

Hope Scholarship Board Meeting Minutes

322 70th Street, SE – 2nd Floor Conference Room
Charleston, WV 25304

April 18, 2022

The meeting of the Hope Scholarship Board was called to order by Treasurer Riley Moore, Chair, on Monday, April 18, 2022 at 3:01 pm after determination that a quorum of members was present through a silent roll call. Board members attending the meeting in person were: State Treasurer, Riley Moore, Chair; State Attorney General, Patrick Morrissey; State Superintendent of Schools Designee, Dustin Lambert; State Auditor's Designee, Anthony Woods; and Parent Member, Jonathan "Zak" Ritchie. The Chancellor of Higher Education's Designee, Brian Weingart, Director of the Herbert Henderson Office of Minority Affairs, Jill Upson and Parent Representative, Amanda Hoylman, attended virtually via Microsoft Teams. Parent Representative Charles Russell was absent.

The following West Virginia State Treasurer's Office (WVSTO) staff members attended the meeting in person: Steve Bohman, Sarah Canterbury, James Fuerhoff, Jared Hunt, Gina Joynes, Lindsay Marchio, Lyndsey Quinlan, Adam Shuemake, Michelle Storage, Amy Willard and Carly Williams. Steven Travis of the West Virginia Attorney General's Office was also in attendance. Approximately 5+ members of the public attended the meeting virtually.

The agenda for the meeting consisted of the following:

- I. Welcome – Introductions/Roll Call – Call to Order
- II. Approval of Minutes from the February 8, 2022 Meeting
- III. Legislative Rules Subcommittee Report
- IV. Review and discussion of public comments submitted for legislative rule 112 CSR 18
- V. Consideration of agency approved legislative rule 112 CSR 18
- VI. Consideration of emergency amendment to emergency rule 112 CSR 18
- VII. Consideration of final filing of procedural rule 112 CSR 19
- VIII. Establishment of Subcommittee on Appeals
- IX. Hope Scholarship Program Update
- X. Discuss pending lawsuit *T. Beaver et. al. v. R. Moore et. al.* with counsel - This agenda item may involve an Executive Session as provided in W. Va. Code §6-9A-4 [matters involving attorney-client privilege per *Peters v. County Commission*, 205 W. Va. 481 (1990)]. The Board majority must vote to have an Executive Session. (No action will be taken in Executive Session).
- XI. Future Meetings

XII. Adjournment

Approval of Minutes

The Chair indicated the first item on the agenda was the approval of the minutes of the February 8, 2022 meeting, which were distributed to the members prior to the meeting. The Chair asked if there were any additions or corrections to the minutes and none were noted. A motion to approve the minutes was made by Patrick Morrissey and seconded by Zak Ritchie. The Chair asked for discussion and there was none. The Chair polled the members and the motion to approve the minutes was adopted.

Legislative Rules Subcommittee Report

The Chair indicated the next item on the agenda was the report from the Subcommittee on Legislative Rules. The Chair recognized Zak Ritchie to give a report on behalf of the Subcommittee on Legislative Rules. Mr. Ritchie indicated the Subcommittee met on April 8, 2022 to consider multiple items. First, the subcommittee heard an overview of the public comments received to legislative rule 112 CSR 18 and the draft responses to those comments as prepared by staff of the West Virginia State Treasurer's Office. The Subcommittee on Legislative rules adopted a motion to recommend the responses to the public comments for approval to the full Hope Scholarship Board. Next, the subcommittee heard a presentation regarding a draft of the agency approved legislative rule prepared by staff of the West Virginia State Treasurer's Office. The Subcommittee on Legislative rules adopted a motion to recommend the proposed agency approved rule for approval to the full Hope Scholarship Board. Finally, the subcommittee heard a presentation regarding a proposed emergency amendment to the Board's emergency rule 112 CSR 18. The Subcommittee on Legislative rules adopted a motion to recommend the proposed emergency amendment for approval to the full Hope Scholarship Board.

Upon conclusion of Mr. Ritchie's report, the Chair asked if there were any questions, and none were heard. The Chair asked for a motion to receive the report of the Subcommittee on Legislative Rules, as presented by Mr. Ritchie. The motion was made by Patrick Morrissey and seconded by Anthony Woods. The Chair asked if there was any discussion, and none was heard. The Chair polled the members, and the motion was adopted.

Review and Discussion of Public Comments Submitted for Legislative Rule 112 CSR 18

The chair indicated that the next item on the agenda was the consideration of the responses to the public comments received legislative rule 112 CSR 18, as recommended by the Subcommittee on Legislative Rules. The Chair gave the group a few moments to review the responses to the public comments that were provided in advance of the meeting to the members. The Chair asked if there were any questions, and none were heard. The Chair asked for any proposed changes to the recommended public comment responses, and none were heard. The Chair asked for a motion to adopt the recommended responses to the public comments. The motion was made by Patrick Morrissey and seconded by Zak Ritchie. Upon hearing no discussion, the Chair polled the members, and the motion was adopted.

Consideration of Agency Approval Legislative Rules 112 CSR 18

The Chair indicated that the next order of business was the consideration of the approval of the agency-approved rules for the Hope Scholarship Program, as recommended by the Subcommittee of Legislative Rules. The Chair noted that these would be referred to as the “recommended agency rules” moving forward. The Chair gave the group a few moments to review the recommended agency rules, which were provided to the members in advance of the meeting. The Chair asked if there were any questions and Patrick Morrissey asked about Section 2.16 of the rules. James Fuerhoff indicated that the definition of Individualized Instructional Plan was being added to the rules in response to a public comment received. The Chair asked if there were any proposed changes to the recommended agency rules and no changes were proposed. The Chair asked for a motion to adopt the recommended agency rules and file them with the Secretary of State. Zak Ritchie made the motion and Patrick Morrissey seconded. Upon hearing no discussion, the Chair polled the members, and the motion was adopted.

Consideration of Emergency Amendment to Emergency Rule 112 CSR 18

The Chair indicated next order of business before the Board was the consideration of the proposed emergency amendment to the Board’s emergency rule 112 CSR 18, as recommended by the Subcommittee on Legislative Rules. The Chair noted that this would be referred to as the “recommended emergency amendment” moving forward. The Chair allowed time for review of the recommended emergency amendment, which was provided to members in advance of the meeting. The Chair asked if there were any questions. Patrick Morrissey noted the addition of the proof of residency requirement and the fact that multiple options were provided to individuals. The Chair asked if there were any proposed changes to the recommended emergency amendment and none were proposed. The Chair asked for a motion to adopt the recommended emergency amendment and file it with the Secretary of State. The motion was made by Patrick Morrissey and seconded by Zak Ritchie. Upon hearing no discussion, the Chair polled the members, and the motion was adopted.

Consideration of Final Filing of Procedural Rule 112 CSR 19

The Chair indicated the next order of business on the agenda was the consideration of final filing of procedural rule 112 CSR 19. The Chair recognized Deputy General Counsel, Lindsay Marchio, to give a presentation regarding the procedural rules and a minor amendment recommended by board staff.

Lindsay Marchio indicated staff recommended an amendment to Section 11.2 of the procedural rules to note that appeals filed with the Board must be on a form prescribed by the Board.

The Chair asked if there were any questions, and none were heard. The Chair asked for a motion to incorporate the staff-proposed amendment into 112 CSR 19. Patrick Morrissey made the motion and Zak Ritchie seconded. Upon hearing no discussion, the Chair polled the members, and the motion was adopted.

The Chair asked if there were any additional proposed amendments to the procedural rules. No amendments were proposed. The Chair asked for a motion to final file procedural rule 112 CSR 19, as amended, with the Secretary of State’s Office. The motion was made by Zak Ritchie and seconded by Patrick Morrissey. No discussion was heard. The Chair polled the members, and the motion was approved.

Establishment of Subcommittee on Appeals

The Chair indicated that the next order of business on the agenda is the establishment of the Subcommittee on Appeals. Procedural rule 112 CSR 19 Section 11.1 indicates that in the event a program beneficiary, applicant, or education service providers wishes to appeal a decision, the Chair shall appoint a three-member appeals subcommittee to be the arbiter of all appeals brought before the board.

The Chair appointed Dustin Lambert, Anthony Woods, and Zak Ritchie to the Subcommittee on Appeals. Dustin Lambert was appointed to serve as Chair of the Subcommittee on Appeals.

Hope Scholarship Program Update

The Chair indicated that the next order of business was a general update regarding the Hope Scholarship Program. The Chair recognized Deputy Treasurer of Savings Programs, Amy Willard, to give the update. Ms. Willard indicated there had been a significant amount of activity related to the Hope Scholarship Program.

- The Treasurer's Office signed a contractual agreement for program manager services with Step Up for Students on February 17, 2022. Step Up has handled similar education savings account programs in the state of Florida for many years.
- The Hope Scholarship Director, Adam Shuemake, was hired and began employment on February 28, 2022.
- The student application module for the Hope Scholarship Program launched on the morning of March 1, 2022 in the Education Market Assistance (EMA) platform.
- As of the end of the day on Friday, April 15, 2022, 1,830 students had been approved as eligible for the program.
- The School Profile Module of the EMA platform will launch to existing WV nonpublic schools on April 27, 2022 with the Service Provider Module for all other types of education service providers launching in late June. We anticipate working with the county boards of education in early June 2022 to get them signed up in the EMA module.

The Chair asked if there were any questions for Ms. Willard. Jill Upson asked for update on status of all applications received. Ms. Willard indicated that in addition to the 1,830 approved applications, 12 had been declined, 2 were found eligible, 96 were found ineligible, 11 were currently in review, 134 were on-hold, and 91 had been submitted and were waiting processing.

Zak Ritchie asked about notices to parents for on-hold applications. Ms. Willard indicated that individuals with on-hold applications are sent notification emails by the Program Manager and are being examined regularly to try to resolve issues with those applications.

Discuss pending lawsuit T. Beaver et. al. v. R. Moore et. al. with counsel

The Chair indicated next order of business on the agenda was a discussion on the pending lawsuit, *T. Beaver et. al. v. R. Moore et. al.* with counsel.

Patrick Morrissey made a motion to enter Executive Session as provided *in West Virginia Code, Chapter 6, Article 9A, Section (4), Subsection (b), Subdivision (12), based on Attorney Client Privilege and the Internal Memorandum exception to the WV Freedom of Information Act.* Zak Ritchie seconded. Upon hearing no discussion, the Chair polled the members, and the motion was approved to move into Executive Session.

The Chair issued a reminder that no action is taken in Executive Session. All non-board members except for board staff were asked to vacate the conference room and wait downstairs and virtual guests were asked to wait in the TEAMS lobby.

The board entered Executive Session at 3:19 p.m. The board returned to order at 3:27 p.m. All attendees reentered the meeting, either in person or virtually. The Chair reiterated that no action was taken during Executive Session.

Future Meetings

The Chair indicated that the next order of business was to discuss future meetings. He stated that the Subcommittee on Appeals will meet as needed depending on eligibility appeals received by staff. Staff will coordinate with subcommittee members on the need for meetings when appeals are received. The date and time of any meetings will be announced later in accordance with the Open Meetings Act.

The Chair also indicated that the next meeting of the full Hope Scholarship Board will also be announced later in accordance with the Open Meetings Act.

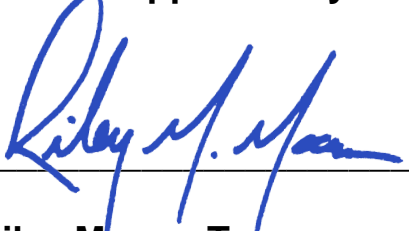
No discussion was heard regarding future meetings.

Adjournment

The Chair asked if there was any other business to come before the board. Hearing none, Zack Ritchie made a motion to adjourn the meeting. Patrick Morrissey seconded the motion. Upon hearing no discussion, the Chair polled the members and the motion to adjourn the meeting passed. The meeting was adjourned at 3:28 P.M.

Minutes prepared by Amy Willard & Carly Williams

Minutes approved by the Board on June 21, 2022



Riley Moore, Treasurer
Chair of Hope Scholarship Board

