West Virginia Board of Education

Resolution Recommending Priority Funding for the Fayette County Comprehensive Educational Facilities Plan From the School Building Authority Based on Identified Needs, Pursuant to West Virginia Code §18-2E-5(o)

December 8, 2015

WHEREAS, the general supervision of the free schools of the State is vested in the West Virginia Board of Education. W. Va. Const. Art. XII, § 2.

WHEREAS, the requirement for a thorough and efficient system of schools implies safe and efficient physical facilities. Pauley v. Kelly, 162 W. Va. 672, 255 S.E.2d 859 (W. Va. 1979).

WHEREAS, the West Virginia Board of Education, pursuant to W. Va. Code §18-2E-5, declared on February 10, 2010, a state of emergency in the Fayette County School System; and

WHEREAS, the West Virginia Board of Education immediately intervened in the operation of the Fayette County School System, and declared the office of county superintendent of schools of Fayette County vacant as of February 22, 2010; and

WHEREAS, one of the grounds for intervening in the operation of the Fayette County School System was the condition of the school facilities. Notwithstanding the intervention, no major improvements have been possible because of a lack of funding; and

WHEREAS, the West Virginia Board of Education, pursuant to W. Va. Code §18-2E-5 continues its intervention in Fayette County; and

WHEREAS, the West Virginia Board of Education has determined that the Fayette County School System does not have the capacity to correct certain deficiencies, among which are the deplorable conditions of its school facilities; and

WHEREAS, pursuant to W. Va. Code §18-2E-5(o), the West Virginia Board of Education is obligated by law to take action to address those deficiencies; and
WHEREAS, one of the actions directed by law to be taken by the West Virginia Board of Education pursuant to W. Va. Code §18-2E-5(o) is to recommend priority funding from the School Building Authority based on identified needs; and

WHEREAS, the Comprehensive Educational Facilities Plan presented by Fayette Superintendent George, and approved by the West Virginia Board of Education on September 9, 2015, identifies severe and pressing needs that only can be addressed with funding from the School Building Authority; and

WHEREAS, Fayette County Schools’ last successful bond election was in 1973, and preceding 1973, in 1951; and

WHEREAS, Fayette County Schools unsuccessfully attempted a $39 million bond measure in 2001, which received 13.8% votes in favor; and

WHEREAS, Fayette County Schools unsuccessfully attempted a $49 million bond measure in 2009, which received 22.6% votes in favor; and

WHEREAS, Fayette County Schools unsuccessfully attempted a $39 million bond measure in 2015, which received 38.1% votes in favor; and

WHEREAS, At least twenty-three county school systems have received School Building Authority funding for significant projects since the creation of the School Building Authority without successfully passing a bond, and three of the school systems received funding during intervention by the West Virginia Board of Education (See Attachment A, School Building Authority of West Virginia, TOTAL FUNDING SINCE AGENCY INCEPTION, 1989 to January 2015); and

WHEREAS, McDowell County Schools unsuccessfully attempted a $21.8 million bond measure in 1996; and

WHEREAS, notwithstanding the inability to pass a bond measure, McDowell County Schools has received over $70 million in funds from the SBA in cooperation with the Army Corps of Engineers, approximately $29.6 million of which was direct SBA funding; and

WHEREAS, Mingo County Schools unsuccessfully attempted a $13 million bond measure in 1990; and

WHEREAS, Mingo County Schools unsuccessfully attempted a $10.9 million bond measure in 1990; and
WHEREAS, Mingo County Schools unsuccessfully attempted a $27 million bond measure in 1993; and

WHEREAS, notwithstanding the inability to pass a bond measure, Mingo County Schools has received approximately $62.3 million in SBA funds; and

WHEREAS, Lincoln County Schools unsuccessfully attempted a $6.3 million dollar bond measure in 1991; and

WHEREAS, Lincoln County Schools unsuccessfully attempted a $24 million dollar bond measure in 2013; and

WHEREAS, notwithstanding the inability to pass a bond measure, Lincoln County Schools has received approximately $ 57.1 million in SBA funds; and

WHEREAS, The West Virginia Board of Education is familiar with the conditions of the facilities in the takeover counties that received funding for major projects after failure to pass bond measures, and the West Virginia Board of Education finds that the condition of the facilities in Fayette County Schools are at least as bad, if not worse than the conditions in the other takeover counties mentioned herein, posing a danger to the life and health of the students and staff of Fayette County Schools; and

WHEREAS, the West Virginia Board of Education is not unaware of, and sympathetic to the preference of the School Building Authority for county school systems to secure local funding for projects through bond measures adopted in the county. However, where a county has attempted repeatedly, but unsuccessfully, to pass a bond measure to support major projects, the School Building Authority should not allow deplorable facilities to continue to exist, especially when those facilities pose a danger to the life and health of students and staff, simply because the voters in a county will not pass a bond measure; and

WHEREAS, the School Building Authority has funded major projects in other counties even after those counties failed in repeated efforts to pass a bond measure to support school construction; and

WHEREAS, while unable to secure funding from a bond measure, Fayette County schools has pledged at least $17 million in local dollars over three years, $11 million of which is through a lease purchase agreement and approximately $ 6 million of which is liquid secured funds; and
WHEREAS, the West Virginia Board of Education neither receives nor has access to any funding that it could allocate for the purpose of addressing and remedying deficiencies; and

WHEREAS, without funding from the School Building Authority, the West Virginia Board of Education is unable to fulfill its duties regarding facility needs in its intervention of the Fayette County Schools;

Now, Therefore, Be It Resolved by the West Virginia Board of Education that, pursuant to W. Va. Code §18-2E-5(o), the West Virginia Board of Education does recommend priority funding from the School Building Authority for the Comprehensive Educational Facilities Plan presented by Fayette Schools, based on identified needs; and

Be it Further Resolved, That the West Virginia Board of Education requests that all members of the School Building Authority vote in favor of funding the Comprehensive Educational Facilities Plan of Fayette County Schools; and

Be it Further Resolved that a copy of this Resolution be delivered to each member and the Executive Director of the School Building Authority.

This Resolution adopted by the West Virginia Board of Education this 8th day of December, 2015, at a Special Meeting of the Board.

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Michael I. Green
President

Attest:

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Tina Combs
Secretary