

MINUTES
WEST VIRGINIA BOARD OF EDUCATION
Capitol Building 6, Suite 600
1900 Kanawha Boulevard, East
Charleston, West Virginia
May 8, 2024

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 8:00 a.m. on May 8, 2024, 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, F. Scott Rotruck, Daniel D. Snavely, Christopher A. Stansbury, Debra K. Sullivan, and Gregory F. Wooten (remote), and ex officios Michele L. Blatt, 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 stated that Mrs. Sullivan will be making a statement at the approval of the *Consent Agenda* and called for a motion to approve the agenda. Mrs. Sullivan moved, and Ms. White seconded, that the agenda be approved. Upon the call for the question the motion was carried unanimously.

III. Recognitions

The Board recognized the following West Virginia Department of Education (WVDE) Exemplary Practice Schools: Sherman Elementary (Boone County), Mountaineer Middle School (Monongalia County), and United Technical Center (Harrison County).

IV. Delegations

Mr. Stanley Heflin and Mr. Tobey Knight, Harrison County residents, addressed the Board in opposition to the proposed Harrison County closures, mergers, and request to amend the county's Comprehensive Educational Facilities Plan. Dr. Mickey Blackwell, West Virginia Principals Association, addressed the Board about activities at West Virginia State University and stated that May is mental health month, national Teacher Month, the week of May 6 is testing week in West Virginia schools, and again spoke to the need for proper staffing in schools. Mr. Fred Albert, President, AFT-West Virginia, addressed the Board about teacher appreciation week, spoke about special teachers he encountered during his early education years, and announced that AFT will have given away this year, through First Book, ten million books.

**V. School Safety and
County Technical Assistance Update**

President Hardesty deferred the School Safety and County Technical Assistance updates to June.

VI. Consent Agenda

President Hardesty called on Mrs. Sullivan for her statement regarding the Consent Agenda. Mrs. Sullivan called attention to West Virginia Secondary School Activities Commission (WVSSAC) Series 2, specifically the testing requirements for those wishing to participate in WVSSAC activities. President Hardesty called for a motion to approve the Consent Agenda. Mrs. Sullivan moved, and Dr. Stansbury 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 M.)

- Approved the April 9, 2024, WVBE minutes (Attachment A)
- Approved an Employment Retired Bus Operators as Substitutes in Areas of Critical Need and Shortage policy for Mercer County (Attachment B)
- Received and approved for submission to the Consolidated Public Retirement Board substitute teacher and bus operator affidavits found in Attachment C
- Approved the Monongalia County Board of Education's request for a limited one-year (school year 2024-2025) waiver 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 further 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 D)
- Approved the Wyoming County Board of Education's request for a waiver of Policy 6200, Handbook on Planning School Facilities, section 203.3, to construct a New Mullens PreK-8 on a site below the minimum site size of 11 acres (Attachment E)
- Approved the West Virginia Licensure Testing Directory (Attachment F)
- Approved the Career Technical Education Endorsement and Testing Manual (Attachment G)
- Approved the Wayne County Board of Education's request to amend their 2020-2030 Comprehensive Educational Facilities Plan (CEFP) to add fire

- suppression and HVAC renovations at the Ceredo-Kenova Elementary School Alumni Gymnasium to its project priority list. The project is planned to be funded through local funds and a grant(s) from the SBA (Attachment H)
- Placed Policy 2436.10, Participation in Extracurricular Activities, on public comment for 30 days (Attachment I)
 - Placed Policy 8100, Public School Finance, on public comment for 30 days (Attachment J)
 - Placed Policy 8224, Increased Enrollment, on public comment for 30 days (Attachment K)
 - Placed West Virginia Secondary School Activities Commission (WVSSAC) Series 1, Constitution, Series 2, Athletics, Provisions Governing Eligibility, Series 3, Provisions Governing Contests, and Series 4, Provisions Governing Conduct, on public comment for 30 days (Attachments L-1 through L-4)
 - Received an update from the West Virginia Schools for the Deaf and the Blind (Attachment M).

VII. Policy 2510, Assuring the Quality of Education, Regulations for Education Programs

Mr. Robert “Joey” Wiseman, Director, WVDE Office Student Enrichment, presented Policy 2510 for the Board’s consideration. Policy 2510, approved at the April meeting, was not filed with the Secretary of State’s Office as a response to comments was not effectuated in the policy prior to its submission for approval.

Following discussion, Mr. Dunlevy moved, and Ms. White seconded, that the Board rescind its approval of Policy 2510 as presented in April and that the corrected version, found in Attachment Mc-2, be approved and effective July 1, 2024. Upon the call for the question the motion was carried unanimously. (Copies appended to Official Minutes, Attachments Mc-1 and Mc-2.)

VIII. Continuation of Statewide Waiver of Policy 4336, West Virginia School Bus Transportation Regulations, Procedures, and Specifications for the Design and Equipment of School Buses

Dr. Sonya White, Deputy State Superintendent, presented a request for the continuation of statewide waiver of Policy 4336 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 2/21/2020, 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 this 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 being amended to incorporate the provisions of this waiver request.

Following discussion regarding the possibility of dividing the policy into two distinct policies (riding a bus and building a bus), Mr. Gabriel moved, and Mrs. Sullivan seconded, that the statewide waiver of sections of Policy 4336, as defined in the attachment, be extended until such time as Policy 4336 is amended. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment N.)

**IX. Amendment - Harrison County Board of Education
2020-2030 Comprehensive Educational Facilities Plan (CEFP)**

Mr. Micah Whitlow, Director, WVDE Office of School Facilities, presented an amendment to the Harrison County Board of Education's 2020-2030 CEFP for the Board's consideration. Amendments to the CEFP include: 1) Liberty High School's proposed merger into the existing Robert C. Byrd High School; 2) Mountaineer Middle School and Washington Irving Middle School are proposed to be consolidated into a new Liberty Middle School, which is planned to be housed in the would-be vacant Liberty High School facility; 3) North View Elementary School is proposed to be relocated into the would-be vacant Mountaineer Middle School facility; and 4) the county's project priority list is also being modified to add safe school entries to the proposed receiving schools, and the previously planned new facilities for Washington Irving and North View Elementary are being removed.

Following discussion, Ms. White moved, and Mr. Gabriel seconded, that the Harrison 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 O.)

**X. Harrison County Schools' Closure of Liberty High School
and Its Merger Into the Existing Robert C. Byrd High School**

Mr. Whitlow and Dr. Dora Stutler, Superintendent, Harrison County Schools presented the closure of Liberty High School and its merger into the existing Robert C. Byrd High School for the Board's consideration. This action is not contingent upon any other actions and is proposed to occur at the end of the 2024-2025 school year. This merger will ensure Harrison County Schools can continue to deliver a thorough and efficient education.

Following discussion, Mr. Rotruck moved, and Dr. Stansbury seconded, that the Harrison County Board of Education's request to close Liberty High School and merge it into the existing Robert C. Byrd High School be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment P.)

**XI. Harrison County Schools' Closures of Mountaineer Middle School
and Washington Irving Middle School, and Their Consolidation
Into a New Liberty Middle School**

Mr. Whitlow and Dr. Stutler presented the closures of Mountaineer Middle School and Washington Irving Middle School, and their consolidation into a new Liberty Middle School for

the Board's consideration. This action is not contingent upon any other actions and is proposed to occur at the end of the 2024-2025 school year. This merger will ensure Harrison County Schools can continue to deliver a thorough and efficient education.

Following discussion, Mr. Dunlevy moved, and Ms. White seconded, that the Harrison County Board of Education's request to close Mountaineer Middle School and Washington Irving Middle School and consolidate the schools into a new Liberty Middle School be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment Q.)

**XII. School Environment Review of
Martinsburg North Middle School (Berkeley County)**

Mr. Kelley presented the Targeted School Environment Assessment of Martinsburg North Middle School (Berkeley County) for the Board's consideration. Mr. Ronald E. Stephens IV, Superintendent, Berkeley County Schools, addressed questions from members.

Following discussion, President Hardesty requested Superintendent Blatt provide a motion regarding Martinsburg North Middle School. Superintendent Blatt thereupon "asked that the Board consider declaring a state of emergency, based on Policy 2322, that exists at Martinsburg Middle School, including, but not limited to: 1) the unhealthy or unsafe conditions for students or employees; 2) the school's failure to provide high quality and equal educational opportunities for students; and 3) the deficiencies in instructional leadership and support for school improvement. Part of this plan, if the state of emergency is declared, we would direct the Berkeley County Schools to use their CSI funds to hire an on-site School Improvement Specialist, that would be decided between us and Berkeley County Schools, that would be there on-site several days a week and throughout this summer with the goal to be that we would work through this summer to put professional learning and plans in place so that when we start in the fall we're ready to start the school year and move forward. That support would continue throughout the next school year. All of these things would be detailed in an action plan that the Accountability Office would work with Berkeley County Schools to put together and bring back to this Board at the June meeting to show the direction that we intend to take and to get your approval on that. With those steps, pursuant to the WVBE's authority under Article XII, Section 2 of the West Virginia Constitution and W. Va. Code §18-2E-5, I request a motion to declare a state of emergency exists in Berkeley County Schools, specific to the operation of Martinsburg North Middle School."

Mr. Gabriel moved approval of Superintendent Blatt's recommendation. Mr. Rotruck and Mr. Wooten seconded the motion and upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment R.)

XIII. WVBE and WVDE Personnel Matters

President Hardesty called for a motion to approve the WVBE personnel matters found in the attachment. Ms. White moved, and Mrs. Sullivan seconded, that the WVBE personnel matters found in the attachment be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment S.)

President Hardesty called for a motion to approve the WVDE personnel matters found in the attachment. Dr. Stansbury moved, and Mr. Dunlevy seconded, that the WVDE personnel matters found in the attachment be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment T.)

XIV. WVDE Reports

Superintendent Blatt provided information about county visits, Mental Health Awareness month, and programs under development for next school year.

XV. WVBE Member Updates and Requests for Information

Mr. Gabriel reported that he attended work sessions with the WVDE Office of School Transportation. Mrs. Sullivan reported that she attended the following meetings: Communities In Schools Advisory Council, County Board Member Training Standards Review Committee, and Educators Rising; attended several sporting events; participated in Read-Aloud; visited Fayette County Schools' Career Technical Education Middle School Empowerment program and learned about countywide steps to address school culture; and thanked Dr. White and Ms. Georgia Hughes-Webb for data regarding the proficiency rates of chronically absent students. Mr. Rotruck attended EDTalks, the 2024 Harless Hall of Fame Induction Ceremony, and an aerospace event. Dr. Tucker spoke about the Governor's state of emergency regarding FAFSA applications. Dr. Stansbury spoke about mental health month and cell phones in schools and the need for the WVBE and WVDE to investigate the development of a plan to address cell phones in the classroom. Ms. White spoke in support of developing a plan to address cell phones in the classroom.

XVI. Future Meetings

President Hardesty announced that the next regular meeting of the WVBE will be held June 12, 2024, at 9:00 a.m., in Charleston, West Virginia.

XVII. Adjourn

President Hardesty called for a motion to adjourn. Mr. Rotruck moved, and Dr. Stansbury seconded, that the meeting be adjourned. Upon the call for the question the meeting was adjourned at 9:49 a.m.

Minutes approved by the Board on June 12, 2024.

L. Paul Hardesty, President

Nancy J. White, Vice President