**MINUTES**

**WEST VIRGINIA BOARD OF EDUCATION**

**Capitol Building 6, Suite 600**

**1900 Kanawha Boulevard, East**

**Charleston, West Virginia**

**October 27, 2022**

**I. Call to Order**

Following the welcome and Pledge of Allegiance, President L. Paul Hardesty called the special meeting of the West Virginia Board of Education (WVBE) to order at 10:00 a.m. on October 27, 2022, in Capitol Building 6, Suite 600, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The roll was called and the following members were present: President Hardesty, Vice President Nancy J. White (via Teams), Robert W. Dunlevy (via telephone), Victor L. Gabriel, Christopher A. Stansbury, Debra K. Sullivan, and James S. Wilson, and ex officio David L. Roach, State Superintendent of Schools. Members absent were F. Scott Rotruck and Daniel D. Snavely 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 Hardesty called for a motion to approve the agenda. Mrs. Sullivan moved, and Dr. Stansbury seconded, that the agenda be approved. Upon the call for the question, with no nays heard, the motion was carried unanimously.

**III. Special Circumstance Review Report for the**

**Logan County Board of Education and Central Office**

Ms. Charlene Coburn, Accountability Officer, WVDE Office of Support and Accountability, and Ms. Alexandra Criner (distributed information), Coordinator, WVDE Accountability Services, presented an overview of the Special Circumstance Review Report for the Logan County Board of Education and Central Office for the Board’s consideration.

Following discussion, Mrs. Sullivan moved and Mr. Gabriel seconded that the Board move into executive session as provided in 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 roll was called and the motion was carried unanimously. The Board entered into executive session at 10:59 a.m.

President Hardesty announced that the Board returned from executive session at 11:37 a.m. with no action taken and called for a motion to accept the Special Circumstance Review Report for the Logan County Board of Education and Central Office. Mrs. Sullivan moved, and Dr. Stansbury seconded that the Special Circumstance Review Report for the Logan County Board of Education and Central Office be accepted. Upon the call for the question the roll was called and the motion was carried unanimously. (Copy appended to Official Minutes, Attachment A.)

President Hardesty requested Superintendent Roach provide recommendations in response to the report’s findings.

Superintendent Roach stated, “As a result of the Special Circumstance Review, it is the recommendation of the West Virginia Department of Education that extraordinary circumstances exist in the county that constitute major impediments to the provision of education programs and services for students, and that the Logan County school system be issued Nonapproval status. It is further recommended that since these extraordinary circumstances have been documented and currently exist, delaying the intervention by the WVBE into Logan County Schools for any period of time would not be in the best interest of the students and staff in Logan County in accordance with W. Va. Code.”

Superintendent Roach presented the following recommendations for the Board’s consideration:

1. the State Board find, based on the report from the Office of Support and Accountability, that extraordinary circumstances exist in Logan County Schools;
2. the State Board assign Nonapproval status to Logan County Schools;
3. the State Board declare a state of emergency exists in Logan County Schools regarding the information presented in the report;
4. the State Board find the conditions precedent to State Board intervention in a county school system exist and delaying the intervention would not be in the best interests of the students or the staff of Logan County Schools;
5. the State Board find that the county board failed to act on a statutory obligation which would interrupt the day-to-day operations of the school system;
6. the State Board limit the authority of the county board in areas that compromise the delivery of a thorough and efficient education to its students as designated by the State Board by rule, which may include delegating decision-making authority regarding these matters to the State Superintendent;
7. the State Board declare the Office of the County Superintendent of Logan County Schools to be vacant at the end of the business day 4:00 p.m. on October 27, 2022, and that any existing contracts be voided, if necessary;
8. the State Board appoint Jeff Huffman to be the interim Superintendent of Logan County Schools starting October 31, 2022, at a salary to be determined by the State Superintendent;
9. the State Board grant the State Superintendent the authority to hire a county superintendent to replace the interim appointment and set his/her salary;
10. the State Board declare the positions of personnel who serve at the will and pleasure of county superintendent to include the assistant superintendent of Logan County Schools to be vacant at the end of the day on October 27, 2022, at 4:00 p.m. and that any existing contracts be voided, if necessary;
11. the State Board appoint Patricia Lucas to be the Assistant Superintendent of Logan County Schools starting October 28, 2022, at a salary to be determined by the State Superintendent;
12. the State Board delegate to the State Superintendent the authority to fill positions of administrators and principals with individuals determined by the State Superintendent to be the most qualified for the positions;
13. the State Board grant the State Superintendent the authority to take action necessary to correct the extraordinary circumstances;
14. the State Board limit the authority of the Logan County Board of Education as to the expenditure of funds for purchases, the establishment of instructional programs, the operation of federal programs, the delivery and operation of special education, the establishment of policies, county board governance and operational relations, and any other areas designated by the State Board by rule and delegate decision-making authority to the State Superintendent regarding those matters;
15. the State Board delegate to the State Superintendent, or his/her designee, the authority to conduct hearings on personnel matters, the referral of investigations to other agencies as necessary, amendment of the Comprehensive Education Facilities Plan (CEFP), school closure or consolidation matters and subsequently to render the resulting decisions, and the authority to appoint a designee for the limited purpose of conducting hearings while reserving to the State Superintendent the authority to render the resulting decision, if needed;
16. the State Board limit the authority of Logan County Board of Education as to the ability to conduct real estate transactions and delegate to the State Superintendent the authority to act in lieu of Logan County Schools in a transfer, sale, purchase, or other transaction regarding real estate;
17. the State Board delegate to the State Superintendent the authority to replace administrators and principals in low performing schools and to transfer them to alternate professional positions within the county at his discretion;
18. the State Board delegate to the State Superintendent the authority to fill positions of administrators and principals with individuals determined by the State Superintendent to be the most qualified for the positions;
19. the State Board direct the Logan County Superintendent and the State Superintendent, after consultation with the Logan County Board of Education, to jointly develop and present to the State Board at a future meeting a set of standards and/or a strategic plan that must be implemented in order for the Logan County Board of Education to regain control of the school system; and
20. that the State Board direct the Logan County Superintendent to provide written and/or oral progress reports to the State Board as requested.

President Hardesty called for a motion to accept the recommendations as presented by Superintendent Roach. Mrs. Sullivan moved, Mr. Gabriel and seconded, that the recommendations as stated by Superintendent Roach be approved. Upon the call for the question the roll was called and the motion was carried unanimously. Following the vote, members spoke in support of the recommendations presented by Superintendent Roach.

**IV. Future Meetings**

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

**V. Adjourn**

President Hardesty called for a motion to adjourn. Dr. Stansbury moved, and Mr. Gabriel seconded, that the meeting be adjourned. The meeting was adjourned at 11:50 a.m.

**Minutes approved by the Board on November 9, 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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