

**AGENDA**  
**WEST VIRGINIA BOARD OF EDUCATION**  
Capitol Building 6, Suite 600  
1900 Kanawha Boulevard, East  
Charleston, West Virginia  
**May 8, 2024 - 8:00 a.m.**

I. **Welcome - Pledge of Allegiance - Introductions - Call to Order**  
L. Paul Hardesty, President

II. **Approval of Agenda - (Action)**  
L. Paul Hardesty

III. **Recognitions**  
▶ Exemplary Schools

IV. **Delegation(s)**

V. **School Safety - (Information)**  
Jonah Adkins

VI. **County Technical Assistance Updates - (Information)**  
Jeffrey Kelley

VII. **Consent Agenda - (Action)**

A. **Approval of Minutes - (Action)**

[Attachment A](#)

It is recommended that the **minutes of the April 9, 2024, meeting of the West Virginia Board of Education (WVBE)** be approved.

B. **Routine Business**

1. **Employment of Retired Bus Operators as Substitutes in Areas of Critical Need and Shortage - (Action)**  
Kelli Talbott

[Attachment B](#)

Pursuant to W. Va. Code §18A-4-15a, Mercer County has submitted a policy for the WVBE's approval.

It is recommended that the **Employment of Retired Bus Operators as Substitutes in Areas of Critical Need and Shortage** policy for Mercer County be approved.

2. **Employment of Substitute Teachers and Bus Operators in Areas of Critical Need and Shortage Affidavits - (Action)**  
Kelli Talbott

[Attachment C](#)

Pursuant to W. Va. Code §18A-2-3(c)(2)(G) and §18A-4-15a(b)(2)(F), affidavits from counties must be received and approved by the WVBE for submission to the Consolidated Public Retirement Board.

WVDE legal counsel has reviewed and recommends that the **affidavits listed in the attachment be received and approved for submission to the Consolidated Public Retirement Board**

**3. Waivers of WVBE Policies and Regulations, Superintendent's Interpretations, State Statutes, and Legislative Rules - (Action)  
Joey Wiseman**

**The Monongalia County Board of Education requests a limited waiver, for school year 2024-2025, of Policy 4321.1, Standards for Child Nutrition**, to allow the implementation of an 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.

[Attachment D](#)

WVDE staff have reviewed the waiver request and **recommend that a limited one-year (school year 2024-2025) waiver for Monongalia County Schools 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 be approved.**

WVDE staff further **recommends that the WVBE direct 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.**

**The Wyoming County Board of Education requests a waiver of Policy 6200, Handbook on Planning School Facilities, Section 203.3**, to allow for the construction of a new Mullens PreK-8 School on a site below the minimum middle school site size of 11 acres. This waiver is requested for the school's duration of operation at the proposed location.

[Attachment E](#)

To fund the construction of the school, Wyoming County's citizens passed a bond in May of 2022, and Wyoming County Schools was awarded a grant from the School Building Authority of WV in December of 2023.

The proposed new Mullens PreK-8 site includes 6.17 acres, which meets the acreage requirement for elementary schools but not the requirement for middle schools. The school's projected 6-8 grade enrollment is 125 students, which does not support the need for extensive athletic fields located at the school, as the Mullens and Herndon area schools jointly participate in athletics at Wyoming County East High School's fields. The proposed new site provides more usable land than the existing school locations, and the topography of the Mullens community also makes meeting the 11-acre requirement challenging.

Wyoming County has verified that the new school's site is out of the 100-year floodplain and has appropriately sized access roads, parking lots, loading zones, service areas, and utility access. Additionally, the students will be provided with playgrounds, paved courts, and outdoor learning areas

appropriate for elementary and middle school learning and physical education.

Approval of this proposed waiver will allow Wyoming County to keep students in their community, limit excessive travel times, and continue to provide students with a high-quality education.

WVDE staff have reviewed the waiver request and **recommend that Wyoming County be approved to construct a New Mullens PreK-8 on a site below the minimum site size of 11 acres.**

**4. West Virginia Licensure Testing Directory - (Action)**  
**Robert Hagerman**

[Attachment F](#)

The WVBE required licensure exams for educator certification and completion of WVBE approved programs leading to West Virginia licensure directory is maintained on the WVDE website. Additional test(s), scores, or exceptions have been changed to reflect updates in policy and exams.

It is recommended that the **West Virginia Licensure Testing Directory be approved.**

**5. Career Technical Education (CTE) Endorsement and Testing Manual - (Action)**  
**Robert Hagerman**

[Attachment G](#)

The WVBE required testing (ex. basic skills or NOCTI exams) for Career Technical Education (CTE) endorsements is maintained on the WVDE website. Formatting, additional tests(s), scores, added endorsement areas, and/or exceptions have been changed to reflect updates in policy and exams.

It is recommended that the **CTE Endorsements and Testing Manual be approved.**

**6. Amendment/Facility Improvements - Wayne County Board of Education 2020-2030 Comprehensive Educational Facilities Plan (CEFP) - (Action)**  
**Micah Whitlow**

[Attachment H](#)

Policy 6200 requires all local boards of education to submit amendments to CEFPs to the WVBE and the School Building Authority of West Virginia (SBA) for approval. The Wayne County Board of Education requests approval 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.

It is recommended that the **Wayne County Board of Education's request to amend their 2020-2030 CEFP be approved.**

**7. Policy 2436.10, Participation in Extracurricular Activities - (Action)**  
**Drew McClanahan**

[Attachment I](#)

Policy 2436.10 is being amended to comply with House Bill 2820 (2023 Regular Session).

It is recommended that **Policy 2436.10 be placed on public comment for 30 days.**

**8. Policy 8100, Public School Finance - (Action)  
Uriah Cummings**

[Attachment J](#)

Policy 8100 was last revised in 1990. It is being repealed and replaced to incorporate numerous changes in public school finance including but not limited to: charter public schools, payroll evolution, purchasing evolution, and various statutory and WVBE policy revisions and implementation that impact school finance. The revised policy thoroughly defines public school finance in West Virginia and incorporates real world experiences and practices from West Virginia School Business Officials.

It is recommended that **Policy 8100 be placed on public comment for 30 days.**

**9. Policy 8224, Increased Enrollment - (Action)  
Uriah Cummings**

[Attachment K](#)

Policy 8224 was last revised in 2005. It is being revised to incorporate changes to the increased enrollment statute found in W. Va. Code §18-9A-15, to incorporate language related to public charter schools, and to provide modifications to the way enrollment is projected in West Virginia.

It is recommended that **Policy 8224 be placed on public comment for 30 days.**

**10. 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 - (Action)  
David Price**

[Attachment L-1](#)  
[Attachment L-2](#)  
[Attachment L-3](#)  
[Attachment L-4](#)

The majority of public and most private schools in West Virginia belong to the WVSSAC. Each year, principals of member schools submit revisions to the rules and regulations. The submitted proposals are presented and voted upon at the annual Board of Control meeting. Any approved changes are then submitted to the WVBE for its review and approval. The proposed amendments are brought forth to keep the WVSSAC current and updated on changes, trends and issues in the band and athletic programs. This year 19 proposals, found in the attachment, were submitted by member schools for consideration.

It is recommended that **WVSSAC Series 1, 2, 3, and 4 be placed on public comment for 30 days.**

**11. West Virginia Schools for the Deaf and the Blind Monthly Update - (Information)  
Clayton Burch, Superintendent, West Virginia Schools for the Deaf and the Blind**

[Attachment M](#)

## VIII. New Business

### A. **Policy 2510, Assuring the Quality of Education: Regulations for Education Programs - (Action)** **Joey Wiseman**

[Attachment Mc-1](#)  
[Attachment Mc-2](#)

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 (see Attachment Mc-1). This oversight has been corrected.

It is requested that the Board **rescind its approval of Policy 2510 as presented in April and approve the corrected version, found in Attachment Mc-2, to be effective July 1, 2024.**

### B. **Continuation of Statewide Waiver of Policy 4336, West Virginia School Bus Transportation Regulations, Procedures, and Specifications for the Design and Equipment of School Buses - (Action)** **David Baber**

[Attachment N](#)

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 in the process of being amended to incorporate the provisions of this waiver request.

It is recommended and a motion is requested to again extend **approval of the statewide waiver of sections of Policy 4336, as defined in the attachment, until such time as Policy 4336 is amended.**

### C. **Amendment - Harrison County Board of Education 2020-2030 Comprehensive Educational Facilities Plan (CEFP) - (Action)** **Micah Whitlow**

[Attachment O](#)

Policy 6200 requires all local boards of education to submit amendments to CEFPs to the WVBE and the School Building Authority of West Virginia (SBA) for approval. The Harrison County Board of Education requests approval to revise its 2020-2030 CEFP to include the following changes:

- Liberty High School is proposed to be merged into the existing Robert C. Byrd High School.
- 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.
- North View Elementary School is proposed to be relocated into the would-be vacant Mountaineer Middle School facility.
- 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.

Changes in a county's CEFPP are for planning only, and any proposed closures are pending the completion and approval of the official closure procedures found in Policy 6204, School Closings or Consolidations.

It is recommended that the **Harrison County Board of Education's request to amend their 2020-2030 CEFPP be approved.**

**D. Harrison County Schools' Closure of Liberty High School and Its Merger Into the Existing Robert C. Byrd High School - (Action)**

[Attachment P](#)

**Micah Whitlow and Dora Stutler, Superintendent, Harrison County Schools**

The Harrison County Board of Education respectfully requests approval for the closure of Liberty High School and its merger into the existing Robert C. Byrd High School. 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.

Considering this closure and merger, applicable West Virginia Board of Education policies were reviewed and followed, and documents were available for public inspection for the required time. Separate public hearings were held for Liberty High School and the receiving Robert C. Byrd High School on April 8, 2024. The Harrison County Board of Education voted to approve this closure and merger at their board meeting on April 16, 2024.

Based on the information provided, it is recommended that the **closure of Liberty High School and its merger into the existing Robert C. Byrd High School be approved.**

**E. Harrison County Schools' Closures of Mountaineer Middle School and Washington Irving Middle School, and Their Consolidation Into a New Liberty Middle School - (Action)**

[Attachment Q](#)

**Micah Whitlow and Dora Stutler, Superintendent, Harrison County Schools**

The Harrison County Board of Education respectfully requests approval for the closures of Mountaineer Middle School and Washington Irving Middle School and their consolidation into a New Liberty Middle School at the would-be vacant Liberty High School Facility. This action is proposed to occur at the end of the 2024-2025 school year and is contingent on the closure of Liberty High School. The merger would ensure that Harrison County Schools can continue to deliver a thorough and efficient education.

Considering these closures and consolidation, applicable West Virginia Board of Education policies were reviewed and followed, and documents were available for public inspection for the required time. Separate public hearings were held for Mountaineer Middle School and Washington Irving Middle School on April 9, 2024. The Harrison County Board of Education voted to approve this consolidation at their board meeting on April 16, 2024.

Based on the information provided, it is recommended that the **closures of Mountaineer Middle School and Washington Irving Middle School, and their consolidation into a New Liberty Middle School be approved.**

**F. School Environment Review of Martinsburg North Middle School (Berkeley County) - (Action)** [Attachment R](#)  
**Jeffrey Kelley**

A school environment review of Martinsburg North Middle School was conducted on April 17, 2024, at the request of the WVDE Office of District and School Improvement.

Discussion of this report may involve an Executive Session as provided in W. Va. Code §6-9A-4(b)(2)(A) [personnel exception] and/or §6-9A-4(b)(6), [privacy exception]. The Board majority must vote to have an Executive Session.

**Motions, if any, will be offered during the meeting.**

**G. WVBE and WVDE Personnel Matters - (Action)**  
**L. Paul Hardesty**

WVBE personnel and/or legal matters may involve an Executive Session 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)]. The Board majority must vote to have an Executive Session. **(No action will be taken in Executive Session.)**

It is recommended and a motion is requested to **approve the WVBE personnel matters found in the attachment.** [Attachment S](#)

It is recommended and a motion is requested to **approve the WVDE personnel matters found in the attachment.** [Attachment T](#)

**IX. WVDE Reports - (Information)**

**X. WVBE Member Updates and Requests for Information - (Information)**  
**L. Paul Hardesty**

**XI. Future Meetings - (Information)**  
**L. Paul Hardesty**

The next regular meeting of the WVBE will be held June 12, 2024, in Charleston, West Virginia.

**XII. Adjournment - (Action)**