

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

STATE OF WEST VIRGINIA EX REL.
J.A., H.R., J.R., B.R., and G.B., by their parents,
JENNIFER ANDERSON, AMY REED,
and CHRISTY BLACK,
Plaintiff-Petitioners,

v.

Civil Action No.:
Honorable: 21-P-294, Judge

Bloom

CABELL COUNTY BOARD OF EDUCATION,
WEST VIRGINIA BOARD OF EDUCATION,
SCHOOL BUILDING AUTHORITY
OF WEST VIRGINIA, WEST VIRGINIA
DEPARTMENT OF EDUCATION,
RYAN SAXE, MILLER L. HALL,
CLAYTON BURCH, and
THE HONORABLE JAMES C. JUSTICE II,

Defendant-Respondents.

COMPLAINT

AND PETITION FOR WRIT OF MANDAMUS

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Counsel for Petitioners

Filed: August 31, 2021

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The hospitals of West Virginia are rapidly approaching maximum capacity with unvaccinated patients suffering from COVID-19, thus jeopardizing access to healthcare, education, and other essential services.¹ The number of active cases of COVID-19 has increased tenfold over the past month, reflecting a pronounced risk of upcoming quarantines and shutdowns.² During such times, the State's duty to protect the fundamental rights of its most vulnerable citizens--including the rights of children to receive a thorough, efficient, safe, and free public education--must be guarded dearly by our courts. Currently, certain schools are contradicting the advice of their medical advisors and providing highly unequal protections across the State's fifty-five counties, in violation of the Constitution and mandatory statutory duties. For these reasons, the

¹ "Covid hospitalization rate can't be sustained, state leaders stress," Brad McElhinny, MetroNews, Aug. 25, 2021, <https://wvmetronews.com/2021/08/25/covid-hospitalization-rate-cant-be-sustained-state-leaders-stress/>

("Unvaccinated West Virginians are taking away access to healthcare from other West Virginians ... if we stay on the current path ... we could more than double [WV's peak COVID hospitalization] number," [said James Hoyer].")

² "Covid active cases nearly double in 10 days," Jeff Jenkins, MetroNews, Aug. 25, 2021, <https://wvmetronews.com/2021/08/25/covid-active-cases-nearly-double-in-10-days/> (noting that active cases had already increased from 1,567 on July 25 to 11,725 on August 25)

Plaintiff-Petitioners come to this Court seeking relief.

NOW COME the Plaintiff-Petitioners, Jennifer Anderson, Amy Reed, and Christy Black, the parents of children in the public schools of Cabell County, West Virginia, upon this Verified Complaint and Petition, seeking for this Court to compel the Defendant-Respondents, the Cabell County Board of Education, the West Virginia Board of Education (“WVBE” or “State Board”), the School Building Authority of West Virginia (“SBA” or “Authority”), the West Virginia Department of Education (“WVDE” or “Department”), Cabell County Superintendent Ryan Saxe, State Superintendent of Schools Clayton Burch, State Board President Miller L. Hall, and SBA Chairman James C. Justice II, to provide a thorough, efficient, safe, and free public education to their children, W. Va. Const. Art. XII, Sec. 1, to fulfill their clear legal duties to provide “[f]or the health and cleanliness of the pupils,” W. Va. Code § 18-5-9, W. Va. Code St. R. 126-51 (“WV Policy 2423”), and for appropriate legal relief as to violations of the West Virginia Human Rights Act (“HRA”), W. Va. Code § 5-11-1, 9, et seq.

The West Virginia Constitution guarantees a thorough, efficient, safe, and free public education to each and every child of this great State—regardless of income, gender, class, color, or ability, and certainly regardless of any social inconvenience that it may cause for the responsible agencies. This is a bedrock principle, enshrined in our most fundamental governing documents—that support for education shall be made available equally to all, on the basis of need.

Counties such as Cabell fail to fulfill those duties when they are facing COVID infection threat levels that are comparable to those of their surrounding counties, yet they fail to enforce reasonably comparable protections to those enforced in such neighboring counties (e.g. Wayne, Lincoln, Wood, etc.) which have instituted, at a minimum, a risk-based, multi-faceted “sliding-scale” Exposure Control Plan that include engineering controls (sanitizing, ventilation), behavioral

controls (physical distancing, testing, quarantining), and personal protective equipment (masks) when transmission rates are above thresholds indicated by the Defendants' medical advisors.

JURISDICTION

1. Jurisdiction and venue are proper in the Circuit Court of Kanawha County pursuant to West Virginia Code sections 29A-4-2, 53-5-3.

PARTIES

A. Plaintiff-Petitioners

2. Plaintiff-Petitioner Anderson is a resident of Cabell County. Her daughter, J.A., is 16 years old, vaccinated, in eleventh grade at Cabell Midland High School.

3. Plaintiff-Petitioner Reed is a resident of Cabell County, and has three children in the Cabell County Schools: H.R., J.R., and B.R. Reed's husband is immunocompromised and thus faces heightened risk of hospitalization due to a potential COVID-19 infection in the home.

a. H.R. is a high-functioning person with autism. She had a horrible struggle with virtual learning in 2020. She is in high school, entering eleventh grade at Cabell Midland High School. She is vaccinated.

b. J.R. is a person with autism as a disability. J.R. should be going into fourth grade in the fall of 2021 but instead is enrolled in third grade after having to be held back last year for a second year of second grade during 2020-2021 school year due to regression that occurred during the inadequate remote learning environment in 2020. During remote learning, J.R.'s disability caused him to receive a seriously impaired education, without the customary therapies and accommodations that he was routinely afforded in the school-based environment. J.R. has developed severe anxiety during the pandemic. When J.R. is in the school-based environment, he is kept in a room known as the "autism room." Other students come in and out of the "autism room" from multiple classrooms and multiple grades, presenting numerous potential COVID

exposures during periods of high viral transmission. He cannot receive his customary accommodations during remote learning and must be in the school to receive them.

c. B.R., who is 14 years old, has an Individual Educational Program (IEP) for attention deficit disorder. His ADD requires that he receive preferential seating, extended assignment time, and extended time for test-taking. He has a health plan and a feeding tube. Unlike the other two Reed children, B.R.'s ADD and medical needs can be more readily managed during remote learning. He can engage in virtual physical and speech therapy. However, tending to his needs while learning remotely in the home makes it all the more impossible for his mother to provide the necessary accommodations for H.R. and J.R..

d. Amy Reed has written to Defendant Saxe asking for heightened protections during periods where the risk of COVID transmission was high in the Cabell County Schools. Saxe declined to provide any heightened protections beyond those set forth in the current practices of the county. Saxe merely stated that the schools would sanitize surfaces "when we can."

e. Amy Reed wrote to a Cabell Board member with a similar request, and received a substantively similar response.

4. Petitioner Black is a resident of Cabell County and has two daughters in the Cabell County Schools: G.B. and A.B. Further, Petitioner Black's husband is immunocompromised, and thus faces heightened risk of hospitalization due to a potential COVID-19 infection in the home.

5. G.B. is 17 years old, vaccinated, in eleventh grade at Cabell Midland High School. G.B. has Down syndrome, suffers from multiple autoimmune disorders which make her immunocompromised, and has undergone open-heart surgery. G.B. has an IEP due to her disabilities. G.B. cannot be accommodated for her disabilities while learning remotely from home and must be in the school environment to receive education.

6. A.B. is 4 years old, enrolled in Milton Pre-K, does not have virtual learning as an

option, and is unable to attend that Pre-K program in person due to the high risks of transmission to her sister and father. Because of her age, A.B. is not eligible to be vaccinated.

B. Defendant-Respondents

7. The West Virginia Board of Education (WVBE) is established by the West Virginia Constitution and is charged with the general supervision of the State's elementary and secondary schools.

8. The West Virginia Department of Education is a state agency that oversees the public school system in West Virginia, which is responsible for the education of more than 252,357 students in 758 schools and centers. The WVDE is responsible for implementing state educational policies, distributing funds, administering statewide assessments, licensing educators, and providing accountability data.

9. The School Building Authority of West Virginia was created in 1989 by the West Virginia Legislature to ensure adequate facilities to meet the educational requirements of the people of the State of West Virginia, such as the Petitioners.

10. Ryan Saxe is the Superintendent of the Cabell County Schools.

11. Miller Hall is the president of the WVBE.

12. W. Clayton Burch is the state superintendent of schools and the chief administrator of the WVDE.

13. James C. Justice II is the chairman of the SBA and the Governor of the State of West Virginia.

FACTS

14. The SARS-CoV-2 virus, which causes COVID-19 ("COVID"), became a public emergency in the United States during February and March 2020.

15. Initially, Governor Justice took consistent measures statewide to follow an evidence-based, risk-measurement system for preventing potential infections (the color-coded county maps) and averting school-based exposures.

16. More recently, the State has departed from that consistent framework where school-related public health interventions were required to be evidence-based and proportionate to the measured risk of potential exposures.

17. The State has now delegated essentially all COVID-related decision-making to county school boards, *without providing any required metrics or minimum planning standards for those lay decision-makers*, thus leaving children without adequate or equitable risk-assessment metrics or Exposure Control Plans. Children with special needs are especially vulnerable and totally unprotected without consistent, risk-based exposure control planning.

The West Virginia Public School System Faced an Historic Emergency of COVID-19.

18. Beginning in late February and early March 2020, Governor Justice acted pursuant to a variety of legal authorities to prepare for and respond to the COVID-19 crisis, including by issuing States of Preparedness and Emergency pursuant to Section 6, Article 5, Chapter 15 of the Code of West Virginia. (<https://governor.wv.gov/Pages/WV-COVID-19-actions-and-executive-orders.aspx>) On March 3, 2020, the Governor proclaimed a State of Preparedness. On March 16 2020, the Governor proclaimed a State of Emergency.

19. On March 13, 2020, Governor Justice announced the closure of West Virginia school buildings pursuant to a variety of Constitutional and statutory powers. On March 14, 2020, the Governor issued further guidance clarifying that “[c]ounty boards of education will determine staff requirements for Monday, March 23 and beyond. The county leadership team may choose to establish flexible work options including adjusted schedules and remote work.”

<https://governor.wv.gov/News/press-releases/2020/Pages/COVID-19-UPDATE-Gov.-Justice,-Department-of-Education-issue-updated-guidance-on-school-closures-in-West-Virginia.aspx>)

20. All pre-kindergarten through 12th grade schools in West Virginia remained closed for the rest of the 2019-2020 academic year.

21. On August 5, 2020, Governor Justice launched a re-opening plan for the 2020-2021 school year. The re-opening entailed many arrangements, including hybrid in-person and home-based learning plans. Governor Justice required all 55 counties to submit their re-entry plans to the West Virginia Department of Education by Friday, Aug. 14, 2020. All counties were called upon by the Governor to have plans in place to minimize exposure and to implement best health practices like social distancing, face coverings, hand washing, and disinfection protocols. Counties were also called upon to provide a plan to continue to feed children daily, regardless of the mode of instruction they chose and to continue to provide support services for students who may require additional assistance.

22. On October 12, 2020, Governor Justice stated that it was “way premature” to consider lifting a six-month-old state of emergency for the COVID-19 pandemic, even though the color-coded risk assessment map showed 46 of the 55 counties were either lowest-risk green or low-risk yellow on the Threat Assessment Map maintained by the West Virginia Department of Health and Human Resources (“DHHR Map”). https://www.wvgazettemail.com/news/health/justice-way-premature-to-lift-state-of-emergency-despite-favorable-risk-map/article_ccf7ad45-5e5e-5e4b-82db-594796d30f50.html)

23. On December 30, 2020, Governor Justice announced that the West Virginia Department of Education had revised its guidance regarding in-person instruction effective January 19, 2021. (<https://wvde.us/west-virginia-department-of-education-details-in-person->

instruction-and-vaccine-roll-out/) The revision provided that students in grades pre-K through 8 would return to in-person learning five days each week. Students in grades 9 through 12 would also return to in-person instruction five days each week as long as their county is not red. Special allowances would be given for four-day learning models in counties whose teachers were providing direct virtual learning instruction to their own students.

24. On January 13, 2021, the State Board of Education adopted a motion propounded by its Vice President, Thomas W. Campbell, and seconded by Dr. James S. Wilson, including the following directive to education leaders at the local level:

To continue to ensure that schools remain safe for students, teachers, and staff, education leaders at the local level are directed to continue *monitoring* and *enforcing* the WVDE's six identified mitigation strategies, especially mask wearing.

(emphasis added.)

25. During the ensuing months, the DHHR Map darkened to an orange or red risk level in most West Virginia counties as the Delta variant proliferated.

26. Currently, infection rates are on the rise in many counties---with only one of the State's counties (Pocahontas) currently maintaining the safest green level on the DHHR Map. Cabell County has recently alternated between red and orange.

27. In Cabell County, the Health Department reports 1,041 active cases, 8,780 confirmed cases cumulatively, 1,713 more probable cases cumulatively, and 191 deaths from COVID-19, as of August 31, 2021.

28. Over the seven days preceding August 31, 2021, one of the cohorts with the highest COVID-19 caseloads statewide in West Virginia has been small children aged five through 11, with 700 cases among that group who are too young to be eligible for vaccination, according to data maintained by DHHR.

29. As of 4 p.m. Monday, August 30, 2021, the Cabell County School system has reported 55 active cases of COVID-19 in 18 different schools across the district, resulting in 308 individuals being required to quarantine due to exposure. Eighteen of those cases were identified at the high school level, a dozen at the middle school level and nearly half (25) of those cases were found in elementary schools.

30. Without protections against potential infection that are equivalent to such protections afforded to students in other counties, the heightened rate of transmission in the Cabell County schools presents an elevated risk of infection for the Plaintiffs at this time relative to pupils in those other counties.

31. Closure of classrooms, schools, and entire school districts due to transmission of COVID in 2021 has already begun occurring, and such closures are reasonably likely to occur sooner and more extensively if Defendants do not ensure comparable minimum protections against potential infection that are consistent with the relevant medical recommendations across all counties.

32. In August 2021, the State released a "School Recovery & Guidance" document for Fall 2021 which places all significant decision-making about COVID measurement, planning, and control in the hands of county boards of education. The document provides an overview of reasonable exposure control methods, such as engineering controls (cleaning, ventilating, etc.), behavioral practices (physical distancing), and personal protective equipment (masking).

33. However, in a departure from prior guidance adopted by the State Board on January 13, 2021, the 2021 School Recovery & Guidance merely states that such methods should be followed at the discretion of the counties. The document does not apparently require any ascertainable actions. It does not require the use of any standardized metrics by which the local

boards must assess the risk of potential exposures. It does not specify any thresholds at which the boards must take certain minimum protective actions. It does not require the adoption of any risk-correlated Exposure Control Plans, or prescribe minimum standards for such plans.

34. For school children with special needs in Cabell County, virtual schooling options are functionally unavailable as an alternative for this fall. None of the virtual schooling options available can or will implement the accommodations and curriculum modifications required for students with disabilities to be able to learn. Thus, those medically-sensitive, unvaccinated children are required to be in an unmasked school-based environment without alternatives, whereas other school students may at least pursue a virtual option if needed.

Conditions of school buildings have deteriorated “from bad to worse” and yet Cabell County Schools has provided less protection than neighboring counties---and the Cabell Board has acted directly at odds with the recommendations of the County Health Department and the Board’s medical officer.

35. On August 10, 2021, the Cabell County Board of Education held a meeting at which the Board determined that it would not include a requirement for use of personal protective equipment (PPE) under any circumstances.

36. On August 19, 2021, the Cabell County Board of Education held another meeting at which the Cabell County Health Department and the Count Board’s medical officer advised that PPE should be utilized during periods reflecting trends or incidents of high transmission of COVID-19.

37. However, on August 19, 2021, the Cabell Board again voted 3-2 not to require PPE under any circumstances.

38. Numerous counties are, at a minimum, requiring masks on a sliding-scale basis---that is, if the

39. No subsequent development has materially altered the protections for Plaintiffs.

COUNT I – FAILURE TO ENSURE THE HEALTH OF PUPILS
W. Va. CODE § 18-5-9

40. The county school board has a mandatory legal duty to provide “[f]or the health and cleanliness of the pupils.” W. Va. Code § 18-5-9.

41. The county superintendent of schools has a similar legal duty by which he or she “shall ... [c]lose a school temporarily when conditions are detrimental to the health, safety or welfare of the pupils.” W. Va. Code § 18-4-10(5). The closing of schools due to the prevalence of a contagious disease is a function held concurrently and independently by state and county agencies. W. Va. Code § 18A-5-2(d) (“Any school or schools may be closed by proper authorities on account of the prevalence of contagious disease”).

42. Policy 2423 of the West Virginia Department of Education requires establishment of county policies related to communicable disease control. W. Va. Code St. R. 126-51 (“Policy 2423”) (citing W. Va. Code §§16-3-4, 16-3-4a, 16-3-5, 16-3C-1 through 16-3C-9, 18-2-5, 18-5-9, 18-5-22, 18-5-34 and 18A-5-1).

43. Policy 2423 provides both principles and requirements that guide public decisionmakers in carrying out their duties under West Virginia Code Sections 18-5-9 and 18-4-10(5).

44. “County boards of education *shall* develop or amend communicable disease policies to reflect understanding of disease transmission in the school setting and to reflect understanding of student/staff rights to attend school or remain employed. The goal of the policy is to protect individual students, staff members and the school population in general.” W. Va. Code St. R. 126-51-3.1 (emphasis added)

45. “The potential for unnecessary exclusion from the school setting is cause for concern. This problem makes it necessary for counties to develop a policy that is protective of the

educational process and the health and safety rights of students and staff.” W. Va. Code St. R. 126-51-3.2.

46. “Each county should seek the assistance of school nurses, school personnel, parents and guardians, public health, medical personnel and community leaders in developing the communicable disease policy. Technical assistance will be provided by the West Virginia Department of Education to any county upon request.” W. Va. Code St. R. 126-51-3.3.

47. “The county school system will work cooperatively with the county health department to enforce and adhere to the W. Va. Code §§18A-5-1, 16-3-4, 16-3D-1, 16-3-5, 16-3C-1 through 16-3C-9, 18-2-5, 18-5-9, 18-5-22, and 18-5-34 for prevention, control, and containment of communicable disease in schools.” W. Va. Code St. R. 126-51-3.4.

48. By directly contradicting the recommendations of the County Board of Health and the Cabell County Board of Education’s medical officer, Defendant Cabell County and Saxe failed to develop or amend communicable disease policies to reflect understanding of disease transmission in the school setting.

49. By failing to adopt protections against the transmission of COVID that are reasonably comparable to the neighboring counties facing similar risk, Defendants have failed to develop a policy that is fairly or equally protective of the educational process and the health and safety rights of all students and staff, and which is adequate to minimize the potential for unnecessary exclusion from the school setting.

50. By directly contradicting the advice and recommendations of the county health department, Defendants Cabell County Board and Saxe failed to work cooperatively with the county health department to enforce and adhere to the W. Va. Code §§18A-5-1, 16-3-4, 16-3D-1, 16-3-5, 16-3C-1 through 16-3C-9, 18-2-5, 18-5-9, 18-5-22, and 18-5-34 for prevention, control,

and containment of communicable disease in schools.

**COUNT II - FAILURE TO PROVIDE THOROUGH
AND EFFICIENT EDUCATION, IN VIOLATION OF
W. VA. CONST. ART. XII, SECS. 1, 2, and 3**

51. Counties across the State face materially identical risks of disease transmission in schools, and yet county boards of education have adopted significantly disparate protective measures for the prevention of potential infections or transmission of COVID-19. Some of these counties, such as Cabell, have directly contradicted the medical guidance that they have received regarding adequate protection against such disease. The decisionmakers at the State and county levels, who bear a Constitutional mandate for ensuring the adequate, equitable, safe, and free provision of public education, are thus depriving pupils in those affected county schools of substantive due process under Article Twelve, Section 1 of the West Virginia Constitution.

52. Article Twelve, Section 1 of the West Virginia Constitution requires that “[t]he Legislature shall provide, by general law, for a thorough and efficient system of free schools.”

53. The duty to provide for a thorough, efficient, and free school system means that the education provided to all students must be adequate, equitable, and *safe*. See generally *Cathe A. v. Doddridge Cty. Bd. of Educ.*, 200 W. Va. 521, 529, 490 S.E.2d 340, 348 (1997).

54. Children, teachers, service personnel, caregivers, family members, and everyone present in---or secondarily exposed to---the school-based environment in Cabell County are not protected against the risk of potential transmission of COVID by the same medically-advised protections that county boards of education have provided for in other counties.

55. Children under the age of 12, who cannot be vaccinated at this time, presently face an especially acute and unavoidable threat to their health and the health of their family members.

56. Children with special needs, such as H.R., J.R., B.R., and G.B. (the “Special Needs

Plaintiffs”), are in a protected class based on their personal health conditions set forth above.

57. Without an adequate option for virtual learning in Cabell County, the Special Needs Plaintiffs are afforded significantly less access to public education than are the able-bodied children in Cabell County.

58. Without the provision of the protections recommended by the Cabell County Health Department and Cabell County Schools’ medical advisors, the Special Needs Plaintiffs are denied protections against transmission of COVID that are reasonably comparable to those afforded to students in other counties, and thus deprived of safe and adequate access to school-based learning in Cabell County.

59. The Constitution and the Legislature have mandated that the WVBE and SBA are the state agencies intended to carry out the guarantee of a thorough and efficient system of free schools. *See* W. Va. Const., Art. XII, Sec. 2 (“The general supervision of the free schools of the State shall be vested in the West Virginia board of education which shall perform such duties as may be prescribed by law.”); W. Va. Code Sec. 18-9D-2(5) (“[Facilities plans and funding by SBA] addresses the existing school facilities and facility needs of the county to provide a thorough and efficient education in accordance with the provisions of this code and policies of the state board.”).

60. The WVBE, WVDE, and SBA have not maintained a thorough and efficient system of free schools in Cabell County, in violation of W. Va. Const., Art. XII, Sec. 1

61. A thorough and efficient education is a fundamental right pursuant to the West Virginia Constitution, Art. XII, Sec. 1. Thus, the equal protection guarantees of W. Va. Const., Art. III, Secs. 10 and 17 require equitable protection against transmission of contagious diseases in the State’s educational system.

62. The State acts predominantly through the WVBE, WVDE, SBA, and county boards

of education, in order to carry out the foregoing duties regarding education.

63. The State has violated these duties to provide a thorough and efficient education by failing to ensure fundamental fairness or equivalence of protection for the children of Cabell County relative to those in neighboring counties facing comparable risk, by failing to carry out a COVID Exposure Control Plan that is equally protective as those in other counties facing comparable risks of transmission.

COUNT III
VIOLATIONS OF WEST VIRGINIA HUMAN RIGHTS ACT
W. Va. § 5-11-1 ET SEQ.

64. Plaintiff-Petitioners repeat and re-alleges the foregoing paragraphs as if fully set forth herein.

65. The West Virginia Human Rights Act, W.Va. Code § 5-11-1 et seq. prohibits discrimination in public accommodations against individuals with disabilities.

66. The public schools of West Virginia are public accommodations under the HRA.

67. The Special Needs Plaintiffs (H.R., J.R., B.R., and G.B.) are each individuals with disabilities within the meaning of the HRA, because their learning is substantially impacted by their mental and/or physical impairments.

68. Cabell County Board of Education has discriminated against the Special Needs Plaintiffs by denying them an adequate and equitable education and by denying them the accommodations necessary for them to remain in the public school buildings or otherwise to have access to the same educational environment to which able-bodied children in the Cabell schools have access.

69. Providing comprehensive exposure control planning that includes risk-based PPE just the same as provided by other counties, from Wayne to Wood and beyond, constitutes a

reasonable accommodation that doesn't fundamentally alter the program being provided in the school.

RELIEF

WHEREFORE, the Petitioners respectfully request that this Court declare and find the Defendant Cabell County Board of Education is in violation of the HRA, W. Va. 5-11-1, et seq., and issue a rule in mandamus directing the Defendant-Respondents to show cause why:

(a) The Cabell County Board of Education should not be declared to be in violation of its duties pursuant to West Virginia Code sections 18-5-9 and 18-4-10(5);

(b) The Defendants should not be declared to be in violation of their duties pursuant to the Constitutional guarantees of equal protection, W. Va. Const., Article III, §§ 10, 17;

(c) The Defendants should not be declared to be in violation of their duties pursuant to the Constitutional guarantees of a thorough and efficient education for students in West Virginia, W. Va. Const., Article XII §§ 1, 2, and 3;

(d) The Defendant agencies should not be ordered to pay the reasonable attorney's fees and the costs of this litigation pursuant to W.Va. Code § 5-11-13(c); and

(e) Such other relief as the Court deems equitable and just.

**Respectfully Submitted,
J.A., H.R., J.R., B.R., and G.B., by their parents,
JENNIFER ANDERSON, AMY REED,
and CHRISTY BLACK,
By counsel.**



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Counsel for Petitioners

VERIFICATION

STATE OF WEST VIRGINIA


COUNTY OF Cabell, to-wit:

I, Jennifer Anderson, after being first duly sworn, do depose and say that the facts contained in the foregoing Complaint and Petition are true to the best of my knowledge, except insofar as they are therein stated to be upon information and belief, and that insofar as they may be stated or interpreted as being upon information and belief, I do believe them to be true.

X Jennifer Anderson
Name: Jennifer Anderson

Taken, subscribed, and sworn to before me, the undersigned Notary Public, this 27th day of August, 2021.

My commission expires Sept 27, 2026.

 OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
PAUL KENWORTHY
42 Cambridge Dr
Culloden, WV 25810
My Commission Expires Sep. 27, 2026
Paul Kenworthy
NOTARY PUBLIC

VERIFICATION

STATE OF WEST VIRGINIA

COUNTY OF Cabell, to-wit:

I, Christy Black, after being first duly sworn, do depose and say that the facts contained in the foregoing Complaint and Petition are true to the best of my knowledge, except insofar as they are therein stated to be upon information and belief, and that insofar as they may be stated or interpreted as being upon information and belief, I do believe them to be true.

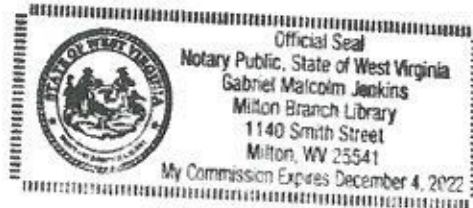
x Christy Black
Name: Christy Black

Taken, subscribed, and sworn to before me, the undersigned Notary Public, this ___ day of August, 2021.

My commission expires 12/04/2022

Gabriel Malcolm Jenkins
NOTARY PUBLIC

NOTARY SEAL



VERIFICATION

STATE OF WEST VIRGINIA

COUNTY OF Cabell, to-wit:

I, Amy Reed, after being first duly sworn, do depose and say that the facts contained in the foregoing Complaint and Petition are true to the best of my knowledge, except insofar as they are therein stated to be upon information and belief, and that insofar as they may be stated or interpreted as being upon information and belief, I do believe them to be true.

X Amy Reed
Name: Amy Reed

Taken, subscribed, and sworn to before me, the undersigned Notary Public, this 31st day of August, 2021.

My commission expires 2-24-26.

Sydney K Copley
NOTARY PUBLIC

NOTARY SEAL

