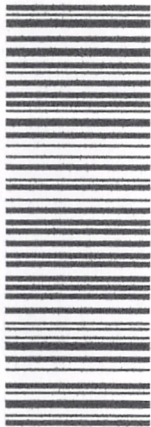


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1. Article Addressed to:

WV Department of Human Services  
 Att: Secretary Cynthia Persily  
 1 Davis Square Ste 100  
 Charleston WV 25301



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1029 University Ave Ste 101  
Morgantown, WV 26505



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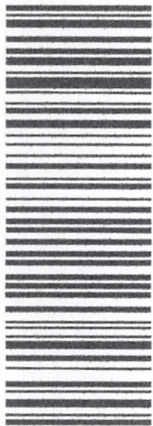


WV DEPARTMENT OF HUMAN SERVICES  
Attn: Secretary Cynthia Persily  
1 DAVIS SQ STE 100  
CHARLESTON WV 25301-1729

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WV Dept of Homeland Security  
 Attn: Mark Sarsaia  
 1900 Kanawha Blvd E Bldg 1 Rm W-400  
 Charleston, WV 25305



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Att Superintendent Michele Blatt

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1. Article Addressed to:

WV Department of Education  
 Att: Superintendent Michele Blatt  
 1900 Kanawha Blvd E  
 Charleston WV 25305



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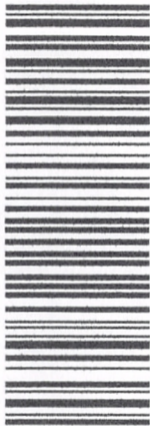


WV DEPARTMENT OF EDUCATION  
Attn: Superintendent Michele Blatt  
1900 KANAWHA BLVD E  
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1. Article Addressed to:

*Patrick Morrissey, Attorney General of WV  
1900 Kanawha Blvd E Bldg 1 Rm E-26  
Charleston, WV 25305*



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Mountain State Justice  
Attn: Lydia Milnes  
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Morgantown, WV 26505



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PATRICK MORRISEY, ATTORNEY GENERAL OF WV  
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CHARLESTON WV 25305-0160





**MOUNTAIN  
STATE  
JUSTICE**

**Lydia C. Milnes**  
Deputy Director  
lydia@msjlaw.org

April 29, 2024

Secretary Mark Sorsaia  
West Virginia Department of Homeland Security  
1900 Kanawha Blvd., E.  
Building 1, Room W-400  
Charleston, WV 25305

Secretary Cynthia Persily  
West Virginia Department of Human Services  
One Davis Square, Suite 100 East  
Charleston, WV 25301

State Superintendent Michele L. Blatt  
West Virginia Department of Education  
1900 Kanawha Blvd., E.  
Charleston, WV 25305

Patrick Morrissey  
Attorney General of the State of West Virginia  
State Capital Complex, Building 1  
Room E-26  
1900 Kanawha Blvd., E.  
Charleston, WV 25305

***Via Certified Mail Return Receipt Requested***

**Re: Thirty-Day Notice of Intention to File Legal Action Regarding Violations  
of W.V. Code § 49-5-106**

To Whom It May Concern:

The West Virginia State Conference of the NAACP (WV NAACP), represented by Mountain State Justice and Democracy Forward Foundation<sup>1</sup>, intends to file a lawsuit to address the Department of Homeland Security, Department of Human Services, and Department of Education's violations of West Virginia Code § 49-5-106.

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<sup>1</sup> *Pro hac vice* application forthcoming.

Secretary Mark Sorsaia, Dep't of Homeland Security  
Secretary Cynthia Persily, Dep't of Human Services  
State Superintendent Michele L. Blatt, Dep't of Education  
Attorney General Patrick Morrissey  
April 29, 2024  
Page 2 of 2

Specifically, this statutory provision mandates that the Division of Juvenile Services (now the Bureau of Juvenile Services within the Department of Homeland Security) and the Department of Health and Human Resources (now the Department of Human Services), along with the Supreme Court of Appeals, establish procedures to collect and compile (or track and record) certain data related to juvenile recidivism and the outcome of diversion programs. The statute also charges these entities—and the Department of Education—with developing specific procedures to track and evaluate the effectiveness of truancy diversion programs, and to collect and compile data relating to disproportionate minority contact with the juvenile justice system in West Virginia.

WV NAACP, by and through counsel, submitted public records requests seeking the procedures these agencies are required to establish, and the data these agencies are required to collect and compile (or track and record), under that statute. Based on the responses received, it is clear that these agencies have failed to comply with their mandatory statutory duties. WV NAACP therefore intends to file a petition for writ of mandamus, seeking all relief available to it, including requiring the respondent agencies to comply with West Virginia Code § 49-5-106 by establishing the required procedures and collecting and compiling (or tracking and recording) the required data on an ongoing basis.

This notice is given pursuant to provisions of West Virginia Code § 55-17-3. Any filing will be withheld for at least thirty days from the date of provision of this notice. WV NAACP would be amenable to meeting and conferring with the respondent agencies prior to the filing of their petition.

Sincerely,



Lydia C. Milnes  
*Counsel for Petitioner*