**MINUTES**

**WEST VIRGINIA BOARD OF EDUCATION**

**Capitol Building 6, Suite 600**

**1900 Kanawha Boulevard, East**

**Charleston, West Virginia**

**August 10, 2022**

**I. Call to Order**

Following the welcome and Pledge of Allegiance, President L. Paul Hardesty called the meeting of the West Virginia Board of Education (WVBE) to order at 9:00 a.m. on August 10, 2022, in Capitol Building 6, Suite 600, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The following members were present: President Hardesty, Vice President Nancy J. White, Robert W. Dunlevy, Miller L. Hall, F. Scott Rotruck, Daniel D. Snavely, Debra K. Sullivan, and James S. Wilson, and ex officios W. Clayton Burch, State Superintendent of Schools, and 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 Hardesty called for a motion to approve the agenda. Mrs. Sullivan moved, and Dr. Snavely seconded, that the agenda be approved. Upon the call for the question, the motion was carried unanimously.

**III. Recognition**

The Board recognized Mr. J. P. Mowery,  Business Manager/Treasurer, Pendleton County Schools, for the honor bestowed upon him by the National Association of School Business Officials magazine for his work regarding rural school funding. (Copy appended to Official Minutes, Attachment R.) Following Mr. Mowery’s remarks, Ms. White requested President Hardesty consider reconstituting the Board’s Finance Committee. President Hardesty spoke in favor of reconstituting the Board’s Finance Committee and requested Ms. White bring names for consideration for appointment to a WVBE Finance Committee to the September meeting.

**IV. Delegations**

Mr. Brian Aluise (distributed information), Outreach Manager, Office of U.S. Senator Joe Manchin, addressed the Board regarding Senator Manchin’s Academy Training Day, August 27, 2022, to be hosted in conjunction with West Virginia University. Reverend Matthew J. Watts, Tuesday Morning Group, addressed the Board regarding a recently released school discipline report. Mr. Fred Albert, President, AFT-West Virginia, addressed the Board regarding beginning/new teachers and being that one caring adult by giving beginning teachers words of encouragement. Mr. David Gladkosky, Executive Director, West Virginia Professional Educators, addressed the Board regarding information his organization is providing to the public regarding the implications of Constitutional Amendment 4 and House Joint Resolution 102. Dr. Mickey Blackwell, Executive Director, **West Virginia** Association of Elementary/Middle School Principals, addressed the Board regarding the upcoming opening of school and school safety. (Copy appended to Official Minutes, Attachment S.)

**V. Update - Lincoln County Schools State of Emergency**

**Executive Session**

Mr. Matthew Hicks, Director, West Virginia Department of Education (WVDE) Accountability Services, presented an update regarding the Lincoln County Schools State of Emergency over the past month. President Hardesty called on Mr. David Bell, President, Lincoln County Board of Education, to address questions from the Board regarding the rationale behind academic changes made in Lincoln County. President Hardesty called on Mr. Jeffrey Kelley (via telephone), Superintendent, Lincoln County Schools, to provide his perspective regarding President Bell’s response regarding academic changes made in Lincoln County. Ms. Lynn Hurt, State Superintendent’s designee charged with coordinating on-site improvement efforts and making recommendations for improvement, was in attendance for the presentation.

Following discussion, President Hardesty issued concern with the changes that have been made with regard to Lincoln County’s academic program at Lincoln County High School and that it is hoped that the education of students at Lincoln County High School will not be harmed due to the loss of courses, loss of minutes of instruction in mathematics, and larger class sizes. As directed at the July meeting, President Bell and Superintendent Kelley are to appear before the Board on a monthly basis.

**VII. Progress Update - Jefferson County Special Circumstance**

**Review Report: High School Counseling**

Mr. Hicks, Dr. Bondy Shay Gibson-Learn, Superintendent, Jefferson County Schools, Ms. Jennifer Stuntz, Lead Counselor, Washington High School, and Ms. Kathryn Skinner, President, Jefferson County Board of Education, provided a progress update to the Board regarding the Jefferson County Special Circumstance Review Report: High School Counseling.

Following discussion, Ms. White moved, and Mr. Hall seconded, that the progress update presented for the Jefferson County Special Circumstance Review Report: High School Counseling be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment A.)

**VIII. Policy 2422.7, Standards for Basic and Specialized Health Care Procedures**

**and Standards for the Possession and Use of Medical Cannabis By a Student**

Ms. Heather Hutchens, WVDE General Counsel, presented Policy 2422.7 for the Board’s consideration. Policy 2422.7 is being amended to implement a directive to the WVBE in the Medical Cannabis Act to promulgate rules to address possession and use of medical cannabis by a student on the grounds of a preschool, primary school, and a secondary school. Eight comments were received during the comment period and resulted in no changes to the policy.

Following discussion, Mrs. Sullivan moved, and Mr. Dunlevy seconded, that Policy 2422.7 be approved and effective 30 days from filing. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment B.) Dr. Snavely departed the meeting.

**IX. Statewide Waiver Request of Policy 4336, West Virginia School Bus**

**Transportation Regulations, Procedures, and Specifications for the**

**Design and Equipment of School Buses**

Mr. Sam Pauley, School Operations Officer, WVDE Office of School Operations and Finance, and Mr. Dave Baber, Director, WVDE School Transportation Services, presented a statewide waiver request of sections Policy 4336, as defined in Attachment C, for the Board’s consideration. The West Virginia Department of Economic Development is piloting an electric school bus program that requires a statewide waiver of certain sections of Policy 4336. Policy 4336, effective February 21, 2020, is written for traditional school buses with combustion engines using combustion engine-related requirements; battery electric vehicles (BEV) will be substantially different and not allowed under current policy. Approval of the waiver request will allow school bus manufacturers to meet or exceed West Virginia minimum specifications for the upcoming electric school bus pilot program. Policy 4336 is in the process of being amended to incorporate the provisions of the requested waiver.

Following discussion, Mr. Rotruck moved, and Mr. Dunlevy seconded, that the statewide waiver request of sections of Policy 4336, as defined in the attachment, be approved for fiscal year 2022-2023. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment C.)

**X.** **Break**

President Hardesty called for a break at 11:07 a.m.

**XI. Call to Order**

President Hardesty called the meeting back to order at 11:23 a.m. Dr. Snavely returned to the meeting.

**XII. Annual Appointment of WVBE Statutory Units/Liaisons**

President Hardesty called for a motion regarding the annual appointments of WVBE members to statutory units/liaisons. Mr. Hall moved, and Mr. Dunlevy seconded, that Debra K. Sullivan and James S. Wilson be appointed to the County Board Member Training Standards Review Committee; Nancy J. White be reappointed to the Educational Broadcasting Authority; James S. Wilson be reappointed to the Secondary School Activities Commission; F. Scott Rotruck be appointed to the Commission on Holocaust Education; and, Daniel D. Snavely be elected to the School Building Authority of West Virginia, effective September 4, 2022. Upon the call for the question the motion was carried unanimously.

**XIII. WVBE Personnel Matters Inclusive of Consideration of**

**State Superintendent of Schools’ Request to Transfer from the Position of State Superintendent of Schools to Superintendent of the West Virginia Schools for the Deaf and the Blind, Potential Employment of a State Superintendent of Schools,**

**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 Hardesty called for a motion to enter in executive session. Ms. White moved, and Dr. Snavely 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 11:29 a.m.

**XIV. WVBE Personnel Matters Inclusive of Consideration of**

**State Superintendent of Schools’ Request to Transfer from the Position of State Superintendent of Schools to Superintendent of the West Virginia Schools for the Deaf and the Blind, Potential Employment of a State Superintendent of Schools,**

**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 Hardesty announced the Board had returned from executive session at 11:55 a.m. with no action taken and called for motions regarding the State Superintendent of Schools’ request to transfer from the position of State Superintendent of Schools to Superintendent of the West Virginia Schools for the Deaf and the Blind.

Ms. White moved, and Mr. Rotruck seconded, that the State Superintendent of Schools’ request to transfer from the position of State Superintendent of Schools to Superintendent of the West Virginia Schools for the Deaf and the Blind be approved effective at the close of business today, 5:00 p.m., August 10, 2022, and that his annual salary as Superintendent of the West Virginia Schools for the Deaf and the Blind shall be $142,327.00. Upon the call for the question the motion was carried unanimously.

**XV. WVBE Personnel Matters Inclusive of**

**Potential Employment of a State Superintendent of Schools,**

**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 Hardesty called for a motion to re-enter executive session. Ms. White moved, and Mrs. Sullivan seconded, that the Board re-enter 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 11:57 a.m.

**XVI. WVBE Personnel Matters Inclusive of**

**Potential Employment of a State Superintendent of Schools,**

**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 Hardesty announced the Board had returned from executive session at 1:21 p.m. with no action taken and called motions regarding the employment of a State Superintendent of Schools. Ms. White moved, and Mr. Dunlevy seconded, that Mr. David Roach be employed as State Superintendent of Schools effective tomorrow, August 11, 2022, at an annual salary of $230,000.00. Ms. White, Mrs. Sullivan, and Mr. Hall spoke in support of Mr. Roach’s appointment as State Superintendent of Schools. President Hardesty spoke to Superintendent Burch’s transfer to the position of Superintendent of the West Virginia Schools for the Deaf and the Blind and the need to move expediently in appointing a State Superintendent of Schools due to the fast approaching opening of schools throughout the state. Upon the call for the question the motion was carried unanimously.

President Hardesty called for a motion to approve the Board’s personnel attachment. Ms. White moved, and Mr. Hall seconded, that the personnel attachment be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment D.)

**XVII. Consent Agenda**

President Hardesty called for a motion to approve the Consent Agenda. Mr. Dunlevy moved, and Mr. Hall seconded, that the Consent Agenda be approved. (Copies appended to Official Minutes, Attachments E through M.)

* Approved the July 13, 2022, WVBE minutes (Attachment E)
* Received WVDE personnel matters (Attachment F)
* Approved Employment of Substitute Teachers in Areas of Critical Need and Shortage policies for Barbour, Boone, Hampshire, Logan, Monongalia, Ritchie, and Wetzel Counties (Attachment G)
* Accepted the Council for the Accreditation of Educator Preparation (CAEP) decision and West Virginia Educator Preparation Program Review Board's (EPPRB) recommendation of Full Accreditation for West Virginia State University and Accreditation with Stipulations for Salem University (Attachment H)
* Approved the University of Charleston’s Elementary Education (K-6) with an Emphasis in Early Education (PK‑K) program (Attachment I)
* Approved documentation as revisions to the Cabell County Schools GROW Educators program for general education and Cabell County Schools GROW Educators program for special education, provided by Cabell County Schools in partnership with the WVDE (Attachment J)
* Accepted the 2022 Annual Report of the West Virginia Advisory Council for the Education of Exceptional Children (Attachment K)
* Approved Policy 1461, Drug-Free Workplace, effective 30 days from filing (Attachment L)
* Approved Policy 2422.2, Regulations for Driver Education and Student Licensing, and repealed Policy 4150, Student Driver Eligibility Certificate, effective 30 days from filing (Attachment M).

**XVIII. WVDE Reports**

Strategic Plan Update: Develop Economic Preparedness of Students: Entrepreneurship and Military Career Options Support. Dr. Sonya White, Teaching and Learning Officer, WVDE Office of Teaching and Learning, and Mr. Clinton Burch, Technical Education Officer, WVDE Office of Technical and Adult Education, presented the update for the Board’s information. (Copy appended to Official Minutes, Attachment Mc.) Chancellor Tucker departed the meeting.

Superintendent’s Report: Year in Review. Superintendent Burch presented the Year in Review for the Board’s information. (Copy appended to Official Minutes, Attachment N.)

July Legislative Interims: Reports to the Legislative Oversight Commission on Education Accountability (LOCEA). Superintendent Burch, assisted by Mr. Drew McClanahan, Director, WVDE Government Relations, presented reports provided to LOCEA during July interims for the Board’s information. Mrs. Sullivan requested a presentation at a future meeting regarding the discipline report. President Hardesty directed that the requested presentation be placed on the Board’s September agenda. (Copy appended to Official Minutes, Attachment O.)

Accountability Assessment Results and Family Reports and Resources. Dr. Vaughn Rhudy (distributed information), Director, WVDE Assessment Services, presented accountability assessment results and family reports and resources for the Board’s information. President Hardesty spoke to the need to better prepare teachers in the lower grades to teach mathematics, and all core subjects, in order to assure student proficiency. (Copy appended to Official Minutes, Attachment P and addendum.)

**XIX. WVBE Member Updates and Requests for Information**

Mr. Hall participated in last week’s opening of Peterstown School (Monroe County) and was recently enshrined, along with Governor Jim Justice and U. S. Senator Joe Manchin, in the West Virginia Sports Legends Hall of Fame; Mrs. Sullivan worked with WVDE and WVBE staff on a number of policies and attended the Communities In Schools Summer Institute; Mr. Rotruck completed a Harrison County Academy of Aviation Technology training and will be speaking at a Leadership West Virginia event next week; Ms. White will attend tomorrow’s special meeting of the School Building Authority of West Virginia; Mr. Dunlevy will attend tomorrow’s special meeting of the SBA and next week’s meeting of the West Virginia Secondary School Activities Commission; and Dr. Wilson visited Hundred High School.

**XX. Future Meetings**

President Hardesty called for a motion to approve the Board’s meeting schedule for September 2022 through August 2023. Mrs. Sullivan moved, and Mr. Rotruck seconded, that the Board’s meeting scheduled for September 2022 through August 2023 be approved. Upon the call for the question the motion carried unanimously. (Copy appended to Official Minutes, Attachment Q.)

President Hardesty announced that the next regular meeting of the WVBE will be held September 14, 2022, at 9:00 a.m., in Charleston, West Virginia.

**XXI. Adjourn**

President Hardesty called for a motion to adjourn. Mr. Rotruck moved, and Mr. Hall seconded, that the meeting be adjourned. Upon the call for the question the meeting was adjourned at 2:23 p.m.

**Minutes approved by the Board on September 14, 2022.**

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**L. Paul Hardesty, President**

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**Nancy J. White, Vice President**

Minutes were recorded by

Virginia M. Harris

Secretary to the Board

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