

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on September 12, 2017, the following order was made and entered:

West Virginia Board of Education and  
Steven L. Payne, Ed.D., in his capacity as  
Superintendent of Schools,  
Respondents Below, Petitioners

vs.) No. 17-0767

Board of Education of Nicholas County,  
Petitioner Below, Respondent

**ORDER GRANTING STAY**

On September 7, 2017, the petitioners, West Virginia Board of Education and Steven L. Payne, Ed.D., by counsel Kelli D. Talbott, Senior Deputy Attorney General, presented to the Court a motion for administrative stay and a stay pending appeal, for the reasons set forth therein. Thereafter, on September 11, 2017, the respondent, Board of Education of Nicholas County, by counsel Kenneth E. Webb, Jr., Rebecca M. Tinder, and Joshua A. Cottle, Bowles Rice LLP, filed a response in opposition.

Upon consideration, the Court is of the opinion to and does hereby grant the motion to stay. It is therefore ORDERED that the August 18, 2017, and September 6, 2017 orders entered in the Circuit Court of Kanawha County (No.17-P-232) shall be, and hereby are, stayed, pending resolution of this appeal. It is further ORDERED that the stay issues without requiring the posting of any bond.

A True Copy

**RECEIVED**

SEP 13 2017

Attorney General's  
Office

Attest: //s// Rory L. Perry II  
Clerk of Court

