



March 9, 2022

The West Virginia Board of Education (WVBE) and State Superintendent W. Clayton Burch object to the proposed amendment to the Constitution of West Virginia as set forth in House Joint Resolution 102 (HJR 102).

In 1958, the voters of West Virginia amended our state constitution to give general supervisory authority over the schools of our state to the State Board of Education. This amendment was undertaken in response to a legislatively commissioned study of West Virginia's system of public education and was recognized as a necessary step to provide our state's schools with a governance model that is thoughtful, managed by a diverse group of experts, and immune from the ebb and flow of politics.

HJR 102 seeks to subject the State Board's rule-making authority to the fluctuations of the legislative process. In doing so, the State Board would lose its ability to respond swiftly to the needs of teachers and students throughout the year. Decisions affecting daily classroom life would be placed in the hands of a partisan Legislature that changes every two years and only meets for 60 days each year. The WVBE meets monthly. This amendment would give a large and ever-changing body the authority to alter the shape of our classrooms with each new election.

The West Virginia Board of Education is comprised of citizens from diverse backgrounds and educational expertise who are appointed by the governor and confirmed by the Senate for overlapping terms. This ensures continuity and a balance of political and geographic representation and creates stability for decision-making. Because members are appointed for nine-year terms and meet every month, they have the time to fully study and solicit broad stakeholder input on issues impacting our schools before issuing or amending policies. They also maintain a close daily connection to educators, allowing members to respond to student and personnel needs as they arise without unnecessary delay. During the past two years, the State Board has been able to respond to numerous requests for waivers of its rules each month to help schools navigate the unprecedented challenges of the COVID-19 pandemic. In past years, waivers have been granted on an as-needed basis to respond to emerging local needs in instructional matters, school-building concerns, and a myriad of other issues identified by county and school personnel. But even more important than the quick turnaround needed in the consideration of waivers, the Board has been able to ensure the stability of content standards - the essence of classroom learning - shielding them from shifting partisan politics. This preserves classroom consistency, sustains the work of West Virginia teachers who developed and wrote our standards, and allows schools to focus on equal access to a quality education for all West Virginia children.

The Constitution of West Virginia is our state government's charter of principles and organization crafted toward the ends of justice and liberty for our state's citizenry. It should be amended only in the interests of making our system of government more fair and efficient in promoting the welfare of all West Virginia residents. HJR 102 will have the opposite effect, making our system of education less efficient, more chaotic, and subject to partisan politics. For these reasons, we must object.