

# **WEST VIRGINIA BOARD OF EDUCATION**

Capitol Building 6, Suite 600  
1900 Kanawha Boulevard, East  
Charleston, West Virginia

## **MINUTES**

May 14, 2025

### **I. Call to Order**

The meeting opened with the Pledge of Allegiance, President Nancy J. White called the meeting of the West Virginia Board of Education (WVBE) to order at 10:00 a.m. on May 14, 2025, in Capitol Building 6, Suite 600, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The following members were present: President White, Vice President Victor L. Gabriel, Robert W. Dunlevy, L. Paul Hardesty, Cathy L. C. Justice (via remote), F. Scott Rotruck, Debra K. Sullivan, Dr. Christopher A. Stansbury, Gregory F. Wooten, and ex officio member Michele L. Blatt, State Superintendent of Schools, West Virginia Department of Education (WVDE). Sarah Armstrong Tucker, Chancellor, West Virginia Higher Education Policy Commission and West Virginia Council for Community and Technical College Education, was absent.

### **II. Approval of Agenda**

President White called for a motion to approve the agenda. Dr. Stansbury moved, and Mr. Rotruck seconded, that the agenda be approved. Upon the call for the question, the motion carried on a voice vote.

### **III. Delegations**

Ms. Kelly Myers addressed the Board regarding issues with Tyler County Board of Education and the following expressed support for enforcing statutory requirements relating to school vaccinations: Mr. John Doyle, Mr. Rick Staton, Ms. Sarah Gottlieb, Ms. Kimberly McAdoo, Ms. Robin Godfrey, Mr. Jack Levin, Delegate Mike Pushkin, and Dr. James McJunkin. Ms. Tara Raymo addressed the Board by reading from the Bible. Mr. William Parker, a member of the Upshur County Board of Education, speaking on his own behalf, regarding the status of state intervention in the school system. Mr. David Gladkosky, Executive Director, West Virginia Professional Educators, made comments relating to the 2025 Regular Legislative Session and the concerns of professional educators. Mr. Micky Blackwell, Executive Director, West Virginia Principals Association, talked about the need to appreciate teachers.

### **IV. School Safety Update**

Mr. Micah Whitlow, Director of School Facilities, discussed the method of applying and receiving grants from the million dollar appropriation specifically allocated for school safety

initiatives allocated during the 2024 2nd Special Legislative Session. According to Mr. Whitlow, all 55 counties applied for a grant award. A selection committee was formed that reviewed the applications with a priority on safe school entries as required by state law. The committee chose 24 projects to receive funding from the allocation which resulted in approximately \$7 million dollars of school safety initiatives being implemented after local funds were also applied to the projects. Mr. Whitlow discussed the implications of House Bill No. 3166 (Requirements for School Safety Mapping Data) and noted that he saw the legislation as a beneficial endeavor that will result in statewide consistency in school safety mapping. The West Virginia Legislature awarded \$2.9 million in funding with a cap of \$4,500.00 per school to assist county boards of education in implementing the school safety mapping initiative. The Board also discussed the availability of school resource officers and the importance of having an officer available in every school.

## **V. Consent Agenda**

President White called for a motion to approve the Consent Agenda. Mr. Hardesty moved, and Mr. Dunlevy seconded, that the Consent Agenda be approved. Upon the call for the question, the motion carried on a voice vote approving the following agenda items:

- Approved the WVBE minutes from April 9, 2025.
- Approved the Employment of Substitute Teachers in Areas of Critical Need and Shortage policy for Wyoming County.
- Approved the affidavits listed in the agenda attachment for the Employment of Substitute Teachers and Bus Drivers in Areas of Critical Need and Shortage for submission to the Consolidated Public Retirement Board.
- Approved Raleigh County Board of Education's request to amend their 2020-2030 Comprehensive Educational Facilities Plan.
- Approved Monongalia County Schools' request for a waiver of Policy 4321.1, Standards for School Nutrition, for the 2025-2026 school year.
- Approved Policy 4334, West Virginia Design, Equipment and Inspection Requirements for School Transportation, be placed on public comment for 30 days from filing.
- Approved Policy 4336, West Virginia School Transportation Requirements, be placed on public comment for 30 days from filing.
- Approved Policy 8100, Public School Finance Requirements, be placed on public comment for 30 days from filing.
- Approved West Virginia Secondary School Activities Commission (WVSSAC), Series 1, be placed on public comment for 30 days from filing.
- Approved West Virginia Secondary School Activities Commission (WVSSAC), Series 2, be placed on public comment for 30 days from filing.
- Approved West Virginia Secondary School Activities Commission (WVSSAC), Series 4, be placed on public comment for 30 days from filing.

## **VI. West Virginia Secondary School Activities Commission (WVSSAC) Series 3, Provisions Governing Contests**

Mr. David Price, Executive Director, WVSSAC, explained the litigation issues surrounding the series, the reasoning behind the revisions to Series 3, and the need to file the rule as an emergency rule to comply with court orders and avoid disruption to the classification system during the 2025-2026 school year. After discussion and explanation relating to the revisions made to Section 10.4 relating to tournaments, Mr. Dunlevy moved that the Board reject the new language and restore the stricken language reflected in Section 10.4 of WVSSAC, series 3. Mr. Gabriel seconded the motion. Upon the call for the question, the motion carried on a voice vote. Ms. Sullivan then moved that the WVSSAC, Series 3, as revised, be approved as an emergency rule, effective upon filing, and be placed on public comment for 30 days from filing. Dr. Stansbury seconded the motion. Upon the call for the question, the motion carried on a voice vote.

## **VII. Discussion regarding the Public Employees Insurance Agency (PEIA)**

Ms. Kelli Talbott, General Counsel, read the following:

### **RESOLUTION**

#### **Supporting the Stabilization of PEIA**

**Whereas**, the West Virginia Board of Education is the constitutional body established by the people of the State of West Virginia in Article XII, §2 of the West Virginia Constitution and vested by the people with the general supervision of the public schools of this State.

**Whereas**, the West Virginia Board of Education is responsible pursuant to its general supervisory powers under Article XII, §2 to implement high quality educational standards to ensure the complete executive delivery and maintenance of a thorough and efficient system of free schools.

**Whereas**, the Public Employees Insurance Agency (PEIA) provides vital health care benefits to public employees in West Virginia, including teachers, school staff and administrators who serve in public schools in West Virginia.

**Whereas**, to ensure the complete executive delivery and maintenance of a thorough and efficient system of free schools, it is necessary to recruit and retain qualified educators and school personnel to serve the children in West Virginia's public schools.

**Whereas**, a stable and sustainable PEIA is essential to recruiting and retaining qualified educators and school personnel to serve the children in West Virginia's public schools.

**Whereas**, the recent financial instability of PEIA has led to increasing costs for public employees resulting in impacts on their take-home pay and placing undue burdens on educators and school personnel who are critical to the functioning of the public education system.

**Whereas**, the State of West Virginia has a responsibility to adequately support the public education system which includes ensuring that educators and school personnel have affordable and reliable healthcare benefits.

**Whereas**, all fifty-five (55) county boards of education have passed Resolutions supporting the stabilization of PEIA.

**Whereas**, the West Virginia Board of Education believes that it is in the best interest of public education students, public education employees and the communities that they serve that action be taken to stabilize PEIA to prevent further cost increases and reductions in benefits.

NOW, THEREFORE, BE IT RESOLVED that the West Virginia Board of Education urges the West Virginia Legislature and the Governor to stabilize PEIA to ensure that it is sustainable and affordable for public employees.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to the Governor, the President of the West Virginia Senate and the Speaker of the House of Delegates to inform them of the West Virginia Board of Education's support for the stabilization of PEIA and support of the county boards of education and other public education constituents who rely on PEIA.

Adopted this 14th day of May, 2025 by the West Virginia Board of Education.

Mr. Hardesty moved, and Mr. Gabriel seconded, that the Board adopt the Resolution. Upon the call for the question, the motion carried on a voice vote.

### **VIII. Policy 4374, Personal Electronic Device Usage In Schools**

Mr. Drew McClanhan, Director of District and Leadership Support, explained that Policy 4374 was placed on public comment at its meeting on February 12, 2025. There were 27 public comments filed resulting in three changes to the proposed policy. Additionally, the final version of the policy includes necessary changes resulting from the enactment of House Bill No. 2003 during the 2025 Regular Legislative Session. After discussion, Dr. Stansbury moved, and Mr. Dunlevy seconded, that Policy 4374 be approved and made effective 30 days from final filing.

### **IX. Right-of-Way Agreements Between the West Virginia Board of Education and Potomac Edison**

Mr. Whitlow, Director of School Facilities, explained the request from the West Virginia Schools for the Deaf and Blind (WVSDB) to approve granting both temporary and permanent right-of-way agreements to Potomac Edison for the purpose of constructing, reconstructing, inspecting, operating, and maintaining an overhead and/or underground electric and communication system. The proposed removal and relocation of existing utility easements benefits the WVSDB and the current campus entry improvement project. Under the proposed work, a 235-foot underground power line and a 298-foot underground power line would be replaced by a 274-foot underground power line on the campus of the WVSDB in Romney, West Virginia. In addition, a 340-foot underground power line would be installed. After discussion, Mr. Rotruck moved, and Ms. Sullivan seconded, the Board approve the temporary construction easement and permanent power line easement for Potomac Edison as requested by the WVSDB. Upon the call for the question, the motion carried on a voice vote.

### **X. Berkeley County Schools/Martinsburg North Middle School State of Emergency**

Mr. Jeff Kelley, Assistant State Superintendent, Division of District and School Accountability, provided an update on the success of the State of Emergency at Martinsburg North Middle School.

Mr. Kelley commended WVDE staff, Berkeley County Schools staff and the Berkeley County Board of Education for their commitment and dedication to improving the school environment. Kelly Massinople, WVDE Coordinator, also complemented the commitment of local education professionals in the school's transformation. Principal Jason Pittsnogle, Berkeley County Superintendent Ryan Saxe, and Berkeley County Board President Jackee Long also addressed the Board regarding the changes made at Martinsburg North Middle School. After discussion, Mr. Wooten moved, and Dr. Stansbury seconded, that the Board release Berkeley County Schools from the State of Emergency status if they agree to maintain the protocols and practices necessary to support continued improvement at Martinsburg North Middle School. Upon the call for the question, the motion carried on a voice vote.

#### **XI. Update: Mingo County Schools Special Circumstance Review Report**

Ms. Alexandra Criner, Director of Accountability, updated the Board on the Special Circumstance Review of Mingo County Schools. Specifically, Ms. Criner reminded the Board that the information they received at the March 12, 2025, meeting was a preliminary report that resulted in the Board taking immediate action to intervene. Since then, the Office of Accountability has completed the Mingo County School Special Circumstance Review Report. The State Superintendent initiated the review based on county board member effectiveness and compliance with all local policies, state policies, and state law. Ms. Criner explained that during SY22-23 and SY23-24, the office had received numerous complaints from stakeholders in Mingo County covering a wide range of topics regarding the hiring process, school culture, instructional facilities, and finances. During SY24-25, the complaints and concerns centered around the functions and decisions of the county board of education. Ms. Criner explained that the review resulted in findings regarding the local board of education leadership, fiduciary duties and finance, and central office leadership.

#### **XII. Tyler County Schools Special Circumstance Review Report**

Ms. Criner then explained the background and findings of the Tyler County Schools Special Circumstance Review. She stated that the review was initiated to examine county board member effectiveness and compliance with all local policies, state policies, and state law. Ms. Criner explained that board member conduct and possible ethics violations are under investigation by other agencies with jurisdiction over the matters. Ms. Criner provided information relating to the county board of education voting not to renew the contract of Superintendent Shane Highly despite the delegation of residents, staff and students that spoke on behalf of renewing Superintendent Highly's contract. The review team identified issues with county board member effectiveness specifically violations relating to open meetings, disbursing student information, and lack of knowledge regarding local and state policies. From 2021-2025, the county board of education spent approximately 30 hours in 53 separate executive sessions regarding personnel matters, legal matters, property matters, and matters if discussed in public would likely affect the reputation of any person. The 30 hours spent in executive session did not include student expulsion hearings, employee disciplinary hearings, or superintendent evaluations. The review team found that some topics discussed in the executive sessions were not permissible under the West Virginia Open Governmental Proceedings Act. Additionally, the team found that student identifying information was routinely shared on board agendas and in the minutes. Additionally, employees expressed fear of retaliation for supporting Superintendent Highly. Ms. Criner also reported that the county board

of education members lack communication with the public, students and school personnel. During interviews, academic programming and supporting the social and emotional needs of the students were not mentioned. Only one board member indicated that supporting students was a motivation for serving on the county board of education.

### **XIII. Nicholas County Schools Special Circumstance Review Report**

Ms. Criner explained that the Nicholas County Special Circumstance Review commenced in April 2025, to investigate recent actions by county board of education members and staff, substantiate official complaints received by the WVDE, and examine the processes and structures in place to ensure a safe and supportive learning environment for students. The review team examined the following areas: superintendent and central office leadership, county board of education member responsibilities, and personnel and hiring practices that were consistent with providing safe and supportive school environments. The review included on-site visits by two WVDE review teams. One team conducted interviews of county board of education members and central office staff while the second team visited Summersville Middle School to observe and assess the learning environment in response to parental complaints. The team also enlisted an independent investigator to examine each allegation of student sexual misconduct prior to WVDE's on-site review. Ms. Criner shared the results of the investigator's report which the team deemed to be exceptionally thorough and credible. She also provided findings regarding the issues surrounding Nicholas County Schools, including findings relating to the hiring of a registered sex offender who was a relative of the County Superintendent and leadership's failure to address alleged serious student sexual misconduct at Summersville Middle School. The team found that these circumstances have had significant impact on the focus and daily operation of the school district. After Ms. Criner provided more detail into the matters and members ask questions, Mr. Gabriel moved that the Board enter into executive session under the personnel, privacy and attorney client privilege exemption, authorized by W. Va. Code §6-9A-3 for discussion of items G (Tyler County Schools), H (Nicholas County Schools), I (Discussion of Legal Matters), and J (WVBE/WVDE Personnel Matters) on the agenda. Mr. Rotruck seconded the motion. President White announced that the Board would take a necessary/lunch break before entering into executive session at 12:45. Upon the call for the question, the motion carried on a voice vote.

The Board returned from executive session at 2:50 p.m. without taking any action. The Board then returned to further consideration of Item G, Tyler County Schools Special Circumstance Review. President White asked Superintendent Blatt for a recommendation. Superintendent Blatt recommended the following:

- 1) That the West Virginia Board of Education (WVBE) declares that extraordinary circumstances exist in Tyler County Schools that warrant immediate intervention pursuant to W. Va. Code §18-2E-5;
- 2) That nonapproval status shall be assigned to Tyler County Schools;
- 3) That the conditions precedent to WVBE intervention in the county school system exist and delaying the intervention would not be in the best interests of the students or the staff of Tyler County Schools;
- 4) That the authority of the Tyler County Board of Education shall be limited in areas that compromise the delivery of a thorough and efficient education to its students as

- designated by the WVBE by rule, which may include, but is not limited to, delegating decision-making authority regarding these matters to the State Superintendent or her designee;
- 5) That the WVBE delegates to the State Superintendent or her designee the authority to fill positions of administrators and principals with individuals determined by the State Superintendent or her designee to be the most qualified for the positions;
  - 6) That the WVBE grants the State Superintendent or her designee the authority to take action necessary to correct the extraordinary circumstances;
  - 7) That the WVBE voids the authority of the Tyler County Board of Education as to finances, personnel, federal programs, and any other areas designated by the WVBE by rule and delegate decision-making authority to the State Superintendent or her designee regarding those matters;
  - 8) That the current contract for the superintendent of Tyler County Schools shall remain valid through the end of the business day on June 30, 2025, and thereafter the State Superintendent shall appoint a county superintendent for Tyler County Schools, and any other contracts regarding employment of the county superintendent be voided;
  - 9) That the WVBE delegates to the State Superintendent or her designee the authority to conduct hearings on personnel matters, the referral of investigations to other agencies and the authority to appoint a designee for the limited purpose of conducting hearings while reserving to the State Superintendent the authority to render the resulting decision, if needed;
  - 10) That the WVBE voids the authority of the Tyler County Board of Education as to the ability to conduct real estate transactions and delegates to the State Superintendent or her designee the authority to act in lieu of the Tyler County Board of Education in a transfer, sale, purchase, or other transaction regarding real estate;
  - 11) That the WVBE delegates to the State Superintendent or her designee the authority to replace administrators and principals in low-performing schools and to transfer them to alternate professional positions within the county at her discretion;
  - 12) That the WVBE directs the current and future Tyler County superintendents and the State Superintendent, after consultation with the Tyler County Board of Education, to jointly develop and present to the WVBE at a future meeting a set of standards and/ or a strategic plan that must be implemented in order for the Tyler County Board of Education to regain control of the school system; and,
  - 13) That the WVBE directs the current and future Tyler County superintendents to provide written and/or oral progress reports to the WVBE as requested.

After receiving Superintendent Blatt's report, Mr. Hardesty moved, and Mr. Wooten seconded, that the Board accept and approve the recommendations offered by Superintendent Blatt. Upon the call for the question, the motion carried on a voice vote.

Next, the Board returned to further consideration of Item H, Nicholas County Schools Special Circumstance Review. President White asked Superintendent Blatt for a recommendation. Superintendent Blatt made the following recommendation:

- 1) That the West Virginia Board of Education (WVBE) declares that extraordinary circumstances exist in Nicholas County Schools that warrant immediate intervention pursuant to W. Va. Code §18-2E-5;
- 2) That nonapproval status shall be assigned to Nicholas County Schools;
- 3) That the conditions precedent to WVBE intervention in a county school system exist and delaying the intervention would not be in the best interests of the students or the staff of Nicholas County Schools;
- 4) That the Nicholas County Board of Education failed to act on a statutory obligation which interrupted the day-to-day operations of the school system.
- 5) That the authority of the Nicholas County Board of Education shall be limited in areas that compromise the delivery of a thorough and efficient education to its students as designated by the WVBE by rule, which may include, but is not limited to, delegating decision-making authority regarding these matters to the State Superintendent or her designee;
- 6) That the WVBE declares the Office of the County Superintendent of Nicholas County Schools be vacated at 4:00 p.m. on May 14, 2025, and that his existing contract be voided;
- 7) That the WVBE declares the Office of the Assistant Superintendent of Nicholas County Schools be vacated at the end of the business day at 4:00 p.m. on May 14, 2025, and that her existing contract be voided;
- 8) That the WVBE appoints Terry George to be the interim to serve as Superintendent of Nicholas County Schools starting May 15, 2025, at a salary to be determined by the State Superintendent or her designee;
- 9) That the WVBE delegates to the State Superintendent or her designee the authority to fill positions of administrators and principals with individuals determined by the State Superintendent or her designee to be the most qualified for the positions;

After receiving Superintendent Blatt's report, Ms. Sullivan moved, and Mr. Dunlevy seconded, that the Board accept and approve the recommendations offered by Superintendent Blatt. Upon the call for the question, the motion carried on a voice vote.

The Board then returned to further consideration of Item I on the agenda relating to the enactment of House Bill No. 2755 (to provide that the West Virginia Board of Education may promulgate rules or policies to be submitted to the Legislature for review). Ms. Sullivan moved that the Board pursue litigation to contest the constitutionality of House Bill No. 2755 regarding the board's independent policymaking authority. Mr. Gabriel seconded the motion which carried on a voice vote.

President White then announced that the Board would not be taking any action during the meeting regarding compulsory school vaccination requirements but made a statement that the Board supports the State Superintendent's attempt to follow compulsory vaccination law and the Board has directed her to continue to work with the Governor and the Board's Legislative Liaison, Mr. Hardesty, to resolve the issue prior to further consideration at the next meeting scheduled for June 11, 2025.

#### **XIV. WVBE and WVDE Personnel Matters**

President White called for a motion to approve the WVBE personnel matters included in the agenda attachment. Mr. Gabriel moved, and Mr. Wooten seconded, that the WVBE personnel matters included in the agenda attachment be approved. Upon the call for the question, the motion carried on a voice vote. President White then called for a motion to approve the WVDE personnel matters included in the agenda attachment. Mr. Dunlevy moved, and Dr. Stansbury seconded, that the WVDE personnel matters included in the agenda attachment be approved. Upon the call for the question, the motion carried on a voice vote.

#### **XV. WVDE Reports**

Superintendent Blatt informed the Board of the latest report from the National Institute for Early Education Research (NIEER). West Virginia is now seen as a national leader, ranking fourth nationally in serving 4-year-old prekindergarten students and 19<sup>th</sup> in the nation for the success in the 3-year-old prekindergarten program.

#### **XVI. WVBE Member Updates and Requests for Information**

Mr. Rotruck reported that he served as a judge of the high school business plan competition, attended the Ron Clark Academy, and the West Virginia Broadband Enhancement Council meeting. Ms. Sullivan reported that she had attended the Ron Clark Academy and the Fit and Active Event. Dr. Stansbury was a guest speaker at the 2025 Clay County High School Career Day where he talked to students about being a physician practicing optometry.

#### **XVII. Future Meetings**

President White announced that the next regular meeting of the WVBE will be held June 11, 2025, in Charleston, West Virginia.

#### **XI. Adjournment**

President White called for a motion to adjourn. Dr. Stansbury moved, and Ms. Sullivan seconded, that the meeting be adjourned. Upon the call for the question, the meeting was adjourned at 3:11 a.m. on a voice vote.

**Minutes approved by the Board on June 11, 2025**

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**Nancy J. White, President**

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**Victor L. Gabriel, Vice President**

**NOTE:**

All agendas, attachments, materials distributed during the meeting, and audio recordings are available through the WVBE website or office pursuant to Policy 1241, Notice and Conduct of Meetings.

**Minutes were recorded by:**

*Tina Payne, Board Secretary*

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