

By order entered the 6th day of September 2017, Judge Duke Bloom of the Kanawha County Circuit Court ordered the West Virginia Board of Education to take one of the following actions:

- 1) Conditionally approve the Comprehensive Educational Facilities Plan amendment of the Nicholas County Board of Education – conditioned upon a decision by the West Virginia Supreme Court of Appeals upholding the Circuit Court’s August 18, 2017, Order – by the close of business (5:00 p.m.) today, Friday, September 8, 2017, so that the Nicholas County Board of Education may obtain School Building Authority approval and School Building Authority assistance with project scope and cost information; OR
- 2) Post an appeal bond with this Court in the sum of One Hundred Thirty Million Dollars (\$130 million) by the close of business, Monday, September 11, 2017.

The West Virginia Board of Education has requested a temporary administrative stay from this order and has requested that a stay be granted pending the Supreme Court’s final disposition of its appeal by filing a motion with the West Virginia Supreme Court of Appeals. This motion was filed yesterday. At the time of this motion, there has been no ruling from the Supreme Court.

The West Virginia Board of Education continues to maintain that it acted in the best interests of the students of Nicholas County and within the scope of its broad constitutional authority.

The West Virginia Board of Education likewise maintains that it is contrary to law to require it to post an appeal bond in any amount.

The West Virginia Board of Education reserves all its rights and remedies on appeal, as explicitly contemplated by the Circuit Court’s September 6th Order, including its right to pursue temporary relief to stay said Order in its entirety and thereby render this conditional approval null and void.

In order to comply with the Order of the Circuit Court of Kanawha County, I am obligated to move that the West Virginia Board of Education conditionally approve the Comprehensive Educational Facilities Plan amendment of the Nicholas County Board of Education, conditioned upon a decision by the West Virginia Supreme Court of Appeals upholding the Circuit Court’s August 18, 2017, Order, and further conditioned upon the granting of temporary relief from Judge Bloom’s Order of September 6, 2017.