

September 2, 2026

Fayette County Board of Education

David Warvel, Superintendent

Andrew Pense, Director of Child Nutrition / Health Services

Fayette County Schools

West Virginia

**FORMAL COMPLAINT, DEMAND FOR WRITTEN EXPLANATION, AND REQUEST
FOR IMMEDIATE ACTION TO PREVENT INTERRUPTION OF JEDIDIAH
TAYLOR'S EDUCATION**

Student: Jedidiah Taylor

Subject: Provisional Enrollment, FIT Attendance, Incorrect School Identification,
Immunization Status, and Unannounced Home Visit Involving Armed Law
Enforcement

Filed by: Outhelia Taylor

Dear Superintendent Warvel and Members of the Fayette County Board of Education: We hereby submit this formal complaint concerning the treatment of our son, Jedidiah Taylor, by Fayette County Schools and the circumstances surrounding an unannounced visit to our residence by a Fayette County school official accompanied by an armed law-enforcement officer on September 1, 2026. This complaint concerns Jedidiah's educational status, provisional enrollment, continued attendance at Fayette Institute of Technology (FIT), the accuracy of Fayette County's records, the immunization-related notice delivered to our residence, and the decision to involve armed law enforcement in delivering that notice. We request that the Fayette County Board of Education immediately investigate this matter and take all appropriate corrective action to ensure that Jedidiah's education is not interrupted by any action or decision of the Board, Fayette County Schools, or their representatives unless the Board identifies a specific and lawful basis for such action in writing. For clarity, we are not requesting or asserting a religious exemption in this complaint.

I. JEDIDIAH TAYLOR'S EDUCATIONAL STATUS Jedidiah Taylor is homeschooled pursuant to West Virginia law. West Virginia Code §18-8-1 recognizes home instruction as an exemption from compulsory public-school attendance when the applicable statutory requirements are satisfied. Jedidiah does not attend Midland Trail High School (MTHS). He continues to be homeschooled while also attending Fayette Institute of Technology (FIT). Despite this, the school-health document delivered to our residence identifies his school as "MTHS," identifies him as a Grade 12 student, and states:

"YOUR CHILD IS PROVISIONALLY ENROLLED UNTIL Sept. 2, 2026." The designation of MTHS is incorrect. This raises serious questions concerning the

accuracy of the records used by Fayette County Schools in connection with the home visit, the provisional-enrollment determination, the immunization notice, and the decision to involve an armed law-enforcement officer. We request that Fayette County identify and correct any inaccurate records concerning Jedidiah's educational status.

II. UNANNOUNCED HOME VISIT AND INVOLVEMENT OF ARMED LAW ENFORCEMENT On September 1, 2026, a Fayette County school official appeared at our residence without prior notice or prior contact with us. The official was accompanied by an armed law-enforcement officer. The stated purpose of the visit was to inform us that Jedidiah would not be permitted to continue attending FIT because Fayette County Schools had determined that he was not fully vaccinated. Jedidiah has not missed any days of school and has been attending FIT in accordance with the Fayette Institute of Technology 2026–2027 Adult Handbook and its attendance requirements. Accordingly, the September 1 visit was not prompted by an attendance problem, excessive absences, truancy, or any failure by Jedidiah to attend FIT. The unexpected presence of an armed law-enforcement officer at our private residence was intimidating and unnecessarily distressing to our family. We are documenting and preserving the circumstances of this visit, including the distress caused by the unexpected appearance of armed law enforcement. Because this action raises serious concerns regarding the authority, purpose, and procedures used by

Fayette County Schools, we demand a written response addressing the following:

1. Who authorized the home visit, and which Fayette County school official authorized or participated in it?
2. Who contacted or requested law enforcement?
3. Was the law-enforcement officer acting at the request, direction, or authorization of Fayette County Schools?
4. What was the stated legal purpose for involving law enforcement?
5. What statute, regulation, Board policy, administrative directive, or other legal authority authorized or justified the visit and the officer's involvement?
6. Identify the law-enforcement agency and officer involved.
7. Was any warrant, summons, court order, subpoena, or other legal process involved?
8. Was the officer present for any purpose other than accompanying the school official?
9. If law enforcement was not legally required, why did Fayette County Schools determine that an armed officer was necessary to deliver this notice?

10. What Board policy governs the use of armed law-enforcement personnel during school-related visits to a student's or student's family's residence?

11. Was an incident report, dispatch record, body-camera recording, memorandum, email, text message, telephone record, or other record created concerning the visit?

III. ATTENDANCE AUTHORITY AND W. VA. CODE §18-8-4 Jedidiah has not missed any days of school and has been attending FIT in accordance with the FIT handbook. If Fayette County relied upon W. Va. Code §18-8-4 in connection with the home visit or any proposed action against Jedidiah, please identify the exact subsection relied upon and explain specifically how that subsection applies to Jedidiah. If §18-8-4 was not relied upon, identify the separate legal authority Fayette County contends authorized the unannounced home visit and involvement of armed law enforcement. Most importantly, Fayette County must take immediate steps to ensure that no attendance-related action, exclusion, withdrawal, suspension, or interruption of Jedidiah's education occurs while this complaint is being reviewed, unless the Board identifies a specific and lawful basis for such action in writing.

IV. PROVISIONAL ENROLLMENT UNDER W. VA. CODE §16-3-4(e) The document delivered to our residence expressly states:

"YOUR CHILD IS PROVISIONALLY ENROLLED UNTIL Sept. 2, 2026."

West Virginia Code §16-3-4(e) provides:

"Persons may be provisionally enrolled under minimum criteria established by the commissioner so that the person's immunization may be completed while missing a minimum amount of school." The statute further addresses the minimum immunization requirements applicable to school attendance. Jedidiah has been fully vaccinated with the exception of three boosters. The notice therefore raises a fundamental question: If Jedidiah was provisionally enrolled, what specific legal authority allows Fayette County to terminate that provisional enrollment and prohibit his continued attendance at FIT on September 2, 2026? We are not asking Fayette County merely to state that Jedidiah is "not fully vaccinated." We request identification of the applicable requirement and legal authority upon which Fayette County relies. Please provide the following:

1. The age, grade, or other classification that makes the alleged vaccine or dose applicable to Jedidiah.
2. The Commissioner's criteria governing provisional enrollment under §16-3-4(e).
3. Whether Fayette County determined that Jedidiah satisfied those criteria.
4. If Fayette County determined that he did not satisfy those criteria, identify each criterion allegedly not satisfied.

5. Explain why the notice states that Jedidiah is “PROVISIONALLY ENROLLED” if Fayette County simultaneously contends that he cannot continue attending FIT.
6. Identify the specific legal event Fayette County contends terminates the provisional enrollment on
September 2, 2026.
7. Identify the statute, regulation, State Board directive, Commissioner directive, or other authority upon which Fayette County relies to exclude Jedidiah from FIT after that date.
8. Provide a copy of the applicable written policy, directive, regulation, or other authority.
9. Confirm whether Jedidiah is currently permitted to continue attending FIT in accordance with the applicable provisional-enrollment requirements and FIT attendance policies.
10. Confirm that Fayette County will not interrupt, suspend, terminate, or otherwise interfere with Jedidiah’s education while this complaint is under review without first providing written notice identifying the specific legal authority and factual basis for the proposed action.

V. INCORRECT IDENTIFICATION OF MIDLAND TRAIL HIGH SCHOOL The school-health document identifies Jedidiah’s school as:

“MTHS.” This information is incorrect. Jedidiah does not attend Midland Trail High School. He is homeschooled under West Virginia law and attends Fayette Institute of Technology. The Board must:

1. Identify the source of the information that caused “MTHS” to be entered on the notice.
2. Identify the person who entered, supplied, or approved that information.
3. State whether Fayette County’s student-information system currently lists Jedidiah as enrolled at Midland Trail High School.
4. If so, explain why.
5. Identify the records relied upon in determining Jedidiah’s school-enrollment status.
6. Identify when the MTHS designation was entered into the record.
7. Correct all inaccurate school-enrollment information.
8. Provide a corrected copy of any school-health or enrollment document that identifies Midland Trail High School as Jedidiah’s school.
9. Confirm that Jedidiah’s actual educational circumstances, including his homeschool status and FIT attendance, have been accurately recorded.

10. Confirm that no adverse attendance, enrollment, immunization, or disciplinary action will be based upon the incorrect identification of Midland Trail High School as Jedidiah's school.

VI. PRESERVATION OF RECORDS AND EVIDENCE Because this matter may require further administrative or judicial review, Fayette County is hereby requested to preserve all records and electronically stored information relating to Jedidiah Taylor and the matters described in this complaint. This preservation request includes, but is not limited to:

- FIT enrollment and attendance records;
- provisional-enrollment records;
- the September 1, 2026 notice and home visit;
- records concerning the decision to conduct the home visit;
- records concerning law-enforcement involvement;
- WVEIS and other student-information-system records;
- emails;
- text messages;
- telephone records and call logs;
- internal messaging records;
- memoranda;
- incident reports;
- dispatch records;
- body-camera footage;
- surveillance footage, if applicable;
- written directives and Board policies;
- calendar entries;
- handwritten notes;
- photographs and recordings;
- communications with the West Virginia Department of Education;
- communications with the West Virginia Department of Health; and
- communications with any law-enforcement agency or officer involved in the September 1, 2026 visit. No potentially relevant record should be destroyed,

altered, overwritten, or otherwise discarded while this matter remains disputed or subject to review.

VII. REQUEST FOR IMMEDIATE CORRECTIVE ACTION We respectfully but firmly request that the Fayette County Board of Education take the following immediate actions:

1. Confirm in writing that Jedidiah may continue attending FIT without interruption while this matter is reviewed.
2. Confirm that no adverse action will be taken against Jedidiah based upon the incorrect identification of MTHS as his school.
4. Provide the specific legal and administrative authority relied upon for any proposed exclusion from FIT.
5. Explain the provisional-enrollment status reflected on the September 1 notice.
6. Correct the erroneous identification of Midland Trail High School.
7. Correct any inaccurate student-information-system or school-health records.
8. Preserve all records relating to the notice, home visit, provisional enrollment, immunization issue, and law-enforcement involvement.
9. Provide a written explanation concerning the decision to involve an armed law-enforcement officer.
10. Ensure that Jedidiah's education is not interrupted by any action taken by the Board, Fayette County Schools, or their representatives unless and until the Board provides a specific lawful basis and appropriate written notice.

VIII. NOTICE REGARDING FURTHER LEGAL ACTION

The complainants consider the use of an armed law-enforcement officer to deliver an unexpected school-health notice at our private residence to be a serious matter. We are preserving documentation concerning the incident, including documentation of the distress caused by the unexpected visit. Nothing contained in this complaint constitutes a waiver of any legal rights, claims, remedies, defenses, or causes of action available to the complainants or to Jedidiah Taylor.

If Fayette County:

- refuses to provide a lawful basis for the actions described above;
- continues to exclude Jedidiah from FIT without identifying the controlling legal authority;
- fails to correct materially inaccurate records;
- fails to explain the circumstances surrounding the home visit and law-enforcement involvement; or

■ permits Jedidiah's education to be interrupted without lawful justification, the complainants reserve the right to pursue all available administrative and judicial remedies, including declaratory or injunctive relief and any other remedies available under applicable law. This complaint provides Fayette County an opportunity to investigate the matter, correct any errors, identify the legal authority relied upon, take immediate corrective action, and provide a complete written response before further action is considered.

IX. REQUEST FOR COMPLETE WRITTEN RESPONSE Please provide a complete written response addressing every issue and numbered request contained in this complaint. The response should identify the exact statutory, regulatory, administrative, or Board-policy authority and the specific factual basis upon which Fayette County relies concerning:

1. Jedidiah's provisional enrollment;
2. any proposed termination of his provisional enrollment;
3. any exclusion from FIT;
4. the alleged immunization deficiency;
5. the identification of MTHS as his school;
6. the September 1, 2026 home visit;
7. the involvement of armed law enforcement; and
8. any action that could interrupt or interfere with Jedidiah's education. Please do not provide only a general statement that Fayette County is "following state law." We specifically request identification of the statute, subsection, regulation, Board policy, administrative directive, factual determination, and records upon which the Board relies. We further request written confirmation that Jedidiah's education will not be interrupted while this complaint is being reviewed and that he may continue attending FIT in accordance with the applicable provisional-enrollment requirements and FIT attendance policies, unless Fayette County identifies a specific lawful basis for a different determination in writing. We respectfully request prompt attention to this matter due to the stated September 2, 2026 deadline and the potential for an immediate interruption of Jedidiah's education.

X. PROVISIONAL-ENROLLMENT PERIOD AND REQUEST FOR EIGHT-MONTH PERIOD The applicable provisional-enrollment rule describes provisional enrollment in terms of the student's school entry, the time medically necessary to complete missing vaccinations, the applicable vaccine schedule, and the applicable maximum provisional period. The September 1, 2026 notice states:

"YOUR CHILD IS PROVISIONALLY ENROLLED UNTIL Sept. 2, 2026." We are requesting that Jedidiah Taylor be permitted to remain provisionally enrolled for the full eight-month provisional period allowed under 64 CSR 95, as applicable,

so that any remaining required immunizations may be completed within the time permitted by the rule. Accordingly, Fayette County is requested to provide a specific legal and factual explanation for the September 2, 2026 termination date and, if the County contends that the full eight-month period does not apply, to identify the specific provision establishing a shorter period. Please provide the following:

1. What provision of 64 CSR 95 establishes September 2, 2026, as the termination date of Jedidiah Taylor's provisional enrollment?
2. What was Jedidiah Taylor's date of school entry for purposes of calculating the provisional-enrollment period under 64 CSR 95?
3. Please provide the Commissioner-established criteria under which Jedidiah was provisionally enrolled and identify the specific criterion that Fayette County contends has expired, been violated, or otherwise requires termination of his provisional enrollment on September 2, 2026.
4. If the applicable provisional-enrollment criteria permit an eight-month period, please confirm that Jedidiah will be permitted to remain provisionally enrolled for the full period allowed under 64 CSR 95 and will be permitted the time medically necessary to complete the remaining required vaccinations.

XI. JEDIDIAH TAYLOR'S PRIOR FIT ACADEMIC AND SKILLS RECORD Jedidiah attended Fayette Institute of Technology during his 11th grade year and maintained a high A average. During that same year, he participated in the FIT Skills program and competed at the state level, where he placed. The record of Jedidiah's education, grades, FIT attendance, and participation and placement in the FIT Skills program should be available through Fayette County Schools' online records and systems. We request that Fayette County review and consider these existing records when evaluating Jedidiah's educational status and continued participation at FIT. We further request that Fayette County identify the records relied upon in making any determination that could interrupt or terminate his continued education at FIT.

Respectfully submitted, Outhelia Taylor 21869 Midland Trail Victor, WV 25938
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