



## Officials say communities supporting schools State Continues Implementation of NCLB

by Jason B. Keeling

**L**EWISBURG - This year's testing results under the federal No Child Left Behind Act's standards have created challenges for West Virginia's public schools, but according to State Superintendent of Schools David Stewart, educators and administrators across the state remain diligent in their efforts to meet the law's adequate yearly progress (AYP) criteria.

On Sept. 7, Stewart told members of the Legislative Oversight Commission on Education Accountability that NCLB's accountability system applies to all public schools, but that only schools receiving Title I funds are subject to the law's sanctions.

In fiscal year 2003 the federal government appropriated \$79 million to West Virginia through Title I, in fiscal year 2004 that figure will increase to \$91 million, according to Stewart, who also said the total amount of state funding required to implement NCLB had yet to be finalized.

He said the number of state schools failing to make AYP was reduced to 297 after appeals to the U.S. Department of Education concluded. Originally, 326 schools had been identified. Thirty-four schools failed to meet AYP for two consecutive years, seven of which are Title I schools that must offer school choice, four of which must offer supplemental services, and one of which must initiate the "corrective action" step.

According to the state Department of Education, NCLB describes six potential corrective actions, one of which, consistent with state law, must be implemented. These include: replace selected staff, redesign curriculum, reorganize the school, appoint an outside expert, and/or extend the school year/day.

NCLB's standards are "unique" given that an entire school is labeled as needing improvement if only one subgroup within the school falls short, said Stewart. If one subgroup within a school doesn't make AYP in the first year (e.g., special education students), but makes it in the next year, the school will still be accountable for not making AYP for two consecutive years if a different subgroup (e.g., African-American students) fails to make AYP in the second year, he said.

Of the schools that offered school choice this year, only a small percentage of parents utilized the option, according to Stewart. "They're choosing to support their local schools," he said.

Several schools in Senate Education Chairman Robert Plymale's (D-Wayne) district didn't meet the AYP requirement, but at the public meetings held afterward community members were discussing how they could improve the schools and not focusing on their abandonment, he said. Plymale indicated such local support was a good sign and would be vital for progress.

*Please see NCLB IMPLEMENTATION on page 5*

### OVERVIEW

#### STATS

2003 Regular Session: *Adjourned Sine Die*  
Days Until 2004 Regular Session: 118  
Interim Meetings Remaining: October - January 2004

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#### QUOTE

"It has been a quiet initiative."—*The state Department of Education's Karen Huffman at the Sept. 7 Legislative Oversight Commission on Education Accountability meeting, referring to the character education program mandated by the Legislature in 2001.*

## No Child Left Behind Act McGraw May Lead Suit

**T**he *Charleston Gazette* reported Monday, Sept. 15, that state Attorney General Darrell McGraw's office is likely to file suit on behalf of the state against U.S. Education Secretary Rod Paige, alleging unfunded mandates in the federal No Child Left Behind Act—a rumor that has been making rounds at the state Capitol for several weeks.

By some estimates, the state will have to come up with more than \$70 million in new education dollars through 2014 to comply with the 2002 federal statute.

The W.Va. Education Association has been in the forefront of state educational organizations suggesting the suit, which was endorsed by the National Education Association, its parent organization, earlier in the summer.

The NEA action will be confined to a clause in the 1,200 page bill saying states are not required to "spend any funds or incur any costs not paid for under this act," according to Robert Chanin, the NEA's attorney, who spoke to the state Board of Education at their

*Please see NEA SUIT on page 4*

# Manchin, Jackson emerge for Democrats Governors Race Heating Up

Earlier in the month, Metro News reported that neither Secretary of State Joe Manchin nor former state Senator Lloyd G. Jackson (D-Lincoln) could determine how an “opt-out” from state Treasurer John Perdue will affect their chances of receiving the Democratic Party’s nomination for governor.

Both Manchin and Jackson had been guests on Metro News *Talkline*.

In his interview, Jackson admitted a race without Perdue will likely help his candidacy, but Manchin says a race with “no Perdue” will likely not hurt his campaign. Both candidates say it is too early to decide what voters will say in May 2004. Perdue, in not entering the race, said he couldn’t raise the funds necessary to run a successful campaign.

The West Virginia Poll, conducted August 18-21, showed Manchin as having considerable name recognition along with former governor Cecil H. Underwood who says he may consider a run for governor, although most observers discount that notion.

The poll, however, was taken before Jackson entered the race August 13.

Another factor in the Democratic Primary may be the emergence of Jim Humphreys, who has twice attempted unsuccessfully to become the U.S. Representative from West Virginia’s Second Congressional District, a post held by Republican Shelley Moore Capito. A Humphreys candidacy has not been discounted, according to several statehouse watchers.

Some analysts say Humphreys would garner the support of organized labor over both Manchin and Jackson. In the case of

Jackson, who is running with the blessings of former governor Gaston Caperton and presumably the hierarchy of the Democratic Party, there is some discussion that he does not “automatically” have labor’s support. For instance W.Va. Education Association officials have said they will carefully consider their endorsements. Similarly, the state Federation of Teachers, AFL-CIO, has made no pronouncement on an endorsement. Both groups, of course, historically have endorsed Democratic candidates, although WVEA, in the last Primary and General Election, supported some Republicans. The endorsements of teacher associations, since they are seen as among the most organized of interest groups, are viewed by observers as critical to a candidate’s success in the Primary and General Elections.

Several Republicans have declared their candidacy for governor, including Sen. Sarah Minear (R-Tucker), Rob Capehart, a former member of the Underwood administration, and Southern West Virginia car dealer Dan Moore, among others.

While the state School Boards Association does not endorse candidates for public office, the association plans to sponsor a gubernatorial debate as part of its February 2004 Winter Conference—candidates have to declare their intention to run for the post by early January. Both *major* Democratic and Republican candidates will be invited to be part of the program. If the field is too crowded, association Executive Director Howard M. O’Cull, Ed.D., said one session may be devoted to Democratic candidates, and one session to Republican candidates.

O’Cull encourages county board members to “stay apprised of developments in the gubernatorial races. With student enrollments declining in all but a handful of counties, the monolith of the federal No Child Left Behind Act, the PROMISE Scholarship and other initiatives of the Wise administration possibly to be ‘re-examined’ by a new administration, it’s an understatement to say that the governor has considerable impact over educational policy,” he said.

The West Virginia Poll was conducted by RMS Strategies for the *Charleston Daily Mail* and the Associated Press.

—Sources: Metro News, various news media accounts.

**The Legislature** provides county boards of education members, state policymakers, school administrators, and others information, opinion and commentary regarding West Virginia legislative issues. This publication does not necessarily reflect the official views, opinions or policies of the WWSBA, unless specifically stated.

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# *Church/state separation maintained, official says* **Program Links Church Members, Students**

by Virgil Gulker

A KIDS HOPE USA mentor asked a first grade girl, “Honey, what should I call you?” It was a simple question asked routinely by mentors when they meet their child for the very first time.

Face down, hands tugging nervously at the sleeves of her sweatshirt, the child whispered one terrible word: “Idiot.” Pause. “That’s what everyone else calls me.”

The mentor’s inspired response touched the heart of this child. She called the child by her real name—Roxanne—and showered her with “names” she may have never heard before. “Roxanne,” she would say, “you are wonderful...you are special...you are smart...you are pretty...you are awesome...” And she used that most wonderful word of all: “Roxanne, will you be my ‘friend’?” No one had ever asked Roxanne to be her friend.

Research conducted by KIDS HOPE USA in 1993 found that there are many children in America like Roxanne who are at-risk without a relationship with a caring adult. These children are, in the words of one elementary school principal, “emotional checkbooks who are completely overdrawn. What they need is for one person to make a deposit of love in their hearts.”

KIDS HOPE USA asked people in education, religion, health services, human services, law enforcement and volunteer services if churches could impact the lives of these children. They responded with one compelling voice: “Tell the church to mobilize and train its members to form one-to-one relationships with the youngest children. They need someone to love them.”

KIDS HOPE USA is giving churches nationwide an award-winning program to engage their members in one-to-one mentoring relationships with at-risk children at a public elementary school. Each mentor uses weekly one-hour meetings at the school to tutor, encourage and befriend a student who may be just one person away from believing in himself.

## **225 Programs; 4,000 students**

Launched in 1995 with three pilot programs, KIDS HOPE USA has grown to 225 programs serving 4000 children in 27 states. KIDS HOPE USA will develop its first West Virginia program this fall at North Parkersburg Baptist Church in Parkersburg.

Over 50 percent of requests for KIDS HOPE USA programs come from public school teachers and principals who find the program attractive for several reasons. First, a part-time paid director from the church screens, trains and supervises the mentors, giving school principals two guarantees:

- Mentors will strictly adhere to the separation of church and state.
- Mentors will be faithful in their weekly one-hour commitment to one child.

Second, there is no cost to the school. KIDS HOPE USA churches commit to cover program costs including a modest salary for the part-time Director.

Third, the program works. Teachers report that children with KIDS HOPE USA mentors show significant improvement in attitude. It is this change that produces noticeable improvements in behavior and academic performance. A consistent relationship with a caring adult gives children, especially children from unstable environments, the confidence and courage to learn, grow and believe in themselves.

KIDS HOPE USA tells the story of Nathan, a third grader known as the most notorious bully on the playground. This boy, whose violent behavior masked his painful inability to master academic skills or develop friendships, changed dramatically after he was matched with Miss Pat. After only two months, Nathan asked the principal if he could be a peer mediator so he “could help other kids stay out of fights.” He also learned to read.

Mark Farr, Senior Director for Interfaith Initiatives at the Points of Light Foundation has called KIDS HOPE USA “the premier model of faith-based mentoring.” Principals cite the simplicity of the program. “Our school is very poor,” says Federa Smith, Principal at Lincoln Elementary in Marion, Indiana. “Seventy five percent of our students are on free or reduced lunch. I knew we would need help. When they presented KIDS HOPE USA to me, I heard two things...KIDS and HOPE...it was a no-brainer for me. There’s no cost to the school and they provide a director to manage the program.”

Chris Cockrill, Principal at Cameron Elementary in Greeley, Colorado, is impressed by the commitment of Christ Community Church to help teachers love the children. After thanking them for providing 45 mentors last year, he asked if they could provide mentors for an additional 30 children next year. The church recruited 30 mentors in their worship services one weekend. This same church has purchased playground equipment for the school, offered an after-school program and routinely affirms the teachers at teas and breakfasts. The church and school have forged a partnership for the sake of the children.

## **Church requirements**

KIDS HOPE USA is always looking for new churches but requires participating churches to make the following commitments:

- Respect the separation of church and state.
- Hire a half-time program director trained by the national office to develop the program and train the mentors. Smaller churches may only be able to pay a modest stipend or honorarium.
- Restrict the outreach to one school.
- Provide the school with at least 10 mentors in the first semester with growth in subsequent semesters. All mentors undergo a criminal history check as part of an eight-step screening process.
- Involve the pastor as a mentor or prayer partner.

For more information on KIDS HOPE USA, visit [www.kidshopeusa.org](http://www.kidshopeusa.org) or call 866.546.3580

—Gulker is executive director of KIDS HOPE USA.

# NEA SUIT

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August meeting in Charleston.

Chanin told state board members that the provision was “buried, but we believe it means that a state like West Virginia can only be compelled to implement those provisions of No Child Left Behind for which money is provided.”

He reiterated support for the act in principle, as does WVEA President Tom Lange, who heads the 17,000 member organization. Lange, however, adds “there’s just not enough money” to fund the measure.

Lange, as with Chanin, contends the massive education reform measure amounts to “nothing but unfunded mandates” for state governments and county school systems. He—echoing a refrain of some state legislators—notes that the Legislature has carefully avoided passing on “unfunded mandates” to counties. That is a point frequently made by House Education Chairman Jerry L. Mezzatesta (D-Hampshire).

According to NEA’s study, states will have to spend between \$1.9 billion and \$5.3 billion of their own money just to comply with the testing requires of the law, based on a study by the federal General Accounting Office.

Chanin told SBE members in August some states are struggling so much with funding the legislation, that at least five states are considering eliminating their Title I programs all together. Although the legislation affects only Title I schools—so designated because they serve predominately low-income student populations—the act essentially will apply to all schools in the state, according to lawmakers.

## NEA official visits Putnam Co.

In a related development, NEA President Reg Weaver recently visited Putnam County Schools, pushing for changes in NCLB. He said NEA plans to promote “The Great Public Schools for Every Child Act,” which includes over 40 substantive amendments to the NCLB Act.

A primary focus of the NEA proposal is the “one-size fits all” notion of NCLB, according to Weaver, who said it’s impossible to have children on the same page at the same time. He also said too much of the act focuses on bureaucracy, paperwork and testing, with insufficient emphasis on smaller sizes, infrastructure, technology and textbooks. NEA’s specific revisions address funding, closing loopholes in the definition of “highly qualified teachers,” the adequate yearly progress testing and assessment measurement, use of Title I funds for professional development, and allowing districts greater flexibility in hiring supplemental service providers, according to Weaver.

Weaver, too, reiterated support for the concept behind NCLB. He told Metro News, “Who wants to leave a child behind? We’ve been advocating that for years,” adding that NEA has endorsed concepts of “a highly qualified teacher in every classroom. High standards and accountability, closing the achievement gap, we definitely have been advocating that and will continue to do so.”

## Added staffing?

NCLB was the focus of a mandatory training session at the W.Va. School Boards Association’s Fall Conference, held last week in Charleston. Several school board members and county superintendents commented that it appears federal dollars are being used

to create a bureaucratic model for dealing with low-performing schools. What’s needed, according to these officials, are some changes in specific school personnel laws to better, more rapidly address deficient administrative and teacher personnel performance which, they contend, may contribute to ill-performing schools—something the SDE model doesn’t fully address, they say. SDE officials, however, maintain use of ‘distinguished educators’ and other Department interventions have lead to excelled student performance, despite any perceived “process emphasis.”

Additionally, SDE officials say federal funds are best utilized to provide consultants and experts to county boards—to address just the situations some conference attendees cited. Moreover, state education officials say there has been no actual increase in department staffing, rather some employees have been reassigned duties in order to provide greater “capacity” at the local level, as required by state Code enacted in 1998. That legislation essentially created the state’s standards-based public education system.

According to WVSBA Executive Director Howard M. O’Cull, Ed.D., board members should allow the SDE approach to “gel.” “With NCLB we’re probably ‘where’ education officials were with P.L. 94-142 in 1974, the legislation creating current special education laws. Models must be tried, adapted and refurbished,” although he said some county board members may welcome a legal challenge to the federal act. “While I can say with confidence that there’s considerable support for the tenets behind NCLB, board members—and I think superintendents—fear the purported monetary aspects of the legislation,” said O’Cull.

—Sources: Various news accounts, Metro News, reporting by WVSBA staff, including Executive Director Howard M. O’Cull, Ed.D.

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## California case

# Prayer in Jesus' Name Banned

Praying in Jesus' name at California city council meetings is now illegal due to the U.S. Supreme Court, voting May 19, not to hear an appeal of a 2000 California Superior Court ruling. Justices had ruled that sectarian prayers violated the Establishment Clause of the First Amendment. The case originated in the city of Burbank.

According to John Whitehead of the Rutherford Institute, the decision is "religious discrimination" because the city of Burbank had created a public forum by providing leaders of all religious communities an opportunity to pray.

He is quoted in the August issue of *Christianity Today*, an evangelical Christian magazine, as saying, "Once you create a public forum for speakers, you can't discriminate on the basis of religion."

The 50-year-old practice began when Burbank city fathers allowed members of a nondenominational ministerial associa-

tion to open its council meetings with prayer.

Also according to *Christianity Today*, California judicial officials have instructed clergy not to pray in a sectarian manner at legislative meetings. The magazine didn't mention if the case applies to school board meetings.

The ruling, according to the magazine, affects only California legislative bodies. Douglas Colladel, an attorney who filed an *amicus* brief in support of the prayer policy, is quoted as saying that cities, in order not to be sued, may decide to abolish prayer.

Some county boards of education in West Virginia allow ministerial association representatives to provide prayers at meetings, and some county board members may pray at the opening of meetings as well. The exact number of county boards following these practices is not known.

—Source: *Christianity Today* (August 2003, p. 25)

## NCLB IMPLEMENTATION

*continued from page 1*

House Education Chairman Jerry Mezzatesta (D-Hampshire) said the law's requirement for all students to perform at the same level was unrealistic, particularly when considering students with severe disabilities.

Assistant Superintendent Pamela Cain informed the committee that up to one percent of the state's student population with significant cognitive impairments could be exempted from testing.

"The law has raised the bar for performance," said Sen. Steve Harrison (R-Kanawha), who acknowledged that some areas of NCLB should be refined. The standards are not unattainable, considering that over half of the state's schools met the requirements, he continued, saying the state must strive to get all schools to that level.

Stewart said the SDE is not looking to expand staffing, but will instead be using its resources to assist schools in need of improvement by providing increased professional development locally.

In 2002, the Legislature also gave Regional Education Service Agencies a greater charge in providing staff development and technical assistance to low performing schools.

### Character education

LOCEA members also received brief comments from Dr. Cleve Bulach, who was hired by the state to independently audit the character education program enacted by the Legislature in 2001 (**House Bill 2208**). All public schools in the state were mandated to integrate components of character development such as honesty, citizenship, caring, fairness, and respect into their existing curriculum.

Bulach, who visited schools in every county, said he received positive feedback from students and teachers through focus groups and surveys. According to Bulach, West Virginia is the only state to evaluate its character education program statewide, and he commended the Legislature for requiring such.

A more positive learning environment is created when students are taught to respect and help each other, which can lead to higher student achievement, he said.

—Keeling is *WVSBA* executive assistant.

## THANKS!

*A sincere thanks from the W.Va. School Boards Association Executive Board to all FALL CONFERENCE presenters and presiding officers (in order of program appearance):*

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- Karen Davies, W.Va. Department of Education.
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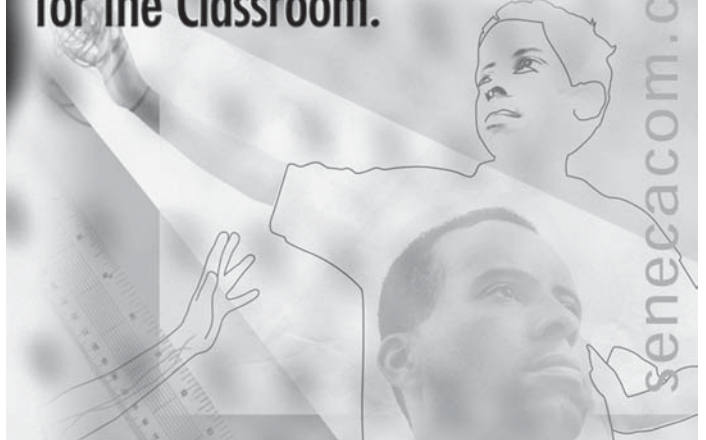
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