UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INSPECTOR GENERAL

THE INSPECTOR GENERAL

Dr. David Stewart
State Superintendent of Schools
West Virginia Department of Education
1900 Kanawha Boulevard East
Charleston WV 25305

AUG 7 2000

Dear Dr. Stewart:

This **Final Audit Report** (Control Number ED-OIG/A03-A0007) presents the results of our audit of West Virginia State and Local Education Agencies' Compliance with the Gun-Free Schools Act of 1994 (the Act). The objective of our audit was to determine if the West Virginia Department of Education (State) and local education agencies (districts) were in compliance with the Act for the 1997-98 school year.

AUDIT RESULTS

We concluded that the State and six districts selected for visits were generally in compliance with the Act. We determined that the State should have reported to the U.S. Department of Education (Department) one additional expulsion for the 1997-98 school year. We determined that one district submitted data to the State concerning two expulsions. However, only one of the expulsions was included in the State's total reported to the Department. Because of circumstances surrounding the expulsion, the State believed it did not meet the reporting requirements. The expulsions reported by the remaining districts were accurate. Other than the underreporting described, no other issues were disclosed during the course of the audit. The results of this audit will be incorporated into a national report that will cover audit work in West Virginia and six other states.

Background

The Gun-Free Schools Act of 1994 (Title 20 USC § 8921, 8922 et. seq.) requires states to have in effect a law requiring districts to expel from school for a period of not less than one year, a student who is determined to have brought a firearm to school, except that such state law shall allow the district's chief administrative officer to modify such expulsion requirement on a case-by-case basis. The Act also requires States to report annually to the Department information on firearm expulsions under the state law.

The Act also requires districts to comply with the state law, provide to the State assurances of compliance with the state law, report annually to the State information on expulsions under the state law, and implement policies requiring referral to criminal justice or juvenile delinquency systems of students who take firearms to school.

The State of West Virginia has 55 school districts. For the 1997-98 school year, 13 districts reported a total of 18 expulsions of students who brought firearms to school.

Objective, Scope, and Methodology

The objective of our audit was to determine if the State and the districts were in compliance with the Act for the 1997-98 school year. Our work in West Virginia was part of a multi-state audit of state and local compliance with the Act. Seven states were selected as auditees; six of the states, including West Virginia, were randomly selected. On the basis of student population, the districts within the State were categorized as large, medium, or small. Twelve districts (four from each category) were then randomly selected. From the 12 districts, we judgmentally selected six (two from each category) for audit site visits. The six districts from large to small were Kanawha, Harrison, Taylor, Marion, Wetzel, and Barbour.

To accomplish our objective, we reviewed the applicable West Virginia law and school district policies, the methodology used by the State and the districts to collect and report expulsion data, and relevant student disciplinary files. Within each of the six districts, we selected up to four schools for site visits. We interviewed 129 State, district, school, and law enforcement officials.

Summary of Officials Interviewed			
State Administrators	3	Guidance Counselors	28
District Administrators	16	Parent-Teacher Representatives	14
Principals & Assistant Principals	33	Law Enforcement Officials	8
Teachers	27		
Subtotals	79		50
Total			**129**

We performed fieldwork at the State and the six selected districts during February through April 2000. Our audit was performed in accordance with government auditing standards appropriate to the scope of the review described above.

Statement on Management Controls

As part of our review, we assessed the management control systems of the State and the six selected districts. We gave attention to the policies, procedures, and practices applicable to their compliance with the Act. Our assessment was performed to determine the level of control risk for the nature, extent, and timing of our substantive tests to accomplish the audit objective.

For the purpose of this report, we assessed and classified the significant controls into the following categories:

- Compliance with the state law expulsion requirement

- Compliance with the state law expulsion requirement
- Compliance with the state law referral policy
- Data collecting and reporting

Because of inherent limitations, a study and evaluation made for the limited purpose described above would not necessarily disclose all material weaknesses in the management controls. We did not consider the underreporting issue described in the Audit Results section of this report to be a significant control weakness.

We appreciate the cooperation and assistance extended by your staff during the audit. You are not required to respond to this report. However, if you desire to discuss it, please call Bernard Tadley, Regional Inspector General for Audit, in Philadelphia, PA, at 215-656-6900.

Sincerely,

Lorraine Lewis
Inspector General

cc: Michael Cohen, Assistant Secretary for the Office of Elementary and Secondary Education
William Modzeleski, Director, Safe and Drug-Free Schools Programs, OESE