

# **WEST VIRGINIA BOARD OF EDUCATION**

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

## **MINUTES**

July 14, 2025

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

The special meeting opened with the Pledge of Allegiance. President L. Paul Hardesty called the meeting of the West Virginia Board of Education (WVBE) to order at noon on July 14, 2025, in Capitol Building 6, Suite 600, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

President Hardesty requested a roll call. The secretary called the roll and informed President Hardesty that a quorum had been established. The following members were present: President L. Paul Hardesty, Vice President Victor L. Gabriel, Robert W. Dunlevy (via remote), Cathy L. C. Justice (via remote), F. Scott Rotruck (via remote), Debra K. Sullivan, Dr. Christopher A. Stansbury (via remote), Nancy J. White (via remote), Gregory F. Wooten (via remote), 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 Hardesty called for a motion to approve the agenda. Mr. Gabriel moved, and Mrs. Sullivan seconded, that the agenda be approved. Upon the call for the question, the motion carried on a voice vote.

### **III. Policy 4334, West Virginia Design and Equipment Requirements for School Transportation Vehicles.**

Mr. Jimmy Lacy explained that the proposed rule is a result of separating two transportation policies. During the 30-day comment period, there were 24 comments submitted by two commenters, resulting in all comments being accepted and included in the proposed West Virginia Minimum Requirements for the Design and Equipment of School Transportation Manual. Mr. Lacy further stated that the accepted comments either provided clarification or were existing policy provisions inadvertently omitted during the process of dividing one transportation policy into two separate policies. Mr. Lacy also stated that Policy 4334 applies to charter public schools that offer school transportation.

Next, Kelli Talbott, General Counsel, explained that the purpose of the special meeting to consider what normally would be a routine policy revision was due to the West Virginia Legislature passing 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) which became effective July 11, 2025. She stated that the Board voted at the May 14, 2025, meeting to challenge the legislation's constitutionality because it is in direct conflict with the *West Virginia Board of Education vs. Hechler (1988)*. Ms. Talbott further explained that some legislators admitted that the bill was unconstitutional several times during the legislative process. She went on to explain that this same policy was the subject of the *Hechler* decision and that this very issue has been put before the voters as a constitutional amendment twice, and the voters rejected the amendments both times. Ms. Talbott recommended that the Board approve the rule to be filed with the West Virginia Secretary of State with an effective date of 30 days from filing so that the Board can pursue the next steps in the legal process necessary to challenge the constitutionality of House Bill No. 2755.

President Hardesty asked if there was a motion to approve Policy 4334 as presented to the Board. Mr. Gabriel moved, and Mrs. White seconded, that Policy 4334 be approved and effective 30 days from final filing. Upon a call for the question, the motion carried unanimously on a voice vote.

#### **IV. Future Meetings**

President Hardesty announced that the next regular meeting of the WVBE would be on August 13, 2025, in Charleston, West Virginia.

#### **V. Adjournment**

President Hardesty called for a motion to adjourn. Mrs. Sullivan moved, and Mr. Gabriel seconded, that the meeting be adjourned. Upon a call for the question, the meeting was adjourned at 12:25 p.m. on a voice vote.

**Minutes approved by the Board on August 13, 2025**

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**L. Paul Hardesty, 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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