

MINUTES
WEST VIRGINIA BOARD OF EDUCATION
Capitol Building 6, Room 353
1900 Kanawha Boulevard, East
Charleston, West Virginia
June 9, 2021

I. Call to Order

Following the welcome and Pledge of Allegiance, President Miller L. Hall called the meeting of the West Virginia Board of Education (WVBE) to order at 9:00 a.m. on June 9, 2021, in Capitol Building 6, Room 353, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The following members were present: President Hall, Thomas W. Campbell (via telephone), Robert W. Dunlevy, A. Stanley Maynard, F. Scott Rotruck, Daniel D. Snavely, Debra K. Sullivan, and Nancy J. White, and ex officio W. Clayton Burch, State Superintendent of Schools. Members absent were James S. Wilson and ex officio Sarah Armstrong Tucker, Chancellor, West Virginia Higher Education Policy Commission and West Virginia Council for Community and Technical College Education.

II. Approval of Agenda

President Hall called for a motion to approve the agenda. Mr. Dunlevy moved, and Mr. Rotruck seconded, that the agenda be approved. Upon the call for the question, the motion was carried unanimously.

III. Delegations

Dr. Mickey Blackwell, Executive Director, West Virginia Association of Elementary/Middle School Principals, addressed the Board regarding Principal and Assistant Principal of the Year recognitions and the needs of school staff in the coming school year. Mr. Dale Lee, President, West Virginia Education Association, addressed the Board regarding listening to the needs of students and the use of education funding.

**IV. The American Rescue Plan Act: Elementary and Secondary School
Emergency Relief (ARP ESSER) Funding**

Ms. Melanie Purkey (distributed information), Senior Officer, WVDE Office of Federal Programs and Support, and Ms. Amy Willard, School Operations Officer, WVDE Office of School Operations and Finance, presented an overview of ARP ESSER funding requirements. (Copy appended to Official Minutes, Attachment Mc.)

V. Recognitions

The Board recognized the following students named 2021 United States Presidential Scholars: 1) Kendra S. Goeddert, Greenbrier East High School (Greenbrier County); 2) Zara Zervos, John Marshall High School (Marshall County) (U.S. Presidential Scholar in Career and Technical Education); and, 3) Nicholas G. Murphy, Parkersburg South High School (Wood County).

VI. Consent Agenda

Mrs. Sullivan moved that item *Consent Agenda* item 10. *Policy 3300, Charter Public Schools*, be removed from the Consent Agenda and taken up separately. Mr. Rotruck seconded the motion and upon the call for the question the motion was unanimously carried.

President Hall called for a motion to approve the Consent Agenda as amended by Mrs. Sullivan with the item removed from the Consent Agenda to be taken up following approval of the amended Consent Agenda. Ms. White moved, and Mrs. Sullivan seconded, that the amended Consent Agenda be approved. Upon the call for the question the amended Consent Agenda was unanimously approved. (Copies appended to Official Minutes, Attachments A through I and K.)

- Approved May 12, 2021, WVBE minutes (Attachment A)
- Received West Virginia Department of Education (WVDE) personnel matters (Attachment B)
- Approved Morgan County's request for a waiver of required professional development for an Advanced Placement teacher for school year 2021-2022 and directed that the teacher be required to participate in professional development in Summer 2022 (Attachment C)
- Received a Substitute Teachers in Areas of Critical Need and Shortage affidavits from Mercer (one) County Schools (Attachment D)
- Approved 2021 summer school programs (Attachment E-1 and E-2)
- Received 2021-2022 West Virginia school calendars from 55 counties and the West Virginia Schools for the Deaf and the Blind (<https://wveis.k12.wv.us/school-calendar/specialdates/>)
- Issued Glenville State College's educator preparation program full accreditation status (Attachment F)
- Approved Policy 2512, Transformative System of Support for Early Literacy, effective 30 days from filing (Attachment G)

- Approved Policy 2800, Regulations for Juvenile Diversion and Transition Programs, inclusive of the repeal of Policy 2325, High Quality Standards for Juvenile Institutional Programs, effective 30 days from filing (Attachment H)
- Placed Policy 2520.3C, West Virginia College- and Career-Readiness Standards for Science, on public comment for 30 days (Attachment I)
- Removed Policy 5309, County Superintendent Performance Evaluations, from public comment and placed it again on public comment for 30 days (Attachment K).

VII. Policy 3300, Charter Public Schools

Mrs. Sullivan issued concern regarding Policy 3300 in that sufficient time was not allowed for its amendment, that stakeholder involvement did not occur due to time constraints, and moved that Policy 3300 be removed from the June agenda placed on the July agenda. Ms. Sarah Stewart, Government Affairs Counsel, was called upon to address the Board regarding the impact of moving Policy 3300 to the July meeting. Mr. Rotruck suggested that the policy be taken up in a special meeting on June 30 to meet the legislative mandate that a policy be promulgated by July 1. Mr. Campbell spoke in opposition to Mrs. Sullivan's motion and stated that further amendment of the policy could take place during the comment period. President Hall spoke regarding the legislative mandate that the policy be promulgated by July 1.

Following discussion, President Hall called for a second to Mrs. Sullivan's motion. With no second heard the motion failed. Mrs. Sullivan spoke again to the lack of external stakeholder involvement in the amendment of Policy 3300, requested Ms. Stewart define *promulgate*, and questioned if any deadlines in the policy would be affected by delaying action until July.

Following discussion, President Hall called for a motion to place Policy 3300 on public comment for 30 days. Mr. Campbell moved, and Mr. Rotruck seconded, that Policy 3300 be placed on public comment for 30 days. Upon the call for the question the motion was carried with seven members voting yes, and one member, Mrs. Sullivan, voting no. (Copy appended to Official Minutes, Attachment J.)

VIII. Superintendent Report

Superintendent Burch (distributed information), spoke regarding a report of 2020-2021 waivers granted by the Board and a Year in Review report that will be presented in July and introduced Mr. John Hudson (distributed information), Superintendent, and Dr. Christina Chambers, Assistant Superintendent, Ms. Elizabeth Hoh, Director of Elementary Education/ Federal Programs, and Ms. Lynda Rumbaugh, Director of Secondary Education, Putnam County Schools, who provided an overview of Putnam County's Summer Student Opportunities for Learning and Engagement (SOLE) program. (Copies appended to Official Minutes, Attachment N.)

IX. Break

President Hall called for a break at 11:36 a.m.

X. Call to Order

President Hall called the meeting back to order at 11:45 a.m.

**XI. Council for the Accreditation of Educator Preparation (CAEP)
Revised State Partnership Agreement**

Ms. White presented a revised five-year CAEP State Partnership Agreement for the Board's consideration.

Following discussion, Mr. Dunlevy moved, and Mr. Rotruck seconded, that the revised CAEP State Partnership Agreement, effective August 1, 2021 through July 31, 2026, be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment L.)

**XII. Lincoln County Special Circumstance Review Report:
Instruction and Instructional Leadership
Executive Session**

Mr. Matt Hicks (distributed information), Director, WVDE Accountability Services, presented the Lincoln County Special Circumstance Review Report for Instruction and Instructional Leadership for the Board's consideration.

Following his presentation, Mr. Hicks indicated that an executive session was in order. President Hall called for a motion to enter in executive session. Mr. Campbell moved, and Mr. Dunlevy seconded, that the Board move into executive session as provided in W. Va. Code §6-9A-4(b)(2)(A) [personnel exception] and/or §6-9A-4(b)(6), [privacy exception]. Upon the call for the question the motion was carried unanimously. The Board entered executive session at 11:59 a.m.

**XIII. Lincoln County Special Circumstance Review Report:
Instruction and Instructional Leadership
Return from Executive Session**

President Hall announced that the Board had returned from executive at 1:05 p.m. with no action taken and called for a motion regarding the Lincoln County Special Circumstance Review Report: Instruction and Instructional Leadership.

Ms. White moved, and Mrs. Sullivan seconded, that the Special Circumstance Review Report: Instruction and Instructional Leadership presented for Lincoln County Schools be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment O).

Mr. Rodney Baker, JD, member of the Lincoln County Board of Education, addressed the Board regarding Special Circumstance Review report. Mr. Hicks provided information regarding the Board's responsibility upon receipt of the report.

President Hall called for additional motions. Mr. Campbell moved that the WVBE continue the state of emergency in Lincoln County for an additional six months and continue with the support of the appointed designees, and that the Office of Support and Accountability complete a review of county board member effectiveness as outlined in Policy 2322. Mr. Dunlevy seconded the motion and upon the call for the question the motion was carried unanimously.

**XIV. West Virginia Schools for the Deaf and the Blind
Special Circumstance Review**

Ms. Charlene Coburn (distributed information), Senior Officer, WVDE Office of Support and Accountability, stated that, due to the sensitive nature of West Virginia Schools for the Deaf and the Blind Special Circumstance Review report, an executive session was in order.

XV. Executive Session

President Hall called for a motion to enter executive session. Mr. Campbell moved, as provided in W. Va. Code §6-9A-4(b)(2)(A) [personnel exception] and/or §6-9A-4(b)(6), [privacy exception], and as provided in W. Va. Code §6-9A-4(b)(2)(A) [personnel exception] and/or §6-9A-4 [matters involving attorney-client privilege per *Peters v. County Commission*, 205 W. Va. 481 (1999)], that the Board enter into executive session for *New Business* items C. *West Virginia Schools for the Deaf and the Blind Special Circumstance Review*, D. *Litigation Update regarding B.P.J. by her next friend and mother, Heather Jackson v. West Virginia State Board of Education, et al.*, and E. *WVBE Personnel Matters Inclusive of Annual Evaluation of the State Superintendent of Schools and WVBE Secretary* [the State Superintendent and WVBE Secretary requested that their evaluations take place in executive session]. Ms. White seconded the motion and upon the call for the question the motion was carried unanimous. The Board entered executive session at 1:14 p.m.

XVI. Return from Executive Session

President Hall announced that the Board returned from executive session at 4:53 p.m. with no action taken.

**XVII. West Virginia Schools for the Deaf and the Blind
Special Circumstance Review**

President Hall called for a motion regarding the West Virginia Schools for the Deaf and the Blind Special Circumstance Review.

Mrs. Sullivan stated that, having heard a summary of the Special Circumstance Review conducted at the West Virginia Schools for the Deaf and the Blind, moved that the WVBE direct the State Superintendent of Schools to: 1) prepare a public report of the findings of the review

and, 2) appoint an intervention team to work at his discretion to lead the school through a transformation to modernize its facilities; restructure personnel; refine employment and payroll practices; reallocate financial resources; develop an effective school leadership model; enhance residential life; reform instructional practices to meet the needs of deaf, hard of hearing, blind and low vision students throughout the state; and address any other areas he finds to be necessary. Mr. Dunlevy seconded the motion and upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment P).

XVIII. Litigation Update regarding B.P.J. by her next friend and mother, Heather Jackson v. West Virginia State Board of Education, Harrison County Board of Education, West Virginia Secondary School Activities Commission, W. Clayton Burch in his official capacity as State Superintendent, and Dora Stutler in her official capacity as Harrison County Superintendent

No action was taken regarding litigation in B.P.J. by her next friend and mother, Heather Jackson v. West Virginia State Board of Education, et al.

XIX. WVBE Personnel Matters Inclusive of Annual Evaluation of the State Superintendent of Schools and WVBE Secretary

President Hall called for a motion to approve the Board's personnel attachment. Mrs. Sullivan moved, and Dr. Snavely seconded, that the personal attachment be approved. Upon the call for the question, the motion was carried unanimously. (Copy appended to Official Minutes, Attachment M.)

President Hall, in accordance with W. Va. Code §18-3-1, *The state board annually shall evaluate the performance of the state superintendent and publicly announce the results of the evaluation*, announced the results of the State Superintendent's evaluation.

Superintendent Burch did a wonderful job. He met all the criteria we had to keep performance responsibilities that we had given him. During our evaluation he passed with flying colors.

President Hall thanked Superintendent Burch and stated that the Board looked forward to continuing working with him to move West Virginia forward.

XX. WVBE Member Updates

Mrs. Sullivan worked on a number of policies with WVDE staff, attended a meeting of the West Virginia Commission for Professional Teaching Standards, and provided an update regarding Communities In Schools.

XXI. Items for Future Meetings

Mr. Campbell looks forward to establishing a roadmap to work with the Legislature in the fall.

XXII. Future Meetings

President Hall announced that the next regular meeting of the WVBE will be held July 14, 2021, in Charleston, West Virginia.

XXIII. Adjourn

Dr. Snavelly moved that the meeting be adjourned; President Hall declared the meeting adjourned at 4:59 p.m.

Minutes approved by the Board on July 14, 2021.

Miller L. Hall, President

Thomas W. Campbell, Vice President

*Minutes were recorded by
Virginia M. Harris
Secretary to the Board
WVBEMinutes6/9/21*