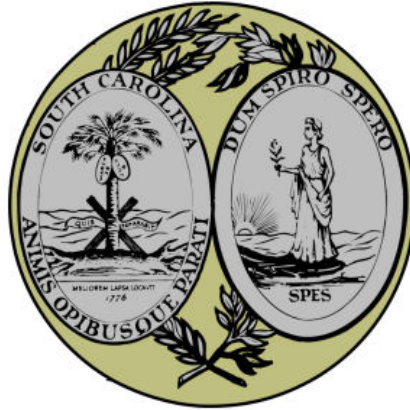


Office of the Inspector General

Brian D. Lamkin



Review of Richland School District Two: Operations, Fiscal Affairs, Human Capital and Board of Trustees

I. Introduction

The South Carolina Office of the State Inspector General (SIG) was established by the South Carolina General Assembly in 2012 (Act No. 105) for the purpose of investigating and addressing allegations of fraud, waste, abuse, mismanagement, misconduct in agencies, specifically the executive branch of state government.

The SIG's authorities are found in [South Carolina Code of Laws, §1-6-10 et seq.](#) In 2022, the South Carolina General Assembly passed S. 202 (Act No. 223) which expanded the SIG's authority, with limitations (§1-6-35), to investigate public schools and school districts, public charter schools and authorizers, and voluntary associations that establish and enforce bylaws or rules for interscholastic sports competition for public secondary schools.

On [6/22/22](#), South Carolina Governor Henry McMaster requested the SIG to conduct an investigation of the Richland School District Two (District) and its Board of Trustees (Board) regarding allegations of potential mismanagement, misconduct, and organizational or institutional dysfunction by the District's elected and appointed leadership.

The purpose of this report is to provide a road map for the District's leadership and its Board to improve in its delivery of quality education to its students in a unified effort. This investigation focused on the broader issues confronting the District in the areas of operations, fiscal affairs, and human capital. The report is not intended to address every individual complaint or issue conveyed to the SIG.

The SIG extends its appreciation to Superintendent Davis, District staff, and members of the Board of Trustees for their cooperation and intentionality of seeking solutions to the issues identified by the SIG. The SIG also extends its appreciation to current and former teachers and administrators, and to the parents and constituents in the District for the candor, courage and valuable input provided to the SIG during this investigation.

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[District and Board Response](#)

II. Background

A. Predicate

By letter dated [6/22/22](#), South Carolina Governor Henry McMaster requested the Office of the State Inspector General (SIG) to initiate and conduct an investigation, review, and analysis of Richland School District Two (District) in connection with various allegations and concerns regarding potential mismanagement, misconduct, violations of state or federal law, or wrongdoing.¹ Specifically, parents and constituents relayed various complaints and communicated allegations reflecting organizational or institutional dysfunction by the District's elected and appointed leadership. (See [Appendix A](#))

B. Scope and Objectives

The scope of the District investigation covered the period of 7/1/18 – 6/30/22, and examined the effectiveness and efficiency of District operations, fiscal affairs, and human capital. In addition, the investigation focused on the District's Board of Trustees (Board) for leadership-related matters that negatively affected the District's ability to conduct, manage, and oversee its affairs in an appropriate and effective manner. The period of review for the Board covered the period of 7/1/18 through the public release date of this report on 11/3/22.

C. Methodology

The SIG reviewed relevant documentation comprised of reports, financial records, emails, and text messages that encompassed 85,814 files and 19.4 gigabytes of information provided in discovery by the District, the Richland School District Two Foundation, and other non-District entities.

The SIG conducted more than 90 interviews of District staff and Board members under oath, members of the public, subject matter experts, and persons who initiated confidential contact with the SIG. In addition, the SIG reviewed applicable state and federal laws, regulations, and policies.

Reviews and investigations by the SIG are conducted in accordance with professional standards set forth by the Association of Inspectors General's *Principles and Standards for Offices of Inspector General*, often referred to as the "Green Book." This investigation used the preponderance of evidence standard.

D. Richland School District Two

The District provided a broad range of general and specialized educational services and instruction for students in pre-kindergarten through grade twelve in 20 elementary schools, seven middle schools, five high schools, four magnet centers, one child development center, one alternative school in Richland County, and the W. R. Rogers Adult Education and R2i2 Student Innovation Centers. The District received funding through state appropriations, federal government programs and its local tax base. During the 2021-22 school year, the Day-45 enrollment for the District was 28,349 students, 55.6% of whom were pupils in poverty.

Dr. Baron R. Davis began his term as District superintendent on 7/1/17. For the 2022-23 school year, Dr. Davis supervised 4,793 staff, including 2,081 certified teachers and 2,712 administrative and support staff.

¹ Pursuant to Act No. 223 (SC Code of Laws §1-6-35) the Governor may request the Inspector General to investigate a public school district.

E. Board of Trustees

The District was governed by a Board of Trustees (Board) comprised of seven (7) at-large members elected to four-year terms. Following the November 2020 election during the 2020-21 school year, the Board was constituted as follows:

Trustee	Term
Mrs. Lindsay Agostini	2016-2020; 2020-2024
Dr. Cheryl Caution-Parker, Ed. D.*	2014-2018; 2018-2022
Dr. Teresa Holmes, Ed. S., Ed. D.	2018-2022
Mr. James Manning *	2010-2014; 2014-2018; 2018-2022
Mrs. Lashonda McFadden	2020-2024
Mrs. Amelia McKie *	2014-2018; 2018-2022
Dr. Monica Scott, Ed. D.	2012-2016; 2016-2020; 2020-2024

(*) Not running for re-election at the end of the term of office in November 2022

Dr. Teresa Holmes was Board chair for the 2020-21 school year. Mr. James Manning succeeded Dr. Holmes as Board chair for the 2022-23 school year beginning on 7/1/22.

III. District Operations

Examination of District operations concerned the delivery of academic instruction to students and related matters.

A. Strategic Plan

The District's "[Pathway to Premier](#)" was the strategic plan for the 2021-22 school year. The strategic plan was prepared by staff and presented to the Board for review and approval in 2018.

Pathway to Premier consisted of achievement, talent, and culture and environment goals for student outcomes, staff outcomes, and community outcomes. The goals centered on the District's core values of learning, character, community, and joy. Examples of these goals are set forth below:

- Achievement goal for learning: *"Richland Two will work to ensure success for all partners by preparing them for their futures."*
- Student outcomes goal: *"Our students perform among the highest scorers in the nation on key measures of success."*
- Staff outcomes goal: *"Our staff participates in on-going, relevant professional learning experiences."*
- Community outcomes goal: *"We collaborate with our partners to provide learning opportunities for community members."*

The remaining goals and outcomes for achievement, talent, and culture and environment within the areas of learning, character, community, and joy were similar in format as the achievement goal for learning. Best practices for the creation of strategic plans recommend that goals and objectives/outcomes be specific, measurable, attainable, relevant, and time bound (SMART). While the goals and objectives were broadly defined and aspirational, the SIG assessed that the goals contained in the strategic plan were neither specific, measurable, nor time bound. (See [Appendix B](#))

The District advised the SIG it has initiated a comprehensive development on the next five-year strategic plan in collaboration with Scholar First, Inc. that includes SMART goals. This endeavor encompasses the following teams:

- District Planning Team meets twice a month and makes high-level decisions on strategic planning strategies. It is comprised of the District’s senior leadership and chiefs along with school principal representatives.
- District Leadership Team refines the vision and goals of the District Planning Team and includes teacher representatives.
- Core Planning Team is a broad group of 40 individuals that meets monthly and provides ongoing feedback and input on the strategic planning process. The team is comprised of students, parents, community partners, classified staff, District leadership and academic representatives.
- Instruction Planning Team
- Student Advisory Group

B. District Report Card

The Every Student Succeeds Act requires state education agencies, e.g., the South Carolina Department of Education (SCDE), to prepare and disseminate an annual state report and local education agency report card that meet the minimum requirements prescribed in federal law. The report cards provide information about each school and district, including test performance, teacher qualifications, student safety, awards, and parental involvement.

On 3/26/21, the U.S. Department of Education waived federal accountability requirements and granted flexibility in administering assessments due to COVID-19. As a result, some data may be missing. For the 2021-22 school year, the District’s report card reflected the following overall student performance in academic achievement, compared to the state average:

Overall Student Performance	District	State Average
SC Ready English Language Arts (Reading and Writing) (percent met or exceeded)	49.4%	46.6%
SC Ready Mathematics (percent met or exceeded)	40.5%	38.9%
End-of-Course Assessment Results in English 1 (scoring C or higher)	54.2%	57.9%
End-of-Course Assessment Results in Algebra 1 (scoring C or higher)	46.1%	44.2%

The on-time graduation rate for the District for the 2021-22 school year was 85.1%, which exceeded the state average of 83.8% though it steadily declined to the lowest graduation rate of the four-year period. The District's four-year cohort graduation rate was:

District Four-Year Cohort Graduation Rate

Comparison	2019	2020	2021	2022
Richland Two	88.9%	88.8%	86.6%	85.1%
State	81.1%	82.2%	83.3%	83.8%

On 9/6/22, the SCDE released the results of the spring 2022 SCPASS and SCREADY assessments. SCPASS is the state science test and is administered in grades 4 and 6. SCREADY is given to students in grades 3 – 8 in English Language Arts (ELA) and math.

The tables below provide a summary of the District's student performance compared to the state averages for the last three school years that SCPASS, SCREADY, and EOCEP assessments were conducted. State testing was not conducted for the 2019-20 school year due to COVID-19 school closures.

For illustrative purposes, the SIG utilized a color-coded system to identify year-over-year trends in student achievements for the District. The color-coded key utilized is described as follows:

- GREEN:** Increase over 2020-21 and 2018-19 (Pre-Pandemic)
- YELLOW:** Increase over 2020-21 but a decrease from 2018-19 (Pre-Pandemic)
- RED:** Decrease from 2020-21 and 2018-19 (Pre-Pandemic)

Table 1. Percent of Students Scoring Met or Exceeded Expectations on SCPASS Science

Year	4th Grade		6th Grade	
	District	State	District	State
2019	51.1	52	47	47.2
2021	40.8	43.7	39.5	42.1
2022	52.5	46.4	47.1	45.6

Table 2. Percent of Students Scoring Met or Exceeded Expectations on SCREADY ELA

Year	3rd Grade		4th Grade		5th Grade		6th Grade		7th Grade		8th Grade	
	District	State	District	State	District	State	District	State	District	State	District	State
2019	51.1	49.7	53.6	51.2	44.3	41	44.9	41	47	44	48.4	44.6
2021	42.3	43.3	41.1	46.1	36.4	38.9	42.8	41.8	49.3	42.5	45.8	41.9
2022	49.6	48	55.6	50.4	52.3	48.3	45	45.1	44.9	43.2	50.2	45.9

Table 3. Percent of Students Scoring Met or Exceeded Expectations on SCREADY Math

Year	3rd Grade		4th Grade		5th Grade		6th Grade		7th Grade		8th Grade	
	District	State	District	State	District	State	District	State	District	State	District	State
2019	62.1	57.7	53.4	50.5	51.1	45.4	45.2	43.9	32.3	35.5	39.9	36.6
2021	42.7	46.9	39.6	42	34.6	38.1	28.8	33.9	29.7	30.4	21.9	30.7
2022	54	51	45.8	43.1	46.7	43.3	36.3	35.7	29.3	30.9	31.3	30.2

The SIG noted the District’s SCPASS and SCREADY assessments demonstrated that students in grades four through six and the eighth grade had rebounded to pre-pandemic achievement levels in ELA and Science against a national backdrop of falling scores. The ELA and Science scores exceeded the state averages for all grade levels except the sixth grade (ELA). Math skills, which are difficult to learn through online teaching, did not reach pre-pandemic levels but exceeded state averages in five of the six grades tested.

The SCDE released the End of Course Examination Program (EOCEP) assessments on 9/19/22 for the 2021-22 school year. The EOCEP is the state-mandated end of course examination for Algebra 1, Biology, English 2, and U.S. History courses. The EOCEP score, except for U.S. History, constitutes 20% of the student’s final grade per state law. The following table provides a summary of the District’s student performance for the last three years of EOCEP assessments:

Table 4. Percent of Students Passing on the EOCEP Assessments

Year	Algebra 1		Biology		English 2		US History	
	District	State	District	State	District	State	District	State
2019	74.1	68.6	70.3	67.2	78.8	79	67.5	66.9
2021	65.3	61.5	56.9	57.3	85.7	83.5	53.5	58.2
2022*	67.3	65.9	53.9	57.4	85.8	84.3	50.3	56.5

**U.S. History was a field test and did not count towards 20% of the students’ final grade.*

On 9/19/22, the SCDE released the results of the 2021-22 school year WorkKeys assessment. WorkKeys is the state-mandated career readiness assessment given to all third-year high school students in three areas: Applied Math, Graphic Literacy and Workplace Documents. The new WorkKeys assessment was administered for the first time in 2021-22 school year. Based on how students scored on each section, they received an overall certificate if their scores qualified. The District achieved approximately the same percentage of students earning a certificate, as did students statewide.

Table 5. 2021-22 School Year - Percent of Students by Certificate Level- WorkKeys

	Platinum	Gold	Silver	Bronze	No Certificate
District	11.3	13	26.5	28.8	20.5
State	11.3	15.5	25.7	27.2	20.3

C. Delivery of Special Education Instruction

Special Education (SPED) instruction is delivered to qualified students in accordance with an individualized education program (IEP) plan and/or a “504 plan.” An IEP is a legal document created pursuant to the Individuals with Disabilities Education Act (IDEA) that ensures students with a learning disability are provided with a Free Appropriate Public Education (FAPE). Parents of qualified students, together with school district officials, create the IEP plan of specialized instruction and related services for the student.

Section 504 plans are created for qualified students pursuant to [Section 504 of the Rehabilitation Act of 1973](#) to protect the rights of individuals with physical disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.

The SIG determined the District served more than 3,700 SPED students on average for the school years of 2018-19 through 2021-22 as follows:

- October 2018 = child count of 3,740
- October 2019 = child count of 3,816
- October 2020 = child count of 3,690
- October 2021 = child count of 3,747

The SIG determined the SCDE received thirteen complaints over the four-year period concerning the delivery of SPED instructional services by the District. These complaints were investigated by SCDE.

Blythewood Academy and SPED instruction staffing

Blythewood Academy is a District alternative school where students are assigned up to 45 days to receive remedial education due to their removal from their District-assigned school for disruptive behavior. During the 2021-22 school year, two math teachers and one science teacher were reassigned to E.L. Wright Middle School and one business education teacher was assigned to Richland Northeast High School. In addition, in November 2021 a teacher and a teacher's aide were injured during a student altercation and unable to return to work. These positions remained vacant for the remainder of 2021-22 school year.

As a result, at least one class of students at Blythewood Academy received remote instruction via iTutor from November 2021 through the end of the school year while monitored by a non-certified staff member. Many of these students were covered by an IEP plan, and concerns were raised that the SPED instruction received by these students was insufficient due to the lack of in-person SPED teachers. When the delivery of special education instruction is deficient with respect to the IEP, the students should be provided with compensatory education, provided by the District at its expense.²

In January 2020, the District received a consultant's report [[*A Review of Instructional Services and Supports for Richland School District Two*](#)] that addressed instructional services with a particular emphasis on special education. The consultant found high attrition among SPED teachers, many of whom cited recurring challenges and difficulty with discipline/challenging behaviors and lack of administrative support. The consultant issued 70 recommendations based on findings, which included:

- Discrepancies existed between the specialists' official job descriptions and assigned duties/responsibilities.
- Administrators in the Instructional and Supports Department expressed concern over the inability of not providing the level of support requested by principals and special education teachers related to curriculum and instruction in the SPED classroom.
- SPED caseloads revealed significant discrepancies and inconsistencies in numbers of students assigned to teachers.
- SPED teachers were concerned principals did not consistently administer discipline to students and that disciplinary consequences were not consistent with the nature and severity of the infraction.
- SPED teachers used 36 different interventions/programs, which the consultant deemed an impossible number of programs to support and monitor.

² Bd. of Education of Oak Park & River Forest High School District 200 v. Toff, 79 F3rd 654 (7th Cir., 1996).

- Numbers of SPED students in classrooms varied significantly, with some numbers being too high for effective instruction to occur based on the severity and nature of the behaviors exhibited by the students.

The SIG verified the District initiated a reorganization of the SPED program management under a single authority that included an increase in SPED staffing. In addition, the SIG identified that none of the thirteen SPED complaints investigated by the SCDE related to the Blythewood Academy.

D. District – Community Relations

Transparency – Public access to District library catalog

On 11/17/21, the District instructed media coordinators throughout the District to remove guest access to library catalogs “as soon as possible.” The [11/17/21](#) email read as follows:

“Considering the political climate and scrutiny of school library collections, [name omitted], Richland two’s Chief Academic Officer, has asked that we remove guest access to prevent access by anyone outside of Richland Two who may have malicious intent in searching our library collections.”

A well-respected First Amendment attorney opined that removal of guest access was a reasonable exercise of discretion and governance by the District administration, particularly because the information sought by taxpayers and others was available through the Freedom of Information Act (FOIA). Parents retained access to the catalogs through their child’s student account.

The SIG concurs that District parents retained online access to the school library catalog through their child’s student account and that access to the school library contents remained available to the public through FOIA. Unfortunately, the distribution of the [11/17/21](#) email unnecessarily subjected the District to criticism about a lack of transparency and intent of persons searching the District’s library collections. The SIG found no evidence of “malicious intent” as described in the District email directing school media specialists to remove guest access to school library catalogs.

Toolkit for Concerned Parents

The superintendent and other senior staff referenced a “playbook” used by members of the public to disrupt public board meetings and collaborate with certain Board members to impede the business operations of the District. The superintendent provided the Manhattan Institute’s [Woke Schooling: A Toolkit for Concerned Parents](#) as evidence that a playbook literally existed.

The “Toolkit” raised concerns about “critical pedagogy” found in some public and private schools that involved concepts of addressing white supremacy and racism. Parents were encouraged to become more involved in their children’s education, to organize and respond to objectionable practices as a group, to offer a positive vision, and to take legal action where necessary.

The SIG’s review found that the practices advocated in the “Toolkit” were a legitimate exercise of First Amendment rights involving the responsibilities of parents.

E. Student Disciplinary Procedures

District officials stated that principals primarily address student discipline through a student discipline matrix/table to promote consistency and fairness. Student discipline was governed by District policies and related administrative rules that included:

Table A

District Policy	Administrative Rule	SC Code of Laws
Policy JI Student Rights and Responsibilities	AR JI-R Student Rights and Responsibilities	Title 59 – Education
Policy JICDA Code of Conduct	AR JICDA-R Code of Conduct (Levels I-III)	Section 59-19-90(3) - General powers and duties of school trustees - regulation of student conduct. Sections 59-63-210 through 280 - Grounds for which trustees may expel, suspend, or transfer pupils. Section 59-63-370 Student’s conviction or delinquency adjudication for certain offenses
Policy JICI Weapons in Schools		Section 16-23-420 - Possession of firearm on school property; concealed weapons. Section 16-23-430 - Concealed weapons, school property exception. Section 59-63-235 - Expulsion of student determined to have brought firearm to school. Section 59-63-370 - Definition of a weapon.
Policy JIH “Student Interrogations, Searches, and Arrests	AR JIH-R Student Interrogations and Searches	Section 59-24-60 - Requires administrators to contact law enforcement. Section 59-63-1110, et seq. - Search of persons and effects on school property.
Policy JKE Policy JKE Expulsion of Students	AR JKE-R Expulsion of Students	Section 59-19-90(3) - General powers and duties of school trustees to prescribe standards of conduct and the suspension or permanent dismissal of students. Section 59-63-210 - Grounds for suspension, expulsion, or transfer Section 59-63-235 - Expulsion of student determined to have brought a firearm to school. Section 59-63-240 - Expulsion hearings - times, procedures, and appeals.

The District’s “[discipline task force](#)” created a discipline guidelines table and published it to District staff by Pupil Services. Appeals of adverse rulings, primarily those resulting in expulsion or reassignment to the alternative school, may be appealed to the District’s hearing officer. An adverse ruling by the hearing officer may be appealed to the Board.

As set forth in Table A, the District policies governing student discipline are consistent with the SC Code of Laws that address student discipline matters, to include expulsion hearings, procedural matters, appeals, and general powers and duties of school trustees. The SIG, however, did not identify where the discipline guidelines table was incorporated into a District administrative rule or Board policy. The SIG recommends that the student discipline table be incorporated into an existing District administrative rule.

F. Findings and Recommendations – District Operations

Finding #DO-1: The District’s five-year strategic plan that included the 2021-22 school year contained goals that were neither specific, measurable, nor time bound. The SIG determined the District initiated a comprehensive strategic planning process for the new five-year strategic plan set to commence with the 2023-24 school year that will address specific goals and measurable outcomes. **No further action recommended.**

Finding #DO-2: The District did not identify a District administrative rule or Board policy adopting the student discipline guidelines table.

Recommendation #DO-2: The SIG recommends that a student discipline table be incorporated into an existing District administrative rule or Board policy.

IV. Fiscal Affairs

A. District Procurement Code

[South Carolina Code of Laws §11-35-5340](#) provides that school districts whose budget of total expenditures exceed \$75 million annually is subject to the Consolidated Procurement Code (CPC), except that:

“... if a District has its own procurement code which is, in the written opinion of the Division of Procurement Services of the State Fiscal Accountability Authority, substantially similar to the provisions of the South Carolina Consolidated Procurement Code, the District is exempt from the provisions of the South Carolina Consolidated Procurement Code...”

The District provided the SIG a [procurement code](#) it adopted in 2006. Neither the State Fiscal Accountability Authority’s Division of Procurement Services (DPS) nor the District were able to identify a written opinion from the DPS exempting the District from the CPC in favor of the District’s procurement code as required by SC Code of Laws, §11-35-5340. (See [Appendix C](#))

The SIG determined the District failed to comply with South Carolina Code of Laws §11-35-5340 by not having a written opinion from the Division of Procurement Services for its procurement code. Per the DPS website, 25 large school districts have adopted the [2021 Model School District Procurement Code](#) except for the District. (See [Appendix D](#))

Procurement process regarding the District’s custodial services contract

The District published an advertisement on the South Carolina Business Opportunities website on 3/24/22 to solicit proposals from qualified vendors for custodial services. On 5/4/22, SSC Services for Education (“[Service Solutions](#)”), the District’s contractor for custodial services for over two decades, submitted its proposal in response to the District’s request for proposal (RFP). (See [Appendix E](#))

Service Solutions’ proposal included the following statements:

- *In support of the Premier 100 Initiative at Richland Two, SSC will donate \$15,000 annually to aid in the strategic recruitment and retention of minority male teachers. At the Premier 100 Summit this November, all men of color educators hired at Richland Two this year will receive \$250. All retained Premier 100 men of color who renew their contracts with the district will receive \$200. The remaining funds will be used for future hires, recruiting events, and the next Premier 100 Conference recruiting event in March.*
- *Over the past five years we have contributed \$125,000 to the betterment of the community through the Richland School District Two. In the new contract the financial time and resource support that has empowered and improved the district will continue.*

Service Solutions pledged to make scholarship donations in the amount of \$25,000 annually, a total of \$125,000 for the life of contract, and \$15,000 annually to Premier 100, a total of \$75,000 for the life of the contract. The District awarded Service Solutions the custodial contract with an annual base value of \$9,762,192.

[South Carolina Code of Regulations §19–445.2165 \(A\) and \(B\)](#) states:

(A) “It is the policy of the State that a governmental body should not accept or solicit a gift, directly or indirectly, from a donor if the governmental body has reason to believe the donor has or is seeking to obtain contractual or other business or financial relationships with the governmental body.”

(B) “Prior to accepting a gift, care should be taken to determine whether acceptance of the gift will provide the donor, directly or indirectly, an undue competitive advantage in subsequent procurements.”

The SIG determined that the District did not comply with the South Carolina Code of Regulations §19–445.2165 (A) and (B) when it executed a contract with Service Solutions after receiving the promise of gifts.

In mitigation, the SIG determined the District adhered to its own internal procurement code, in that:

- The District used a competitive sealed proposal.
- The District published the RFP notice through the District’s e-procurement site.
- Proposals were opened publically.
- The District followed its procurement guidelines for scoring and ranking.

B. District Procurement Cards

The District failed to provide the SIG a procurement card policy. Instead, the District provided its [Financial Operations Procedure Manual](#) (finance manual) that included a section titled “District Procurement Card.” (*See Appendix F*)

The District’s finance manual defined a procurement card (P-Card) as “a form of district regulated charge card that allows goods and services to be procured without using the traditional purchasing process.” The SIG noted purchasing limits for District P-Cards were not listed in the District’s finance manual, which did not comply with the District’s procurement code. The District did not identify a central procedure for monthly review, approval, and reconciliation of P-Card statements. Instead, each school conducted, if at all, separate reviews of P-Card statements.

As of 6/30/21, the District had 198 P-Cards issued.³ The SIG reviewed the District’s P-Card reports listed on its website for fiscal years (FY) 2017-18 through 2021-22. The SIG analyzed a sample of 58 P-Card transactions for approvals and the nature of the purchase and vendor. The District’s online accounting system captures the account code for the expenditure, not on the supporting document.

The SIG determined items 1, 3, 4, and 5 did not have sufficient information to support the approval of the P-Card expenditures. Item 7 was determined to be for Board member travel and did not require an out-of-state travel approval form. Items 2 and 6 did not comply with the finance manual’s section entitled “State Contract Purchases” as those purchases were for copy paper and office supplies.

³ Source: Audit work papers for the District’s 2020-21 annual audit.

Table B

Richland School District Two Purchasing Card Transaction Review					
Item No.	Vendor	Date	Transaction Amount	Review Summary	Issue
1	Williams & Sonoma	3/14/2019	\$116.56	Merchandise	Lacked item description and purpose
2	Quill office supplies	4/29/2019	\$200.82	Copy paper	Improper use of P-Card and vendor, item under state term contract
3	Baltimore Orioles	5/22/2019	\$72.60	Tickets	No further information on purpose
4	Patriots Park	5/22/2019	\$130.00	Admissions	No further information on purpose
5	Lulu lemon	8/19/2019	\$873.12	Clothing	Lacked description and purpose
6	Quill	12/16/2019	\$712.68	Office supplies	Improper use of P-Card and vendor, item under state term contract
7	Marriott Marquis-Washington, DC	2/4/2020	\$927.64	Conference travel	Lacked out-of-state travel approval document*
8	SC Gov	8/14/2020	\$18,336.00	Engineering services	Approved by Will Anderson
9	HAPPEO OY	1/21/2022	\$91,979.00	Software	Improper use of P-Card
10	MIT Sloan MGT	1/12/2022	\$7,560.00	Executive training	Approved

(*) Board member travel – approval document is not required

The SIG noted the District had a P-Card issued under the name of “Accounts Payable” with a limit of \$225,000 as of 7/27/22. The District used the accounts payable P-Card for recurring monthly bills such as cellular phones and utility bills, as well as a foreign purchase of software for \$91,979 as demonstrated in Table B (Item 9).

Large purchases should require a procurement process involving, at a minimum, the use of purchase orders and a documented approval process. Recurring purchases, such as cellular phone bills and utility payments, should be processed through accounts payable.

The SIG determined the District did not have a P-Card policy. P-Card usage is an area susceptible to fraud, and strict controls should be in place to mitigate risk. Best practices for financial management establish limits for P-Card expenditures, restrictions on the type of vendors for which a P-Card may be used, restrictions on the number of P-Cards issued, and monthly reviews and reconciliation.

C. Human Resources Department Checkbook

The SIG identified a District checkbook was maintained by the Human Resources (HR) department for the payment of SLED background checks. The account maintained a maximum balance of \$500. The administrative assistant maintained the checkbook in a locked file cabinet. The signatories on the HR checkbook account included the HR senior chief and the HR executive director, which did not comply with District policies [DGA](#) and [DK](#) in that only the superintendent and the chief financial officer are “authorized signatures” on accounts payable checks.

- [Policy DGA](#) “Authorized Signatures,” states “*The superintendent and chief financial officer are authorized to sign payroll checks and accounts payable checks.*”
- [Policy DK](#) “Payment Procedures,” states, “*The district will make all payments for goods and services **only...** against invoices, properly supported by authorized purchase orders, or purchased using an authorized district procurement card against properly submitted vouchers covering authorized expenses.*”

The SIG further determined the check distribution process lacked external reconciliation and other internal control deficiencies. When this matter was brought to the attention of the District leadership the checkbook was removed from the HR department and the account was closed.

D. Richland School District Two Foundation

The Richland School District Two Foundation (Foundation) was a 501(c)(3) nonprofit corporation established on 8/1/2000. The District's website provided that the Foundation's objective was to "raise funds and promote educational programs for the district by soliciting and accepting donations from business groups, individual corporations, foundations and individuals-at-large. A community board, whose members serve one to three year terms, governs the foundation."

The [Foundation's Articles of Incorporation](#) filed with the South Carolina Secretary of State (SOS) on 8/1/2000 included the following information about the Foundation: (See [Appendix G](#))

- The Registered Agent was Stephen W. Hefner.⁴
- The nonprofit corporation was a public benefit corporation.
- The Foundation would not have members. The Foundation's by-laws also stated the Foundation "shall have no members."
- The address of the principal office of the nonprofit corporation was 6831 Brookfield Road, Columbia, SC 29206.⁵
- The remaining assets of the corporation were to be distributed to the schools in Richland School District Two.

The Foundation's most recent Form 990 [2020] filed with the Internal Revenue Service (IRS) stated that the Foundation's mission was "*To raise and promote educational programs for Richland School District Two.*"

The [Foundation's by-laws](#) indicated the Foundation would operate under the name "Richland School District Two Education Foundation," which was inconsistent with the name [Richland School District Two Foundation] listed on the IRS's tax determination letter nor did it agree with the Foundation's Articles of Incorporation filing with the SOS. The District was unable to identify a Memorandum of Understanding (MOU) or other operating agreement between the District and the Foundation that governed the use of District resources and personnel.

Checks payable to the District but deposited in a Foundation bank account

The SIG identified at least 35 checks (\$138,575.44) made payable to the District that were deposited into a Foundation bank account. In addition, District staff and equipment were used to make deposits and transfer requests from the District.

The SIG determined that deficiencies in internal controls allowed District funds to be diverted to the Foundation when checks made payable to the District were deposited into a Foundation account.

Foundation acceptance of gifts from District vendors

The District announced in a news release published on the District's website on 12/13/21, which included a picture of the superintendent, that:

- *Service Solutions, the district's custodial provider for almost a quarter of a century, continues to strongly support initiatives in Richland School District Two. Service Solutions*

⁴ On 5/15/15, the registered agent for the Foundation was changed to Harry W. Miley, the District's Senior Chief Officer for Finance & Operations.

⁵ District headquarters were located at 6831 Brookfield Road, Columbia, SC 29206 prior to re-locating to R2i2.

has donated \$15,000 to the PREMIER 100 Initiative. PREMIER 100 was created to broaden the diversity of male teachers of color in the classroom. It is the district's goal to recruit and retain 100 minority male teachers by the year 2024.

- *The generous donation from Service Solutions is providing new teachers recruited as part of the PREMIER 100 initiative small monetary bonuses for entering the teaching profession and for renewing their teaching contracts. Service Solutions has pledged continued support of this initiative.*

The SIG confirmed the \$15,000 check was deposited into a Foundation bank account on 10/22/21. The Foundation provided documentation to the SIG that indicated the deposit was made by District staff. On 11/5/21, the Foundation issued at least 49 checks⁶ totaling \$11,250 dollars to District employees in connection with the District's Premier 100 initiative.

The District did not confirm whether the bonuses or stipends paid to the Premier 100 cohorts were included as income on the employees' IRS Forms W-2 and whether the District withheld taxes from the income.

Diversion of District federal grant funds to a Foundation bank account

According to the District's finance manual, "*Richland School District Two is responsible for managing federal awards with fidelity. The District is responsible for developing internal procedures to ensure effective management of federal awards and compliance with the terms and conditions of the grant.*"

District [Policy DD](#) stated, "*All grants sought by the district will be coordinated through the director of grant initiatives or the superintendent's designee, reviewed by the chief financial officer, and approved by the superintendent.*"

The U.S. Department of Health and Human Services (HHS) awarded the District a five-year Drug-Free Communities Grant that totaled \$625,000 over a five-year period beginning in FY 2014-15 and ending in FY 2018-19.

According to the Notice of Award documents, "The Drug-Free Communities (DFC) Support Program was a collaborative effort between the Office of National Drug Control Policy (ONDCP) and the Substance Abuse and Mental Health Services Administration (SAMHSA)." The ONDCP issued grant awards to community coalitions through an interagency agreement with SAMHSA.

Per the Drug-Free Communities Act of 1997, the purpose of DFC funding was to address two major goals: (1) establish and strengthen collaboration among communities, public and private non-profit agencies, and federal, state, local and tribal governments to support the efforts of community coalitions, and (2) reduce substance use among youth and, over time, among adults.

The grant required the applicant to demonstrate, "*that the coalition is an ongoing concern by demonstrating that the coalition is a non-profit organization or has made arrangements with a legal entity eligible to receive federal grants.*" The grant also required a statement of legal eligibility and a signed Assurance of Legal Eligibility or MOU between the applicant coalition and the grantee/legal applicant. On 2/24/14, the District entered into a MOU with the [Project Care Coalition](#) ("Coalition"), not the Foundation. The superintendent at that time and a representative for the Coalition executed the agreement.

The SIG confirmed with HHS that the District was awarded the DFC grant under the District's federal employer identification number (EIN). Additionally, the SIG confirmed through the HHS payment management system

⁶ The SIG determined only 49 checks cleared the Foundation's bank account.

on 9/13/22, the bank account information for the DFC grant was updated on 4/28/15 (no further information identified). As noted in Table C below, expense reimbursements claimed by the District were distributed by automated clearinghouse (ACH) payments to the Foundation bank account at Wells Fargo Bank, N.A., following the bank account update on 4/28/15.

The SIG identified delays in repayments of the federal grant funds from the Foundation to the District. The number of days lapsed between the Foundation's receipt of HHS funds and date of the check transferring funds from the Foundation to the District are illustrated in Table C.

Table C

Date Foundation received funds from HHS	Amount Foundation received from HHS	Date of Check from Foundation to District	Check No.	Amount Foundation disbursed to District	Days Lapsed
05/04/15	\$ 37,328.71	06/22/15	1792	\$ 37,328.71	49
06/24/15	\$ 18,550.80	09/15/15	1798	\$ 18,550.80	83
08/17/15	\$ 22,083.82	09/15/15	1798	\$ 22,083.82	29
09/16/15	\$ 4,635.34	10/20/15	1808	\$ 4,635.34	34
01/15/16	\$ 26,831.72	02/17/16	1829	\$ 26,831.72	33
03/23/16	\$ 12,165.40	04/13/16	1834	\$ 12,165.40	21
08/22/16	\$ 72,723.87	09/26/16	1892	\$ 72,723.87	35
10/17/16	\$ 35,572.32	05/01/17	1915	\$ 35,572.32	196
02/03/17	\$ 26,884.16	05/01/17	1916	\$ 26,884.16	87
04/18/17	\$ 35,111.78	08/28/17	1977	\$ 35,111.78	132
07/29/17	\$ 44,939.76	08/28/17	1978	\$ 44,939.76	30
11/06/17	\$ 21,361.08	04/23/18	2035	\$ 21,361.08	168
02/12/18	\$ 35,790.70	04/23/18	2036	\$ 35,790.70	70
04/20/18	\$ 32,818.93	05/22/18	2173	\$ 32,818.93	32
07/31/18	\$ 37,659.71	08/21/18	2202	\$ 37,659.71	21
08/28/18	\$ 320.00	02/06/19	2238	\$ 320.00	162
10/31/18	\$ 33,336.71	02/06/19	2238	\$ 33,336.71	98
01/18/19	\$ 45,547.77	05/22/19	2287	\$ 45,547.77	124
04/26/19	\$ 33,796.99	05/22/19	2287	\$ 33,796.99	26
07/30/19	\$ 27,836.61	10/28/19	2336	\$ 27,836.61	90
10/11/19	\$ 19,703.82	11/30/20	2450	\$ 19,703.82	416
Total Amount:	\$ 625,000.00			\$ 625,000.00	

As illustrated in Table C, the final electronic payment the Foundation received from HHS occurred on 10/11/19 in the amount of \$19,703.82. The Foundation did not issue a check to the District for the \$19,703.82 until 11/30/20 [416 days later]. The SIG calculated the average amount of days between the date the Foundation received funds from HHS and the date the Foundation issued a check to the District was 92 days.

The District did not make a determination and assessment of the Foundation as a component unit with its external auditors, which is defined in Statement No. 14⁷ of the Governmental Accounting Standards Board (GASB) as:

⁷ Also see GASB Statement No. 39, which is an amendment of GASB Statement No. 14 (issued 5/02)

“Component units are legally separate organizations for which the elected officials of the primary government are financially accountable. In addition, component units can be other organizations for which the nature and significance of their relationship with a primary government are such that exclusion would cause the reporting entity’s financial statements to be misleading or incomplete.”

Foundation’s failure to conduct annual audits

The SIG determined the Foundation did not conduct an annual audit nor did it provide an annual audit to the District superintendent as required by the Foundation’s by-laws.

Because the federal funds were deposited into a Foundation account, the grant funds were not included as part of the District’s single audit, which contains a schedule of expenditures of federal awards the District receives each year. The HHS relied on the District’s external audits, and, therefore, did not conduct its own audits.

Foundation receipt of SC CARES funding

On 11/1/20, the Foundation applied for [SC CARES](#) funding and included the District’s federal grant money for 2019. The Foundation reported a \$168,776 loss in gross receipts, which included \$81,337.42 of federal grant dollars awarded to the District, not the Foundation. Consequently, the Foundation received the maximum award of \$50,000 made by the state for SC CARES funding to nonprofit organizations. On 12/31/21, the Foundation issued a check in the amount of \$50,000 to the Central Carolina Community Foundation.

The SIG determined the Foundation overstated its gross receipts by at least \$81,337.42 in its application for SC CARES funding.

Teacher grant donations diverted to a Foundation bank account

According to a news release posted on the District’s website on 10/26/17, the Sparkleberry Country Fair presented a \$25,000 check to “Richland Two Superintendent Dr. Baron Davis” for teacher grants. The news release stated the grant funds would be used for 40 teacher projects that included the purchase of ukuleles at Rice Creek Elementary, Sphero Robots at Summit Parkway Middle, World War I memorial supplies at Dent Middle School, and Markerspace labs for several schools.

The SIG determined the \$25,000 check from the Sparkleberry Country Fair was not deposited into a District bank account; rather, it was deposited into a Foundation bank account on 10/31/17.

Foundation use of \$9,500 funds in support of the 2018 Bond Referendum

The SIG identified on the Foundation’s 2018 IRS Form 990 an expenditure of \$9,500 for a public opinion survey to determine the level of public support for a proposed bond referendum. The SIG obtained the survey questionnaire and answers as well as the survey summary notes from the vendor.

The SIG assessed that the District’s use of Foundation funds potentially did not comply with IRS requirements regarding nonprofit corporations.

Other observations

The SIG noted the District did not have an internal auditor position, which is a vital function as an internal watchdog over fiscal and program matters.

E. Findings and Recommendations – Fiscal Affairs

Finding #FA-1: The District failed to identify it sought and received a written opinion from the Division of Procurement Services that its procurement code was substantially similar to the Consolidated Procurement Code per SC Code of Laws §11-35-5340. The SIG confirmed this with the Division of Procurement Services.

Recommendation #FA-1: The SIG recommends the District adopt the 2021 Model School District Procurement Code or submit the District’s procurement code to the Division of Procurement Services for a written opinion as required by SC Code of Laws, §11-35-5340.

Finding #FA-2: The District did not comply with the SC Code of Regulations 19–445.2165 (A) and (B) when it executed a contract with Service Solutions after receiving the promise of gifts, such as student scholarships and donations.

Recommendation #FA-2: The District should ensure that procurement officers review responses to all requests for proposals to ensure compliance with the SC Code of Regulations 19–445.2165 (A) and (B) and not accept gifts, such as student scholarships and donations, either directly or indirectly from current or potential contractors in order to avoid the appearance of influence in a contract award.

Finding #FA-3: The District did not identify a Procurement Card Policy.

Recommendation #FA-3a: The SIG recommends the District implement a Procurement Card policy that is substantially similar to the “[South Carolina Purchasing Card Policy and Procedures](#)” published on the Division of Procurement Services website.

Recommendation #FA-3b: The SIG recommends the District audit the P-Card transactions identified in Table B and determine the purpose of items 1, 3, 4, and 5 and the expenditure of funds in support of District program, and report the results of the audit to the SIG by 3/31/23.

Finding #FA-4: The District maintained a checkbook in the HR department to pay for SLED background checks of employee candidates. The use of the checkbook violated District policies [DGA](#) and [DK](#) by using the signatures of HR staff on these checks instead of the District superintendent and chief financial officer. The SIG’s review of the accounting records for this account did not find evidence of misuse of funds; however, the use of the checkbook outside of the Finance department’s authority created an internal control deficiency and elevated the risk for fraud. The District took immediate action, removed the checkbook from the HR department, and closed the account when the matter was brought to District leadership’s attention. This matter has been addressed. **No further action is required.**

Finding #FA-5: The District’s relationship with the Foundation was not governed by an operating agreement or Memorandum of Understanding (MOU) that governed the Foundation’s use of District resources and personnel. As a result, the District and the Foundation lacked sufficient internal controls and processes that resulted in the Foundation depositing monies and federal grant funds intended for the District into a Foundation bank account.

Recommendation #FA-5: The District should develop an operating agreement or MOU with the Foundation that sets forth the Foundation’s roles and responsibilities in the use of District resources and personnel.

Finding #FA-6: Federal grant funds in the amount of \$625,000 that were awarded to the District were diverted into a Foundation account, which excluded the \$625,000 from the District’s annual audits. Consequently, HHS misdirected the reimbursement of District expenditures to the Foundation’s bank account instead of the District’s bank account. The Foundation delayed repayment of the federal grant funds to the District because no mechanism had been established between the District and the Foundation to facilitate the transfer of funds. In

addition, the SIG identified at least 35 checks payable to the District totaling \$138,575.44 were deposited into a Foundation bank account.

Recommendation #FA-6: The District should adopt internal controls and processes with the Foundation to ensure that funds intended for the District are deposited into a District account.

Finding #FA-7: The District did not make a determination and assessment of the Foundation as a component unit for its external auditors as defined in Statement No. 14 of the Governmental Accounting Standards Board (GASB).

Recommendation #FA-7: The SIG recommends the District conduct an assessment of the Foundation and seek a professional opinion from its external auditors to determine if the Foundation should be disclosed as a component unit of the District.

Finding #FA-8: The SIG determined the Foundation utilized commingled funds when it reported a \$168,776 loss in gross receipts that included \$81,337.42 of federal grant funds awarded to the District, not the Foundation. The \$81,337.42 in federal grant funds supported the Foundation's application for and subsequent receipt of \$50,000 in SC CARES Act funds. The Foundation issued a check for \$50,000 to the Central Carolina Community Foundation on 12/31/22 that did not go to the benefit of the District. The SIG further determined the Foundation utilized \$9,500 in commingled District funds to conduct a public opinion survey regarding a 2018 bond referendum.

Recommendation #FA-8: The SIG will refer the receipt of SC CARES Act funding by the Foundation to the South Carolina Office of the Attorney General, which has jurisdiction over nonprofit corporations for investigation of the Foundation's tax-exempt status and the receipt of the SC CARES Act funds.

Finding #FA-9: The District did not have an internal auditor position or function to conduct fiscal and program assessments for District leadership and the Board of Trustees.

Recommendation #FA-9: The SIG recommends implementing an internal audit program.

V. **Human Capital**

A. **District Staffing**

For the 2021-22 school year, a District staff roster identified 4,794 District employees. As depicted in the data the District provided to CERRA⁸ in the November 2021 report, the District employed 2,081 teachers and 2,713 administrative and support staff. The [CERRA report](#) also depicted there were 273 new hires, but 329 teacher resignations for a 15.4% turnover rate for the District in 2021-22. The SIG determined that 86 vacant teaching positions existed in the District as of 8/31/22.

⁸ *South Carolina Annual Educator Supply & Demand Report*, Center for Educator Recruitment, Retention, & Advancement (CERRA), Rock Hill SC, November 2021.

School Year	Certified Teacher Positions	Certified Teacher New Hires	Teacher Positions Retained	Retention Rate	Certified Teacher Resignations	Turnover Rate
2018 - 2019	2073.5	329	1764.5	85.0%	309	15.0%
2019 - 2020	2089.5	357	1761.5	84.0%	328	15.7%
2020 - 2021	2138.5	270	1944.5	91.0%	194	9.0%
2021 - 2022	2136.5	273	1807.5	84.6%	329	15.4%

The District provided a schedule of substitute teachers and international teachers hired over the past four years to supplement the teacher vacancies.

School Year	Active Substitute Teachers	Retention Rate	School Year	International Teachers Hired	Total Cost	Average Cost per Teacher
2018 - 2019	404	105.0%	2018 - 2019	*	\$369,000	*
2019 - 2020	461	114.0%	2019 - 2020	28	\$634,500	\$22,661
2020 - 2021	390	84.5%	2020 - 2021	11	\$648,250	\$58,932
2021 - 2022	219	56.0%	2021 - 2022	27	\$817,900	\$30,293

* The District did not provide the number of international teachers hired for the 2018 – 2019 school year.

Provided below is summary breakdown of the teaching and support staff for the 2017-18 through 2020-21 school years obtained from the [Annual Comprehensive Financial Report for FY 2020-21](#) (pages 136 and 137):

Full-Time Equivalent School District Employees by Type				
	2018	2019	2020	2021
Instruction				
Teaching Faculty	2,059	2,019	2,114	2,119
Other	565	626	614	619
Total Instruction	2,624	2,645	2,728	2,738
Support Services				
Principals	37	36	36	36
Assistant Principals	85	84	80	80
Other Administration & Support	995	997	965	964
Total Support Services	1,117	1,117	1,081	1,080
Total	3,741	3,762	3,809	3,818
Student Enrollment	28,056	28,359	28,549	27,873

Source: District Records

Note: Full-time instructional employees of the District are employed for all 180 scheduled school days, at seven hours per day or 1,260 per year. Total work hours by instructional employees are divided by 1,260 to obtain full-time employment. Full-time equivalent employment for all other positions is determined based on 1,820 hours per year (52 weeks times five days times seven hours).

International teachers

The District made numerous efforts to recruit and retain teachers. One such effort was the [International Teacher Initiative](#). Through this program, the District hired international teachers in a variety of content areas, such as

math, science, special education, English as a second language, and foreign language instruction. The District advised it has 38 languages, other than English, represented among its student population.

Authority for the program derived from the Mutual Educational and Cultural Exchange Act of 1961, also known as the Fulbright-Hays Act. The purpose of the Act was to increase mutual understanding between the people of the United States and the people of other countries through educational and cultural exchanges. The SCDE allows school districts to host up to ten percent (10%) of their certified staff as international teachers.

For the 2022–23 school year, the District hired 60 international teachers at a cost of \$498,500 in fees. The District reported it currently has 116 international teachers in District classrooms for the 2022-23 school year. The District stated that most of the international teachers were hired at the entry level on the teacher salary schedule. The District saved approximately \$18,240 per teacher in benefit costs since the District did not incur retirement costs, FICA, or health insurance costs.

Over the past four school years, the District paid \$2,469,650 in fees to third party recruitment/placement firms to employ the international teachers who are limited to five years of employment with the District, rather than utilizing bonuses to retain and recruit teachers.

Retention and recruitment bonuses

The District placed emphasis on retaining current employees with retention bonuses versus signing bonuses for new hires. In 2020, all full-time permanent employees received a one-time bonus of \$1,000. This was repeated in 2021 and in 2022, where all full-time permanent employees received a one-time bonus of \$1,580 and all part-time permanent employees received a one-time bonus of \$789.

The retention percentages of certified teachers in the District for the last five school years were:

- 2017-18 = 86.6%
- 2018-19 = 85.0%
- 2019-20 = 84.0%
- 2020-21 = 91.0%
- 2021-22 = 84.6%

The District has established a 95% retention rate goal for all staff for the 2022-23 school year.

Other Recruitment Efforts

The District recruited teachers through job fairs, the District’s online Handshake portal, travel to colleges and universities, billboards, Twitter, Facebook, Indeed.com, CERRA’s website, and the Premier 100 initiative. The HR senior chief stated the candidate pools from job fairs significantly decreased over the last five years averaging a change from 200 to 30 candidates as the labor market changed due to the effects of COVID, which caused more teachers to retire.

In 2018, the District and Columbia College entered into a partnership to certify teacher’s aides, especially for SPED positions. The initiative, the [Alternative Pathways to Educator Certification \(APEC\) program](#), has produced 68 teachers who graduated from the program with teacher certifications and Master’s in Education degrees. Thirty-two of these teachers were employed by the District, including 19 early childhood educators, nine SPED teachers, one middle-level math teacher, and one secondary-level English teacher. Eight of the APEC fellows were employed in critical needs schools and thirteen were employed in schools with a poverty index of 60 or higher. Nine teaching assistants were currently enrolled in the program.

The SIG assessed that the District’s partnership with Columbia College was an example of a best practice to address a challenging recruiting environment.

Exit interviews

The SIG analyzed 1,252 exit interviews of certified and classified staff for the period of 1/1/19 through 6/30/22. This analysis determined that retirement was the predominant reason for the 343 teachers who separated from the District. Other notable factors for teacher separations included work conditions, culture, and quality of supervision. In addition, separations for teachers with three to ten years of experience was significant. Table D below reflects the reasons and experience levels of teachers who separated from the District since 1/1/19.

Table D

<i>Key Reasons for Certified Staff Leaving the District</i>	<i><1 to 2 yrs combined</i>	<i>3 to 10 yrs combined</i>	<i>11 to 20+ yrs combined</i>	<i>Total</i>	<i>% of Total</i>
Retirement	4	21	94	119	35%
Culture	20	43	16	79	23%
Work Conditions	30	56	13	99	29%
Quality of Supervision	12	28	6	46	13%
Total	66	148	129	343	100%

B. Premier 100 Initiative

The purpose of the [Premier 100 initiative](#), begun in 2019, was to recruit and retain 100 minority male teachers by 2024 as role models for minority students. The initiative provided professional development training for on-board staff, who met the criteria defined by race, national origin, and gender, to retain minority, male teachers. The professional development training included dinners, speakers, and field trips, including a 6/4/22 trip to the [Penn Center on St. Helena Island, South Carolina](#).

Since 2019, the District has recruited and hired 80 males of color through the Premier 100 initiative. The Premier 100 program is consistent with programs such as “Call Me Mister” and other programs across the state and nation. After the District announced the Premier 100 program in 2019, the Charleston County School District announced a partnership with the University of South Carolina titled, “Men of CHS Teach” program.

A senior District official stated Premier 100 was a District initiative administered by District staff and expenses for meals were paid from the District’s general fund. The District utilized federal Title II funds in the amount of \$7,123.39 for professional development that included the purchase of books, event registration, and field study.

In November 2021, the Foundation issued checks in the amount of \$200 each to at least 20 teachers in Cohort 1 and checks in the amount of \$250 each to at least 29 teachers in Cohort 2 in support of Premier 100. The Foundation issued the checks to the teachers based on information supplied by the District. The SIG assessed that the Foundation acted as the District’s agent and issued the bonus checks or stipends on behalf of the District.

The SIG recognized the laudable goal of recruiting and retaining minority male teachers to diversify its teaching ranks, reflect the demographics of the community it served, and provide role models for minority male students. A state official responsible for addressing equal employment opportunity advised that it was appropriate to concentrate on recruiting minority, male candidates during the recruitment process, but providing bonuses and

professional development to candidates based on race, national origin, and gender was potentially inconsistent with federal and state law.

As a result, the District advised the SIG that stipends would no longer be given to Premier 100 participants and information regarding the professional development opportunities in Premier 100 would be shared with all District employees through the monthly Professional Development newsletter.

C. Human Resources Processes

The HR department, comprised of 22 staff was led by the HR senior chief, an HR executive director, and an administrative assistant. The remaining staff included the benefits manager and team, the director of teacher quality, HR coordinators, and HR specialists. The District recently hired a director of HR employment services and a talent acquisition manager.

District officials at all levels stated their biggest challenge is filling vacant positions and the lengthy hiring process of candidates in an ultra-competitive hiring environment. These concerns focused on the performance of the District's HR department and the perceived lack of urgency in filling vacant positions.

These same officials attributed HR's slow processing times to an inadequate staffing level that was partially attributed to high turnover in HR staff. The SIG determined through interviews and a review of HR processes that the HR department requires an additional four HR specialists to meet the hiring process needs.

In January 2022, a former senior member of the HR department provided an analysis of HR department employee grievances, operational shortcomings, and administrative deficiencies to the superintendent. As a result, the superintendent directed that a climate survey of the HR department be conducted by an outside consultant.

The climate survey report, dated 3/4/22, confirmed to the superintendent that limited staff resources, the lack of standardized processes, high staff turnover, a difficult work environment, and limited feedback and recognition on work performance contributed to the operational shortcomings and administrative deficiencies.

The operational shortcomings and administrative deficiencies reported to the superintendent and identified by the SIG included the lack of standard operating procedures and a pay policy manual, an audit of teacher pay scale step increases based on certification changes, and late paychecks to newly hired employees, as detailed below.

Desk Manual for Standard Operating Procedures

The SIG determined the HR department lacked a desk manual of standard operating procedures for the daily processes by position within the HR department.

Pay Policy Manual

The HR department lacked a [pay policy manual](#) for its payroll procedures. Instead, the HR department relied on a collection of memos, emails, and documents (84 pages) dating back to 1992. The SIG's examination of this anthology of payroll procedures found inconsistencies in salary computation based on position and/or experience. (See [Appendix H](#))

Audit of teacher payroll accuracy

In late 2021, the HR department initiated an audit for accuracy in teacher payroll that focused on teacher certification, experience, and the corresponding step on the teacher pay scale. The audit identified the pay of 66 onboard teachers dating back to 2012 was collectively underpaid \$459,381. The underpayments ranged from \$779 to \$45,230.

The audit resulted in 31 of the 66 employees retroactively paid \$276,979 on 2/14/22. The HR and Finance departments completed the audit and made retroactive payments to 35 teachers on 10/11/22 that totaled an additional \$182,402.

Late employee paychecks

The first payroll check for the 2022-23 school year was 8/15/22. One-hundred ninety (190) new employees and on-board employees in new District positions did not receive a paycheck on 8/15/22. As a result, the Finance department issued additional payroll checks on 8/15/22 for nine employees, 8/17/22 for three employees, and 8/25/22 for 178 employees. The late payroll payments were caused by the failure of the HR department to make entries by the 8/5/22 payroll deadline, which had been published in advance by the Finance department.

A second payroll run was not uncommon at the beginning of the school year. The SIG determined higher than normal teacher retirements and departures coupled with the processing of additional instructional staff for the [Summer Opportunity for Academic Readiness \(SOAR\)](#) program contributed to a backlog in HR processing that resulted in the untimely processing of HR payroll data.

Non-uniform timekeeping processes

Time and attendance records for substitute teachers, after-school employees, summer employees, and bus drivers were maintained on the TimeClock Plus system. No other employees were required to record their time worked in this way. Instead, each of the school principals maintained separate sign-in/out registers for their exempt and non-exempt employees. Principals stated that assistant principals and assistant administrators walked the halls to determine the need for substitute teachers when a teacher had not provided advance notice of absence.

Officials also stated that there was no district-wide means to track the accumulation or use of compensatory time by non-exempt employees, nor did it ensure the remaining unused balance was paid out at the end of the fiscal year as required by [Policy GDBC](#) – “Support Staff Supplementary Pay/Overtime.”

The SIG determined that the District lacked uniform internal controls relating to reconciling payroll with the accumulation of compensatory time.

Performance evaluations

The District complied with SCDE requirements for performance evaluations of its certified staff and administrators as required by its policies GCO and GCOA as outlined below.

- [Policy GCO](#) “*Evaluation of Administrative Staff*,” required annual evaluations of school administrators. The District used SCDE’s “[Program for Assisting, Developing, and Evaluating Principal Performance](#)” (PADEPP), and its associated Performance Standards and Criteria for Principal Evaluation as adopted by the State Board of Education for conducting evaluations of principals.

- [Policy GCOA](#) “*Evaluation of Instructional Staff*,” provided for evaluations of instructional staff on a periodic basis⁹. The District used the ADEPT System to evaluate all certified teachers in accordance with SCDE ADEPT guidelines.
- [Policy GDO](#) “*Evaluation of Support Staff*,” required that all support staff of the District must be formally evaluated their first year and at least once every two years thereafter.

However, exit interviews conducted of 1,252 staff between 1/1/19 and 6/30/22 demonstrated that 200 individuals (16%) stated they did not receive annual performance evaluations. Performance evaluations may be used to provide feedback, coaching, and documentation of poor performance, as well as positive feedback for good performance. Proper documentation of performance is essential when seeking termination of a poor performer or justifying bonuses for excellent performance.

No staff disciplinary matrix

The District did not have a staff disciplinary table or matrix similar to its [student disciplinary table](#). The HR department, however, maintained a spreadsheet of employee misconduct matters that included historical information of prior disciplinary recommendations. HR leadership referred to the spreadsheet to ensure consistency when recommending disciplinary action in employee misconduct matters. HR leadership described the disciplinary decision-making process as “*we huddle*” to determine how to address misconduct issues.

The SIG determined the HR department had not maintained the spreadsheet for accuracy and that it was last updated two years ago. Since the initiation of this investigation, the District has started updating the spreadsheet.

D. Investigative Process for Employee Misconduct Matters

No documented investigative process for employee misconduct matters

The SIG did not identify any documented process that prescribed or authorized the manner or means by which a misconduct investigation is conducted, documented, and formally reviewed. A documented investigative process promotes a transparent process for the employee and enhances trust in its fairness and consistency that due process safeguards are established for the employee.

The SIG determined that employee misconduct investigations were supervised or conducted by three HR department staff members. Classified staff misconduct investigations were supervised or conducted by an HR specialist. The HR executive director supervised or conducted misconduct investigations of teachers, assistant administrators, and assistant principals. Finally, the HR senior chief supervised or conducted misconduct investigations of principals and senior District officials.

District employees that investigated employee misconduct, whether in the HR department or at its direction, had limited experience or training in conducting these investigations. The SIG determined HR staff had little familiarity with the investigative process, including an understanding of the importance of collecting and documenting the facts, obtaining witness statements, gathering sufficient evidence necessary to draw a logical conclusion, and ensuring all legal requirements and protections for employees were addressed. The HR department served as both the investigative and the case review authority for employee misconduct.

The SIG assessed that the combination of untrained and inexperienced investigators, the lack of documented investigative procedures, and combining the investigative and case review processes within the HR department created, at a minimum, the appearance of investigative bias.

⁹ Teachers are rated by the SCDE-mandated “[Assisting, Developing, and Evaluating Professional Teaching](#)” (ADEPT) system.

The SIG determined separate chains-of-command should conduct the investigative process and the case review process that includes a legal review.

Failure to disclose conflicting witness statements

A recent employee misconduct investigation supports the SIG's recommendation of separating the investigative process from the case and legal review processes.

During the SIG's investigation, the SIG learned of the removal and demotion of a school administrator following allegations of misconduct. The misconduct investigation included interviews of the complainants and other witnesses, as well as receiving oral briefings from staff assigned to assist the school. The SIG determined from a review of the investigative file the witness interviews were neither documented nor recorded.

The school administrator appealed the disciplinary action and requested the investigative documents that formed the basis for the disciplinary action. In response, the District provided documents to the school administrator, but a voluntary witness statement that was exculpatory in nature was not included in the documents provided to the school administrator. The school administrator acquired the exculpatory statement outside of the District's production of materials and the administrator provided the exculpatory statement to the Board as part of the school administrator's appeal. Prior to the Board hearing the appeal, the District reached a settlement with the school administrator.

The SIG's review and analysis of the District's investigative file determined the following:

- The investigative file was poorly documented and omitted some witness statements taken by the investigative team.
- The investigative file contained handwritten witness statements and emails that conflicted with each other and were exculpatory in nature.
- The investigative file failed to document the materials produced to the school administrator or counsel.

Establishing standard operating procedures for conducting investigations of employee misconduct should include procedures for documenting witness statements, gathering evidence, and documenting a case review of the investigative results, along with a legal review that would promote a fair and thorough investigative process and consistency in the determination of any disciplinary action.

E. Findings and Recommendations – Human Capital

Finding #HC-1: The District spent nearly \$2.5 million over the last four years in payment to vendors to acquire international teachers who were limited to five years of employment with the District.

Recommendation #HC-1: The SIG recommends the District consider utilizing bonuses to retain and recruit teachers to work in the District.

Finding #HC-2: The District established the Premier 100 initiative to recruit and retain 100 men of color by 2024 and paid for professional development training and related expenses, including dinners, speakers, and field trips, as well as stipends to these teachers. The District terminated the distribution of stipends to Premier 100 participants and opened the professional development opportunities provided by Premier 100 to all District employees. **No further action is required.**

Finding #HC-3: The HR department lacked standard operating procedures for daily HR processes and a comprehensive payroll policy manual that resulted in inconsistencies in salary computations based on position and/or experience, which adversely affected various HR functions and payroll functions in the Finance department.

Recommendation #HC-3a: The SIG recommends the District HR department establish standard operating procedures for daily processes and a payroll policy manual to ensure consistency in salary computations.

Recommendation #HC-3b: The SIG recommends the District engage an external organizational management group to conduct a comprehensive study of the HR department's processes to identify inefficiencies and strategies for improvement.

Finding #HC-4: The District conducted an audit of onboard teacher payroll for the period of 2012 – 2022 that identified underpayments totaling \$459,381 related to certification changes and step increases. Retroactive payments were made to the onboard employees between February 2022 and October 2022.

Recommendation #HC-4: The District should ensure teacher payroll audits are conducted annually to ensure accuracy in teacher certifications, experience and step increases.

Finding #HC-5: The HR department was delinquent in processing payroll data of 190 employees resulting in late payments for paychecks scheduled for 8/15/22, in part due to inadequate staffing.

Recommendation #HC-5a: The SIG recommends cross-training HR personnel to ensure timely data processing of new hires during the summer hiring season.

Recommendation #HC-5b: The SIG recommends an increase of four HR specialist positions in HR department.

Finding #HC-6: The HR department is responsible for investigating employee misconduct and conducting a case review, which creates a risk of investigative bias in determining disciplinary action, if any. The SIG determined the officials who conducted the misconduct investigations had limited investigative training and experience. A recent employee misconduct investigation was poorly documented and contained exculpatory information and conflicting witness statements. The District failed to provide the exculpatory witness statements to the employee in support of the employee's appeal of the disciplinary finding.

Recommendation #HC-6: The SIG recommends the District separate the investigative process from the case review process that includes a legal review of the investigative results to mitigate the risk and appearance of investigative bias in determining disciplinary action, if any.

Finding #HC-7: The District did not have a unified district-wide time and attendance system to track compensatory time.

Recommendation #HC-7: The SIG recommends the District establish a unified district-wide time and attendance system, the purposes of which would include tracking compensatory time and compensatory time off.

VI. Board of Trustees

The SIG examined the effectiveness and efficiency of the Board with particular focus on intra-Board conduct and relations, the Board’s interaction with the District, and the Board’s interaction with the public. With respect to its interaction with the District, the SIG examined the effect of the Board’s conduct on the District operations, fiscal affairs, and human capital.

The SIG conducted an analysis of all Board meeting agendas for the 2018-19 through 2021-22 school years, and referred to the archived recordings of the Board meetings as needed. The SIG determined the Board addressed academic matters in only 14.2% (39) of the 274 Board items over the last four school years. For the most recent two school years (2020-21 and 2021-22), the Board scheduled only five academic items, or 6%, with none during the 2020-21 school year.

Board Agenda Items	2018-19* School Year	2019-20 School Year	2020-21 School Year	2021-22 School Year	Total
Academic	1	33	0	5	39
Non-Academic	114	45	30	46	235
Total Agenda Items	115	78	30	51	274
Board Chair	McKie	Manning	Shadd/Manning	Holmes	

* The Board conducted a review of all District policies during the 2018-19 school year.

A. Board Decorum and Dysfunction

The SIG observed dysfunctional or non-existent communication and a lack of trust among Board members. Each Board member contributed to its dysfunction and ineffectiveness through petty disagreements and personal attacks of other Board members. During the course of this investigation, the SIG observed an increase in communication failures between the Board and the superintendent that affected the morale and productivity of District staff.

The Board demonstrated inconsistency in the application of policies and procedures established for the District and Board member behavior and decorum. The Board members are public figures who are looked upon to provide an example to District students and staff on decorum and collegiality. (See Board [Policy BC](#)) As one Board member expressed, “*the Board members are ambassadors for the District.*”

The SIG identified acrimonious comments between fellow Board members and toward public speakers at Board meetings, disruptive behavior, such as the 9/14/21 walkout by three Board members that halted Board work for lack of a quorum, and executive sessions that devolved into vulgar name-calling where executive sessions were terminated without accomplishing its work.

The Board failed to follow [Policy BC](#) “Board Member Conduct,” which, *inter alia*, provided the following:

- *Become familiar with district policies, rules and regulations, state and federal school laws, and regulations of the South Carolina Department of Education.*
- *Work harmoniously with other board members without trying to either dominate the board or neglect one’s share of the work.*
- *Refuse to participate in irregular meetings, such as secret meetings, which are not official and which not all members have the opportunity to attend.*
- *Maintain the confidentiality of all matters discussed in executive session.*
- *Understand that the basic function of a school board is policymaking, not administration, and accept the responsibility of learning to discriminate intelligently between these two functions.*

The Board is the authority for establishing District-wide policies for students, staff and itself. However, it failed as a body to abide by [Policy GBEB](#) “Staff Conduct,” which mirrors [Policy BC](#) and states:

- *The Board reaffirms one of the oldest beliefs in education, which is that one of the best methods of instruction is that of setting a good example.*
- *The Board expects the district’s employees to strive to set the kind of example for students that will serve them well in their own conduct and behavior and subsequently contribute to an appropriate school atmosphere.*
- *To that end, all employees should recognize that they are continuously being observed by students, other employees, parents/legal guardians, and community members and that their actions and demeanor may impair their effectiveness as an employee. Consequently, employees will ensure that their dress, conduct, written and spoken communication, attitude, and interactions with others demonstrate an appropriate level of professionalism at all times.*

1. [Consultant Assessment of Board members](#)

In 2022, the Board contracted a well-respected executive consultant, coach, and facilitator to address intra-Board relationships to improve the efficiency and effectiveness of Board governance. The consultant described the Board as transactional, rather than strategic. The consultant stated the Board was in high conflict, with noticeable factions and conflict entrepreneurs who fanned the flames and used parliamentary procedures, legal threats, and disrespectful language to humiliate other Board members. Together, these behaviors fostered a hostile environment, which created reputational, operational, and legal risk. The consultant stated the Board was the most dysfunctional he/she had ever encountered. (See [Appendix I](#))

During the 2021-22 school year, under the leadership of Dr. Holmes, Board meetings frequently deteriorated into shouting matches among the members. A nationally recognized expert on parliamentary procedures consulted by the SIG opined that a “comfortable chair” would have accommodated minority viewpoints to encourage debate, rather than purport to use Robert’s Rules of Order to stifle dissent. As a result, members with a minority viewpoint expressed frustration with placing items on the agenda for discussion. A lack of trust among Board members manifested itself, among other things, in the Board’s inability to use committees to support its work. (See Board [Policy BDG](#) “Board Committees”)

After examining numerous videos of Board meetings and conducting interviews of Board members, current and former District staff, and members of the public, the SIG concurred with the consultant’s observations that Board member conduct fostered a hostile environment, which created reputational and operational risk.

B. Board Oversight and Roles

Board members were not aligned on the role of the Board. The majority of Board members suggested, and one member expressed, that the role of the Board was to “support the superintendent.” Board members generally acknowledged they worked for and represented the citizens; however, there was a distinct difference in perspective between a group of four members (“Group of Four”) consisting of Board members: Holmes, McKie, Caution-Parker, and Manning; and a group of three members (“Group of Three”) consisting of Board members: Agostini, Scott, and McFadden. The Group of Four consistently emphasized that the Board set goals and “stayed out of the weeds.” Significantly, however, the Board had little, if any, role in writing the District’s strategic plan, which contained the goals for the District. (See [Appendix J](#))

Most Board members did not seem to understand their oversight role and responsibility. For example, even after news accounts of P-Card problems in Richland County School District One, Dr. Holmes stated she saw no

need to inquire about what steps the superintendent had taken to ensure no P-Card problems had occurred in the District because the superintendent had not *initiated* [SIG emphasis] a report about any procurement card irregularities.

The SIG noted the District did not have an internal auditor to conduct an independent review of District finances and programs; therefore, it was incumbent on the Board to ensure the District's internal controls functioned properly.

When questioned about financial issues, such as the late payroll payment of teachers in August 2022, incorrect payment of teachers dating back to 2012 that resulted in back-pay disbursements totaling \$459,381, issues concerning the Foundation, and procurement matters, the Board members expressed they were unaware of these issues, an indication the Board failed to provide the necessary oversight and communication with the superintendent on these important issues.

C. Surreptitious Recording of Board Executive Session – 4/28/22

On 4/28/22, the Board voted to go into executive session, the proceedings of which were confidential under Board [Policy BC](#) “Board Member Conduct.” During the executive session, Board vice-chair Manning surreptitiously recorded the proceeding that was later aired by a local television station. (See [Appendix L](#))

During the executive session, Mrs. McFadden objected to a report given by the superintendent on school security and safety because she believed subject should be debated in an open Board meeting. Dr. Holmes laughed at Mrs. McFadden and called her “little girl,” “Boo,” “baby,” and “honey.” Following an escalation in the verbal exchange, Mrs. McFadden stood over Dr. Holmes with a hand in Dr. Holmes’ face in a threatening manner. The verbal exchange included:

Dr. Holmes (interrupts): *Go ahead. Finish your statement, honey. Do what you gotta do.*
Mrs. McFadden: *Shut the fuck up*
Multiple people: *(audible gasp)*
Dr. Caution-Parker: *Oh, come on.*
Dr. Holmes: *Little girl, little girl, little girl (in a mocking tone).*
Mrs. McFadden: *Cause I’m fed up with you.*
Dr. Holmes: *Oh. It’s okay (keeps repeating this as Mrs. McFadden tries to speak).*
Mrs. McFadden: *You want to call me a little girl? I found out what “little girl” means.*
Dr. Holmes: *Oh. It’s okay. Are you upset? (in a condescending tone).*
Mrs. McFadden: *I found out what it means. If you think that I was a little girl before, you...(unintelligible).*
Dr. Holmes: *It’s okay. Are you upset?*
Mrs. McFadden: *No, I’m not upset.*
Dr. Holmes: *Are you upset, Lashonda?*
Mrs. McFadden: *No, I’m not. I’m just letting you know right now that I will fuck you up and the dick you rode in on.*

The terms “little girl” and “Boo” are generally understood to be demeaning, especially when referring to a black female because of its association with the slave status of black females in the 19th century.

The SIG assessed the terms, along with Dr. Holmes’ use of “honey” and “baby” were provocative, intended to demonstrate an appearance of authority over Mrs. McFadden. Dr. Holmes’ conduct was inconsistent with the requirement in Board [Policy BC](#) to “work harmoniously with other board members....”

The SIG determined Mrs. McFadden violated Board [Policy BC](#) regarding her threats toward Dr. Holmes.¹⁰

Mr. Manning stated to the SIG that the executive session had not started when he started the recording. The SIG determined the recording began during executive session as Superintendent Davis is heard on the recording discussing security and safety matters. Mr. Manning acknowledged that he released the recording to third parties, but denied under oath to releasing the recording to the media. The surreptitious recording of the executive session by Mr. Manning violated Board [Policy BC](#).

The SIG identified text messages on Dr. Holmes' cellphone that were sent and received on 5/8/22 that referenced the 4/28/22 executive session and contained the following:

Mr. Manning: *The audio has been given to the media. Edited so it has no business on it.*
Dr. Holmes: *Who gave it?*
Mr. Manning: *Me*
Dr. Holmes: *Oh*
Mr. Manning: *It is time. [Named person] and them are mounting a campaign against us.*
Dr. Holmes: *I'm ready.*
Mr. Manning: *Everything and anything they have or think they have*
Mrs. McKie: [emoji] *Loved. "The audio has been given to the media. Edited so it has no business on it."*

The SIG discerned that the referenced text message string was a three-way text between Dr. Holmes, Mrs. McKie, and Mr. Manning. Discovery provided by the District contained only the Dr. Holmes' records regarding the 5/8/22 text and not the corresponding texts of Mr. Manning and Mrs. McKie. The SIG noted that both Mr. Manning and Mrs. McKie were sent preservation letters on 6/29/22.

The SIG determined that Mr. Manning violated Board Policies [BC](#), [BCA](#), and [BEC](#) by recording the executive session and disclosing it to third parties that resulted its distribution to the media. A prominent First Amendment attorney opined that surreptitious recording of executive session meetings is neither prohibited by [SC Code of Laws §17-30-10](#) et seq nor [FOIA](#).

The SIG determined through a review of Dr. Holmes' text messages that both Dr. Holmes and Mrs. McKie were informed by Mr. Manning that he released the recording to the media, including Mrs. McKie's approval of Mr. Manning's text. The SIG notes that Dr. Holmes was aware, during her tenure as Board chair, that the recording was made by Mr. Manning, but took no action to address the violation of Board [Policy BC](#) and the breach of trust among members of the Board.

The SIG assessed that the surreptitious recording itself and its release to the media further eroded trust among Board members, and thereafter Mrs. McFadden and Dr. Scott attended executive sessions telephonically from a nearby room. The erosion of trust exacerbated the inefficiency and ineffectiveness of the Board.

D. Board – Superintendent Relationship

Board [Policy BC](#) establishes that Board members are to *"Give the superintendent full administrative authority for properly discharging his/her professional duties and hold him/her responsible for acceptable results."* The SIG identified during the course of this investigation the Group of Three failed to adhere to this policy and provide the superintendent full administrative authority to run the District.

¹⁰ Further information regarding this event may be found through open source reporting.

In a 4/28/22 email to Superintendent Davis, members of his staff, and all Board members, Mrs. McFadden admonished Superintendent Davis to produce information on Board member travel and placed on him the responsibility of approving the over-spending of Board member accounts. Mrs. McFadden stated:

“This will definitely be a cause for insubordination and direct effect on your evaluation. Yes, as a matter of fact, I’m going on record questioning your integrity.”

The Board’s general failure to exercise its oversight while recognizing the superintendent’s “full administrative authority” fractured the lines of communication of a healthy Board – Superintendent relationship. Equally important was the superintendent’s responsibility of keeping the Board informed on District matters. Both the Board and the superintendent failed to adhere to Board [Policy-BDD](#) “Board Superintendent Relationship.”

Superintendent Davis is charged with overseeing a \$300 million budget of taxpayer dollars to deliver public education to school-age children in the District. As the only direct report of the Board, Superintendent Davis is in the unenviable position of ensuring the expenditure of taxpayer dollars for Board travel is supportive of public education and the educational goals of the District.

1. No contact directive issued to Lashonda McFadden

On 12/8/21, Mrs. McFadden visited the District office at the R2i2 building and demanded to see the superintendent. Mrs. McFadden’s visit was occasioned by an incident involving a student with a firearm at Richland Northeast High School. Superintendent Davis was unavailable to meet Mrs. McFadden during her visit but spoke with her by phone. Staff advised the SIG that Mrs. McFadden raised her voice and made demands directly to the staff for specific action. The staff characterized Mrs. McFadden’s behavior as inappropriate and adversely affected the work and morale of District staff. This event resulted in Dr. Davis issuing a “no contact” letter through his personal attorney to Mrs. McFadden, except for Board meetings.

Board [Policy-BDD](#) “Board Superintendent Relationship” provided that the Board would “carry on communications with staff members through the superintendent.” Board policy [BHC](#) “Board/Staff Communication” required that the Board “*will make all official communications, policies, and directives of staff interest and concern to the staff through the superintendent.*”

The SIG determined Mrs. McFadden violated Board policies [BDD](#) and [BHC](#) on 12/8/21. McFadden’s demands for specific action also violated Board [Policy BC](#) “Board Member Conduct,” which provided that “*the basic function of a school board is policymaking, not administration....*”

E. Board - District Staff Relationship

Interviews with numerous District officials demonstrated the strong belief that Board behavior had a deleterious effect on District operations and human capital management. District staff reported that students were aware of Board behavior during Board meetings and questioned student discipline for the same conduct as that exhibited by the Board. In addition, staff stated that the District’s reputation has suffered from the Board’s conduct resulting in job candidates seeking employment elsewhere and experienced teachers leaving the District for other teaching positions or leaving the profession altogether.

1. 9/14/21 Board Meeting

One such example occurred during the 9/14/21 Board meeting. The agenda for the 9/14/21 Board meeting included agenda item 8.3 “Superintendent’s Contract.” The minutes of the meeting reflected that Mrs. Agostini moved, and Dr. Scott seconded, to postpone agenda item 8.3 until the 9/28/21 Board meeting. Chairman Holmes ruled that the motion was not germane. Thereafter, Dr. Scott and Mrs. Agostini left the meeting, explaining that they had insufficient time to review the contract. Mr. Manning explained the timeline used in

previous years to evaluate the superintendent's contract. Mr. Manning indicated members received details regarding the contract on 9/13/21. Mrs. McFadden also expressed concerns about not receiving contract information in a timely manner and left the meeting.

Policy BEDC "Quorum" established that a minimum of five members is required to conduct board business. Consequently, the meeting was adjourned for lack of a quorum. The contract was approved at the 9/22/21 meeting by a vote of 5-2. Policy BEDA stated:

The superintendent will distribute printed or electronic notice of each regular meeting of the board with agenda and supporting materials to board members at least three business days in advance of the meeting, if possible, to permit them to give items of business careful consideration.

The SIG determined Dr. Holmes, as the Board chair, violated policy BEDA when information regarding the superintendent's contract was not provided to Board members at least three business days in advance of the meeting and that Board members Agostini, Scott and McFadden violated Board BC for disruptive behavior to Board operations that resulted in the loss of a Board quorum.

2. 10/25/22 Board Meeting

At the 10/25/22 Board meeting, the District's senior chief officer for finance (Finance senior chief) provided an explanation of the District's need to borrow funds for capital improvements through the issuance of bonds (Agenda Item 10.1) that could not be paid with funds from the 2018 bond referendum. The Finance senior chief is a highly regarded expert in economics and financial matters having served as the South Carolina Board of Economic Advisors chairman and on the faculty of the Moore School of Business at the University of South Carolina.

During the Board member discussion on this agenda item, Mrs. McFadden demonstrated a line of questioning toward the Finance senior chief that appeared to question his knowledge and integrity on the subject matter. At 2:55:21 of the Board meeting, Mrs. McFadden issued an apology to the Finance senior chief stating, "Dr. Miley, I did not mean to insult you; that's not what I was trying to say. Sometimes when I am saying something it doesn't come out the way that I intended to say..."

Previously, following the 9/27/22 Board meeting, Dr. Scott emailed Superintendent Davis complaining about two members of the District's leadership team and requesting an investigation be initiated into alleged disrespectful behavior, such as hand gestures and facial expressions, whenever Mrs. McFadden spoke.

F. Board Financial Matters

1. Board member travel budget allocations

For FY 2021-22, the District budget included \$63,000 for Board travel. Each Board member was allotted \$7,000 for travel, totaling \$49,000 with the remaining \$14,000 for expenses incidental to the operation of the Board, such as travel of the Board liaison. At the close of FY 2021-22, individual Board member travel expenses totaled \$52,800.95, which exceeded their combined budget by \$3,800.95, as set forth in Table E below.

Table E

Board Member	FY 2021-22 Travel Allotment	FY 2021-22 Travel Expenses	Travel Fund Balance	Adjustment To Allotment	Final Travel Expense Balance	Exceeded Travel Allotment
Mrs. Agostini	\$7,000	\$4,975.38	\$2,024.62	(\$2,024.62)	\$0	
Dr. Caution-Parker	\$7,000	\$3,939.15	\$3,060.85	(\$1,712.13)	\$1,347.73	
Dr. Holmes	\$7,000	\$11,242.39	(\$4,242.39)	\$1,712.13	\$2,529.27	✓
Mr. Manning	\$7,000	\$8,268.55	(\$1,268.55)	-	\$1,268.55	✓
Mrs. McFadden	\$7,000	\$6,993.56	\$6.44	-	\$6.44	
Mrs. McKie	\$7,000	\$6,993.56	\$6.44	-	\$6.44	
Dr. Scott	\$7,000	\$10,388.36	(\$3,388.36)	\$2,024.62	(\$1,363.74)	✓
Total	\$49,000	\$52,800.95	(\$3,800.95)	-	(\$3,800.95)	

Mrs. Agostini agreed to transfer \$2,042.62 to Dr. Scott’s budget. Dr. Caution-Parker agreed to transfer \$1,713.12 to Dr. Holmes’ budget.
 ✓ Trustee expenses exceeded the travel allotment. Total expenses exceeded the \$49,000 allotment by \$3,800.95.

As illustrated in Table E, three Board members exceeded their individual travel allotments by \$8,899.30 while three Board members underspent their allotments by \$5,095.35 that resulted in the over expenditure of Board member travel by \$3,800.95. As of 10/31/22, the overall expenditure of District funds for Board travel was \$55,511 for the 2021-22 school year, which was \$7,489 under the total travel budget of \$63,000.¹¹ The District assigned individual account numbers to the Board members beginning with the 2022-23 school year.

2. Board member travel advances

Policy BID “Board Member Compensation and Expenses” includes information related to travel expenses for conferences. The policy included, “*The district will reimburse board members for all reasonable and necessary expenses incurred in attending any meeting or conference when on official business of the board or the school district. Such expenses may include the cost of attendance at conferences of school boards associations and other professional meetings/visitations when these costs are within the budget. Board members will be reimbursed according to the same expenditure standards as district employees under policy DKC (Expense Authorization Reimbursement).*”

Policy DKC “Expense Authorization/Reimbursement” related to travel and set forth the reimbursable travel expenses as well as approved rates for Board members and employee expenses incurred during approved District-related travel.

The SIG determined **no District employee** [SIG emphasis] received a travel advance during the past four school years. However, three Board members requested and received travel advances during that same period.

Dr. Holmes received nine travel advances, Dr. Scott received nineteen, and Mrs. McFadden received three. Dr. Holmes advised she discontinued travel advance requests after Superintendent Davis counseled her on its use. Board travel advance requests are identified in Table F as follows:

¹¹ Source: District unaudited totals for 2021-22.

Table F

Dates of Travel	Name of Board Traveler	Travel Advance of Funds	Final Travel Costs Claimed	Amounts Reimbursed to/Owed by Traveler	Date Traveler Reimbursed/ Repaid	Amount Reimbursed/ Repaid by Traveler	Travel Funds Owed to District
1/25-1/30/19	Teresa Holmes	(\$468.74)	\$468.74	\$0.00			
2/20-2/24/19	Teresa Holmes	(\$299.48)	\$299.48	\$0.00			
3/29-4/1/19	Teresa Holmes	(\$265.42)	\$265.42	\$0.00			
8/23-8/26/19	Teresa Holmes	(\$228.84)	\$228.84	\$0.00			
9/25-9/29/19	Teresa Holmes	(\$348.37)	\$348.37	\$0.00			
11/13-11/18/19	Teresa Holmes	(\$436.81)	\$436.81	\$0.00			
12/6-12/8/19	Teresa Holmes	(\$223.12)	\$223.12	\$0.00			
3/17-3/21/21	Teresa Holmes	(\$393.48)	\$393.48	\$0.00			
8/27-8/29/21	Teresa Holmes	(\$210.08)	\$210.08	\$0.00			
8/24-8/26/18	Monica Scott	(\$203.12)	\$203.12	\$0.00			
9/26-9/30/18	Monica Scott	(\$340.60)	\$340.60	\$0.00			
1/17-1/21/19	Monica Scott	(\$249.96)	\$249.96	\$0.00			
1/26-1/30/19	Monica Scott	(\$441.33)	\$441.33	\$0.00			
2/20-2/24/19	Monica Scott	(\$305.28)	\$305.28	\$0.00			
3/26-4/1/19	Monica Scott	(\$264.02)	\$264.02	\$0.00			
6/16-6/19/19	Monica Scott	(\$238.52)	\$238.52	\$0.00			
6/23-6/27/19	Monica Scott	(\$311.99)	\$311.99	\$0.00			
8/23-8/26/19	Monica Scott	(\$227.68)	\$227.68	\$0.00			
9/25-9/29/19	Monica Scott	(\$346.86)	\$346.86	\$0.00			
11/13-11/18/19	Monica Scott	(\$435.42)	\$435.42	\$0.00			
12/8-12/8/19	Monica Scott	(\$221.96)	\$221.96	\$0.00			
6/19-23/21	Monica Scott	(\$164.64)	\$164.64	\$0.00			
08/28-8/29/21	Monica Scott	(\$212.32)	\$212.32	\$0.00			
11/9-11/14/21	Monica Scott	(\$471.77)	\$471.77	\$0.00			
1/14-16/22	Monica Scott	(\$199.08)	\$199.08	\$0.00			
3/31-4/5/22	Monica Scott	(\$541.47)	\$508.51	(\$32.96)	5/26/22	\$ 32.96	\$ -
6/19-6/22/22	Monica Scott	(\$256.50)	\$256.50	\$0.00			
9/29-10/1/22	Monica Scott	(\$192.88)	\$0.00	(\$192.88)	10/13/22	\$ 192.88	\$ -
1/21-1/25/21	Lashonda McFadden	(\$824.90)	\$0.00	(\$824.90)	3/22/22	\$ 824.90	\$ -
8/27-8/28/22	Lashonda McFadden	(\$203.75)	\$203.75	\$0.00			
9/7-9/10/22	Lashonda McFadden	(\$283.75)	\$283.75	(\$425.00)	10/19/22	\$ 425.00	\$ -
*The amount of \$425.00 paid by Lashonda McFadden related to amounts charged to the District Purchasing Card for personal, non-allowable and unauthorized charges (which include room upgrade and pet fee charges)							
Total Travel Costs		(\$9,812.14)	\$8,761.40	(\$1,475.74)		\$ 1,475.74	

Policy DKC also provided for travel advances in “unique circumstances,” but the policy did not define unique circumstances, the type of expenses that would be advanced, a timeframe of when the advance would be provided to the traveler in relation to the travel, when the advance had to be expensed, and when any outstanding balance had to be repaid.

District employees who requested a travel advance were required to justify the advance on a travel advance form. One of the categories used for justification was “hardship.” The travel advance form also tracked the

advance of funds, applied it against expenses incurred by the traveler, and determined whether the entire travel advance was expensed or if there was a portion that needed to be repaid to the District.

On occasion, individual Board members did not fully expense the travel advance and had to repay the District. In one instance, Mrs. McFadden received an advance for travel on 1/21-25/22 but subsequently cancelled her travel. Superintendent Davis emailed Mrs. McFadden on 2/11/22 and referenced Mrs. McFadden's conversation with the Board's special assistant about the travel advance to attend a symposium and the need to repay the advance of funds by 2/24/22 since the travel was cancelled. Mrs. McFadden was given 30 days to repay the travel advance of \$824.90. Mrs. McFadden did not repay the advance until 3/22/22, a delay of 26 days.

In another instance, Dr. Scott received a travel advance on 3/31 – 4/5/22 but her out of pocket expenses were less than the amount of the travel advance. On 5/26/22, Dr. Scott repaid the remaining balance of \$32.96, a delay of 21 days past the 30-day deadline.

In January 2022, when Dr. Scott requested a travel advance, the senior chief financial officer informed Dr. Scott he could not advance the funds without a reason for approving an exception to the policy. District staff advised Dr. Scott had not signed the travel form and failed to declare the expense was a financial burden, that the travel exceeded four days, or some other justifiable reason. Dr. Scott questioned the need to complete the travel advance form and stated, "*elected school Board members are not employees of the school district so the form should not apply to them when they travel.*"

After the travel advance form was recently updated to eliminate advances for expenses that required a receipt for reimbursement (e.g., taxis, baggage fees, and parking), travel advances were only provided for those known expenses that did not require a receipt such as per diem and mileage. After the travel advance form was updated, Dr. Scott became upset because she could not get an advance for expenses she previously received such as taxis, baggage fees, and parking.

On 10/25/22, the Board revised Policy BID "Board Member Compensation and Expenses" ending the practice of Board members receiving travel advances and suspended a Board member's ability to travel until any outstanding travel balance is paid back to the District.

3. Circumvention of financial internal controls – Lashonda McFadden

District [Policy DKC](#) provided that travelers would be reimbursed actual lodging expenses at the higher of the GSA or applicable convention rate. In addition, travelers were responsible for lodging expenses greater than the single occupancy rate.

From 9/7/22 through 9/10/22, Mrs. McFadden attended the COSSBA Urban Boards Alliance Symposium in Atlanta, Georgia where she incurred lodging expenses totaling \$2,095.89 that were paid by the District through direct billing. The conference room rate of \$254 per night plus taxes was authorized per policy, but Mrs. McFadden incurred a \$100 per night suite upgrade fee and a \$125 pet cleaning fee.

Mrs. McFadden understood the travel policy related to hotel expense reimbursement set forth in [Policy DKC](#) and found in additional material provided to all Board members at the 8/5/22 summer Board retreat. The SIG determined that Mrs. McFadden's charges for the upgraded room and cleaning fee were unauthorized personal expenses that violated Policy DKC and that Mrs. McFadden circumvented District financial internal controls.

Superintendent Davis stated that Mrs. McFadden's first response to him was to take "it" out of her allotted Board travel account. Subsequent emails sent by Mrs. McFadden confirmed her belief that the unauthorized

expenses should be paid from Board travel funds allocated for her travel. Superintendent Davis notified Mrs. McFadden by letter dated 9/12/22 of her responsibility to reimburse the District on or before 10/10/22 for the unauthorized charges in the amount of \$425. Mrs. McFadden reimbursed the District on 10/19/22 for the unauthorized expenses after a delay of nine days.

Another attempt by Mrs. McFadden to utilize Board travel funds for non-Board business occurred in September 2022 when Mrs. McFadden sought to attend a T.D. Jakes “Woman Thou Art Loosed” event in Atlanta, Georgia. Rightfully, Superintendent Davis denied the use of District funds to attend this event by Mrs. McFadden because it was unrelated to Board business. If Superintendent Davis had approved the use of District funds, it would have been a misuse to taxpayer dollars entrusted to his care.

G. Board Transparency - Circumvention of FOIA

1. Use of personal email - Board business

On several occasions, at least four Board members were included in email exchanges initiated by individual Board members. While Board [Policy BEDC](#) established that a quorum consisted of five members, SC Code of Laws §30-4-20 (e), provided that a simple majority of the Board, i.e., four members of the seven-member Board, constituted a quorum, and per §30-4-20 (d) “*a meeting exists where there is a quorum of the constituent membership of the public body, whether corporal or by means of electronic equipment.*” These emails sent by Board members that included four Board members violated the FOIA’s open meeting provisions.

Among the numerous examples identified by the SIG were six emails sent by Mrs. McFadden in September 2022. Mrs. McFadden’s recipients included Mr. Manning, Mrs. Agostini and Dr. Scott. Two emails were sent on 9/2/22, one on 9/12/22, and two were sent on 9/29/22. The superintendent stated that prior to these emails being sent he notified Mrs. McFadden the emails created a quorum for the Board under FOIA.

On 9/28/22, Mrs. McKie, cognizant of this concern, forwarded an email to the SIG that she sent as a response to a constituent. However, she noted in her email to the SIG, “*I blind copied our Board members, so as not to create a quorum/meeting of Board members.*” Members advised that they had been trained to use blind-copied emails. A South Carolina School Boards Association official advised that it did not recommend the use of blind-copied emails. A First Amendment/FOIA attorney advised that blind-copied emails are treated no differently than directed or copied emails under FOIA.

The SIG determined that blind-copied emails should conform to the FOIA’s open meeting requirements.

On 2/26/22, Dr. Scott replied to Mr. Manning’s response to a constituent email. Dr. Scott copied all Board members. On 2/28/22, Mr. Manning responded to her email and included all Board members, noting: “I am replying to all in like manner to your response to me.”

The SIG assessed the Board members were cognizant, and duly informed, of the FOIA provisions regarding what constituted a quorum prior to the issuance of these emails to Board members.

The SIG observed that Dr. Holmes and Dr. Scott used personal email accounts during the period of this review instead of District email accounts while acting in the capacity as a Board member, including communications with other Board members, district administration, and constituents.

Dr. Holmes used the email address of docholmesschoolboard2@gmail.com and Dr. Scott used the email address of puttingstudentsfirst2012@gmail.com. Neither email address was housed on District servers. Dr. Holmes advised that she adopted a District address after she learned that use of a personal address was inconsistent with FOIA. Emails by Board members regarding District business are public records under FOIA. The

commingling of District-related emails with personal emails is inconsistent with the FOIA and should use a District email address for archival purposes.

2. Use of personal cell phone - Board and District business

The SIG examined Board member text messages and learned that Board members did not use District cell phones but instead used their personal cell phones for Board communications. As with emails, text messages related to District business are public records under FOIA. The SIG identified instances where at least four Board members participated in text message exchanges concerning District business, including text messages initiated by Mr. Manning (current Board chair) and Dr. Holmes (immediate past Board chair).

The SIG noted that a Dr. Holmes' text on 8/14/21 canvassed her Group of Four Board members, and asked, "*Is 4 good on Monday for our meeting?*" As noted on the 8/16/21 Board agenda, this Special Called Meeting related to advice regarding a legislative proviso. Dr. Holmes excluded those Board members not typically aligned with her in this text message.

H. Board – Community Relations

1. Taking the Oath of Office prior to filing Statement of Economic Interest

On 11/10/18, Dr. Holmes and Mrs. McKie took their oaths of office prior to filing their Statements of Economic Interest (SEI).

The SIG sought and received an opinion from the South Carolina Office of the Attorney General (Attorney General) regarding the effect of a failure by a school board member to timely file an SEI. The Attorney General's Office opined¹² that a court may find the failure to timely file an SEI as sufficient cause for removal if the board's enabling legislation or some other authority allowed for removal. In addition, "a *quo warranto* or declaratory judgement action brought by an appropriate party could result in a court determination that such an individual is ineligible to hold office and must be removed." The Attorney General further opined that an officer serves as a *de facto* officer until removed, and any actions taken as to the public or third parties would be valid unless and until a court declares such acts void or removes the officer from office. (See [Appendix K](#))

This was a common complaint voiced by a District constituent shortly after the 2018 general election through the present. The constituent neither sought an opinion from the Attorney General nor a declaratory judgement by a court on the matter. An ethics complaint was filed by a District constituent against Dr. Holmes and Mrs. McKie, which they addressed with the State Ethics Commission.

2. Public participation at Board meetings

[Policy BEDH](#) provided for public participation at Board meetings. Consistent with court rulings, the Board limited speakers during the public participation of Board meetings to three minutes and to issues over which the Board has jurisdiction. The policy provided, *inter alia*, that:

- "...[C]omments from the public should not include gossip, defamatory words, or abusive and vulgar language."
- "The board will not permit in public session any expression of personal complaints about individual school personnel or any other person connected with the school system."

¹² [Assistant Attorney General Cydney Milling letter to Inspector General Brian D. Lamkin, 10/11/22.](#)

Prior to the public participation portion of Board meetings, then-chairperson Dr. Holmes read a preamble regarding the rules for speakers. For example, on 10/12/21, Dr. Holmes read:

“Each person is limited to three minutes, and that our meetings are streamed live and recorded. Speakers must refrain from using inappropriate language and engaging in any form of personal abuse or attacks and must not refer to any student or employee by name. Questions asked during the public participation typically will be referred to the staff members for response at a later time. Additionally, [under] the guidelines a member of the public may address the board on any subject within board authority.”

During the 10/12/21 meeting, then-chairperson Dr. Holmes interrupted at least three speakers. Speaker 1 was interrupted when he/she stated, “I know you’re smiling Ms. Holmes.” Dr. Holmes stated, “*We will not call names.*” Speaker 1 apologized to Dr. Holmes by name, to which she responded, “*No problem.*” Dr. Holmes interrupted Speaker 2 when he/she stated Dr. Holmes failed to respond to an email. Speaker 2 was not interrupted when referring to Superintendent Davis. Other speakers were not interrupted at all.

Speaker 3 attempted to read from a 9/16/21 *Voice* newspaper article’s comment section from a contributor identified as Dr. Holmes. The comments purportedly made by Dr. Holmes included references to the Speaker 3 as a racist. Dr. Holmes interrupted Speaker 3 and stated, “*The Board has no jurisdiction on that part.*” Dr. Holmes interrupted Speaker 3 again at 28:15 and at 28:38 of the Board meeting when he/she read additional material from the newspaper article for the same reason. At 29:09 of the Board meeting, Dr. Scott attempted to make a point of order, which was dismissed by Dr. Holmes. At 30:02 of the Board meeting, Mrs. Agostini attempted to make a point of order that was dismissed by Dr. Holmes. At 30:19, Dr. Holmes called for security to remove Speaker 3 from the Board podium.

The SIG contacted a well-respected, nationally known parliamentarian who advised that Mrs. Agostini and Dr. Scott should have been permitted to articulate their points of order. The parliamentarian stated that, in this instance, Dr. Holmes was unhelpful and should have ruled on the points of order and should not have taken the objections personally.

A well-respected First Amendment attorney reviewed [policy BEDH](#) and viewed a video of the 10/12/21 proceedings at the SIG’s request. The attorney opined as follows:

- The preamble was inconsistent with Board policy BEDH.
- Dr. Holmes’ rulings limiting the speech of Speakers 1, 2, and 3 were inconsistent with the preamble and policy BEDH.
- Dr. Holmes’ rulings limiting the speech of Speakers 1, 2, and 3 were unconstitutional in limiting protected speech.
- Speaker 3 read Dr. Holmes’ comments from a newspaper, which she made as a Trustee and involved Speaker 3’s interest in school district matters. The attorney believed Speaker 3’s comments to be constitutionally protected speech relevant to the activities of the Board and should have been permitted.

In addition, Dr. Holmes barred a member of the public from a Facebook page where she held herself out as “Dr. Teresa Holmes: School Board Member Richland Two” and “Your school board member on the move.” The attorney opined barring the member of the public was likely a violation of the First Amendment’s guarantee of the right to receive information.

3. Trespass Notice - Removal from public participation

On 1/25/22 prior to the start of the Board meeting, two District residents were removed from the meeting room and were subsequently issued notices of trespass pursuant to South Carolina Code of Laws §16-11-620. The Director of Safety and Security ordered their removal following an incident involving the Dr. Davis' wife pursuant to authority delegated in Board [Policy AR KI-R](#), "Visitors." The policy provided that:

"District and school administrators, after school or after hours program managers, district security and safety staff, school resource officers or other on-duty, or extra-duty law enforcement officers assigned to work at a school or event may issue a verbal or written 'no trespass' notice for the school facility, delay the entry of a person for cause, or ask for the removal [of] any such individual as necessary."

Administrative rule [AR KI-R](#) did not identify procedures for implementing a trespass notice, the length of time the trespass notice was to be in effect, or due process safeguards, including supervisory review or a definition of the necessity standard.

The two persons that received trespass letters issued on 1/26/22 were barred from all District property, absent specific approval for limited purposes, until 6/30/22. The Board considered their appeals though the individuals were not permitted to personally present their appeals to the Board.

[South Carolina Code of Laws §16-11-620](#) provides:

Any person who, without legal cause or good excuse, enters into the dwelling house, place of business, or on the premises of another person after having been warned not to do so or any person who, having entered into the dwelling house, place of business, or on the premises of another person without having been warned fails and refuses, without good cause or good excuse, to leave immediately upon being ordered or requested to do so by the person in possession or his agent or representative shall, on conviction, be fined not more than two hundred dollars or be imprisoned for not more than thirty days.

The SIG identified the use of several other notices of trespass issued by the Safety and Security Director and principals. Per SC Code of Laws §16-11-530, "*For the purpose of determining ... whether or not there has been a trespass upon such property as this offense is defined in Section 16-11-600 and for all prosecutions under these penal statutes and other statutes of a like nature, the trustees of the respective school districts in this State in their official capacity shall be deemed to be the owners and possessors of all school property.* [Emphasis added]"

[South Carolina Attorney General Opinion WL 2369068 \(2019\)](#) stated,

"Section 16-11-620 establishes the misdemeanor of trespass for a person who enters premises after being warned not to 'without legal cause or good excuse.' It contemplates that persons placed on trespass notice might have the legal right or good cause to come on particular premises even after receiving that notice. Conversely, 'South Carolina's FOIA was designed to guarantee the public reasonable access to certain activities of the government.' The open meeting requirement in Section 30-4-50 is an integral component of that design.... Further, the general Assembly instructed that the FOIA 'must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to persons seeking access to public documents or meetings.'" In addition, the FOIA's §30-4-70 (d) provides – with respect to a public meeting on public

property -- that *“This chapter does not prohibit the removal of any person who wilfully [sic] disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.”*

As a result, the Attorney General concluded a court would likely find that a person would have legal cause or good excuse to attend an open meeting of the school board, even though that person had been placed on a general trespass notice barring that person’s presence on school property.

4. Lack of transparency in Board communications

While Board members generally acknowledged they worked for their constituent taxpayers, Board member behavior was often inconsistent with transparency and respect for the public.

For example, on 8/16/21, following executive session in which the Board received legal advice regarding Proviso 1.108, Mr. Manning moved that the Board “authorize the District to engage legal counsel to provide the best option and legal strategy to address appropriations budget proviso 1.108, including consulting with Richland County Council with regard to protecting the health, safety, and well-being of our students and employees.” Mrs. McKie seconded the motion.

In discussion, Mrs. Agostini, who was unable to attend the executive session and had telephonically joined the meeting, asked for background on what the Board intended to do with the motion. Dr. Holmes told Mrs. Agostini that she could not discuss the purpose of the motion because it was discussed in executive session. Mrs. Agostini asked, *“So you’re not going to let the public know what the intent is with hiring lawyers?”* Dr. Holmes told Mrs. Agostini she would be told following the conclusion of the meeting. The motion passed 6-1, with Mrs. Agostini voting, ‘No.’

The SIG noted that the minutes of the special called meeting on 8/16/21 did not articulate the motion, only that a motion was made and passed.

On 8/20/21, without a vote authorizing the filing of a lawsuit, the District filed a cause of action with the South Carolina Supreme Court seeking a temporary injunction to enjoin enforcement of Proviso 1.108. SC Code of Laws §30-4-70 (b) provides, *“The members of a public body may not commit the public body to a course of action by a polling of members in executive session.”*

Mr. Manning advised the SIG that attorneys in executive session recommended the Board not tip their hand about their plan to file the lawsuit. The SIG determined the Board lacked transparency in failing to describe in the motion its true purpose, and that its true purpose was wrongly determined in executive session.

Derogatory comments about District constituent and Board members

The SIG identified text messages among a group of Board members (Holmes, McKie and Caution-Parker) replete with derogatory and defamatory comments of fellow Board members and a constituent between April – June 2021. In one instance, on 4/12/21 at 14:59 (2:59 p.m.) one Board member referred to a constituent as, *“...his captain of the redneck white supremacists army self hadn’t earned ANYBODY’S advanced degree.”* In another instance on 6/1/21 at 14:53 (2:53 p.m.), one Board member referred to two fellow Board members as engaging in “racist” associations.

Board member discussion of deleting text messages

On 6/11/21 at 16:15 (3:15 p.m.), one Board member asked the group, *“Think we should tell La to erase texts?”* The topic of deleting text messages is repeated on 10/11/21 beginning at 14:51 (2:51 p.m.), through 16:34 (3:34 p.m.). Specifically, one Board member texted, *“I delete daily after conversations”* to which Dr. Holmes replied, *“Will do.”* Dr. Holmes was the Board chair at the time of this text message exchange.

Board member discussion of parental involvement

The SIG identified derisive comments among Board member text messages. This was especially true in a group text message among Board members McKie, Manning, Caution-Parker and Holmes for the period of 6/14/22 – 8/5/22.

An example of the Board members' disregard for the parents of District students occurred on 6/16/22 and the inaction of safety and security ad hoc committee chaired by Board member Scott. At 8:17 on 6/16/22, Dr. Holmes group messaged:

“That's why I said in Exec. Let's just push forward. We do not need parents to decide. I think to let them fill [sic] involved we simply hold a parent only input meeting no committee members from them. That way they all were heard but we are moving on.”

I. Summary of Individual Board Members

All previously identified violations of Board policies are incorporated herein.

1. Mrs. Lashonda McFadden

Mrs. McFadden's Board term does not expire until November 2024.

Potential Ethics Violation and District Indebtedness

As of 10/20/22, Mrs. McFadden is currently indebted to the District for **\$2,497.70**, which is comprised of \$1,902.75 for school meal debt and \$594.95 for other school-related fees for her children. An additional \$836 in future magnet field study fees is not included in the current outstanding debt to the District.

On 8/23/22 at special called Board meeting, Mrs. McFadden advocated for the forgiveness of meal debt for District parents knowing that she owed school meal debt dating back to May 2017. By doing so, Mrs. McFadden potentially violated state ethics law [SC Code of Laws, §8-13-700(B)] that prohibits a public official from utilizing their office to influence a governmental decision in which “*he, a family member...has an economic interest.*” Mrs. McFadden failed to recuse herself from the special called meeting whose sole purpose was to address school meal debt in the District.

Circumvention of Internal Controls

As previously set forth, Mrs. McFadden failed to reimburse the District in a timely manner for unused travel advance funds issued in January 2022 for travel that was cancelled. After repeated communications (email and written) from the superintendent to Mrs. McFadden the unused funds were reimbursed after 56 days. Again, in September and October 2022, the superintendent and Chairman Manning issued numerous communications to Mrs. McFadden for repayment of \$425 in personal expenses incurred during a Board trip to Atlanta, Georgia, that were not authorized by the District or the Board. Mrs. McFadden engaged in back and forth discussions with Chairman Manning and the superintendent about applying District budgeted funds to retire this debt. On 10/18/22, after Chairman Manning's pronouncement to Mrs. McFadden that her request to utilize Board travel funds for this purpose potentially violated state ethics law [SC Code of Laws, §8-13-700(A)] did she repay the District the \$425 in personal expenditures.

Public confrontations

As previously set forth, on 12/8/21, Mrs. McFadden physically presented herself at the R2i2 District offices issuing demands to the staff for the superintendent to speak with her. The SIG interviewed numerous District staff who expressed concerns for their personal safety due to Mrs. McFadden's behavior and verbal confrontations. As a result, the superintendent's personal attorney issued a letter to Mrs. McFadden stating that she was to have no contact with the superintendent outside of a Board meeting.

Circumvention of FOIA through email communications

A review of Board member emails identified Mrs. McFadden's repeated use of District email for Board business with four or more Board members on each email. SC Code of Laws, §30-4-20(e) states that a quorum is a simple majority of membership of the public body, which in this matter is four members. The SIG noted the review did not identify Board action was taken on any given subject; nonetheless, Mrs. McFadden frequently advocated her position on Board issues that was consistent with open debate at a public Board meeting. Mrs. McFadden was not the only Board member who engaged four or more members through District and personal email communications on Board matters in violations of FOIA, but she was the most prolific.

Among the other misuses of the District email system, Mrs. McFadden:

- Made an unauthorized disclosure of attorney-client privileged communication on 9/9/22 regarding a personnel matter that was under appeal before the Board.
- Made repeated demands for information from the superintendent with threats of poor job performance evaluations and attacks on the superintendent's integrity.

2. Dr. Monica E. Scott

Dr. Scott's Board term does not expire until November 2024.

3. Mrs. Amelia McKie

Mrs. McKie's Board term expires in November 2022 and she is not seeking reelection to her Board seat.

The State Ethics Commission (Ethics Commission) fined Mrs. McKie for failure to file a Statement of Economic Interest prior to taking her oath of office in 2018. Mrs. McKie settled this matter with the Ethics Commission.

A review of the South Carolina Ethics Commission website identified \$57,000 in fines and associated penalties were assessed against Mrs. McKie for failure to file timely campaign reports and filings. Mrs. McKie has addressed her personal debt and is currently on a payment plan to repay the fines and penalties.

4. Dr. Teresa Holmes

Dr. Holmes' Board term expires in November 2022 and she is seeking reelection to her Board seat.

Dr. Holmes was a participant in the events of the 4/28/22 executive session. As the Board chair during the executive session, Dr. Holmes violated numerous Board policies to include the failure to admonish Mr. Manning for the surreptitious recording of the meeting. This led to a breach of trust among the Board members and adversely impacted the work of the Board.

In addition to the prior violations of Board policies by Dr. Holmes, the Ethics Commission fined Dr. Holmes for failure to file a Statement of Economic Interest prior to taking her oath of office in 2018. Dr. Holmes settled this matter with the Ethics Commission.

5. Mr. James Manning

Mr. Manning's Board term expires in November 2022 and he is not seeking reelection to his Board seat.

In addition to the surreptitious recording of Board meeting executive session on 4/28/22 which violated Board [Policy BC](#), Mr. Manning also violated Board policies [BC](#), [BCA](#), and [BEC](#) when he disclosed information that was discussed in a September 2022 Board meeting executive session. According to a confidential, reliable source, Mr. Manning disclosed to a former District employee that the District entered into a settlement with a former school administrator.

6. Dr. Cheryl Caution-Parker

Dr. Caution-Parker's Board term expires in November 2022 and she is not seeking reelection to her Board seat.

7. Mrs. Lindsay Agostini

Mrs. Agostini's Board term does not expire until November 2024.

J. Findings and Recommendations – Board of Trustees

Finding #BoT-1: Board dysfunction and member conduct fostered a hostile environment, which created reputational, operational, and legal risk and harmed District operations, fiscal affairs, and human capital management.

Recommendation #BoT-1: The SIG recommends that Board members receive training on Board policy.

Finding #BoT-2: Board members periodically violated BHC “Board/Staff Communication” that stated, the Board “will make all official communications, policies, and directives of staff interest and concern to the staff through the superintendent.”

Recommendation #BoT-2: Board members should adhere to all Board policies, in particular Board [Policy BHC](#) when individual Board members have requests for information.

Finding #BoT-3: During the period of this investigation, three Board members requested and received travel advances for Board related travel, some of which exceeded actual reimbursable expenses incurred. Beginning with the 2022-23 school year the District assigned individual account numbers to the Board members to track Board travel. On 10/25/22, the Board revised Policy BID “Board Member Compensation and Expenses” ending the practice of Board members receiving travel advances and suspended a Board member's ability to travel until any outstanding travel balance is paid back to the District.

Recommendation #BoT-3: The SIG recommends reimbursements to Board members for Board travel be processed within ten business days following receipt by the District of proper documentation.

Finding #BoT-4: Board member Lashonda McFadden violated [Policy DKC](#) and circumvented District internal controls that caused the District to be charged for unauthorized lodging expenses during the period 9/7/22 through 9/10/22.

Recommendation #BoT-4: The SIG recommends the District establish safeguards to ensure expenses above the District authorized travel expenses are unable to be charged against the District P-Card.

Finding #BoT-5: The SIG determined Dr. Holmes and Dr. Scott utilized personal email accounts instead of District email accounts for emails relating to matters over which the Board had supervision, control, jurisdiction, or advisory power in a manner inconsistent with the FOIA. The SIG confirmed that Dr. Holmes began utilizing her District email once this matter was brought to her attention.

Recommendation #BoT-5: The SIG recommends a revision to [Policy BEDL](#) Board Members and Electronic Communications to include the requirement for all Board members to utilize District email accounts for all communication related to matters over which the Board had supervision, control, jurisdiction, or advisory power.

Finding #BoT-6: The SIG determined Board members used personal phones to communicate about matters over which the Board had supervision, control, jurisdiction, or advisory power by text.

Recommendation #BoT-6: The SIG recommends the District revise [Policy BEDN](#) Board Members' Use of District-Owned Portable Devices to note that each Board member will be provided (rather than offered), a portable device(s), including a cell phone, to be used for all official Board communication, especially emails and texts, and will be returned at the end of the Board member's term of office.

Finding #BoT-7: Administrative Rule [\(AR\) KI-R](#) did not identify procedures for implementing a trespass notice, the length of time of the no-trespass restriction, or due process safeguards, including supervisory review or a definition of the necessity standard.

Recommendation #BoT-7a: The SIG recommends the District revise [AR KI-R](#) to include legal review, especially in relation to due process provisions and the length of time of the no-trespass restriction.

Recommendation #BoT-7b: The SIG recommends the District use remedies under FOIA when the orderly conduct of a meeting is seriously compromised.

VII. Conclusion

The question remains, “What, if anything, did the Board undertake to keep “the main thing, the main thing?” as one Board member remarked to the SIG.

The SIG’s analysis of the Board’s focus on academic and non-academic matters over the last four school years identified only **14.2%** [SIG emphasis] of the Board’s agenda items were on academic matters. More important, the Board addressed only five academic items over the last two school years when Board member acrimony and disruptive communications directed toward the superintendent, District staff and the public were the greatest.

Regardless, the District delivered quality public education to more than 112,837 students over the four-year period under review. The academic achievements and test scores, while rebounding from disruptions due to COVID-19, still have room for improvement. This is where a unified Board focused on academic achievement and supportive of the superintendent and District staff can have its greatest impact. To do anything else is a disservice to the students, parents and taxpayers of the District.

Compilation of Findings and Recommendations

District Operations

Finding #DO-1: The District's five-year strategic plan that included the 2021-22 school year contained goals that were neither specific, measurable, nor time bound. The SIG determined the District initiated a comprehensive strategic planning process for the new five-year strategic plan set to commence with the 2023-24 school year that will address specific goals and measurable outcomes. **No further action recommended.**

Finding #DO-2: The District did not identify a District administrative rule or Board policy adopting the student discipline guidelines table.

Recommendation #DO-2: The SIG recommends that a student discipline table be incorporated into an existing District administrative rule or Board policy.

Fiscal Affairs

Finding #FA-1: The District failed to identify it sought and received a written opinion from the Division of Procurement Services that its procurement code was substantially similar to the Consolidated Procurement Code per SC Code of Laws §11-35-5340. The SIG confirmed this with the Division of Procurement Services.

Recommendation #FA-1: The SIG recommends the District adopt the [2021 Model School District Procurement Code](#) or submit the District's procurement code to the Division of Procurement Services for a written opinion as required by SC Code of Laws, §11-35-5340.

Finding #FA-2: The District did not comply with the SC Code of Regulations 19-445.2165 (A) and (B) when it executed a contract with Service Solutions after receiving the promise of gifts, such as student scholarships and donations.

Recommendation #FA-2: The District should ensure that procurement officers review responses to all requests for proposals to ensure compliance with the SC Code of Regulations 19-445.2165 (A) and (B) and not accept gifts, such as student scholarships and donations, either directly or indirectly from current or potential contractors in order to avoid the appearance of influence in a contract award.

Finding #FA-3: The District did not identify a Procurement Card Policy.

Recommendation #FA-3a: The SIG recommends the District implement a Procurement Card policy that is substantially similar to the "[South Carolina Purchasing Card Policy and Procedures](#)" published on the Division of Procurement Services website.

Recommendation #FA-3b: The SIG recommends the District audit the P-Card transactions identified in Table B and determine the purpose of items 1, 3, 4, and 5 and the expenditure of funds in support of District program, and report the results of the audit to the SIG by 3/31/23.

Finding #FA-4: The District maintained a checkbook in the HR department to pay for SLED background checks of employee candidates. The use of the checkbook violated District policies [DGA](#) and [DK](#) by using the signatures of HR staff on these checks instead of the District superintendent and chief financial officer. The SIG's review of the accounting records for this account did not find evidence of misuse of funds; however, the use of the checkbook outside of the Finance department's authority created an internal control deficiency and elevated the risk for fraud. The District took immediate action and removed the checkbook from the HR

department and closed the account when the matter was brought to District leadership's attention. This matter has been addressed. **No further action is required.**

Finding #FA-5: The District's relationship with the Foundation was not governed by an operating agreement or Memorandum of Understanding (MOU) that governed the Foundation's use of District resources and personnel. As a result, the District and the Foundation lacked sufficient internal controls and processes that resulted in the Foundation depositing monies and federal grant funds intended for the District into a Foundation bank account.

Recommendation #FA-5: The District should develop an operating agreement or MOU with the Foundation that sets forth the Foundation's roles and responsibilities in the use of District resources and personnel.

Finding #FA-6: Federal grant funds in the amount of \$625,000 that were awarded to the District were diverted into a Foundation account, which excluded the \$625,000 from the District's annual audits. Consequently, HHS misdirected the reimbursement of District expenditures to the Foundation's bank account instead of the District's bank account. The Foundation delayed repayment of the federal grant funds to the District because no mechanism had been established between the District and the Foundation to facilitate the transfer of funds. In addition, the SIG identified at least 35 checks payable to the District totaling \$138,575.44 were deposited into a Foundation bank account.

Recommendation #FA-6: The District should adopt internal controls and processes with the Foundation to ensure that funds intended for the District are deposited into a District account.

Finding #FA-7: The District did not make a determination and assessment of the Foundation as a component unit for its external auditors as defined in Statement No. 14 of the Governmental Accounting Standards Board (GASB).

Recommendation #FA-7: The SIG recommends the District conduct and assessment of the Foundation and seek a professional opinion from its external auditors to determine if the Foundation should be disclosed as a component unit of the District.

Finding #FA-8: The SIG determined the Foundation utilized commingled funds when it reported a \$168,776 loss in gross receipts that included \$81,337.42 of federal grant funds awarded to the District, not the Foundation. The \$81,337.42 in federal grant funds supported the Foundation's application for and subsequent receipt of \$50,000 in SC CARES Act funds. The Foundation issued a check for \$50,000 to the Central Carolina Community Foundation on 12/31/22 that did not go to the benefit of the District. The SIG further determined the Foundation utilized \$9,500 in commingled District funds to conduct a public opinion survey regarding a 2018 bond referendum.

Recommendation #FA-8: The SIG will refer the receipt of SC CARES Act funding by the Foundation to the South Carolina Office of the Attorney General, which has jurisdiction over nonprofit corporations for investigation of the Foundation's tax-exempt status and the receipt of the SC CARES Act funds.

Finding #FA-9: The District did not have an internal auditor position or function to conduct fiscal and program assessments for District leadership and the Board of Trustees.

Recommendation #FA-9: The SIG recommends implementing an internal audit program.

Human Capital

Finding #HC-1: The District spent nearly \$2.5 million over the last four years in payment to vendors to acquire international teachers who were limited to five years of employment with the District.

Recommendation #HC-1: The SIG recommends the District consider utilizing bonuses to retain and recruit teachers to work in the District.

Finding #HC-2: The District established the Premier 100 initiative to recruit and retain 100 men of color by 2024 and paid for professional development training and related expenses, including dinners, speakers, and field trips, as well as stipends to these teachers. The District terminated the distribution of stipends to Premier 100 participants and opened the professional development opportunities provided by Premier 100 to all District employees. **No further action is required.**

Finding #HC-3: The HR department lacked standard operating procedures for daily HR processes and a comprehensive payroll policy manual that resulted in inconsistencies in salary computations based on position and/or experience, which adversely affected various HR functions and payroll functions in the Finance department.

Recommendation #HC-3a: The SIG recommends the District HR department establish standard operating procedures for daily processes and a payroll policy manual to ensure consistency in salary computations.

Recommendation #HC-3b: The SIG recommends the District engage an external organizational management group to conduct a comprehensive study of the HR department's processes to identify inefficiencies and strategies for improvement.

Finding #HC-4: The District conducted an audit of onboard teacher payroll for the period of 2012 – 2022 that identified underpayments totaling \$459,381 related to certification changes and step increases. Retroactive payments were made to the onboard employees between February 2022 and October 2022.

Recommendation #HC-4: The District should ensure teacher payroll audits are conducted annually to ensure accuracy in teacher certifications, experience and step increases.

Finding #HC-5: The HR department was delinquent in processing payroll data of 190 employees resulting in late payments for paychecks scheduled for 8/15/22, in part due to inadequate staffing.

Recommendation #HC-5a: The SIG recommends cross-training HR personnel to ensure timely data processing of new hires during the summer hiring season.

Recommendation #HC-5b: The SIG recommends an increase of four HR specialist positions in HR department.

Finding #HC-6: The HR department is responsible for investigating employee misconduct and conducting a case review, which creates a risk of investigative bias in determining disciplinary action, if any. The SIG determined the officials who conducted the misconduct investigations had limited investigative training and experience. A recent employee misconduct investigation was poorly documented and contained exculpatory information and conflicting witness statements. The District failed to provide the exculpatory witness statements to the employee in support of the employee's appeal of the disciplinary finding.

Recommendation #HC-6: The SIG recommends the District separate the investigative process from the case review process that includes a legal review of the investigative results to mitigate the risk and appearance of investigative bias in determining disciplinary action, if any.

Finding #HC-7: The District did not have a unified district-wide time and attendance system to track compensatory time and compensatory time off.

Recommendation #HC-7: The SIG recommends the District establish a unified district-wide time and attendance system, the purposes of which would include tracking compensatory time and compensatory time off.

Board of Trustees

Finding #BoT-1: Board dysfunction and member conduct fostered a hostile environment, which created reputational, operational, and legal risk and harmed District operations, fiscal affairs, and human capital management.

Recommendation #BoT-1: The SIG recommends that Board members receive training on Board policy.

Finding #BoT-2: Board members periodically violated BHC “Board/Staff Communication” that stated, the Board “will make all official communications, policies, and directives of staff interest and concern to the staff through the superintendent.”

Recommendation #BoT-2: Board members should adhere to all Board policies, in particular Board [Policy BHC](#) when individual Board members have requests for information.

Finding #BoT-3: During the period of this investigation, three Board members requested and received travel advances for Board related travel, some of which exceeded actual reimbursable expenses incurred. Beginning with the 2022-23 school year the District assigned individual account numbers to the Board members to track Board travel. On 10/25/22, the Board revised Policy BID “Board Member Compensation and Expenses” ending the practice of Board members receiving travel advances and suspended a Board member’s ability to travel until any outstanding travel balance is paid back to the District.

Recommendation #BoT-3: The SIG recommends reimbursements to Board members for Board travel be processed within ten business days following receipt by the District of proper documentation.

Finding #BoT-4: Board member Lashonda McFadden violated Policy DKC and circumvented District internal controls that caused the District to be charged for unauthorized lodging expenses during the period 9/7/22 through 9/10/22.

Recommendation #BoT-4: The SIG recommends the District establish safeguards to ensure expenses above the District authorized travel expenses are unable to be charged against the District P-Card.

Finding #BoT-5: The SIG determined Dr. Holmes and Dr. Scott utilized personal email accounts instead of District email accounts for emails relating to matters over which the Board had supervision, control, jurisdiction, or advisory power in a manner inconsistent with the FOIA. The SIG confirmed that Dr. Holmes began utilizing her District email once this matter was brought to her attention.

Recommendation #BoT-5: The SIG recommends a revision to [Policy-BEDL](#) Board Members and Electronic Communications to include the requirement for all Board members to utilize District email accounts for all communication related to matters over which the Board had supervision, control, jurisdiction, or advisory power.

Finding #BoT-6: The SIG determined Board members used personal phones to communicate about matters over which the Board had supervision, control, jurisdiction, or advisory power by text.

Recommendation #BoT-6: The SIG recommends the District revise [Policy BEDN](#) Board Members' Use of District-Owned Portable Devices to note that each Board member will be provided (rather than offered), a portable device(s), including a cell phone, to be used for all official Board communication, especially emails and texts, and will be returned at the end of the Board member's term of office.

Finding #BoT-7: Administrative Rule [\(AR\) KI-R](#) did not identify procedures for implementing a trespass notice, the length of time of the no-trespass restriction, or due process safeguards, including supervisory review or a definition of the necessity standard.

Recommendation #BoT-7a: The SIG recommends the District revise [AR KI-R](#) to include legal review, especially in relation to due process provisions and the length of time of the no-trespass restriction.

Recommendation #BoT-7b: The SIG recommends the District use remedies under FOIA when the orderly conduct of a meeting is seriously compromised.

List of Appendices

- A. [Letter for Governor Henry McMaster to Inspector General Brian D. Lamkin requesting the initiation of an investigation into the Richland School District Two \(District\) and its Board of Trustees \(Board\), dated 6/22/22.](#)
- B. [District Strategic Plan - Pathway to Premier](#)
- C. [District Procurement Code \(2006\)](#)
- D. [2021 Model School District Procurement Code](#)
- E. [Service Solutions Proposal/Contract](#)
- F. [District Financial Operations Procedure Manual](#)
- G. [Richland School District Two Foundation Articles of Incorporation and Bylaws](#)
- H. [District HR Department Anthology of Pay Policies](#)
- I. [Consultant report of Board members](#)
- J. [Board – District Organizational Chart](#)
- K. [South Carolina Attorney General’s Opinion – dated 10/11/22](#)
- L. [Transcript of 4-28-22 Board Meeting Executive Session](#)