**MINUTES**

**WEST VIRGINIA BOARD OF EDUCATION**

**Capitol Building 6, Suite 600**

**1900 Kanawha Boulevard, East**

**Charleston, West Virginia**

**June 14, 2023**

**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 June 14, 2023, 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, Victor L. Gabriel (via remote), F. Scott Rotruck, Daniel D. Snavely, Christopher A. Stansbury (via remote), Debra K. Sullivan, and James S. Wilson (via remote) and ex officio David L. Roach, State Superintendent of Schools. Member absent was 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 requested that *New Business* items *A. Amendment - Kanawha County 2020-2030 Comprehensive Educational Facilities Plan (CEFP)*, *B. Closure of Marmet Elementary School (Kanawha County)*, *C. Closure of Grandview Elementary School (Kanawha County)*, *and D. Closure of George C. Weimer Elementary School (Kanawha County)*, be moved to follow delegations and called for a motion to approve the adjusted agenda. Ms. White moved, and Mr. Rotruck seconded, that the adjusted agenda be approved. Upon the call for the question, the motion was carried unanimously.

**III. Recognition**

The Board recognized Sherrard Middle School (Marshall County) as the 2023 History Bowl Champion.

**IV. Delegations**

Mr. Dale Lee, President, West Virginia Education Association, addressed the Board regarding the HOPE scholarship and number of out of state schools receiving West Virginia taxpayer dollars and the Frontline hiring initiative. Mr. Fred Albert, President, AFT-West Virginia, addressed the Board regarding Ready. Read. Write. West Virginia. and concerns regarding artificial intelligence accountability.

**V. Amendment - Kanawha County 2020-2030**

**Comprehensive Educational Facilities Plan (CEFP)**

Mr. Micah Whitlow, Director, WVDE Office of School Facilities, and Dr. Thomas E. Williams Jr., Superintendent, Kanawha County Schools, presented for the Board’s consideration, an amendment to the Kanawha County 2020-2030 CEFP to include a change in the county’s project priority list and the following closures and consolidations: 1) Marmet Elementary School proposed for closure and consolidation into the existing Chesapeake Elementary School; 2) Grandview Elementary School proposed for closure and consolidation into Edgewood Elementary School and Mary C. Snow West Side Elementary School; and 3) George C. Weimer Elementary School proposed for closure and consolidation into Alban Elementary School and Bridgeview Elementary School. These closures and consolidations were approved by the Kanawha County Board of Education and are proposed to occur at the end of the 2023-2024 school year.

Following discussion, Mr. Dunlevy moved, and Dr. Snavely seconded, that the Kanawha County Board of Education's request to amend their 2020-2030 CEFP be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment H.)

**VI.** **Closure of Marmet Elementary School (Kanawha County)**

Mr. Whitlow and Dr. Williams presented the closure of Marmet Elementary School and its consolidation into Chesapeake Elementary School for the Board’s consideration. This closure is not contingent upon any other actions and it is proposed to occur at the end of the 2023-2024 school year. The consolidation of these schools will enable Kanawha County Schools to operate their schools more efficiently. In consideration of this closure applicable West Virginia Board of Education policies were reviewed and followed. Documents were available for public inspection for the required amount of time and a closure hearing was held for Marmet Elementary School on May 2, 2023. A hearing for the receiving school, Chesapeake Elementary School, was held on May 2, 2023. The Kanawha County Board of Education voted to approve this closure and consolidation at their Board meeting at the conclusion of the hearings on May 2, 2023.

Following discussion, Mr. Rotruck moved, and Ms. White seconded, thatthe closure of Marmet Elementary School and its consolidation into Chesapeake Elementary School be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment I.)

**VII.**  **Closure of Grandview Elementary School (Kanawha County)**

Mr. Whitlow and Dr. Williams presented the closure of Grandview Elementary School and its consolidation into Edgewood Elementary School and Mary C. Snow West Side Elementary School for the Board’s consideration. This closure is not contingent upon any other actions and is proposed to occur at the end of the 2023-2024 school year. The consolidation of these schools will enable Kanawha County Schools to operate their schools more efficiently. In consideration of this closure applicable West Virginia Board of Education policies were reviewed and followed. Documents were available for public inspection for the required amount of time and a closure hearing was held for Grandview Elementary School on May 3, 2023. Hearings for the receiving schools, Edgewood Elementary School and Mary C. Snow West Side Elementary School, were held on May 3, 2023. The Kanawha County Board of Education voted to approve this closure and consolidation at their Board meeting at the conclusion of the hearings on May 3, 2023.

Following discussion, Mr. Dunlevy moved, and Ms. White seconded, that the closure of Grandview Elementary and its consolidation into Edgewood Elementary and Mary C. Snow West Side Elementary Schools be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment J.)

**VIII.**  **Closure of George C. Weimer Elementary School (Kanawha County)**

Mr. Whitlow and Dr. Williams presented the closure of George C. Weimer Elementary School and its consolidation into Alban Elementary School and Bridgeview Elementary School for the Board’s consideration. This closure is not contingent upon any other actions and it is proposed to occur at the end of the 2023-2024 school year. The consolidation of these schools will enable Kanawha County Schools to operate their schools more efficiently. In consideration of this closure applicable West Virginia Board of Education policies were reviewed and followed. Documents were available for public inspection for the required amount of time and a closure hearing was held for George C. Weimer Elementary School on May 4, 2023. Hearings for the receiving schools, Alban Elementary School and Bridgeview Elementary School, were held on May 4, 2023. The Kanawha County Board of Education voted to approve this closure and consolidation at their Board meeting at the conclusion of the hearings on May 4, 2023. Dr. Wilson joined the meeting.

Following discussion, Mrs. Sullivan moved, and Mr. Dunlevy seconded, that the closure of George C. Weimer Elementary School and its consolidation into Alban Elementary School and Bridgeview Elementary School be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment K.)

**IX. School Safety Update**

Mr. Jonah Adkins, Director, WVDE Office of PK-12 Academic Support, provided an update regarding school safety, thanked Homeland Security for the close relationship education enjoys with Homeland Security, spoke to the number of Prevention Resource Officers (PROs) in schools, and funding for PRO positions. Also in attendance for the presentation was Mr. Rob Cunningham, Deputy Cabinet Secretary, West Virginia Department of Homeland Security.

**X. Consent Agenda**

President Hardesty called for a motion to approve the Consent Agenda. Dr. Snavely moved, and Mrs. Sullivan 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 G.)

* Approved the May 10, 2023, WVBE minutes (Attachment A)
* Received WVDE personnel matters (Attachment B)
* Approved Monongalia County Schools’ request for a limited waiver, for school year 2023-2024, of Policy 4321.1, Standards for Child Nutrition, to implement the a la carte pilot project at University High School, with the provision of selling federally compliant, USDA-approved Smart Snacks during the student lunch periods and directed that: 1) all beverages sold as part of this pilot project adhere to the WVBE requirement of being free from caffeine and non-nutritive sweeteners; 2) the Monongalia County Board of Education comply with all state and federal regulations and procurement standards; and 3) the Monongalia County Board of Education work with the WVDE Office of Child Nutrition on reporting and technical assistance needs (Attachment C)
* Accepted the EPPRB's recommendation of approval of Marshall University's addition of a Clinical Teacher of Record Program with Webster County (Attachment D)
* Approved 2023 summer school programs (Attachments E-1 and E-2)
* Received 2023-2024 County School Calendars

Link to School Calendars: <https://wvde.us/summary-of-county-calendar-dates/>

Link to Graduation Dates: <https://wvde.us/west-virginia-high-school-graduation-dates/>

* Approved Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications, effective 30 days from filing (Attachments F-1 and F-2)
* Received an update from the West Virginia Schools for the Deaf and the Blind (Attachment G).

**XI.**  **Upshur County Schools Special Circumstance Review Report**

President Hardesty requested Superintendent Roach provide a brief overview of the timeline culminating in the Upshur County review. Discussion ensued regarding the Local Educational Agency Elementary and Secondary School Emergency Relief Fund Monitoring Report, accountability timeline, and process.

Mr. Jeffrey Kelley (distributed information), Accountability Officer, WVDE Office of Accountability and Assessment, presented the Upshur County Schools Special Circumstance Review Report for the Board’s consideration. At the direction of the State Superintendent of Schools, a Special Circumstance Review was conducted of Upshur County Schools in the areas of Operation of Federal Programs, Financial Indicators and Purchasing Procedures, and other concerns that were revealed during the course of the review. Discussion ensued regarding the report and how it may evolve over time. (Copy appended to Official Minutes, Attachment M.)

**XII. Break**

President Hardesty called for a break at 10:55 a.m.

**XIII. Call to Order**

President Hardesty called the meeting back to order at 11:06 a.m.

**XIV.**  **Upshur County Schools Special Circumstance Review Report (Continued)**

**Executive Session**

Discussion continued regarding the report, next steps, and action recommended as a result of the current review.

Following Mr. Kelley’s presentation President Hardesty requested a motion to enter into executive session. Ms. White moved, and Mr. Rotruck seconded, that the Board enter 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 motion was unanimously carried; the Board moved into executive session at 11:20 a.m.

**XV.**  **Upshur County Schools Special Circumstance Review Report**

**Return from Executive Session**

President Hardesty announced the Board had returned from executive session at 12:54 p.m. with no action taken and announced that due to information recently presented, action regarding this item will be moved to later in the agenda.

**XVI. WVBE Personnel Matters, Inclusive of Annual Evaluation**

**of the State Superintendent of Schools, WVBE Attorney,**

**and WVBE Secretary, and Litigation Update in**

**B.P.J. by her next friend and mother, Heather Jackson v. WVBE, et al.**

**Executive Session**

President Hardesty called for a motion to enter into executive session. Ms. White 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 unanimously carried; the Board moved into executive session at 12:56 p.m.

**XVII. WVBE Personnel Matters, Inclusive of Annual Evaluation**

**of the State Superintendent of Schools, WVBE Attorney,**

**and WVBE Secretary, and Litigation Update in**

**B.P.J. by her next friend and mother, Heather Jackson v. WVBE, et al.**

**Return from Executive Session**

President Hardesty announced the Board had returned from executive session at 3:11 p.m. with no action taken and called for action regarding the Upshur County Schools Special Circumstance Review Report to be taken up.

**XVIII.**  **Upshur County Schools Special Circumstance Review Report (Continued)**

President Hardesty called on Superintendent Roach to provide a recommendation regarding the Upshur County Schools Special Circumstance Review Report.

Superintendent Roach stated, “As a result of the Special Circumstance Review, it is the recommendation of the West Virginia Department of Education (WVDE) that extraordinary circumstances exist in the county that constitute major impediments to the provision of education programs and services for students, and that the Upshur 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 West Virginia Board of Education (WVBE) into Upshur County schools for any period of time would not be in the best interest of the students and staff in Upshur County in accordance with W. Va. Code §18-2E-5.

***WHEREFORE***, Based upon the Department’s and State Superintendent’s recommendation and the report from the Office of Accountability and Assessment, the WVBE finds the following:

Extraordinary circumstances exist in the Upshur County School system;

1. That Nonapproval status shall be assigned to Upshur County Schools;
2. That there is a state of emergency in Upshur County Schools regarding the information presented in the report;
3. That the conditions precedent to WVBE 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 Upshur County Schools;
4. That the county board failed to act on a statutory obligation which interrupted the day-to-day operations of the school system;
5. That the authority of the Upshur County Board of Education shall be limited in areas that compromise the delivery of a thorough and efficient education to its students as designated by the WVBE by rule, which may include delegating decision-making authority regarding these matters to the Deputy State Superintendent or her designee;
6. That the WVBE declare the Office of the County Superintendent of Upshur County Schools to be vacant at the end of the business day at 4:00 p.m. on June 14, 2023, and that any existing contracts be voided, as necessary;
7. That the WVBE appoint Stephen L. Wotring to be the interim Superintendent of Upshur County Schools starting June 15, 2023, and ending at the close of business June 30, 2023, at a salary to be determined by the Deputy State Superintendent or her designee;
8. That the WVBE grant the Deputy State Superintendent or her designee the authority to hire a county superintendent to replace the interim appointment and set his/her salary;
9. That the WVBE declare the positions of personnel who serve at the will and pleasure of the county superintendent of Upshur County Schools to be vacant at the end of the business day at 4:00 p.m. on June 14, 2023, and that any existing contracts be voided, as necessary;
10. That the WVBE delegate to the Deputy State Superintendent or her designee the authority to fill positions of administrators and principals with individuals determined by the Deputy State Superintendent or her designee to be the most qualified for the positions;
11. That the WVBE grant the Deputy State Superintendent or her designee the authority to take action necessary to correct the extraordinary circumstances;
12. That the WVBE limit the authority of the Upshur County Board of Education as to finances, personnel, federal programs, and any other areas designated by the WVBE by rule and delegate decision-making authority to the Deputy State Superintendent or her designee regarding those matters;
13. That the WVBE delegate to the Deputy State Superintendent or her designee the authority to conduct hearings on personnel matters, the referral of investigations to other agencies and the authority to appoint a designee for the limited purpose of conducting hearings while reserving to the Deputy State Superintendent the authority to render the resulting decision, if needed;
14. That the WVBE limit the authority of Upshur County Board of Education as to the ability to conduct real estate transactions and delegate to the Deputy State Superintendent or her designee the authority to act in lieu of the Upshur County Board of Education in a transfer, sale, purchase, or other transaction regarding real estate;
15. That the WVBE delegate to the Deputy State Superintendent or her designee the authority to replace administrators and principals in low performing schools and to transfer them to alternate professional positions within the county at her discretion;
16. That the WVBE delegate to the Deputy State Superintendent or her designee the authority to fill positions of administrators and principals with individuals determined by the Deputy State Superintendent to be the most qualified for the positions;
17. That the WVBE direct the interim and future Upshur County Superintendents and the Deputy State Superintendent, after consultation with the Upshur 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 Upshur County Board of Education to regain control of the school system; and
18. That the WVBE direct the interim and future Upshur County Superintendents to provide written and/or oral progress reports to the WVBE as requested.”

President Hardesty called for a motion regarding the State Superintendent’s recommendations. Ms. White moved, and Dr. Snavely seconded, that the recommendations be approved. Upon the call for the question the motion was carried unanimously.

**XIX. WVDE Reports**

Superintendent Roach, assisted by Ms. Christy Day, Director, WVDE Communications Office, provided a brief update regarding the literacy and numeracy initiatives.

**XX. WVBE Personnel Matters, Inclusive of Annual Evaluation**

**of the State Superintendent of Schools, WVBE Attorney,**

**and WVBE Secretary, and Litigation Update in**

**B.P.J. by her next friend and mother, Heather Jackson v. WVBE, et al.**

**Executive Session**

President Hardesty called for a motion to enter into executive session to complete employee personnel evaluations. Ms. White moved, and Mrs. Sullivan 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 unanimously carried; the Board moved into executive session at 3:20 p.m.

**XXI. WVBE Personnel Matters, Inclusive of Annual Evaluation**

**of the State Superintendent of Schools, WVBE Attorney,**

**and WVBE Secretary, and Litigation Update in**

**B.P.J. by her next friend and mother, Heather Jackson v. WVBE, et al.**

**Return from Executive Session**

President Hardesty announced the Board had returned from executive session at 3:38 p.m. with no action taken and called on Ms. White to announce the result of the State Superintendent’s evaluation. Ms. White announced, in accordance with W. Va. Code §18-3-1, that the State Superintendent received a satisfactory evaluation.

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

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

Mrs. Sullivan attended several events and worked on several WVBE policies. Mr. Rotruck participated in a number of education related events. Mr. Dunlevy attended several meetings of the WVSSAC and plans to attend a Superintendent’s meeting later this month.

**XXIII. Future Meetings**

President Hardesty announced that the next regular meeting of the WVBE will be held July 12, 2023, at 9:00 a.m., in Charleston, West Virginia.

**XXIV. Adjourn**

President Hardesty called for a motion to adjourn. Mr. Rotruck moved, and Mr. Dunlevy seconded, that the meeting be adjourned. Upon the call for the question the meeting was adjourned at 3:41 p.m.

**Minutes approved by the Board on July 12, 2023.**

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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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