

MINUTES
WEST VIRGINIA BOARD OF EDUCATION
Board Conference Room
Capitol Building 6, Room 353
1900 Kanawha Boulevard, East
Charleston, West Virginia
September 7, 2011

I. Call to Order

President L. Wade Linger Jr. called the meeting of the West Virginia Board of Education (WVBE) to order at 12:30 p.m. on September 7, 2011, in the Board Conference Room, Capitol Building 6, Room 353, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The following members were present: President Linger, Vice President Gayle C. Manchin (via telephone), Secretary Robert W. Dunlevy, Michael I. Green, Priscilla M. Haden, Lowell E. Johnson, Jenny N. Phillips and William M. White and ex officios Jorea M. Marple, State Superintendent of Schools, and James L. Skidmore, Chancellor, West Virginia Council for Community and Technical College Education. Student representative in attendance was Savannah Chandler of St. Marys, West Virginia, who attends Ritchie County High School (Ritchie County). Members absent were Burma Hatfield and ex officio Brian E. Noland, Chancellor, West Virginia Higher Education Policy Commission.

II. Recognitions

Ms. Liza Cordeiro, Executive Director, WVDE Office of Communications, State Superintendent's Office, presented *Global21 Moments*, featuring McDowell and Webster County Schools, for the Board's information. Ms. Cordeiro introduced Dr. Kathy D'Antoni, Assistant State Superintendent, Division of Technical, Adult and Institutional Education, who introduced Ms. Courtney Harper of Sissonville, who placed tenth in the computer application competition category, and Ms. Shawnelle Lavender of Winfield, who placed first in the business communications category, during the 2011 national Future Business Leaders of America-Phi Beta Lambda awards competition. Ms. Cordeiro introduced Ms. Betty Jo Jordan, Executive Assistant to the State Superintendent, who introduced Mr. Terry M. Nelson, principal at Midland Elementary School in Randolph County, West Virginia's 2010 National Distinguished Principal of the Year, and Mr. Boyd Mynes, principal of Martha Elementary in Cabell County, West Virginia's 2011 National Distinguished Principal of the Year.

III. Approval of Agenda

President Linger called for a motion to approve the agenda. Upon motion by Ms. Phillips, seconded by Mr. Dunlevy, the Board unanimously approved the agenda.

**IV. West Virginia Board of Education Meeting Minutes
Recording and Documentation of Meeting Minutes and
Meeting Minutes of August 10, 2011**

President Linger addressed the Board regarding the recording and documentation of meeting minutes. Discussion ensued regarding the recording and documentation of meeting minutes.

V. Fire Drill

The meeting was interrupted by a fire drill at approximately 1:20 p.m. President Linger reconvened the meeting at 1:35 p.m.

**VI. West Virginia Board of Education Meeting Minutes
Recording and Documentation of Meeting Minutes and
Meeting Minutes of August 10, 2011 (Continued)**

Discussion again ensued regarding the recording and documentation of meeting minutes.

Dr. Johnson moved that a parliamentarian look into the issue of making editorial comments about the meetings and what the rules and regulations are in relationship to that. Dr. White seconded the motion and upon the call for the question the motion was carried with seven members voting yes and one member voting no. It was the consensus of the Board that a working session be scheduled for the November meeting regarding the recording and documentation of meeting minutes.

Dr. Johnson moved, and Ms. Haden seconded, approval of the August 10, 2011, meeting minutes with the underlined statements removed. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachment A and addendum.)

**VII. Capacity Building for Low Performing Schools
including Quarterly Status Reports from Intervention Counties,
Mason County and West Virginia Schools for the Deaf and the Blind**

Ms. Michele Blatt, Executive Director, WVDE Office of School Improvement, provided information regarding services provided to Wahama High School, West Fairmont Middle School, Philip Barbour High School, and reported that several diagnostic visits have been scheduled. Mr. Ted Mattern, Liaison/System Support, Office of the State Superintendent, provided a brief summary of services provided to Fayette, Grant, Gilmer, Preston, and West Virginia Schools for the Deaf and the Blind. Dr. Jack McClanahan, Liaison/System Support, Office of the State Superintendent, provided a brief summary of services provided to McDowell, Mingo, Lincoln, and Mason County Schools. (Copy appended to Official Minutes, Attachments B-1 through B-8.)

VIII. Consent Agenda

Upon motion by Ms. Haden, seconded by Ms. Phillips, the Board unanimously approved the Consent Agenda. (Copies appended to Official Minutes, Attachments C through J.)

- OEPA FY-2012 Strategic Plan (Attachment C)
- Ten first-time requests for a waiver of WVBE policy (Attachment D)
- Employment of Substitute Teachers and Retired Teachers as Substitutes in Areas of Critical Need and Shortage Policies, school year 2011-2012, for Boone, McDowell, Wetzel and Wyoming Counties (Attachment E)
- Notification, per Senate Bill 227, W. Va. Code §18A-4-7a, Transfer of Teachers After Five Days Prior to Starting Instruction, from Wirt and Wood County Schools (Attachment F)
- Policy 2340, West Virginia Measures of Academic Progress (Attachment G)
- Policy 3236, Education Innovation Zones (Attachment H)
- Policy 5100, Approval of Educational Personnel Preparation Programs (Attachment I)
- Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel & Advanced Salary Classifications (Attachment J).

IX. Break

President Linger called for a break 2:25 p.m.

X. Call to Order

President Linger called the meeting back to order at 2:37 p.m. and requested a motion to amend the agenda to move News Business item A. *A Resolution Authorizing McDowell County to Enter Into a Lease Purchase Agreement for Financing an Energy-savings Contract including Acquisition of HVAC Equipment, Lighting and Windows* to be taken up immediately following the Call to Order. Dr. Johnson moved, and Ms. Phillips seconded, that the item be moved to follow the Call to Order to allow staff from McDowell County to be a part of the discussion and to facilitate their return to McDowell County. Upon the call for the question the motion was carried unanimously.

**XI. A Resolution Authorizing McDowell County to Enter
Into a Lease Purchase Agreement for Financing an Energy-savings
Contract including Acquisition of HVAC Equipment, Lighting and Windows**

Ms. Heather Deskins, Esq., General Counsel to the WVBE and WVDE, presented a resolution authorizing McDowell County to enter into a lease purchase agreement for financing an energy-savings contract including acquisition of HVAC equipment, lighting and windows for the Board's consideration. McDowell County Schools is entering into a performance contract/energy management program with Energy Systems Group LLC. As part of the program, McDowell County will purchase new HVAC equipment, window replacements, lighting and energy control systems. The equipment purchase will be financed by First Security Financing, Inc. (Little Rock AK), a subsidiary of Crews & Associates. This is similar to the program the Board approved for Fayette County in August 2011.

Upon motion by Ms. Haden, seconded by Mr. Dunlevy and unanimously carried, the Board adopted the resolution and approved the execution of related documents authorizing McDowell County to enter into a lease purchase agreement for financing an energy-savings contract including acquisition of HVAC equipment, lighting and windows. (Copy appended to Official Minutes, Attachment L-1 and L-2.) Chancellor Skidmore departed the meeting.

**XII. Selection of Schools and County School Systems
for Education Performance Audits**

President Linger, in accordance with W. Va. Code §18-2E-5(m)(1), called for a motion to enter into executive session to discuss schools to be subject to an on-site review or dates for which on-site reviews will be conducted. Upon motion by Dr. Johnson, seconded by Mr. Dunlevy and unanimously carried, the Board entered into executive session at 2:43 p.m.

XIII. Return from Executive Session

The Board returned from executive session at 3:26 p.m. at which time President Linger reported that no action was taken.

XIV. Board Reports

West Virginia School Board Association's Committee on High Functioning County Boards. Mrs. Manchin provided information regarding the West Virginia School Board Association's Committee on High Functioning County Boards and the associated attachment. Dr. Howard O'Cull, Executive Director, West Virginia School Board Association, addressed the Board regarding the Committee on High Functioning County Boards. (Copy appended to Official Minutes, Attachment K.) Mrs. Manchin departed the meeting.

Common Ground: Education and the Military Committee. Ms. Haden provided information regarding the Common Ground committee meeting that took place on September 7; agenda items included: Serve WV Military, Project PASS, Student Success Summit presentation, training military personnel on the use of CFWV (College Foundation of WV), communication plan regarding partnership and expectation that schools are to work with military

personnel, trips offered by the military to educational personnel, and future of Common Ground: Education and the Military committee.

Update - Education Efficiency Audit. Mr. Green provided a brief overview and update regarding the Governor's Education Efficiency Audit.

Board Member Reports. Ms. Haden participated in interview with MGT (Governor's Education Efficiency Audit); attended the opening of Mingo County High School, attended a Civic Literacy meeting, attended a meeting of the Superintendent's Advisory Council, and provided information shared with the NASBE Governmental Affairs Committee (Ms. Haden is a member). Ms. Chandler addressed the Board regarding her expectations as student representative to the WVBE.

XV. Recess

President Linger recessed the meeting at 4:02 p.m. and announced that the meeting would reconvene on September 8 at 9:00 a.m. in the same location.

XVI. Reconvene

President Linger reconvened the meeting of September 7, 2011, at 9:00 a.m. on September 8, 2011 in the Board Conference Room, Capitol Building 6, Room 353, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The following members were present: President Linger, Vice President Gayle C. Manchin (via telephone), Secretary Robert W. Dunlevy, Michael I. Green, Priscilla M. Haden, Lowell E. Johnson, Jenny N. Phillips and William M. White and ex officio Jorea M. Marple, State Superintendent of Schools. Student representative in attendance was Savannah Chandler of St. Marys, West Virginia, who attends Ritchie County High School (Ritchie County). Members absent were Burma Hatfield and ex officios Brian E. Noland, Chancellor, West Virginia Higher Education Policy Commission, and James L. Skidmore, Chancellor, West Virginia Council for Community and Technical College Education.

XVII. Board Reports (Continued)

Board Member Reports (Continued). Dr. Johnson attended the Mingo County dedications and will meet (November 18 at 10 a.m., Marshall University Graduate College) with the Teacher Education Advisory Committee. Mrs. Manchin attended the Mingo County dedications and a meeting/roundtable discussion in McDowell County regarding education issues. President Linger and Mr. Green attended also the meeting/roundtable discussion in McDowell County regarding education issues.

**XVIII. Policy 2200, Local School Improvement Councils:
Engaging Parents, Families, Students, Business and Community in Education**

Mrs. Manchin, assisted by Ms. Jordan, presented Policy 2200 for the Board's consideration. Policy 2200 has been rewritten to reflect the role of Local School Improvement Councils in supporting schools, school improvement, and innovation. This version of Policy 2200 will repeal existing 2200 and replace with new language. The policy is the outcome of the WVBE's LSIC committee.

Upon motion by Dr. Johnson, seconded by Ms. Phillips and unanimously carried, the Board placed Policy 2200 on public comment for 30 days. (Copy appended to Official Minutes, Attachment M.)

XIX. Policy 4373, Expected Behavior in Safe and Supportive Schools

Dr. Amelia Courts, Assistant State Superintendent, Division of Educator Quality and System Support, presented Policy 4373 for the Board's consideration. Policy 4373 has been revised to update and enhance the existing Policy 4373, Student Code of Conduct, and to incorporate all behavior related policies into one policy. The revision will repeal and replace Policy 4373, Student Code of Conduct, and also repeal the following policies: Policy 2421, Racial, Sexual, Religious/Ethnic Harassment and Violence; Policy 2418, Regulations for Alternative Education Programs for Disruptive Students; Policy 2422.5, Substance Abuse and Tobacco Control; and Policy 4372, Student Handbook – Student Rights and Responsibilities.

Upon motion by Ms. Haden, seconded by Mr. Dunlevy and unanimously carried, the Board placed Policy 4373 on public comment for 60 days. (Copy appended to Official Minutes, Attachment Mc.)

**XX. National Association of State Boards of Education (NASBE)
Board of Directors Election and Selection of Voting Delegate and Alternate**

Mrs. Manchin addressed the Board regarding the National Association of State Boards of Education (NASBE) Board of Directors Election and Selection of Voting Delegate and Alternate.

Dr. Johnson moved, and Ms. Phillips seconded, that President Linger serve as West Virginia's voting delegate at NASBE's annual business meeting during the annual conference in Atlanta, Georgia, in October 2011.

Dr. Johnson moved, and Mr. Dunlevy seconded, that Ms. Haden serve as the alternate voting delegate at NASBE's annual business meeting during the annual conference in Atlanta, Georgia, in October 2011.

Following discussion regarding candidates for the NASBE Board of Directors, Mrs. Manchin moved, and Dr. White seconded, that West Virginia support Patrick Guida (RI) for the office of President-Elect of NASBE (2012).

Ms. Haden moved, and Ms. Phillips seconded, that West Virginia support Rob Hovis (OH) for the office of Secretary-Treasurer of NASBE.

By consensus, the Board determined that President Linger, as the Board's voting delegate, has authority to vote for a candidate for the office of Southern Area Director of NASBE. Mrs. Manchin departed the meeting.

XXI. Break

President Linger called for a break at 10:45 a.m.

XXII. Call to Order

President Linger called the meeting back to order at 10:57 a.m.

XXIII. WVBE Personnel Matters

President Linger called for a motion to approve the Board's personnel items. Dr. Johnson moved, and Ms. Phillips seconded, that the Board's personnel items be approved. Upon the call for the question the motion was carried unanimously. (Copy appended to Official Minutes, Attachment N.)

XXIV. State Superintendent's Report

Superintendent Marple presented Department personnel items for the Board's information and provided information regarding a number of meetings. (Copy appended to Official Minutes, Attachment O.)

Superintendent's Advisory Group. Superintendent Marple provided information regarding the Superintendent's Advisory Group and items discussed during the most recent meeting.

West Virginia Public Education Legislative Priorities and Resolution. Superintendent Marple, assisted by Ms. Jordan (distributed information), reviewed legislative priorities and the resolution presented for the Board's consideration at the August meeting. Discussion ensued regarding the legislative priorities and proposed resolution.

Following discussion, Mr. Green moved that the Board approve the legislative priorities as specified on the resolution with the caveat (added to the resolution) that the list may change based upon evolving education matters. Dr. Johnson seconded the motion and upon the call for the question the motion was carried unanimously.

It was the consensus of the Board that President Linger notify the proper authorities of the Board's action regarding legislative priorities.

Textbook Technology. Mr. Mark Moore, Coordinator, WVDE Office of Instructional Technology, presented information regarding textbook technology.

XXV. Board Items for Future Consideration

President Linger asked that items, inclusive of any requested during the meeting be provided to him as soon as possible. (Copy appended to Official Minutes, Attachment P.)

XXVI. Future Meetings

The next meeting of the Board will be held October 5, 2011, in Marion County, West Virginia. The meeting will continue on October 6, 2011, if the agenda is not completed on October 5, 2011. The Board's strategic planning committee will meet prior to the December Board meeting. President Linger addressed the Board regarding Chancellor Noland's request that the Board join with the Higher Education Policy Commission in a joint meeting. It was the consensus of the Board that a joint meeting with the Higher Education Policy Commission be arranged.

XXVII. Point of Personal Privilege

Dr. Johnson addressed the Board regarding RESA assignments and requested that a new listing be provided to all Board members and the RESAs.

XXVIII. Adjournment

President Linger declared the meeting adjourned at 12:10 p.m.

Minutes approved by the Board on October 5, 2011.

L. Wade Linger Jr., President

Robert W. Dunlevy, Secretary