



“Morale issue” raised Lawmakers Told to ‘Stay the Course’

by Howard M. O’Cull, Ed.D.

West Virginia policymakers should “stay the course” in implementing the federal No Child Left Behind Act. That’s the message State Superintendent of Schools Dr. David L. Stewart gave lawmakers at a Monday, Oct. 20, meeting of the Legislative Oversight Commission on Education Accountability in Charleston.

Stewart said the W.Va. Department of Education continues to recognize excellence: “We’re keeping the message positive...Public education [in the state] is alive and well, and success breeds success,” a reference to the “West Virginia Achieves” recognition tours, which include education officials’ travels to acknowledge county schools having fared well under the ‘first round’ of NCLB. The “tours,” according to Stewart, are meant to “showcase behaviors of exemplary schools.”

In parsing NCLB statistics, the state superintendent said West Virginia has worked for continuous educational improvement since the state’s education reform era “began” with the Legislature’s passage of **Senate Bill 14** in 1988. (Those efforts culminated in the formal creation of a performance-based educational system in 1998.) This reference was made, in part, to a Joint Committee on Education presentation made by representatives of the National Conference of State Legislatures. (See below article.)

In regard to the national legislative group’s presentation, Stewart said the national picture is “not necessarily that in West Virginia. We have our own No Child Left Behind data, and we need to examine it.”

In regard to specific NCLB issues, the WVDE will continue to negotiate with the federal government regarding its implementation, Stewart said. He also commented some schools, due to low testing participation, didn’t meet this year’s NCLB standards. “We will eventually perform in these areas; we’ll cure that next year.”

In regard to statistics, Stewart said 489 state schools showed growth in subgroup performance—the key NCLB criterion. He also said the state should maintain current efforts to improve reading and mathematics scores, discussing, with Higher Education Policy Commission Chancellor J. Michael Mullen, a program focusing on mathematics. That program concentrates on better training math teachers through content-intensified college coursework, according to Stewart and Mullen, who shared the podium to discuss the initiative.

Mezzatesta: “Morale”

In other deliberations, House Education Chairman Jerry L. Mezzatesta (D-Hampshire), commenting on NCLB, said school personnel morale was suffering: “It’s falling down at the local level,” he said. Mezzatesta added that the entire NCLB matter is “very confus-

Please see ‘STAY THE COURSE’ on page 5

OVERVIEW

STATS

2003 Regular Session:	<i>Adjourned Sine Die</i>
Days Until 2004 Regular Session:	81
Interim Meetings Remaining:	November - January 2004

INSIDE

- Interim Group Discusses Extra Duty Pay.....2
- Do Test Measuring Tools Tell the Full Story?.....3
- Grant School Board Meets Two Places at Once.....4

QUOTE

“We have the pieces put together.”—*House Education Chairman Jerry L. Mezzatesta (D-Hampshire) discussing several agencies’ collaborative efforts to implement the federal No Child Left Behind Act.*

National Group Addresses NCLB Law Concerns

by Jason B. Keeling

With the 2003-'04 school year underway, West Virginia legislators heard national concerns regarding the federal No Child Left Behind Act from representatives of the National Conference of State Legislatures, who presented on Oct. 20 in the House Chamber.

In 2001, NCLB regulations were created when Congress reauthorized the Elementary and Secondary Education Act of 1965. During a three-month drafting process U.S. House/Senate conferees recognized likely problems arising from the law’s added provisions but accepted little public input, said David Shreve, NCSL’s senior committee director for education.

The National Conference of State Legislatures consistently opposes federal preemptions of state law, and in its current form NCLB does such, considering the relatively minimal amount of federal edu-

Please see NCLB CONCERNS on page 5

Transportation study not likely Interim Group Discusses Extra Duty Pay

by Howard M. O’Cull, Ed.D.

Don’t expect a study of school bus drivers’ extra-duty pay, based on actions at a Sunday, Oct. 19 meeting of Education Subcommittee B.

The transportation study proposal emerged at the end of the 2003 regular legislative session. Adopted as part of **House Concurrent Resolution 57**, the study was part of House Education Committee’s efforts to review the costs of extra-duty bus trips, especially to see how they may impinge on student participation in field trips and similar endeavors.

According to HEC testimony at that time, especially remarks by some committee educator/members, the extra-duty trips could be prohibitive, sometimes prompting teachers and other school officials to transport students in private vehicles, despite matters relating to liabilities. (*Refer to Issue 15 of The Legislature [Feb. 28].*)

The same issues literally were discussed Sunday, including students selling various goods and wares to afford trips, with subcommittee members concluding they needed additional information, especially “different scenarios” regarding pay for bus operators conducting extra-duty trips, and a review of different “options” school districts may have, before any final recommendations or decisions could be made.

Support for Transportation Office

At Sunday’s meeting, subcommittee members voiced support for the W.Va. Department of Education’s transportation office, expounding on the state’s bus safety record and the state’s “high

standards” for transportation—all themes echoed earlier in the year when the extra-duty subject first arose during HEC consideration of a bill that would have given school districts the ability to contract with public transportation authorities to transport students.

Wayne Clutter, who heads the transportation office, answered several questions regarding transportation.

The HEC’s action and subsequent articles in *The Legislature*, *Charleston Gazette*, and *Charleston Daily Mail* prompted considerable discussion of the topic and prompted school bus operators to convene in Philippi late last spring to discuss the issue.

WVDE Study

In a *Gazette* op-ed piece, I urged the Legislature to conduct a wide-ranging study of school transportation issues, “with or without involvement” of WVDE officials. These comments were made in response to an earlier pronouncement that department officials, prompted largely by a 2002 *Gazette* reporter’s study of school bus travel times, would conduct a review of transportation issues. That study, however, hasn’t been conducted largely due to WVDE officials’ concentration on federal No Child Left Behind Act implementation, according to various sources.

Prior to Sunday’s meeting, HEC staff said a study of extra-duty assignments was likely, but now concede the emphasis will be on responding to committee-based questions and comments instead.

Counselors’ Presentation

In other action, subcommittee members received a wide-ranging report from representatives of state school counselors. Barbara Blackburn, a Greenbrier County school counselor, told subcommittee members the W.Va. Counselors Association was interested in several legislative items, including a proposed counselors’ evaluative instrument—described as a “work in progress”—that would require school counselors to receive evaluation of work performance based on goals and compliance with national counseling standards, among other criteria. The emphasis would be on counselors’ individual growth and development and that of the profession, Blackburn said, referring to what she called a “much more intensive instrument.”

Blackburn said school counselors also need training in ethics of the profession since some counselors, due to staff development not being specifically geared to counseling practices, “[may be] out of date on some of these things (ethical standards). . .”

“We have the policy, so what?”

In discussing a recently-adopted W.Va. Board of Education policy relating to the practice of counseling, Blackburn said, “Now that we have the policy, ‘so what?’,” adding that counseling standards should mirror national standards—a message the group has been providing legislators for the past two years. Blackburn also distributed an excerpt from the American School Counseling Association’s *School Counselor* newsletter which praised her group for their legislative prowess.

She also said some counselors are operating as “WVEIS Clerks,” a reference to counselors having to enter data into the W.Va. Education Information System. Del. David L. Perry (D-Fayette)

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Please see **COUNSELORS** on page 3

‘Confidence intervals’

Do Test Measuring Tools Tell the Full Story?

L EXINGTON — Schools that would otherwise fall below new federal education goals are being given wide leeway by a kind of statistical grade curve, a newspaper reported.

An analysis of last year’s raw test data by the *Lexington Herald-Leader* showed that 871 of 1,208 Kentucky schools would have missed performance targets set by the federal No Child Left Behind Act.

But using a statistical tool called ‘confidence intervals,’ the number of failing schools drops to 469 — from 72.1 percent of schools failing to 38.8, the newspaper reported in Sunday’s editions.

Kentucky is one of 26 states using the statistical tool to adjust for measurement errors in reporting which schools meet the law.

The difference is important because, under the law, schools that receive federal funding and don’t meet achievement standards face penalties. Among them are student transfers to other schools, reorganization and state takeover.

No one disputes that some schools could pass that otherwise would not without confidence intervals. Though no figures track the statistical tool’s effect nationally, the *Herald-Leader’s* computer analysis found that states that don’t use confidence intervals tend to have more schools that fail to meet federal goals.

Critics say using the confidence intervals to help gauge school performance misleads the government and parents.

“What’s troubling about this is that people who understand the innards of statistics are employing an opaque procedure to bamboozle the public,” said James Popham, professor emeritus at the UCLA Graduate School of Education and Information Studies.

But supporters — among them, national testing experts and state and federal education officials — say confidence intervals make assessments fair. They say that tests are not perfect measurements of students’ progress.

“The law says the same bad things happen if you miss the mark by a hair or by a mile. And what we’re saying is there’s a statistically defensible difference,” said Scott Marion, a senior associate with the National Center for the Improvement of Educational Assessment. “If we’re going to do these bad things to a school, then I want to be more sure than a flip of the coin.”

Proponents say there is greater possibility for error when schools are labeled according to the standardized-test performance of small subgroups of students.

Under the law, schools are judged annually on the reading and math scores of groups of students, as well as the whole body of students. Those groups — based on race, disability, income level and English proficiency — are graded on what percentage of students reached proficiency or higher on state exams. If one group falls short, the entire school likely does, too.

Confidence intervals vary by state, but most fall between 95 and 99. That means, for instance, Kentucky says it is 99-percent confident a school’s test score is correct.

Confidence intervals come into play when each subgroup’s margin of error is calculated, extending a ‘best-case scenario’ of the group’s performance. Kentucky has set the minimum number of students in each subgroup at 10. That’s significant because the lower the minimum number and the higher the confidence level, the greater the statistical leeway.

“A confidence interval that’s bigger than the statewide goals for student achievement leaves serious problems unrecognized,” said Ross Wiener, policy director for the Education Trust, a Washington-based education reform group. “What Kentucky needs to ask is, ‘Is that fair for the kids in those groups who aren’t getting taught what they need to know?’”

But Kentucky officials maintain they’re committed to testing measurements that are fair to both students and schools.

[Kentucky] State Board of Education chairwoman Helen Mountjoy said confidence intervals are being used to most accurately judge schools and districts. She said the minimum subgroup number of 10 was picked to focus on all children, not just those in the majority.

Kentucky Education Commissioner Gene Wilhoit was surprised at the size of margins of error and the number of schools that would potentially benefit.

“That’s really not what we were trying to do,” Wilhoit said. “We wanted to make sure that the identifications we were giving a school were accurate.”

He suggested that he’d ask technical experts advising the board about the effect.

“Ultimately, I’m going to ask them to be able to defend that,” he said.

—Source: *Associated Press*, reprinted from *The Lexington-Herald Leader*.

COUNSELORS

continued from page 2

was among legislators who disagreed with that statement, saying counselors were able to “download” WVEIS data, but he wasn’t aware counselors were “feeding in” the information.

Counselors, according to Blackburn, would like to see a full-time WVDE coordinator, among other goals.

Money and Funding

Money and funding will be the determining factors regarding what counselors achieve in the 2004 session, said subcommittee Vice Chairman Larry A. Williams (D-Preston).

Melanie Purkey, a WVDE official, commented on some of the group’s request, saying counties are completing mandatory coun-

seling policies, as required by both state law and W.Va. Board of Education policy. She said SED officials who work with counselors are paid from federal funds.

State board Policy 2315 was adopted earlier in the year. It emanated from legislators’ discussions of how to strengthen the counseling profession, especially to ensure that counselors spend more time with students rather than on administrative duties.

Jack Wiseman, Jackson County school board president, also attended the meeting, representing the Secretary of Education and Arts’ office. In response to a question from committee members, he said legislators may want to carefully consider the proposed evaluation document, commenting on the need for principal evaluation as part of a measurement tool.

—O’Cull is *WVSBA* executive director.

Grant School Board Meets Two Places at Once — Video Link Technology Utilized

by Daniel Silver

Among its other distinctions, the Grant County Board of Education has now flown in the face of that old impossibility of being in two places at once. Through the use of new video distance technology supplied by Eastern W.Va. Community and Technical College, the board has convened its last two regular meetings at two sites—in Petersburg and on Mt. Storm—at the same time.

For the board's May 27 and June 10 meetings, Tim Riggelman, EWVCTC's director for information systems and technology, opened a live video link between the college's two Grant County access centers, one at South Branch Career and Technical Center, and the other at the Union Educational Complex.

"Instead of having to drive all the way down to Petersburg, people in the Mt. Storm area participated in the board meeting from our video conference room up there," Riggelman said. "Teachers, citizens, whoever wanted to attend, were all able to interact with the meeting, ask questions of the board, and make comments on the pending matters right from Eastern's access center on the mountain."

"By removing the geographical barrier, we're looking to involve more people in board meetings," emphasized Grant County Schools Superintendent Marsha Carr-Lambert. "And we're hoping we'll have people at Union signing up for delegations and speaking to the board through a discussion among members and participants at the two access sites."

During the meetings, Riggelman also relied on a document camera and fax machine to provide Mt. Storm participants direct access to papers related to the evening's business. "The quality of the video was good throughout, and the whole operation ran pretty close to flawlessly."

"Eastern's technology is a great thing for us to put into service," Carr-Lambert noted. "It's a pilot for what we would like to do all the time, because our county, although similar to other counties in the state, is also unique in terms of its geographical range."

"Some of our board members, and some of our teachers who come regularly to meetings to represent groups, have to travel 30 or 40 miles each way," the superintendent explained. "On top of that, they're traveling to and from Mt. Storm, and in the winter, of course, it's nothing extraordinary for them to run into a blizzard on their way home. This telecom technology that Eastern has brought to our county will eliminate those hindrances," she said.

Board President Robert Parks agreed. "People on Allegany

Mountaintop, where we have our K-12 school, have an opportunity to go to a board meeting to see and hear what's going on instead of making the trip. Or, as an alternative, we can hold the meeting up there, and people can attend by teleconference at the Petersburg location.

"It's a way of enhancing communication for our parents, and a help for our employees and community," he said.

Carr-Lambert noted that "we've asked Eastern to train members of our staff to operate this technology so that we can make use of it on a regular and ongoing basis."

The telecommunications tools impressed Jamie Tallman, Union's athletic director, who went to both meetings. "I hope it catches on, because I think we need as much community input as we can get. We need more parental involvement," Tallman urged, "and because of the travel-time factor, a lot of them just can't get to the meeting—they work, or their children have extracurricular activities, or they have some other time constraint."

"Now, to attend the meeting and find out what's happening in Grant County education, all they have to do is drive out to the school at Mount Storm," he said.

"The first time they used the video link I drove down to South Branch. Not knowing what to expect from the visual and audio equipment and just how much it would be like being at the actual meeting as far as seeing and hearing everybody clearly, I wanted to be there face-to-face," he acknowledged.

"Then last week I attended the teleconference up at Union, and I was a part of the meeting, I had impact in the meeting, and it was just like being there in person," Tallman related.

The board has scheduled its next meeting for July 8, "and I intend to be there from up here at the complex," he said.

The partnership between the board and EWVCTC seems a natural fit for Carr-Lambert, who, according to the Milkin Family Foundation National Educator Awards website (<http://www.mff.org/mea>), "is noted for her quest to bring her county to the forefront as the most technologically driven school system in the state."

The county's educational leadership team "has put together goals and initiatives to move forward through technology with our students, staff and community," Carr-Lambert said. "Whether it's a tool, a philosophy or a component to get to where we're going, technology is an integral part of everything we do."

Carr-Lambert may be contacted via e-mail at superintendent@grantcountyschools.com.

—Silver is a staff writer for EWVCTC.

PL Project
Leadership

On behalf of the leadership of the W. Va. School Boards Association, we want to thank the Claude Worthington Benedum Foundation and the W. Va. Department of Education for supporting the 2nd and 3rd Project Leadership Sessions. PL is a program for those executive educators, principals and teachers who, at some point in their career, aspire to become county schools superintendents.

— William J. Raglin (Kanawha), WVSBA President

‘STAY THE COURSE’

continued from page 1

ing to the public,” but added, “we have the pieces put together,” a reference to collaborative NCLB efforts involving the WVDE, Regional Education Services Agencies, and the state Center for Professional Development. These entities have entered into a ‘memorandum of understanding’ as to each group’s role in addressing NCLB issues, according to education officials.

Two lawmakers commented on the W.Va. Board of Education’s decision not to become party to a National Education Association NCLB lawsuit, with Del. John Doyle (D-Jefferson), vice chairman of the House Finance Committee, saying he was “disappointed” in the state board’s action, and Sen. Steve Harrison (R-Kanawha), commending the board for its decision, prompting Stewart to quip, “I will not referee this battle.”

In the final segment of the LOCEA presentation, Stewart and Deputy State Superintendent of Schools Steve Paine discussed NCLB changes they would like to see, mentioning special education students’ assessments, costs, and the “structures” of the law that keep schools from passing its muster due to students’ performance in “one or two cells,” among other recommendations. The comments were made at Mezzatesta’s request.

Principals’ Paperwork

In other commission deliberations, Mezzatesta commented on school principals’ paperwork, with Stewart announcing the

WVDE has appointed a committee to review the matter. A similar committee will be appointed to review state statutes in conflict with NCLB, according to the state superintendent. Stewart also said the WVDE wouldn’t be “calling people out of the classrooms” on Mondays and Fridays for NCLB meetings, and that department technical assistance teams are poised to help school districts and schools, “not to slap people.”

OEPA Presentation

Office of Education Performance Audits Executive Director Kenna Seal also presented to the commission, saying OEPA’s appraisals of schools continue to show improvement, with the “lowest number” of schools not meeting full accreditation in “years.” Of the 58 schools, the OEPA director said 20 were located in Lincoln and McDowell counties—both systems in which the state board has intervened. He said 27 schools were on the second year of not meeting expected performance targets.

In the brief presentation, Seal said the number of exemplary schools declined from 77 last year to 57 this year due to NCLB rigors, especially school testing participation rates. Most exemplary schools, Seal said, were elementary and middle schools, with only one high school making the list—Bridgeport High School (Harrison County).

Mezzatesta announced that Seal will make regular LOCEA presentations.

—*O’Cull is WVSBA executive director. This is his 25th year of employment with WVSBA.*

NCLB CONCERNS

continued from page 1

cation funding, according to Shreve.

He elaborated on problems within three NCLB components: standards, testing, and adequate yearly progress (AYP).

Standards measure the academic achievement of students, but states were allowed to establish their own definitions of “proficiency.” Because some states, such as West Virginia, already had relatively high standards, while others lowered their standards (Connecticut, Michigan, Texas) to avoid sanctions. Thus, comparing results across states is invalid, according to Shreve. Large gaps between state test results and National Assessment of Educational Progress test results reveal the states with lower standards, he said.

Testing requirements within the law are pressuring some states to use less sophisticated tests because of costs and timelines, and many schools are being flagged solely because 95 percent of their students weren’t tested, he said.

AYP focuses on a school’s aggregate performance. The problem, according to Shreve, is that progress is measured by the performance of this year’s students in comparison with the performance of next year’s students, even if many of those students transfer into the school.

He also said that significant disparities exist between the state plans approved by the U.S. Department of Education.

On Aug. 26 the NCSL submitted recommendations to the Bush administration, which included the following:

- Flexibility in defining AYP should be explicit within regulations and extended to all states.
- Schools and districts should not be subject to “failure” status

unless they have two consecutive years of poor performance in the same content areas.

- To extend flexibility granted to some states in determining the size of “statistically significant” sub-groups to all states.
- To allow states to establish test participation rates based upon their lowest average daily attendance figure for a given month.
- To permanently exempt individualized education plan (IEP) students and limited English proficiency (LEP) students from AYP calculations.
- To exempt students whose parents “opt-out” of testing them from any calculations related to NCLB.

Shreve acknowledged the merits of the law’s intent, but said that the complications surrounding it must be addressed to make it workable. He also reminded legislators that the Individuals with Disabilities Education Act (IDEA) was up for reauthorization in Congress.

Currently schools and districts are identified as either making AYP or failing, these two categories may need to be expanded in order to provide more accurate assessments, said Sen. Steve Harrison (R-Kanawha).

Del. David Perry (D-Fayette) said NCLB has created social divisions among students at some schools by calling attention to specific groups, which he said has the potential to create animosity.

Deputy State Superintendent of Schools Steve Paine said the W.Va. Department of Education would consult with the U.S. Department of Education to consider methods given to other states after West Virginia’s plan was approved, such as using confidence intervals (*see page 3 for related story*) and criterion/norm referenced testing compatibility.

—*Keeling is WVSBA executive assistant.*

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The Legislature

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