**MINUTES**

**WEST VIRGINIA BOARD OF EDUCATION**

**Capitol Building 6, Suite 600**

**1900 Kanawha Boulevard, East**

**Charleston, West Virginia**

**March 9, 2022**

**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 March 9, 2022, in Capitol Building 6, Suite 600, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The following members were present: President Hall, Robert W. Dunlevy, L. Paul Hardesty, F. Scott Rotruck, Daniel D. Snavely, Debra K. Sullivan, Nancy J. White, and ex officio W. Clayton Burch, State Superintendent of Schools. Members absent were Thomas W. Campbell, 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. Hardesty seconded, that the agenda be approved. Upon the call for the question, the motion was carried unanimously.

**III. Recognitions**

The Board recognized 2021 National Blue Ribbon Schools: Rock Branch Elementary (Putnam County); Crescent Elementary (Raleigh County); and, Criss Elementary (Wood County). The National Blue Ribbon Schools Program recognizes high-performing public and non‑public schools using standards of excellence evidenced by student achievement measures. In attendance for the recognition were: Superintendent John Hudson and Principal Beth Scott, Rock Branch Elementary; Superintendent David Price and Principal Theresa Lewis, Crescent Elementary; and, Superintendent William Hosaflook and Principal Heather Grant, Criss Elementary. Superintendent Burch exited the meeting and Ms. Michele Blatt, Deputy State Superintendent, took his seat.

**IV. Delegations**

Mr. David Gladkosky, Executive Director, West Virginia Professional Educators, addressed the Board regarding legislative concerns; and, Mr. Dale Lee, President, West Virginia Education Association, spoke about the legislative session. Superintendent Burch returned to the meeting.

**V. Strategic Plan Update**

Dr. Jan Barth, Assistant Superintendent, Superintendent’s Office, introduced Mr. Tim Conzett (distributed information), Technology Officer, West Virginia Department of Education (WVDE) Office of Data Management and Information Systems, who provided an update of the strategic plan, specifically Goal 1/Objective 3: Technology, Connectivity, and Innovation. Mrs. Sullivan requested information be shared with the West Virginia Library Commission regarding the decommissioning of computers. (Copy appended to Official Minutes, Attachment L.)

**VI. Consent Agenda**

President Hall called for a motion to approve the Consent Agenda. Mrs. Sullivan moved, and Mr. Rotruck seconded, that the Consent Agenda be approved. Upon the call for the question the motion was carried unanimously. (Copies appended to Official Minutes, Attachments A through I.)

* Approved February 9, 2022, WVBE minutes (Attachment A)
* Received WVDE personnel matters (Attachment B)
* Received the State Superintendent’s report of waivers of WVBE policies due to COVID-19 and other declared state of emergencies granted following the February 2022 meeting (Attachment C)
* Approved Employment of Substitute Teachers in Areas of Critical Need and Shortage policies for Greenbrier and Wyoming Counties (Attachment D)
* Approved Employment of Substitute Teachers in Areas of Critical Need and Shortage Affidavits from Cabell (three), Greenbrier (three), Jackson (one), Kanawha (seven), Logan (15), Marion (four), McDowell (10), Mercer (15), Mingo (three), Nicholas (two), Putnam (three), Raleigh (one), Ritchie (two), Roane (two), Summers (three), Wayne (two), Wirt (three), Wood (seven), and Wyoming (eight) Counties; West Virginia Schools for the Deaf and the Blind (one); West Virginia Schools of Diversion and Transition (one) for submission to the Consolidated Public Retirement Board (Attachment E)
* Appointed Mrs. Deborah Smith, Mrs. Christa Miller, and Mrs. Shaden Fathallah to the West Virginia Alternative Certification Educator Preparation Program Review Board(Attachment F)
* Approved Policy 5300, County Board of Education Relations with County Staff and School Employees, effective 30 days from filing (Attachment G)
* Approved Policy 1340, Rules of Procedure for Administrative Hearings and Appeals, for placement on public comment for 30 days(Attachment H)
* Approved Policy 4350, Procedures for the Collection, Maintenance, and Disclosure of Student Data, for placement on public comment for 30 days (Attachment I).

**VII. Superintendent Report**

Superintendent Burch distributed the WVDE’s *Inside Education* newsletter for the Board’s information and provided an update regarding the fire that destroyed the former administrative building at the West Virginia Schools for the Deaf and the Blind and thanked everyone who assisted on-site during the fire and subsequent investigation; provided an update regarding the West Virginia Academic Showdown; Ms. Blatt provided an update regarding COVID protocols; and, assisted by Mr. Micah Whitlow (distributed information), Director, WVDE School Facilities Services, provided an update regarding the Kanawha County and Nicholas County school construction projects. (Copies appended to Official Minutes, Attachment M.)

**VIII. Resolution to Convey Property to the Hampshire County Board of Education**

Ms. Heather Hutchens, WVDE General Counsel, presented a resolution of the West Virginia Board of Education, on behalf of the West Virginia Schools for the Deaf and the Blind, pursuant to W. Va. Code §18-17-1, §18-7-7, and §1-5-3, to convey property to the Hampshire County Board of Education for the Board’s consideration. The property to be conveyed adjoins property owned by Hampshire County Board of Education and is needed for the construction of a new Hampshire County elementary school.

Following discussion, Ms. White moved, and Mr. Rotruck seconded, that the resolution of the West Virginia Board of Education, on behalf of the West Virginia Schools for the Deaf and the Blind, to convey property to the Hampshire County Board of Education be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment J.)

**IX. WVBE Personnel Matters and Litigation Updates in**

**Travis Beaver, et al. v. Riley Moore, et al., Civil Action Numbers 22-P-24,**

**22-P-25, and 22-P-26; and B.P.J. by her next friend and mother,**

**Heather Jackson v. WVBE, et al., Civil Action No. 2:21-cv-00316**

**Executive Session**

President Hall called for a motion to enter in executive session. Mrs. Sullivan moved, and Mr. Dunlevy seconded, that the Board enter in executive session for WVBE personnel and/or legal matters 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)]. Upon the call for the question the motion was carried; the Board moved into executive session at 11:14 a.m.

**X. WVBE Personnel Matters and Litigation Updates in**

**Travis Beaver, et al. v. Riley Moore, et al., Civil Action Numbers 22-P-24,**

**22-P-25, and 22-P-26; and B.P.J. by her next friend and mother,**

**Heather Jackson v. WVBE, et al., Civil Action No. 2:21-cv-00316**

**Return from Executive Session**

President Hall announced that the Board had returned from executive session at 12:04 p.m. with no action taken and called for a motion to approve the Board’s personnel attachment. Ms. White moved, and Mr. Dunlevy seconded, that the personnel attachment be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment K.)

**XI. Education Bills of the 2nd Session of the 85th Legislature of West Virginia**

Mr. Drew McClanahan (distributed information), Director, WVDE Government Relations, provided an update of education bills. Ms. Hutchens provided an update and read House Joint Resolution 102  (HJR 102), 2022 Regular Session, an amendment to the Constitution of West Virginia that would impact the WVBE’s rule-making authority. Discussion ensued regarding HJR 102 and a proposed resolution in opposition to HJR 102 was distributed for the Board’s consideration. Discussion ensued regarding the proposed resolution in opposition to HJR 102.

Following discussion, Mrs. Sullivan moved, and Mr. Dunlevy seconded, that the resolution in opposition to HJR 102 be adopted. Discussion again ensued regarding HJR 102. Upon the call for the question, the motion was carried with six members voting yes and one member, Mr. Hardesty, voting no. (Copies appended to Official Minutes, Attachment Mc.)

**XII. WVBE Member Updates**

President Hall participated in Milken Award events; Mr. Rotruck participated in a positivity event; and Mrs. Sullivan participated in several Communities In Schools events, worked with WVDE staff on policies, attended the History and Library Days at the Legislature, and visited with legislators.

**XIII. Requests for Information**

Mrs. Sullivan requested information regarding West Virginia high school graduates that attend private in-state and private out-of-state institutions of higher education. Dr. Snavely requested information regarding the federal funding for fiber network for Logan and Mingo Counties and how the fiber network installation will impact schools in the counties.

**XIV. Future Meetings**

President Hall announced that the next regular meeting of the WVBE will be held April 13, 2022, at 9:00 a.m., in Charleston, West Virginia.

**XV. Adjourn**

President Hall called for a motion to adjourn. Ms. White moved, and Mrs. Sullivan seconded, that the meeting be adjourned. Upon the call for the question the meeting was adjourned at 12:49 p.m.

**Minutes approved by the Board on April 13, 2022.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Miller L. Hall, President**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Thomas W. Campbell, Vice President**

Minutes were recorded by

Virginia M. Harris

Secretary to the Board

WVBEMinutes3/9/22