

# State Board of Education Notice to the Weldon City Board of Education of the Reasons the State Board is Considering Suspending the Weldon City Board's Duties

August 1, 2024

## A. Legal Authority

The State of North Carolina has entrusted broad authority to its State Board of Education to ensure that its citizens “have a right to the privilege of education,” and the State Board of Education is charged, in large part, with carrying out “the duty of the State to guard and maintain that right.” N.C. Const. Art. I, § 15. Further, Article IX, Section 5 of the North Carolina Constitution imposes upon the State Board of Education the duty and authority to “supervise and administer the free public school system[.]” In 1997, in upholding the State Board’s constitutionally prescribed obligations, the North Carolina Supreme Court held, in the case of *Leandro v. State (Leandro I)*, that the State Board of Education has the duty to ensure that public school students are provided the opportunity to receive a “sound basic education.”

In order to carry out its oversight responsibilities, the North Carolina General Assembly has provided the State Board of Education with tools to ensure that students’ right to a “sound basic education” is preserved. General Statutes Section 115C-105.39(d) allows the State Board of Education to suspend the duties of a local board of education to the extent it deems it “necessary or appropriate to improve student performance” if (1) more than half the schools in the district have been identified as low-performing, (2) the State Board has appointed an interim superintendent, and (3) the local board “has failed to cooperate with the interim superintendent or has otherwise hindered the ability to improve student performance in that local school administrative unit or in a school in that unit[.]” Section 115C-105.39(d) further dictates that “The State Board shall perform all of the these assigned powers and duties for a period of time to be specified by the State Board.”

Prior to suspending a local board’s powers and duties, 16 NCAC 06G .0309 requires the SBE to “provide written notice to the local board of the reasons for which it is considering suspending those powers and duties. If the local board fails to remedy the reasons presented to it by the SBE within 60 days after receiving written notice, the SBE shall enter an order that incorporates the reasons for suspending the powers and duties, the efforts that the local board has made to remedy those reasons, and the period of time during which those powers and duties shall be suspended. Within the first 45 days following the SBE’s notification to the local board, the SBE shall provide the local board an opportunity to present a response in an attempt to reach agreement.”

## **B. Areas of Concern**

The State Board of Education has identified several specific areas of acute concern with the operation and academic performance of Weldon City Schools, to include the following:

- 1. Continually Low-Performing Academic Status.** The student achievement scores of Weldon City Schools have put the district in “low-performing” status for all but one of the last five years, which means that the school district is in “continually low-performing” status. Initial analysis of the test scores for the 2023-24 academic year continue to show exceptionally poor academic performance by the school district, with passage rates as low as 20% to 30% in some grades or classes. The primary mission of the school district is to educate students. Evidence shows that this is not happening for a significant majority of students in the Weldon City Schools. This is unacceptable to the State Board of Education, the State Superintendent and the Department of Public Instruction under her supervision. It should also be unacceptable to the Weldon City Board of Education.
- 2. Frequent Turnover and Buyouts of Superintendents.** The State Board and Superintendent of Public Instruction are aware of the frequent turnover in superintendents for the school district. The last two permanent superintendents for the district each served for less than a year, 5 months and 10 months respectively, before their contracts were “bought out” by the local board at a total cost of approximately \$300,000 of local funds—funds that were not spent on students.
- 3. Inability to Attract and Retain Quality Administrative Employees.** The school district has also been unable to find or retain quality permanent employees for key staff positions, including most recently those of superintendent, finance officer, director of human resources, executive director of exceptional children, director of curriculum and instruction, and principal of the elementary school. In the spring of 2024, there were vacancies in all of these positions. Some of them were filled temporarily with interim employees who would soon be vacating the positions.
- 4. Refusal Without Cause to Approve Personnel Recommendations by Interim Superintendent.** Interim Superintendent Dr. Rodney Shotwell was brought on by the Weldon City Board in April of 2024. Dr. Shotwell’s recommendations to the Weldon City Board to fill the vacant administrative positions listed in item #3, except that of superintendent, were all voted down by the Weldon City Board of Education at its June 20 meeting without any rational or acceptable explanation

being given by the Weldon City Board of Education. Those positions currently remain vacant, except those of the executive director of exceptional children and the executive director of curriculum and instruction, which were filled at the Weldon City Board's July 18 meeting. This leaves many of the key leadership positions in in the district unfilled with only a few weeks left to prepare for the opening of Weldon City Schools on August 12 This is an urgent problem that needs to be addressed.

5. **Financial Concerns.** In addition to the wasteful use of money to buy out two superintendents in the last few years, the State Board has significant concerns about the ongoing poor fiscal management of the schools. When Dr. Shotwell took office, he discovered that there were several individuals being paid as district employees for Weldon City Schools and who were cashing their paychecks, but who never came to work and were not performing any duties for the school district. Further, the district has several contracts with outside vendors to provide online instructional support for teachers. Dr. Shotwell has indicated that these contracted services have either not been used or have been rarely used by teachers. At the Weldon City Board's June meeting, Dr. Shotwell recommended that these contracts be terminated as they are unnecessary and wasteful. The local board specifically discussed an ongoing online subscription purchased by the human resources department three years ago, which was renewed annually but never used. The local board declined to terminate those contracts.

Further, at the Weldon City Board's June 20 meeting and the July 8 specially called meeting, Dr. Shotwell recommended several contracts that he felt would improve instruction and operation of the school district, including a school improvement and leadership coaching model with Educentric, and an Education Staffing Solutions contract to provide substitute teaching services for the 2024-25 school year. The Weldon City Board tabled these proposed contracts and has not yet acted upon them.

### **C. Factual Findings**

On July 11, 2024, the State Board of Education appointed Dr. Shotwell as the State Board's Interim Superintendent pursuant to its authority under N.C General Statutes Section 115C-105.39 because the local board was not following his sound recommendations.

Since Dr. Shotwell's appointment as the State Board appointed Interim Superintendent, the Weldon City Board has continually failed to cooperate with him and has otherwise hindered the ability to improve student performance in the Weldon City Schools.

The Weldon City School's low-performing academic status and the financial disarray of the school district come down to the failure of the Weldon City Board of Education's to find, hire, retain, support and/or show respect for qualified personnel and to let those quality staff members who are in place do the jobs for which they were hired, free from harassment, micromanagement, and interference.

Dr. Shotwell is an experienced and strong leader, with over 23 years of experience as a local school superintendent in North Carolina. During that time Dr. Shotwell was named North Carolina Superintendent of the Year. Dr. Shotwell was able to bring in a quality experienced Interim Human Resources Director, who not only was an experienced and respected Human Resources Professional, but also an experienced local superintendent. The Interim Human Resources Director has indicated his intent to resign out of frustration, due to perceived harassment and lack of support by the Weldon City Board. These actions by the Weldon City Board cannot continue.

Over the last six months, the State Board has convened a working group, consisting of State Board members Alan Duncan, Wendell Hall, and Jill Camnitz, as well as State Board General Counsel, to work with the Weldon City Board. The working group has spent a significant amount of time meeting with the Weldon City Board, interviewing potential interim superintendent candidates, and monitoring the local board meetings trying to work with the Weldon City Board to get the local board to make the necessary improvements. Further, DPI has assigned additional coaching and support staff to try and help the district improve its academic standing.

Beginning at the June 20 meeting of the Weldon City Board, where the local board failed to approve Dr. Shotwell's personnel recommendations and to terminate wasteful contracts, the cooperation between the Weldon City Board, the Interim Superintendent, and the State Board working group has essentially ceased. Because of the local board's failure to work with the Interim Superintendent, the members of the working group and SBE General Counsel met with the Weldon City Board on July 9, 2024, in Weldon at a specially called meeting of that local board. At the meeting, the working group expressed its intent to recommend to the full State Board that it appoint Dr. Shotwell as the SBE's Interim Superintendent in Weldon City because of the local board's failure to cooperate with him. Instead of accepting responsibility for its failures, the Weldon City Board demanded that the State Board allocate additional funds to the local district to pay for Dr. Shotwell's contract and insisted that it would not allow local funds to be used pay Dr. Shotwell to keep him at the same salary level that the Weldon City Board had negotiated. The State Board members indicated that no additional allocations would be made by the State Board to the local board and that the local board was expected to provide the funds already allocated in its budget to keep Dr. Shotwell at the same salary. A local board representative said to SBE Vice Chairman Alan Duncan in public session, "I'm disappointed in you" in response to indication that no additional funds would be allocated. The comments from the local board did not center around the academic and other needs of students, but about funding issues and local authority. There was also no

indication that the local board intended to cooperate with the State Board or the Interim Superintendent to improve student outcomes.

Following the July 9 meeting, the State Board has received two written communications from the Weldon City Board's attorney. The first was a letter that threatened litigation against the State Board if it attempted to take local funds to pay Dr. Shotwell's salary. The second was to communicate back to the SBE, in response to a proposed transfer of funds to the DPI to pay Dr. Shotwell's salary, that it was important to the local board that it not continue use local funds to pay any part of Dr. Shotwell's salary although the use of local funds to pay Dr. Shotwell that had already been provided for in the Weldon City budget. The local funds at issue amounted to only approximately \$2,500-\$3,000 per month.

This is not the conduct of a board that understands the critical and pressing need to improve student performance or accepts responsibility by working with the State Board to remedy the failures that led to the dire situation that the Weldon City Schools are currently facing. It is the result of the Weldon City Board's lack of cooperation and failure to accept responsibility for the situation in which it finds itself that leave the State Board no other option than to provide this Notice and move to the next statutory step of intervention.

#### **D. Expectations of the Weldon City Board of Education Members**

In order for the Weldon City Board members to avoid suspension of their duties by the State Board of Education in 60 days, the Weldon City Board members must:

##### **General**

1. Approve recommendations made by the Interim Superintendent unless there is documented, legally defensible, good cause reason for refusing to approve them.
2. Treat all individuals, staff members, and other board members with respect in both the open and closed sessions of board meetings and while engaging in school business.
3. Undergo training on the policy and oversight role of the local board, as well as the authorities and duties of the superintendent and other school officials. (The two board members who have been absent from board meetings for the last several months due to illness are exempted from this requirement as they have not participated in the last several problematic meetings.)
4. Refrain from issuing directives to individual staff members.
5. Refrain from undermining the Interim Superintendent or district staff with the community, students, or other staff.
6. Avoid engaging in nepotism or cronyism by attempting to get the Interim Superintendent to make decisions and recommendations to benefit relatives or friends.

## **Academic**

7. Make all decisions in the best interests of students with a focus on the academic improvement of all students.
8. Cooperate with the State Board of Education and the Interim Superintendent in approving and implementing recommendations designed to improve the instruction being provided by Weldon City Schools.

## **Financial**

9. Make sound financial decisions based upon the objective needs of the district.
10. Agree to terminate contracts that are not financially beneficial to the district, as recommended by the Interim Superintendent.
11. Enter into contracts recommended by the Interim Superintendent which will improve efficiency in the operation of the school district.
12. Work to support Dr. Shotwell's continued employment as Interim Superintendent for Weldon City Schools.
13. Continue to reimburse Dr. Shotwell for his expenses incurred in providing services to the district, consistent with the hotel and mileage charges provided in the Weldon City Board's March 26, 2024, contract with Dr. Shotwell.

## **Personnel**

14. Hire the best qualified persons who apply or can be recruited for positions, as recommended by the Interim Superintendent.
15. Refuse to retain individuals who are not successful or productive in their positions.
16. Refrain from recommending unqualified persons for positions.
17. Abstain from conducting their own "personnel investigations." This is job of the Interim Superintendent and his staff and is not appropriate for Board members to conduct.
18. Undergo training on the proper and legal role of local board members in personnel matters and follow the training. (The two board members who have been out the last few months due to illness are exempted from this requirement as they have not been present in the last several problematic meetings.)

The Weldon City Board shall be given an opportunity to appear before the State Board of Education within 45 days of this notice to provide a response to these areas of concern in an attempt to reach an agreement.

Adopted by the State Board of Education, this 1st day of August 2024.

NORTH CAROLINA STATE BOARD OF EDUCATION

\_\_\_\_\_ (SEAL)

By: Eric C. Davis

Chairman

Date: \_\_\_\_\_

Attested To:

\_\_\_\_\_ (SEAL)

Catherine Truitt

Superintendent, Department of Public Instruction

Date: \_\_\_\_\_