

STATE OF WEST VIRGINIA  
COUNTY OF FAYETTE, TO-WIT:

The Board of Education of the County of Fayette, West Virginia, met in regular session at 6:00 p.m. Monday, January 9, 2012, in the George M. Edwards Conference Room of the Board of Education Office, 111 Fayette Avenue, Fayetteville, West Virginia. Those present were:

Steve Bush	Vice-President
David Arritt	
Pat Gray	
Leon Ivey	Members
Dwight D. Dials	Superintendent
Dr. Serena Starcher	Associate Superintendent
Ron Cantley II	Director of Operations
Jean Cavalier	Director of Elementary Schools
Paula Fridley	Treasurer
Bob Hollandsworth	Director of Technology
Gary Hough	Director of Transportation
Anna Kincaid-Cline	Director of Secondary Schools
Judy Lively	Director of Attendance
Margaret Pennington	Director of Personnel
David Seay	Director of Child Nutrition
Jackie Mollohan	Executive Secretary

**CALL TO ORDER:**

The meeting was called to order by Mr. Bush following with the Pledge of Allegiance led by Mr. Gray. All members were present.

At this time comments were shared by Board members about Mr. Leon Newman, Board of Education President, who passed away suddenly on December 27, 2011.

**Mr. Gray** expressed his good fortune in getting to know Mr. Newman since he was elected to the Board. He stated Mr. Newman was a gentleman with strong beliefs and cared deeply about children.

**Mr. Arritt** expressed his condolences to the family and said it was always sad for the Board members, family, and community to lose a School Board member.

**Mr. Ivey** remembered Mr. Newman as more than a fellow Board of Education member but also as a friend. He expressed his sympathy to Mr. Newman's family and the citizens of Fayette County for their great loss. He said Mr. Newman's only agenda was for the students of Fayette County and his purpose for being a Board member was for the kids. Mr. Ivey stated he is a better person for having known Mr. Newman.

**Mr. Dials** reflected on Mr. Newman's life stating he was a role model and always set an example for children and young adults. He spoke on Mr. Newman's 38 years of marriage to his wife and his relationship with his children. He expressed his respect for Mr. Newman's honesty and integrity.

**Mr. Bush** stated Mr. Newman was an encourager and had a heart for children. He spoke on Mr. Newman's gentle demeanor and his unconditional love that goes with children.

January 9, 2012

**ELECTION OF OFFICERS:**

After Mr. Dials read aloud a memorandum from Howard E. Seufer, Jr., Attorney for Bowles, Rice, McDavid, Graff & Love, regarding WV Code §18-5-1c and the succession to the Office of Board President, discussion ensued regarding the legality of the election. Mr. Dials also stated the Board has 45 days to fill the vacant Board member position and if an impasse is reached the State Superintendent of Schools will intervene. He stressed the urgency in establishing the Presidency due to the necessary Board President signature being prepared and processed for employee and vendor checks. He was asked by Mr. Gray to read WV Code §18-5-2 regarding filling of county board vacancies. Mr. Dials also stated Board members could nominate or ask for applications for the vacancy. He said he was also advised by Mr. Seufer that the Board could go into executive session to discuss the matters of appointment in confidence and also to deal with the Board Presidency election.

Upon motion by Mr. Arritt to elect Steve Bush as President of the Fayette County Board of Education and seconded by Mr. Bush, further discussion ensued regarding the vacancy. Mr. Arritt reported election results from the July 6, 2010, officer election stating Mr. Bush was nominated for President and declined due to health reasons but he has since recovered. He reported Mr. Bush received three votes for Vice-President. He questioned why a vice-president is elected to the Board if he cannot succeed the president. He proceeded to read the definition of vice-president from the dictionary. He said Mr. Bush was entitled to the Presidency. Mr. Dials said the point of the matter is that it takes three votes to become President of the Board and the advice of counsel should be followed. Mr. Arritt said that quite often counsel has different opinions. Mr. Dials stressed it is a board decision and we must move forward. Upon call for the vote for Mr. Bush for Board of Education President the results were Mr. Arritt and Mr. Bush voting yes and Mr. Gray and Mr. Ivey voting no.

Mr. Gray explained his no vote for Mr. Bush was out of respect for his health and he then nominated Mr. Ivey for Board of Education President. The motion was seconded by Mr. Ivey with the vote resulting in Mr. Gray and Mr. Ivey voting yes and Mr. Bush and Mr. Arritt voting no.

Mr. Bush commented that serving the needs of students has always been his intention and it has remained the same throughout his service on the Board of Education. He expressed his admiration for Board members including previous members. He commented one of his best friends has always been David Arritt stating they did not always agree but Mr. Arritt has the best intentions for kids. Mr. Bush then nominated Mr. Arritt for Board of Education President with Mr. Arritt seconding the motion. Upon call for the vote, Mr. Bush and Mr. Arritt voted yes and Mr. Gray and Mr. Ivey voted no.

Mr. Ivey nominated Mr. Gray for Board of Education President and Mr. Gray made the second. Mr. Ivey and Mr. Gray voted yes and Mr. Arritt and Mr. Bush voted no.

Mr. Bush called for a five-minute recess before coming back to the election of Board of Education President.

Mr. Dials asked if they could allow Mr. Skip Jennings with the Department of Human Services to give his report before proceeding with the election.

Mr. Bush then took a ten-minute recess.

The meeting was called back to order at approximately 7:45 p.m. by Mr. Bush. Mr. Gray then made the motion to table the election of Board of Education President until the Public Comments and Reports were given. Mr. Ivey seconded the motion and it carried 4 to 0.

**PUBLIC COMMENTS:**

Mr. Cantley introduced Skip Jennings from the Department of Human Services and Aletha Stolar from the Family Resource Network.

Mr. Jennings reported on their involvement with community groups in the Fayette County that address truancy, child abuse, and drug abuse. He reported statistics showing one out of five babies born at Raleigh General Hospital in Beckley were addicted to drugs. He also reported on having 122 children in current custody with drugs being involved in at least 90 percent of the cases. His statistics included Fayette

January 9, 2012

County's population totaling 46,000 with 9,700 of these people receiving Medicaid. He also reported approximately 4,600 families receive SNAP (food stamps) and 221 families receive Welfare.

Aletha Stolar from Family Resource Network spoke on four major issues of drug abuse which are prevention, early intervention, treatment, and recovery. She explained the reality tour which chronicles the life of a person using drugs and said it could be used as an early intervention and prevention tool for students. She stated her goal is to build the prevention base for students.

Mrs. Kincaid-Cline said students placed in alternative schools or expelled could possibly participate in the reality tour.

Mr. Cantley thanked Mr. Jennings and Ms. Stolar for their reports commenting that the earlier we intervene, the greater chance for success we have.

#### **RECOGNITIONS/REPORTS:**

Mrs. Kincaid-Cline gave a synopsis of the new Expected Behavior and Safe and Supportive Schools Policy (previously the Student Code of Conduct) for Fayette County which has been approved by the State Board of Education and will become effective July 1, 2012. She reported it is a lengthy policy and training will be given to administrators, principals, teachers, and staff members to make certain they are aware of the changes.

#### **ELECTION OF OFFICERS:**

Discussion again ensued regarding the election for Board of Education President. Mr. Gray asked if they could go into executive discussion to discuss the matter.

#### **BOARD ACTION:**

Upon motion by Mr. Arritt, second by Mr. Gray with a vote of 4 to 0 the following items were approved:

- A. Approval of Minutes:  
December 19, 2011 – Regular Meeting
- B. Supplemental Agenda Item:  
Out-of-State Trip Request Oak Hill High Honors Band – (See Attachments)

#### **ITEMS FOR BOARD REVIEW:**

**Major Improvement Grant – (See Attachments)**

**Personnel Changes – (See Attachments)**

**Board Bills – (See Attachments)**

#### **BOARD COMMENTS:** (not all inclusive)

Mr. Bush stated his refusal to hear Board Comments in order to convene into executive session.

#### **EXECUTIVE SESSION FOR DISCUSSION OF PERSONNEL MATTER:**

*In accordance with 6-9A-4 (2) (A) of School Laws of West Virginia, "The governing body of a public agency may hold an executive session during a regular, special or emergency meeting . . . upon a majority affirmative vote of the members present . . . To consider: Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting."*

At approximately 7:45 p.m., upon calling for the vote to convene into executive session for the purpose of discussion for the office of President of the Fayette County Board of Education, Mr. Ivey made a motion, seconded by Mr. Gray and carried 4 to 0.

At approximately 8:20 p.m., Mr. Ivey's motion to return to open session was seconded by Mr. Gray and carried 4 to 0.

January 9, 2012

**ELECTION OF OFFICERS:**

Mr. Bush stated he felt it was not a fair and just situation and he questioned the legitimacy of the election but would make the motion and support Mr. Gray for President of the Fayette County Board of Education. Mr. Ivey seconded the motion. Mr. Arritt stated he would not support the motion because Mr. Bush was elected as Vice-President and he could not understand why the position exists if they could not step into the Presidency. Upon call for the vote, Mr. Gray was elected President of the Fayette County Board of Education for the remainder of Mr. Newman's term which expires on June 30, 2012, with the vote of 3 to 1 with Mr. Arritt voting no.

**FUTURE BOARD MEETINGS:**

Regular Meeting	Monday, January 23, 2012 Board of Education Office	6:00 p.m.
<b>Special Meeting:</b> Personnel RIF/Transfer Hearings ( <i>if needed</i> )	Tuesday, January 24, 2012 Board of Education Office	6:00 p.m.
<b>Special Meeting:</b> Personnel RIF/Transfer Hearings ( <i>if needed</i> )	Wednesday, January 25, 2011 Board of Education Office	6:00 p.m.
<b>Special Meeting:</b> Personnel RIF/Transfer Hearings ( <i>if needed</i> )	Thursday, January 26, 2011 Board of Education Office	6:00 p.m.

Mr. Arritt asked for a consensus of the members for the process of filling the vacant Board seat. He suggested interested parties send their name to Jackie Mollohan in Mr. Dial's office for the Board to review at the January 23 meeting. He stated they have only 45 days to fill the vacancy. The other members of the Board of Education agreed on the process.

Mr. Ivey began to read information about the Fayette County Spelling Bee and Mr. Bush called him out of order.

Mr. Dials read the Spelling Bee information stating it would be held on Tuesday, January 10, 2011, at 9:00 a.m. at Oak Hill High School.

**ADJOURNMENT:**

Upon motion by Mr. Ivey second by Mr. Gray, the meeting was ended by Mr. Bush at approximately 8:30 p.m.

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 President

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 Secretary/Superintendent