commissioner) must make a recommendation to the Kentucky Board of Education (KBE) to declare the district a "state managed district." KRS 158.785 (6).

KRS 158.785 requires that the commissioner's recommendation for state management be based upon three factors. First, the commissioner must establish the existence of a pattern of a significant lack of efficiency and effectiveness in the governance or administration of the school district. KRS 158.785(5)(a). Second, the commissioner must establish that the pattern of a significant lack of efficiency and effectiveness in the governance or administration of the school district continues to exist. KRS 158.785(5)(b). Finally, the commissioner must establish that state management is necessary to correct the inefficiencies and ineffectiveness. KRS 158.785(5)(c).

The Management Audit Executive Summary identified three over-riding concerns that demonstrated the necessity of state assistance. The Management Audit concluded that district required state assistance to:

- a) Design and implement a consistent and transparent approach to personnel hiring, assignment, and evaluation that is compliant with statute and best practice.
- b) Document and implement transparent and consistent protocols and processes to address, at a minimum: finance, professional learning, Response to Intervention, and effective data use.
- c) Design and deploy an all-inclusive district approach for communication and transparency.

The full Management Audit document, consisting of twenty-six (26) pages, was based upon 42 interview sessions; 5 telephone calls; follow-up e-mails; multiple documents cited in the report; approximately 80 people (duplicated count) contacted in the process; and the review of videotapes of 12 full board meetings from the previous year.

No representative of the district or local board attended the KBE meeting at which the district was designated as "state assisted". The district, by the unanimous vote of the local board, did not contest the commissioner's recommendation for state assistance. The district did not request a hearing to contest the facts established in the Management Audit. Accordingly, the first

factor recited in KRS 158.785, the existence of a pattern of a significant lack of efficiency and effectiveness in the governance or administration of the school district, is established.

Since the designation of the district as “state assisted,” the district has failed to develop and implement a plan to correct the deficiencies found in the Management Audit and has failed to improve the governance or administration of the school district.

KRS 158.785 required the KBE to promulgate an administrative regulation establishing a procedure for considering a recommendation to declare a district “state assisted” or “state managed.” In compliance with KRS 158.785, the KBE promulgated 703 KAR 3:205. 703 KAR 3:205 explains that the comprehensive audit of a district with critically ineffective or inefficient management includes the on-site review, investigation, and analysis of planning, operational support, fiscal management, personnel administration, and instructional management.

The Management Audit, in reviewing planning (703 KAR 3:205(2)(2)(a)), noted that the district’s finance office had been a source of instability. At the time of the Audit, Wolfe County personnel were performing the functions of the finance officer and there was no expectation regarding the duration of their involvement or regarding training that would permit district staff to assume those duties. The Management Audit noted a disconnect between activities at the district’s central office, the activities of the local board, and the needs of the students and the schools. The local board discontinued the videotaping of board meetings and the posting of board meeting videos. The Management Audit noted that this discontinuation conflicted with the district’s obligation to provide for the public review of the actions of the local board and of the administration of the district. The Management Audit identified a deep divide in the district between those who supported the district’s former superintendent and those who supported the then-interim superintendent, and the fear that jobs were on the line as a result. The Audit team was confronted with interviewees who requested anonymity for fear of retribution, and other interviewees cited the same concern in asking to be interviewed away from the district’s central office.

The district has failed to develop and implement a plan to correct planning deficiencies identified in the Management Audit. The district has made no plan that permits the exit of Wolfe County employees from the district and has made no plan regarding the duration of the support that the Wolfe County employees are presently providing to the finance officer. The district has failed to provide for the public review of the actions of the local board, and has not resumed the videotaping and posting of board meetings. The district still lacks an effective plan for the regular communication of roles and responsibilities. The divide between those who supported the district’s former superintendent and those who support the present superintendent, and the fear that jobs were on the line as a result, have not been addressed in any fashion. Lingering issues that negatively impact the district, to the extent of impeding the movement of student achievement forward, are hiring/staffing, inconsistent or non-existent repeatable processes, and the culture/environment created by controversy of perceived allegiances and retribution, broken trust and lack of belief that anything will get better without intervention.

The Management Audit, in reviewing operational support (703 KAR 3:205(2)(2)(b)), noted that no interviewee identified the comprehensive district improvement plan as the strategic

plan to guide district decision-making. The district had one maintenance person. Transportation system staffing required the transportation director (who was also the DPP, the safe schools coordinator, the district health coordinator, and the chemical hygiene officer for the high school) to function as the bus driver trainer and as a bus driver. The Management Audit found that the mechanic also drove a bus daily. For context, note that KDE recommends one technician (mechanic) to every 20-25 buses for a properly functioning bus garage. At the time of the Audit, the district had 23 buses, which required one full-time mechanic. The mechanic performed mechanic work for six hours per day and drove a bus for two hours per day during the school term. In the summer months he worked full-time as a mechanic. At the time of the Management Audit, the district did not have a physical bus garage, bus shelter, or bus lift. The Audit noted that the food service director was a relative of the district's former superintendent, and moved from the district's central office to the elementary school to participate in grant implementation. Although directed by the then-interim superintendent to relocate back to the central office for the duration of the Audit, the food service director did not do so. The Audit noted that the district had no protocols for who had keys to district buildings, and also noted the use of the Old Botts School, which is owned and maintained by the district, for community events. The operational support section of the Management Audit noted that the principal of the elementary school stated that the principal expected to be "gone" if the then-acting superintendent was hired permanently.

The district has failed to develop and implement a plan to correct operational support deficiencies found in the Management Audit. The district still has only one maintenance person. The transportation director continues to serve multiple roles, but for that of the district health coordinator. The transportation director is also the Director of Pupil Personnel, who must devote his entire time to the duties of the office. KRS 159.140(a). KRS 159.140(2) requires the superintendent to notify the commissioner of any waiver of this requirement, and the superintendent has not done so. The district still lacks a full time mechanic. The district still does not have a physical bus garage, bus shelter, or bus lift. The food service director still maintains an office at the elementary school. The district has not established protocols for who has keys to buildings. The district continues to permit the use of the Old Botts School, which is owned and maintained by the district, for community events. The principal of the elementary school proved to be prescient, and was demoted on May 6, 2015.

The Management Audit, in reviewing fiscal management (703 KAR 3:205(2)(2)(c), noted that the district had no leader of the financial management system. Most job duties of the finance officer and payroll clerk were being performed by staff from the Wolfe County district. District staff directed questions about finances to these out-of-district employees. The district's finance officer, who had no education in accounting or finance, was unable to provide basic financial information. The FY 15 working budget was prepared by contracted finance staff, with no participation by the finance officer. The district's finance officer could not obtain a fidelity bond and, per KRS 160.560, could not serve as the local board treasurer. The finance officer resigned as board treasurer and was replaced in that role. The Audit noted that the Wolfe County employees, performing many of the functions of the finance officer, were being paid through accounts payable instead of through payroll. Accordingly, these Wolfe County employees were not receiving proper service credit, nor was the district funding the employer matching retirement contribution. The Audit noted that current staff, including the finance officer and the

then-interim superintendent, were unable to read and interpret financial information regarding the district or to provide the “big picture” to management and to the local board.

The district has failed to develop and implement a plan to correct fiscal management deficiencies found in the Management Audit. In fact, some new problems have arisen. For example, the district was forced to rescind “pink slips” after learning that, for example, youth service center employees were governed by different rules. Wolfe County employees continue to perform most finance officer and payroll duties. The district has made no exit plan regarding the Wolfe County employees. The district has not addressed issues regarding the service credit or retirement issues of the Wolfe County employees. There is evidence of substantial non-compliance with wage and hour laws. The district has not made plans for the assumption of finance officer duties by district employees. The present board treasurer is unable to perform the duties of that office as listed in the job description for that role. The superintendent still lacks the capacity to read and to understand district financial reports.

The Management Audit, in reviewing personnel administration (703 KAR 3:205(2)(2)(d), implicated many of the issues identified as deficiencies in the fiscal management of the district. The Audit noted that the district lacked a recognized leader of the personnel administration system, but noted that the then-interim superintendent made decisions regarding hiring, transferring, and abolishing positions. There was no process for reviewing positions, and some employees received overtime pay for their regular job assignments because they filled both 4-hour and 6-hour positions simultaneously. The district lacked a transparent and consistent process for personnel transfers, which were made at the then-interim superintendent’s discretion. The Audit established that personal transfers had repeatedly been made prior to the creation of the position to which employees were transferred. The Audit established that the district filled vacant positions without regard for the most qualified individual. The Audit cited as an example the selection of the finance officer, who had no education in accounting or finance. The Audit determined that the lack of a systematic approach and the lack of structured policies and procedures surrounding the hiring and transfer of employees led interviewees to believe that acts of reward and punishment were prevalent in the district.

The district has failed to develop and implement a plan to correct personnel administration deficiencies found in the Management Audit. The superintendent continues to make decisions regarding hiring, transferring, and abolishing positions. The district still has no process for reviewing positions. Some employees continue to receive overtime pay for their regular job assignments because they fill both 4-hour and 6-hour positions simultaneously. The lack of a systematic approach and the lack of structured policies and procedures surrounding the hiring and transfer of employees continue to frustrate and frighten district employees.

The Management Audit, in reviewing instructional management (703 KAR 3:205(2)(2)(e), noted that the Supervisor of Instruction was solely responsible for the implementation of the Professional Growth and Effectiveness System (PGES.) The Audit noted that district leadership meetings had stopped. The Audit noted that all interviewees, aside from

the then-interim superintendent, spoke in depth to the culture of the district, characterizing staff morale as the lowest ever seen. The Audit identified a common consensus that the lack of collaboration between the then-interim superintendent and staff, the random actions of the board members, and the attempts of the board members to control day to day operations of the schools (i.e., lack of hiring processes, personnel information requests, open records requests, personnel demands/reprimands, complete lack of collaboration with decision making) created a daily fear of retribution for staff who disagreed openly with current practices. The Audit noted that district staff feared that this culture would invade classroom settings and negatively impact student learning.

The district has failed to develop and implement a plan to correct instructional management deficiencies found in the Management Audit. The Supervisor of Instruction is the only central office employee who is Teachscape certified. The district missed timelines established in the district's certified evaluation plan. District leadership meetings have resumed, but are held only monthly. The superintendent continues to serve as the SBDM coordinator. KDE has received repeated complaints and requests for assistance regarding SBDM elections in the district, and allegations of untoward influence. On May 12, 2015, the Menifee County Teachers Association identified the following issues that affect the district: lack of academic integrity; absence of shared responsibility with staff; lack of respect and shared vision for all staff; inappropriate staffing and use of staff; budget and salary (clarify how the district's system became financially troubled); and poor buildings and facilities. During the Audit, district staff expressed fear that the district's culture would invade classroom settings and negatively impact student learning. KDE staff has recently received emails from district staff indicating that students have now been drawn in to the adult issues that pervade the district. KDE staff has received recent reports of interpersonal conflicts between children regarding the administration of the district. KDE has also received recent emails regarding plans, thwarted by the now-demoted elementary school principal, for a student walkout to protest the demotion of that principal. Unfortunately, as the Audit Report noted, the elementary school was a pocket of success, with the growth of student achievement data suggesting that curriculum and instructional work with the teachers at the elementary school had an impact.

The pattern of a significant lack of efficiency and effectiveness in the governance or administration of the school district continues to exist, and the second factor recited in KRS 158.785 has been established.

The third and final factor in substantiating the need for state management is that state management must be necessary to correct the inefficiencies and ineffectiveness that plague the district. See KRS 158.785(5)(c).

The district did not request a hearing to contest the facts established in the Management Audit. In fact, the district, by the unanimous vote of the local board, did not contest the commissioner's recommendation for state assistance. The district thereby acknowledged the existence of a pattern of a significant lack of efficiency and effectiveness in the governance or administration of the school district.

Despite state assistance, the district has failed to correct the governance or administration of the district. The issues confounding the district now are virtually identical to those identified in the Audit. The district has failed to produce concrete plans that address, or even acknowledge, problems that interfere with the most basic functions of the district. The district has wasted the opportunity to manage the administrative, operational, financial, personnel, and instructional aspects of the management of the school district.

State management of the district is “necessary” (i.e., needed, essential, or indispensable) to restore the confidence of the students and communities served by the Menifee County Schools and to assure that every student has uninterrupted access to a safe, secure, and orderly school that is conducive to learning.