



“Taps,” licensure revocation

House Education Okays Five Bills

The House Education Committee, meeting yesterday (Feb. 19), approved five bills, including a bill relating to the sounding of “Taps” and three school personnel bills.

The “Taps” bill is **House Bill 4116**. The personnel bills, originating in committee, have yet to receive bill numbers.

The committee also adopted a measure—**Senate Bill 524**—that addresses a W. Va. Supreme Court of Appeals decision regarding the appointment of boards and commissions. According to an HEC counsel, the Senate President and House Speaker can’t nominate members for appointment by the governor to boards such as the PROMISE Scholarship Board of Control. Rather, gubernatorial appointees must be chosen at large, based on a 2003 court opinion.

“Taps” Bill

The bill would require the W. Va. Board of Education to “create, distribute and provide to every county board general guidelines, contact information and technical assistance for the establishment of school level programs that encourage capable students (Grades 6-12) inclusive, to sound ‘Taps’...during military honors funerals held in this state.”

The WVBE also is directed to “distribute an appropriate summary and contact information to the colleges and universities in the state so that they may establish similar programs for their students.”

County boards would be required to adopt policies regarding “the distribution of information to music and band teachers for their use in soliciting capable students and obtaining the consent of their parents...for voluntary registry as a candidate able to sound “Taps” during military honors funerals held within a reasonable distance from their residence.”

Policies also must address students’ acquisition of community service or work-based learning credits for participating in the registry and the sounding of “Taps” during military honors funerals.

Additionally, county board policies have to address “the limits on the amount of regular classroom instruction that a student may miss for the sounding of “Taps” during military honors funerals to fulfill a community service or work-based learning requirement or, if none, on the excused absences that the student may accrue for this activity.”

The legislation clearly states that county boards aren’t responsible for any costs associated with the programs, and that boards of

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Overview

STATS

Day of Session:	38
Days Remaining:	22
Bills Introduced (not including House Carryover Bills):	1117
Education Bills (WVSBA Count):	234

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QUOTE

“My education was not thorough and efficient.” – *Cindy Miller of Challenge West Virginia, saying she rode a school bus for about five hours per day to and from school. She was one of 24 CWV speakers who appealed to the House Education Committee to report out a measure relating to limiting bus travel times.*

WVSBA Regaining Financial Health

By William J. Raglin (Kanawha)

Our 2004 Winter Conference was a great success! We had good speakers. The panel discussion on “emergent school facilities” was good, and we had good workshop sessions.

For anyone who was unable to come to the meeting, you missed a great opportunity to learn and find out some good information about how to work with communities as well as the latest information regarding the federal No Child Left Behind Act—kudos to Deputy State Superintendent Steve Paine—and how to pass bonds and levies, along with how our churches can help in student at-risk programs without running afoul of the “wall of separation between church and state.”

I want to thank W. Va. Board of Education member Barbara Fish (Wood) for attending as much of the program as she could, given her schedule, and I want to thank W. Va. Education Association President Tom Lange for dropping in as well. (WVEA, too, has had Jamie Vollmer present and were as pleased as our group.)

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Raglin: 'Fortunate to have Stewart'

HEC Bill Would Increase State Superintendent Pay

Saying the state superintendent of schools probably would be in this position a "couple more years," House Education Chairman Jerry Mezzatesta (D-Hampshire) spoke in favor of a measure that would increase the state superintendent's statutory compensation from \$146,100 per year to \$200,000.

The bill apparently will be effective immediately, according to House Education staff.

The original measure also would have also increased the salary of the executive director of the Office of Education Performance Audits to \$107,250. (The current salary can't exceed that of the state superintendent of schools.) It, too, would have established the salary of the chancellor of the Higher Education Policy Commission to \$252,500. Those provisions aren't included in the committee substitute.

In regard to the state superintendent's pay, Del. Mary Poling (D-Barbour) told House Education members the bill "was not written for one person," indicating it was introduced Jan. 15—several days before State Superintendent of Schools David Stewart's announcement that he intended to resign—an action he apparently publicly rescinded in an appearance before the House of Delegates two days later.

WVBE Pay

The measure also would provide W. Va. Board of Education members compensation of \$500 per month, rather than payment for the current per diem allowance of \$100 or "any part thereof spent in the performance of their duties under this article..." Mezzatesta said that proposal was "cheaper than the billing before and could

be revenue neutral"—a reference to a series of *Charleston Gazette* articles relating to WVBE members using the previous per diem in order to read WVBE board materials, to attend various W. Va. Department of Education gatherings or to attend various functions.

At the W. Va. School Boards Association 2004 Winter Conference, some county board members wondered if the state superintendent's pay could be raised during his term in office. The question also has been raised by a member of the Charleston news media. According to W. Va. University law school professor Bob Bastress, Stewart serves at the "will and pleasure" of the W. Va. Board of Education and, thus, isn't compensated during a term with

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Calendar Bill Defeated

A House Education subcommittee's 3-3 vote effectively killed a school calendar reform legislation this session—unless the bill is revisited by the subcommittee or inserted into another bill.

The committee, minutes before the 3-3 vote, also had voted to defeat an amendment to a committee section that would have removed language allowing county boards to commence school by Aug. 15.

That amendment was offered by Del. Mary Poling (D-Barbour). She and Del. Ron Fragale (D-Harrison) argued additional bill provisions, including proposed sections relating to "banked time," invalidated need for the August date.

W. Va. Federation of Teachers President Judy Hale and W. Va. Education Association Government Relations Specialist Perry Bryant both spoke in favor of deleting the Aug. 15 date, with Hale saying it was problematic given some coaches and other educator's work in the summer—a point also made by John Cole, who represents middle and secondary school principals.

W. Va. School Boards Association Executive Director Howard M. O'Cull, Ed.D., spoke against the amendment, saying the purpose of the bill was to provide county boards calendar flexibility.

He also said many of the bill's provisions, including the "bank time" provisions as well as a provision relating to "counties that historically have difficulty" in achieving the required number of instructional days were progressive, along with optional sections that would have allowed county boards to end the first semester prior to Dec. 31 and a section that would have allowed counties to use bank time to "achieve an instructional term" for students of at least 945 hours for elementary students, 990 hours at the middle school level, and 1,035 hours at the secondary level "(will have) satisfied the requirements for the minimum instructional term for students..."

Del. William Hartman (D-Randolph) chairs the subcommittee.

Voting to report the bill from subcommittee were Dels. Hartman, Chris Wakim (R-Ohio), and Larry Williams (D-Preston). Voting against reporting the bill from committee were Dels. Fragale, Poling and Stanley Shaver (D-Preston). Absent/not voting: Dels. Chairman Jerry Mezzatesta (D-Hampshire), David Perry (D-Fayette), and William Stemple (D-Calhoun).

Hartman didn't announce another subcommittee meeting.

The Legislature provides county board 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 WVSBA, unless specifically stated.

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“TAPS” BILL

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education may not be required to “provide or pay for student transportation to funerals and (county boards) are not liable for student supervision while absent to participate in funerals.” County boards, however, are “encouraged to collaborate with organizations of veterans and supporters of veterans to assist with the programs.”

In its legislative findings section and in committee testimony, Delegates said there was difficulty in finding individuals to sound “Taps,” with boom boxes or CDs often having to be used.

Del. Larry A. Williams (D-Preston), lead sponsor on the bill, says the measure will encourage young people, through the sounding of “Taps,” to develop a better understanding of veterans’ sacrifices and respect for their commitment to preserving liberty.

A second reference to House Finance likely will be waived, according to House Education Chairman Jerry Mezzatesta (D-Hampshire) who is one of the other six House sponsors.

Licensure Revocation

This measure, also originating in committee, would allow the state superintendent of schools to revoke teaching certificates based on a number of reasons, including intemperance, cruelty, immorality, a felony conviction (or guilty plea of no contest to a felony charge), and the conviction, guilty plea or plea of no contest to any charge “involving sexual misconduct with a minor or a student.”

Certificates also could be revoked for “using fraudulent, unapproved or insufficient credit to obtain the certificates.”

The certificates, however, couldn’t be revoked for any matter for which the “teacher was disciplined by the county board...nor for which the teacher is meeting or has met an improvement plan determined by the county board, unless the teacher was dismissed from employment by the county board.”

A third proviso says that for any “conduct of a teacher to constitute grounds for the revocation of the certificates of the teacher, there must be a rational nexus between the conduct of the teacher and the performance of his or her job.”

Superintendents knowing of any “acts on the part of any teacher for which a certificate may be revoked... (is) to report the same, together with all the facts and evidence, to the state superintendent for such action as in the state superintendent’s judgment may be proper.”

As explained in committee, the purpose of the legislation is to establish the first level of defense for correcting prohibited behavior in the dismissal process at the county level, while reserving licensure revocation for the most serious offenses and failure to improve.

Several legislators, including Del. Charles Tabb (D-Jefferson), who chaired a subcommittee studying the matter, said it was “common sense” approach to dealing with minor offenses an employee may have committed several years ago which now have no bearing on an employee’s work performance.

Employee groups have been critical of W. Va. Department of Education officials who have sought or revoked teaching certificates for the above reasons.

Mezzatesta and other delegates say the bill will cut down on lawyer costs both for county boards and employee associations—a chief reason for their support of the measure.

Out-of-State Teachers

A second bill originating in committee would allow any teacher

who has graduated from a teacher preparation program and who holds a valid teaching certificate(s) issued by another state to teach in the same grade level(s) or subject area(s) in West Virginia, subject only to a favorable background check. The out-of-state candidate must have graduated from a regionally-accredited institution of higher education.

Higher education or public education employees who don’t comply with this statute can be dismissed from their positions.

Mezzatesta said he had been trying for three years to get WVDE and higher education officials to address the matter of West Virginia’s stringent certification laws, but to no avail. He gave the example of an individual who had experience and who wanted to teach math but was unable to meet the state’s certification laws.

The House Education chairman and other delegates said the measure will prove particularly helpful for border counties.

W. Va. School Boards Association Executive Director Howard M. O’Cull, Ed.D., was one of several persons who spoke in favor of the measure, noting it would assist county boards in border counties.

Service Personnel Bill

Also originating in committee, this proposal would address a recent W. Va. Education and State Employees Grievance Board decision, according to Bob Brown, executive secretary of the W. Va. School Service Personnel Association.

As explained by Brown and committee counsel, current law allows substitute school service workers to fill vacancies created by leaves of absences or suspensions. In doing so, the substitutes are accorded all rights, privileges and benefits of the position after working 30 days.

In a recent grievance board decision, substitutes were given preference on filling the position permanently if the person taking a leave of absence didn’t return or if the suspension were to lead to termination or resignation.

The bill, as written, would require county boards to post these positions. If the regular employee doesn’t return, other regular service personnel would have the opportunity to fill the position under normal procedures (based on seniority).

Under terms of the legislation, substitutes can be employed for extended leaves of absences of regular employees absent due to reasons of Workers Compensation.

A final bill provision states, for the purpose of filling vacancies, “all regularly employed school bus operators are deemed to be employed within the same building or working station.”

According to Brown, Mezzatesta and others, the measure is a common sense approach to filling vacancies as “intended” by statute prior to the Grievance Board ruling in 1994 — and now arising in a Barbour County school worker’s situation.

Subcommittee

Mezzatesta announced that he is appointed Del. Donna Reid Renner (D-Marion) to a subcommittee which will study school employee benefits for employees receiving Workers Compensation.

Tuesday Meeting

The House Education Committee Tuesday adopted legislation that would allow county superintendents to designate the sites for school service personnel competency testing.

If the tests have a performance component, they are to be administered at a vocational school which serves the county, except for bus operators.

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“TAPS” BILL

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In case of these employees, the superintendent could designate the location for administration of the performance test.

The bill is **House Bill 4297**.

Asthma Medication

House Bill 4271, which had been referred to a subcommittee Feb. 12, was approved. It would permit students with asthma to self-administer their medicine in school and school-sponsored events under the supervision of school personnel.

Certain conditions would have to be met. They include:

1. Written consent from parents along with a written statement from a medical professional. The permission would have to include several pieces of information, including appropriate dosage, and time or times or special circumstances under which the medication is to be administered.
2. Students must pass an evaluation by the school nurse of their physician assessing the technique and appropriate use of the medicine.
3. County boards are to inform parents that the school or board or its employees is exempt from liability except for willful or wanton conduct resulting from the self-administration of the medicines. Parents must indemnify and hold the county board, school and employees harmless.
4. Each permission for self-administration is effective for one year only, renewable in each subsequent year.
5. Permission for self-administration may be revoked if the student doesn't appropriately follow self-administration procedures or if he or she willfully disregards the self-administration procedures.

Del. Dan Foster (D-Kanawha) is lead sponsor of the bill. He is a Charleston physician.

Fiscal Note Bill

House Bill 4478 would give county boards up to 90 days to prepare and publish financial statements as a Class I-0 legal advertisement. They currently must be published within 60 days. The bill also moves the threshold for fund entries to be published as part of the financial statements from \$50 to \$500.

According to Marion County Schools Superintendent Dr. James Phares who attended the meeting, his board's legal expenses amounted to about \$6,800 last year. He said the measure would save board moneys.

Deputy State Superintendent Dr. Steve Paine also spoke in favor of the measure.

In other action, the committee considered and amended **House Bill 4001**, the teacher empowerment measure. That bill, as amended by the HEC, is reviewed in the Feb. 16 issue of *The Legislature*.

Lastly, the HEC heard two presentations this week, one relating to library services and the other from Challenge West Virginia (refer to article on page 6.)

In the former presentation, Beth Yoke of Fairmont State College urged legislators to require the WVDE to employ a library specialist who would work and assist school librarians and media specialists. “We want to improve school libraries without additional spending. The (WVDE) needs to spend its resources more wisely,” she said.

According to Yoke, librarians and media specialists are responsible for several things, including helping students, teachers and school personnel “deal with all this information” available in print,

electronically in other media.

Senate Education Committee

In deliberations last week, the committee heard from Jefferson County Board President Dr. Lori Stilley who discussed proposed changes in the School Building Authority of West Virginia, specifically several oversight provisions discussed by WVSBA members throughout the year.

For SEC action this week, see Keeling article on adjacent page.

SUPERINTENDENT PAY

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a set number of years in office. Thus, Bastress says it appears the pay hike could be effective immediately, although the professor of constitutional law says he hasn't consulted available case law, if any.

In the House Education meeting, WVSBA Executive Director Howard M. O'Cull, Ed.D., spoke in favor of the increase, noting—as did representatives of other education groups—that the salary, as it stands now, isn't competitive. Moreover, O'Cull says seven county superintendents in FY03 had contracts of \$90,000 or more.

The chancellor of the Higher Education Policy Commission makes \$252,000 per year, and the chancellor for the newly proposed independent community colleges would make \$200,000.

Stewart's announcement and the sudden rescision caught most people off guard. It was a topic of considerable discussion at the Winter Conference. According to O'Cull, “Dr. Stewart is very popular with county board members.”

WVSBA President William J. Raglin says Stewart's resignation and the “outpouring of support for his return, confirms the confidence and trust that Dr. Stewart commands, not only within the Legislature, but also throughout the educational community. In this difficult time of budget constraints and the rigorous demands of NCLB we are fortunate to continue having the leadership of (Dr. David) Stewart.”

The WVBE has yet to meet to “rescind” Stewart's resignation. According to various news accounts, the board didn't accept the resignation officially.

Wisdom

“An invasion of armies can be resisted, but not an invasion of ideas.”

— Victor Hugo.

FINANCIAL HEALTH

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I commended our gubernatorial candidates for appearing on the program. Several of you came up to me after the meeting and suggest that, for future events, only a candidate can appear not a representative. I concur with this.

I also want to commend our delegates to the FY05 Annual Business Meeting for adopting what was an association committee-endorsed plan that will allow us to retire our deficit by FY06. This is a significant step to health in that sense for our organization. As we explained, there will be no leeway with budgetary matters. We will remain “lean,” and we must monitor this situation as an organization. That’s why I’ve appointed a “budget oversight committee,” and will be contacting prospective members within the next few days.

As many of you know, our staff will consist of Howard M. O’Cull, Ed.D., our long-time executive director, and Shirley Davidson, our administrative assistant. Howard plans, and we concur, to contract with Jason B. Keeling for various contract- or fee-based services. Jason is young, bright and quite capable. He has started his own business and is completing graduate studies at Marshall University—a combination he has been preparing to undertake for several years.

You might wonder why I’m writing this article. It could be sent to you in the mail, but I want everyone to know that WVSBA is, given your support, being moved back to health in terms of its financial affairs. Again, we’re not out of the woods, but we can see a path.

Indeed, this move should prove satisfying to all board mem-

bers. For years, the organization has cannibalized staff salary, retirement and benefits in order for our organization to function and work on our behalf. Again, they’re loyal and don’t regret this, but we can begin to provide some benefits without reducing services to you.

If, in this process, the staff has fallen behind in getting work and information to you, they’re beginning to adjust and catch up now, and all projects and work are on target. If you’re on a committee working with any delayed project, Howard has been directed to contact you and to complete these efforts immediately.

As I look toward the June executive board meeting, my last meeting as president, I can see that we’ve made some major accomplishments. Last year, we sought legislative approval for legislation that will make us and our organization stronger, and will allow us to work better with our county superintendents.

The self-evaluations are now completed—for boards that have done theirs to date. We’re providing an effective legislative presence, working for the benefits of advancing public education, and we’re continuing efforts to achieve more fee-based services for members.

Several county boards, in paying the one-time assessment, wondered if we were going to take economies and efficiencies, as one board put it. We have. And, in doing so, we will work hard to continue to serve and meet your needs.

I will see you at Orientation – June 14-16 in Charleston (Marriott Town Center Hotel).

Thank you for being patient with us, and for allowing the executive board, and our Committee on Fiscal Integrity to lead and work with you.

—Raglin is WVSBA president. He has served on the Kanawha Board since 1994, with two terms as president.

SEC Considers Juvenile Records Bill

By Jason B. Keeling

School officials could have a wider range of information in terms of student records under terms of **House Bill 4037**, which passed the Senate Education Committee on Tuesday (Feb. 17), and was referred to the Senate Judiciary Committee.

Currently, in order for a student’s juvenile records to be disclosed to teachers and personnel only certain offenses such as felonies allow such, according to Hank Hager, SEC counsel.

Under the bill’s provisions, superintendents would receive “at a minimum” 1) copies of arrest reports; 2) copies of all investigations; 3) copies of any psychological testing reports and results; 4) copies of any evaluation reports for probation or facility placement; and 5) any other material that would alert a school to potential danger that the juvenile may pose to himself, herself or others.

Superintendents would also be given the ability to provide school psychologists with juvenile psychological tests or mental health records. School psychologists could then use their “professional judgment” to decide whether to disseminate relevant information to principals, teachers, and other personnel having direct contact with such students, so that they may understand “any behavior that may trigger violence or other disruptive behavior by the juvenile.”

The W.Va. Department of Education would be required to indicate within the W.Va. Education Information System (WVEIS) those

students with juvenile records. Such records would also fall under the provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPPA).

Sen. Larry Edgell (D-Wetzel) said the bill was intended to address incidents occurring outside the school environment, which have not been included in student records in the past.

In other matters this week, the SEC considered several higher education measures.

—Keeling is owner of Keeling Strategic Communications.

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‘Remember on election day’

Challenge Group Questions Fiscal Note

Analysis by Howard M. O’Cull, Ed.D.

I. CWV in 27 counties

“Those people who do not stand up for our small children, we will remember on election day.” That’s how Challenge West Virginia’s Linda Martin summarized her remarks to the House Education Committee Tuesday (Feb. 17), drawing a rebuke from chairman Jerry Mezzatesta (D-Hampshire), who told Martin, “don’t end up (your presentation) with a threat. If you want to be confrontational, I can be confrontational,” he said.

Later in the meeting, Mezzatesta told the committee House rules require chairmen and presiding officers to thwart discussions that include perceived threats to individual House members or committee members. Martin responded, “I think you mistake the passion we feel on this issue as an attack on you.”

The one- and one-half hour House Education presentation included 23 CWV speakers, representing 18 counties, according to Thomas Ramey who works with the group in Lincoln County. According to Martin, CWV is “spreading throughout every county in West Virginia,” and is active in 27 counties, she said.

Martin, whose invitation to the committee was suggested by Del. Stanley Shaver (D-Preston), told House Education members that county boards’ projected closings of 151 schools, including 81 elementary schools within the next 10 years, will mean additional bus rides for small children.

“We need to stop long bus rides and we need to stop them now before our school children are put in this position,” she said.

Each of the 23 speakers—most of whom spoke for about one minute—hammered home at the bus travel times issue, with several speakers saying W. Va. Department of Education officials and some local education officials were intent on misrepresenting the CWV-supported bus bills as too costly. They contended the bus travel time bills apply only to “newly created” bus routes.

CWV defines these routes as routes ostensibly resulting from anticipated school closures and consolidations. With this justification, they say, the measure won’t cost money in that it doesn’t change current routes. That’s the point one of several speakers made, including Marge Bragg of Clay County who said the legislation, if enacted, wouldn’t change long bus routes for her grandchildren.

II. The Fiscal Note

Thus, an apparent fiscal note request from legislative officials quickly entered into the mix of discussions with Martin saying the WVDE’s office of school finance was seeking to kill the legislation through concentrating on cost estimates. “You ask (for information) and you’re presented with lies,” she said, referring to the originally estimated \$75 million price tag. She contends, as did other CWV speakers, that there’s “no cost” to their proposal in that its affect is prospective. She said the \$75 million figure was shared in a legislative Democrat Caucus, and later revised by WVDE officials to \$56.3 million. According to Martin, several legislators contacted her after the caucus, asking for an explanation and clarification. “That’s what made me so mad,” she said.

Mezzatesta then told the committee that Joe Panetta, director of

the WVDE’s office of school finance, had forwarded a fax to counties at the legislative leadership’s behest seeking information on the bus travel times in order to acquire a fiscal note for the governor’s proposed bus legislation. Based on committee testimony, that request was stamped “urgent.” The data was due Jan. 16.

The fiscal note request from the office of school finance read in part:

“This office has received a request to prepare a fiscal note on a proposed bill that, among other things, restricts the amount of time that students can spend on a school bus. The maximum times are:

For (Grades K-5 students) – 30 minutes;

For (Grades 6-8 students) – 45 minutes; and,

For (Grades 9-12 students) – 60 minutes.

“As a summary the information needed is:

“Number of bus routes where the above limits are exceeded;

“Estimated number of additional bus operators and buses required to meet the limits”; and,

“Estimated number of routes where the limits cannot be met, even with additional bus operators.”

\$56.3 Million

Based on information provided by counties, the WVDE office of school finance’s \$56.3 million fiscal note is based on the following conclusions:

1. The proposed bills would “require the transportation of additional students” because state law requires county boards to provide transportation services only to students who live more than two miles’ distance from school.
2. *The term “new route is not defined in the bill(s)”* (my emphasis). Thus, “with declining or increasing student enrollments, every county board must delete, combine, add, extend or otherwise alter, to some extent, most of its current routes each year to meet student needs.
3. Considering the above two factors, the bills’ projected \$56.3 cost estimate was computed based on the assumption that 75 percent of the current bus routes would need to be modified to an extent sufficient for them to be considered new routes.”
4. Additional school service personnel costs aren’t calculated, with these costs to be borne by counties.
5. An additional 607 school buses would be required for implementation of the bill, “excluding any additional costs for the construction of new schools. For each year thereafter, the estimated cost to the county boards would be (\$27.2 million) per year, again excluding any construction costs.”
6. “A large number of county boards estimated... that there are at least 468 different bus routes through-out the state where the proposed maximum limits could not be met for all students, even with additional number of bus operators and school buses discussed (above), because of the distance some students live from the nearest school or the terrain that must be traveled. As a result, additional schools would need to be built to serve these students and additional staff would have to be employed...”

Martin, however, sees the fiscal note differently, saying, “The

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information gathered for the fiscal note is clearly used to cloud the issue of the busing bill since the information gathered was for existing bus routes.”

She went on to say, “the bill before the committee would not affect current bus routes. No new buses need to be purchased and no new drivers hired. The bill is limited to any new routes put in place beginning the school year 2004-‘05. What would be affected is the state’s ability to carry out their plans to close 120 elementary schools across the state.

“(WVDE) wants to cloud the issue by claiming that it will cost millions of dollars so that they can force our smallest children on long bus rides, as they have done to our secondary students. We want to protect our small children from such a fate.”

In Tuesday’s committee meeting, Mezzatesta was the only delegate who attempted to discuss the merits of the CWV proposal, saying bus routes have to be changed for several reasons, including loss of students, new housing construction, shifts in student population and redrawing of attendance lines. CWV officials were not specific as to whether bus routes once set could be altered, based on the above variables. He also raised the issue of equity, saying some students, based on the CWV proposal, would have purposefully shorter bus routes than other students, based on “when” schools were consolidated, or bus routes drawn.

In terms of costs, WVDE officials say prospective bus route costs can’t be isolated due to various factors as outlined above. Martin, however, contends the very way in which the fiscal note information was solicited from counties precludes any true consideration of costs from CWV’s perspective (thus from the bill “intent”), pointing to the power over information which she says WVDE has and how that power over information, from collection of fiscal information to its analysis, can be used to satisfy what she says are WVDE’s own policy aims.

She’s not the first person to observe that agencies have this sway. And for those of us with political science backgrounds she probably won’t be the last individual to make that observation. Political scientists are prone to point out the “iron triangle” of funders, agencies and lobbyists. And, with a money-strapped Legislature, fiscal information can and does make or break a bill. For instance, several sections of the “county board reform bill” (precursor to **Senate Bill 522**) were deleted last year due to a \$544,750 cost estimate by WVDE officials—what Senate Education Chairman Robert Plymale referred to as “legislation left behind” in a Sept. W. Va. Board of Education meeting. (In the case of CWV proposal, however, other policy factors are at play, as pointed out in committee testimony.)

And, in fairness to WVDE officials, “who” else, given the state’s centralized decisionmaking, is equipped to provide fiscal notes? While “an” agency-independent fiscal note group might sound appealing, you’d hear the same refrain if your agency or group were on the “wrong side” of the fiscal note.

III. Bus Travel Times

Arvin Harsh, a former Preston County board member who served in the late 1970s and early 1980s, was one of several CWV speakers who were critical of WVDE officials for not producing information regarding bus routes. He alluded to a 2002 “promise” by WVDE officials to study bus travel times in light of a series of

Charleston Gazette-Mail articles on the subject.

Harsh completed his study of bus travel times in 2003, but has yet to officially release his findings. His study, however, hasn’t been endorsed by CWV, according to Martin. He based his findings on interviews with county transportation directors and other officials whom he contacted, including some persons by telephone.

In a 2002 news article, *Charleston Gazette* reporters Eric Eyre and Scott Finn concluded “... (M)ore than half of all bus routes in rural West Virginia will exceed what the state calls ‘reasonable’ under its (travel times) guidelines, according to a *Gazette-Mail* analysis of 1,500 bus runs in 35 rural counties.” That article ran Aug. 25, 2002.

They go on to say that “20,000 elementary students, 11,000 middle school students and 5,000 high school students endure rides over the state guidelines, according to a survey of transportation directors obtained by the *Gazette-Mail*.”

Eyre and Finn then point to a 1998 law that required study of the amount of time spent on buses, saying state officials “ignored a consultant’s recommendation to monitor student bus times every year. They also failed to comply with laws that require them to determine projected bus times when schools consolidate.”

Once Eyre and Finn’s report was made, WVDE officials said they would establish a “computerized reporting system to track bus routes and times statewide,” according to the *Gazette-Mail*.

A second WVDE promise, according to Eyre and Finn, related to the WVDE determining “how many students ride buses longer than guidelines recommended.” According to the reporters, “transportation directors haven’t reported bus times to the (WVDE) since 1996.”

According to Harsh, WVDE officials, when contacted about the study or the information, said the data wasn’t available due to staff efforts relating to the federal No Child Left Behind Act. Harsh acknowledged his request wasn’t in writing, but communicated in person and telephone to various WVDE officials, some of whom told him WVDE didn’t have the “computer space” to store or analyze the information.

Harsh then told the committee he had collected data from 50 school boards without filing Freedom of Information Act requests, although he admitted most local school administrators were “very reluctant about giving this information out.” He then accused WVDE officials of “keeping people in the dark.” “I promise you, we’re going to be watching for some action.”

Based on data supplied to legislators by CWV, in November 2002, Wayne Clutter, who oversees the WVDE’s transportation program, forwarded a memorandum to counties requesting the total number of students who exceed the W. Va. Board of Education’s bus travel times on school buses. A follow up memorandum was forwarded by the state superintendent in January 2003. In that memorandum, State Superintendent David Stewart noted that most counties had “found time to comply with the request (from Clutter).” This information was requested as a result of a series of *Charleston Gazette-Mail* news articles regarding bus travel times mentioned above.

Harsh then provided a copy of a Jan. 7, 2004 letter in which the state superintendent says, “We have made the commitment to enter the number of students who exceed the state guidelines for times on school buses in our data collection system as soon as the system is

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CHALLENGE QUESTIONS

continued from page 7

modified to accept the data. Due to the priority of No Child Left Behind, we cannot specifically tell you when that data will be available in our system.”

According to various WVDE officials, there were “variations” in how the county data was provided, complicated by the fact that information isn’t tracked on the W. Va. Education Information System.

Martin stands by the information included in the 2002 *Gazette-Mail* news articles. Yet, there are no definitive WVDE figures, figures which might or might not confirm the Eyre/Finn statistics, which CWV helped provide.

IV. Passion

Most of the speakers were impassioned, not hesitating to say that county boards and the state, through school consolidation, were “not only harming children in a major way, but spending more money.”

“They (students) have no voice, they’re relying on you,” said Carolyn “CeCe” Arritt, a member of the Fayette County Board of Education—one of two board members who were present as part of the CWV contingent. Lincoln County Board President Carol Smith, as with a number of speakers, referred to the matter as “child abuse. This is wrong what we’re doing with our children,” she said.

Other speakers spoke in terms of personal emotion. “In my opinion, anyone with a heart should feel the same way,” said Robin Kelly of Nicholas County. Others, noting that some legislators live four or more hours from the state Capitol, wondered if, after each night of the session legislators living two hours away, drove home or stayed in Charleston.

Perhaps the illustration that gained the most attention from legislators was provided by Amelia Anderson, a former Webster County board member. Based on her calculations she said some Webster students would travel as many miles going to and from school during 13 years of schooling as they would if they traveled around the world twice.

House Education’s intent regarding the bus travel times legislation is unclear. Several speakers, noting the Legislature might suggest further study of the issue, said this would be unacceptable, especially given the inaction of the WVDE in this regard.

Privately, some county board members—and I’m sure some legislators—fear CWV will burgeon like the home schooling movement has, creating and attracting an array of individuals who are very dedicated to their cause, based on an especially emotional issue. Several CWV speakers, in fact, applauded Martin for her “passion,” saying they too had the same depth of feeling.

Additionally, county board members among others note, groups like CWV have been energized by comments made by the governor in regard to school consolidation, and by his action in removing two members of the School Building Authority of West Virginia from their posts late last year.

There is disagreement, however, if these actions will garner a change in legislative philosophy regarding school closure or school consolidations. After the meeting, several CWV members and legislators milled in the hallways leading to the House Education meeting room weren’t too optimistic.

Contacted after the meeting by this writer, Harsh said he wanted

to ask House Education members to raise their hands if they supported the CWV position, but then decided against that action. “They (Delegates) probably wouldn’t have, but we might have been surprised.”

Asked if the CWV appearance would accomplish the group’s objectives, Harsh said, “I don’t know,” adding, “We’ve got to have some production (from legislators). We’re going on riding (until) we win. We’re going to keep on keeping on. We’re not going to stop until something is achieved.”

CWV referred to two 2004 bills—**House Bill 4023**, the governor’s bill, which would require county boards to “establish, maintain, and adhere to (WVBE travel guidelines) for the transportation of students to and from school. Additionally, the bill would prohibit county boards from “(creating) a new bus route in which the travel times allotted between initial pick-up and final drop-off any student exceeds (the statutory guidelines).” There is a companion Senate Bill.

The other bill is **House Bill 4319**. It is sponsored by Dels. Barbara E. Fleischauer (D-Monongalia); Shaver; Sally Susman (D-Raleigh); Richard J. Iaquina (D-Harrison); Jack Yost (D-Brooke); Mike Caputo (D-Marion); and , Dan Foster (D-Kanawha).

Editor’s Note: According to CWV officials, the speakers included Bill Duty (Mingo); Jana Freeman (Preston); Paul Hamrick (Harrison); Carolyn Arritt (Fayette); Tim McCoy (Putnam); Marge Bragg (Clay); Carol Smith (Lincoln); Cindy Miller (Webster); Eric Rogers (Roane); Robin Kelly (Nicholas); Bill Reebel (Mason); Dianne Weaver (Calhoun); Sue Clifton (Braxton); Patty Deak (Ritchie); Marshal Timpson (McDowell); Lorelei Scabro (Raleigh); “Carla” (Summers); Amelia Anderson (Webster); Arvin Harsh (Preston); Mitchell Chapman (Mingo); two students from Lincoln County; Cassidy Coburn (Lincoln), and Thomas Ramey Jr. (Lincoln).

—O’Cull is WVSBA executive director.

2004 Legislative Calendar

- ✓ **First Day:** January 14, 2004: First day of session. (WV Const. Art. VI, §18).
- ✓ **Twentieth Day:** February 2, 2004: Submission of Legislative Rule-Making Review bills due. (WV Code §29A-3-12).
- Forty-first Day:** February 23, 2004: Last day to introduce bills in Senate. Does not apply to originating or supplementary appropriation bills. (Senate Rule 14) Does not apply to Senate resolutions or concurrent resolutions.
- Forty-fifth Day:** February 27, 2004: Last day to introduce bills in House of Delegates. Does not apply to originating or supplementary appropriation bills. (House Rule 91a).
- Forty-seventh Day:** February 29, 2004: Bills due out of committees in house of origin to ensure three full days for readings.
- Fiftieth Day:** March 3, 2004: Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills. (Joint Rule 5b).
- Sixtieth Day:** March 13, 2004: Adjournment at Midnight. (WV Const. Art. VI, §22).

Martin: ‘Nostalgic About Democracy’

W. Va. School Boards Association Executive Director Howard M. O’Cull, Ed.D., conducted the following interview with Challenge West Virginia Executive Director Linda Martin on Feb. 18.

Q. Would you describe Challenge West Virginia as a political pressure group?

A. Challenge West Virginia is a grassroots organization working to change state school policy. We do the typical work that policy advocates do: research, writing, publishing, educating, and building public and political support for our positions.

Q. In my doctoral dissertation I studied factors affecting school board decisionmaking, noting that in 1994 county school board members who were up for reelection drew the brunt of the “backlash” to the first wave of school consolidations, that is school consolidation as literal state policy. Given your remarks to the House Education Committee yesterday, is CWV’s “election” focus individual school board members, or are you looking more toward elected state officials?

A. Our focus is on state school policy. The state has developed policies that have limited the ability of local school boards to base decisions on local conditions, local needs, and local priorities. West Virginia counties vary in many aspects, have different needs, and should have the opportunity for appropriate place-based solutions. Local school board members are elected. The people at the School Building Authority of West Virginia and W. Va. Board of Education are appointed, yet they continue to override decisions made by local elected officials. We consider that an infringement on democratic principles.

Q. I don’t find your bus travel time notion too realistic, including both cost reasons as well as reasons of logistics. Under your model or plan, could a bus route, once established as relating to a consolidated school, “ever” be changed? This is the point Chairman (Jerry L.) Mezzatesta (D-Hampshire) made Tuesday.

A. Our position on bus travel times is based on the following: a) West Virginia spends more of its education dollars on bussing than any state in the nation. b) Between 1990 and 2000, the cost of bussing students increased by 11 percent, while we lost 35,000 students. As a result of consolidation, fewer students are being bussed greater distances at higher costs to taxpayers. We are working to end increases in bussing costs by pushing for a bussing bill. If we pass a bussing bill that puts into law “reasonable travel times”, no new busses need to be bought and no new drivers need to be hired. The law would not affect those routes already in existence. The most important bussing issue is the harm that will be done to our smallest children. The state plans call for closing an additional 151 schools and 80 percent of them are elementary schools.

Q. Is Challenge essentially nostalgic toward school buildings per se? Do you really have or want a legitimate voice in the larger debate regarding school facilities per se?

A. Although we consider the destruction of solid buildings wasteful, we aren’t nostalgic about buildings. We are nostalgic about democracy. May I point you to our website www.challengewv.org where you will find a publication called *If This is Democracy, Then I Missed the Bus*. This publication tells the story of people who tried to participate in school facilities planning processes in many communities around the state.

It was a process controlled by architects approved by the SBA. We want a real democratic process, not a sham.

Q. Mr. (Arvin) Harsh alleged Tuesday that he had trouble receiving information from W. Va. Department of Education officials. This question has three parts: Have you had an experience similar to Mr. Harsh at the state level? What about at the county level? Does this set of circumstances fuel or keep you on message – you know—us against them, or the disenfranchised against the powerful?

A. It is common knowledge that it is difficult to get information from the W.Va. Department of Education. For three years we have asked them to supply information about the exact number of students who are over the “reasonable travel times”. It seems, however, they were able to produce numbers within three days when they could use them to erroneously claim that it would cost millions of dollars if they passed a bussing bill. Getting information in some counties can be just as difficult. Being denied public information sets up a them verses us atmosphere. We work to get what we need to know and hope that the atmosphere changes.

Q. I observe that the Charleston news media regularly quotes you—largely to “balance” state officials, usually from the W. Va. Board of Education. What about local news coverage? How has CWV been received through local news coverage?

A. CWV has proven it is a credible organization that supplies information based on fact. That has enabled us to continue growth in media outlets around the state.

Q. The organization, based on the Tuesday House Education meeting, appears to be well structured and organized—more so than I think state and local officials would imagine. Briefly describe your organizational structure.

A. CWV provides fellowships for community members, local school board members, former school board members, teachers, and parents. They are the people who democratically make decisions for the statewide organization. The fellows establish chapters of CWV in their counties. Those chapters decide what actions, if any; they take at the local level. Collectively, those groups take statewide action. We hire scholars with high credentials to do research and we put that information into a popular format for citizens’ use. I coordinate the work of the organization.

Q. In 2002, CWV hosted its “own orientation” for newly elected county board members. Do you plan on doing the same in 2004?

A. At the request of some local school board members, CWV provided budget training for them in 2002. Those members described being belittled and/or ostracized by superintendents, and sometimes by other board members, for asking questions, particularly about budget matters. At invitation, we will continue to work with local school board members in their efforts to participate in a democratic process.

Q. Many school board members who attended our Winter Conference might have concluded that CWV operates off politics of angst. This has two parts: First, how is your message positive, and secondly, some state and county leaders have described

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Time for Change in McDowell County

By Sandra Chapman

In November 2001, the West Virginia Board of Education had no choice but to take over McDowell County schools. Questionable hiring practices, sub-basement test scores, and unhealthy and unsafe conditions existed in many schools in the county, placing students in danger.

Simply put, McDowell County schools were not making the grade.

At that time, the county board of education was stripped of its power. The local superintendent was removed. Hiring practices were dissected and revamped.

Most importantly, the children of McDowell County were finally given a fair chance.

As the state Board of Education, we put our faith in a man who had a solid record and an ongoing commitment to quality education. Mark Manchin was asked to become the local superintendent and turn the school system around.

He accepted the challenge with optimism and drive. Manchin has pushed through all of the obstacles and stomped out all of the perceptions of the past.

Now, all McDowell County professional employees are fully licensed or certified through the West Virginia Department of Education.

Hiring procedures have been implemented so the most qualified applicants are employed.

Student achievement is on the rise.

But in January, the local board, in a 3-2 vote, turned away nearly \$42 million in federal funds slated to move several aged and distressed schools currently located in flood zones.

Despite the state's control of the county school system, the Corps of Engineers thought it was necessary to ask the local board to deed over the school property in question.

Without a deed to the land, the \$42 million appropriation was null and void.

Our legislative leaders stepped in to quickly remedy what could have been one of the greatest injustices to students in the history of West Virginia. The Legislature suspended its rules and rushed through emergency legislation giving the state board the authority to sell county schools that have been seized for inadequacies.

The West Virginia Board of Education applauds the state Legislature for acting so quickly to give our board the power to address the McDowell County school board vote.

Superintendent Manchin was hired to lead and stand ready to partner with the citizens of McDowell County to provide a first-class education to its children. It is time to move forward.

The local board action not only turned away millions, but also would have dipped into the wallets of every West Virginia resident.

Without new McDowell County school facilities, state monies would inevitably be used to bail out McDowell County during future floods.

The state board will follow through our takeover, and we will see to it that the children of McDowell County will have appropriate

educational opportunities and hope for a future of prosperity.

—Chapman is president of the West Virginia Board of Education.

Used by permission of the Charleston Daily Mail. This article appeared Feb. 19, 2004.

MARTIN INTERVIEW

continued from page 9

your organization as “quaint,” appealing and hearkening back to simpler days and times, thus appealing to the “disenfranchised,” “people on the margins,” and “aginners”—giving them voice. To what degree is this true?

- A. CWV isn't backward looking; instead we want to move the discussion about education from the failed industrial model into the age of information. We want to work with others to form a vision for how we move into the 21st century. The research is clear, small schools provide the best education for our children. Technology is rapidly bringing wireless computer networks. We know the connection between schools, communities, and democracy is the strength of our country. We support discussions around the implications of those issues and others that will lead us to an education system, which provides the best possible education for our children.

Q. Thank you, Ms. Martin.

- A. Thank you, Mr. O'Cull.

Please note that the

**Administrator's
Perspective**

will return next week.

Expansive listing: Previously reported measures are marked with an asterisk.

Senate

Senate Bill 100. Prohibiting state and political subdivisions from contracting with vendors owing debt. Passed Senate 1/27/04. Referred to House Government Organization Committee.

Senate Bill 125. Permitting solicitation of certain state employees for contributions to certain campaigns in local or county elections. Passed Senate 2/13/04. Referred to House Judiciary Committee.

Senate Bill 166. Reducing allowable blood alcohol content for DUI. Passed Senate 1/16/04. Amended and passed House 1/22/04. Senate refused to concur 1/23/04. Conference committee appointed 1/27/04. Senate and House adopt conference committee report and pass bill 2/5/04. Approved by Governor 2/16/04.

***Senate Bill 196.** Eliminates the mandatory order of activities regarding Instructional Support and Enhancement Days. Originated in and passed Senate Education Committee 1/15/04. Passed Senate 1/21/04. Referred to House Education Committee.

Senate Bill 224. Correcting reference to article concerning adoption of abandoned child. Passed Senate 1/27/04. Referred to House Judiciary Committee.

Senate Bill 231. Authorizing county commissions to establish flood plain enforcement agency. Amended and passed Senate Government Organization Committee 1/29/04. Passed Senate 2/4/04. Referred to House Political Subdivisions Committee.

Senate Bill 240. Providing certain public governing bodies need not require second to motion unless rule adopted by governing body requires such. Passed Senate 2/17/04. Referred to House Judiciary Committee.

Senate Bill 271. Relating to racial profiling data collection. Passed Senate 2/17/04. Referred to House Judiciary Committee, then House Finance Committee.

Senate Bill 296. Continuing the Center for Professional Development Board. Passed Senate 1/30/04. Referred to House Government Organization Committee.

Senate Bill 319. Relating to centers for housing young adult offenders. Passed Senate 2/9/04. Referred to House Judiciary Committee.

Senate Bill 425. Establishing English as official state language. Passed Senate 2/18/04. Referred to House Judiciary Committee.

***Senate Bill 524.** Relating to council for community and technical college education and PROMISE Scholarship board of control. Passed Senate 2/13/04. Referred to House Education Committee. HEC adopted Feb. 19.

***Senate Concurrent Resolution 32.** Relating to federal No Child Left Behind Act. Passed Senate 2/9/04. Referred to House Rules Committee.

House of Delegates

House Bill 2200. Creating the felony offense of destruction of property. Passed House 2/12/04. Referred to Senate Judiciary Committee.

House Bill 2088 (carryover bill). Increases the penalty for the manufacture, distribution, or possession of certain controlled or counterfeit substances near a park. Passed House 1/22/04. Referred to Senate Judiciary Committee.

***House Bill 2268** (carryover bill). Relates to employment of retired teachers as substitute teachers in "areas of critical need and shortage." There are other provisions. House Education Committee adopted 1/15/04. Passed House 1/21/04. Referred to Senate Education Committee.

***House Bill 2323** (carryover bill). Creates an office of personnel within the state Department of Education (using existing personnel). House Education Committee adopted 1/15/04. Referred to House Finance Committee (Second reference may be waived.)

House Bill 3190. Relating to the titling and ownership of property for area vocational education programs. Amended and adopted by House Finance Committee 1/19/04. Passed House 1/22/04. Referred to Senate Education Committee.

***House Bill 4001.** (House Teacher Empowerment Bill). Passed House 2/18/04. Referred to Senate Education Committee and Senate Finance Committee.

House Bill 4020. Protecting personal information maintained by the state from inappropriate disclosure. Passed House 1/27/04. Passed Senate 2/9/04. Referred to Governor 2/17/04.

House Bill 4021. Preventing the disclosure of personal information of state employees and officers, and their dependents. Passed House 1/27/04. Referred to Senate Judiciary Committee on third reading 2/2/04.

House Bill 4022. Creating "The All-Terrain Vehicle Safety Regulation Act". Amended and passed House 1/22/04. Amended and passed Senate 2/2/04. Referred to conference committee 2/10/04. Conference committee extended 2/17/04.

***House Bill 4037.** Relates to transfer of juvenile records between and among school districts, with certain restrictions on the sharing of information as well as detailed descriptions of information to be transferred between districts. Matters relating to records of students transferring from out-of-state referred to subcommittee. Original bill would have provided an appropriation of at least \$8 million for alternative education programs. The first \$2 million would have been distributed to counties based on net enrollment with the remainder being distributed in competitive grants for pilot or innovative programs. Amended and passed House Education Committee 1/22/04. Passed House 1/28/04. Passed Senate Education Committee 2/17/04. Referred to Senate Judiciary Committee.

***House Bill 4039.** Relates to contracts for non-educator athletic and extracurricular coaches. Would allow these individuals to continue coaching without position being posted yearly if serving in position for three or more consecutive years. Referred to full House. House Education Committee adopted 1/15/04. Passed House 1/21/04. Referred to Senate Education Committee.

***House Bill 4040.** Makes changes in statute relating to reference for overall rating of satisfactory on previous two years' evaluations, making statutory change to "previous two evaluations." House Education Committee adopted 1/15/04. Passed House 1/21/04. Referred to Senate Education Committee.

***House Bill 4043.** Establishing the priority for early childhood edu-

cation in the basic skills of reading, mathematics and English language arts. Amended and adopted by House Education Committee 1/20/04. Passed House 1/22/04. Referred to Senate Education Committee, then Senate Finance Committee.

***House Bill 4044.** Requires state superintendent of schools to receive evidence that a county superintendent has given bond with good security pursuant to W. Va. Code §6-2-10. Passed House 1/21/04. Referred to Senate Education Committee.

***House Bill 4053.** Changing the rate of compensation of members of the state board of education. Amended and adopted by House Education Committee 2/17/04. Second reading, House special calendar 2/20/04.

House Bill 4055. Creating a compact between states for the protection and return of juvenile offenders, runaways and other juveniles. Passed House Judiciary Committee 1/26/04. Passed House 1/29/04. Referred to Senate Judiciary Committee.

***House Bill 4072.** Providing for a unified approach to the long-term planning and implementation of technology in the public schools. Amended and adopted by House Education Committee 1/20/04. Passed House 1/22/04. Referred to Senate Education Committee, then Senate Finance Committee.

***House Bill 4081.** Requiring county school boards to post the position of county superintendent for at least 30 days prior to making an appointment. Requirement would not apply for a reappointment or interim appointment. Passed House 1/27/04. Referred to Senate Education Committee.

***House Bill 4111.** This is the so-called “McDowell County” measure. It relates to property ownership in school boards having been intervened or taken over by the state, including disposition of properties in flood plains. Adopted by House and Senate 1/22/04. Signed by Governor 1/29/04.

***House Bill 4130.** Providing for the employment of a highly qualified and fully certified substitute teacher to perform the duties of a teacher who attends W.Va. Department of Education meetings or development sessions. A teacher would not be required to attend such unless the WVDE employs or reimburses the county for the substitute. Amended and passed House Education Committee 1/29/04. Referred to House Finance Committee.

House Bill 4138. Prohibiting persons from impersonating a public official by copying or imitating the markings of a public agency or official on a motor vehicle. Passed House 2/5/04. Referred to Senate Judiciary Committee.

House Bill 4140. Requiring the ethics commission to establish a code of conduct for state administrative law judges. Passed House 2/6/04. Referred to Senate Judiciary Committee.

House Bill 4250. Providing good faith protection for licensed psychologists and psychiatrists acting upon appointment by a court in child custody cases. Passed House 2/18/04. Referred to Senate Judiciary Committee.

House Bill 4259. Revising the composition, powers and duties of the Governor’s Cabinet on Children and Families. Passed House 2/9/04. Referred to Senate Government Organization Committee.

***House Bill 4271.** Requiring all schools to permit students to self-administer asthma medication. Amended and adopted by House Education Committee 2/17/04. House third reading 2/20/04.

House Bill 4273. Changing the authority to appoint guardians of minors from the county commission to the family court. Passed House 2/18/04. Referred to Senate Judiciary Committee.

***House Bill 4284.** Extending the eligibility to receive the \$500 early

retirement bonus to school service personnel (\$250 bonus for these individuals). House Education Committee adopted 2/5/04. Referred to House Finance Committee.

***House Bill 4290.** Creating a framework to avoid imposition of policies and practices on the public schools that distract from a thorough and efficient education. Originated within and passed House Education Committee 2/3/04. Passed House 2/6/04. Referred to Senate Education Committee.

***House Bill 4297.** Clarifying that the county board of education and its superintendent may designate the places where competency testing for service personnel will be held. Amended and adopted by House Education Committee 2/17/04. House third reading 2/20/04.

House Bill 4304. Continuing the children’s health insurance board. Passed Senate 2/9/04. Referred to House Government Organization Committee.

House Bill 4338. Providing for the issuance of special registration plates promoting education and using the special fee for the registration plates to fund transportation for school trips for academic purposes. Passed House 2/18/04. Referred to Senate Transportation Committee, then Senate Finance Committee.

House Bill 4434. Expanding the possible venues where a child neglect or abuse petition may be filed. Passed House 2/19/04. Communicated to Senate.

House Bill 4467. Relating to the payment of expert fees in child abuse and neglect cases. House third reading 2/20/04.

***House Bill 4478.** Lengthening the time period which county boards are required to publish a year-end financial statement. Originating in and passed House Education Committee 2/13/04. Passed House 2/18/04. Referred to Senate Education Committee.

***House Resolution 6.** Expressing the sense of the House of Delegates regarding the federal No Child Left Behind Act, specifically asking the President and Congress to waive certain accountability provisions for West Virginia and other states as long as these states maintain consistently high standards. Adopted by House 2/4/04.

House Concurrent Resolution 8. Requesting a study on the childhood obesity epidemic in West Virginia in regards to chronic disease, poor nutrition and inadequate exercise. Adopted by House 1/23/04. Referred to Senate Rules Committee 1/26/04.

House Concurrent Resolution 11. Requesting a study on the causes of the devastating flooding in Southern West Virginia. Referred to House Rules Committee.

House Concurrent Resolution 25. Requesting the three branches of state government to cooperate and encourage leaders of the state, county and municipal governments to identify and affirmatively address the racial disparities in various areas of civil rights. Referred to House Rules Committee 2/9/03.

NOTE: For a copy of any bill, contact WVSBA.



Looking Back...

The Feb. 18, 1994 issue of *The Legislature* had an article relating to the “school calendar.” These are among points made:

- Due to the heavy snowfall that year, legislators concluded “school boards are best equipped to deal with lost instructional time this year—and that it simply is not a legislative issue. Along the way, school boards need to inform the public that things are under control, and that lost instructional time will be made up.”
- “As for future revisions in the school calendar, don’t bet on it. As for more ‘flexibility,’ that term, in this case, will be considered within ‘legislative parameters.’ Thus, for those souls who saw the snow/calendar issue as a ‘window of opportunity’ for more flexibility....don’t give up. Just don’t expect much, especially as every interest group is scrambling to put a spin on this. Thursday, for instance, a W. Va. Education Association lobbyist opined that public employee collective bargaining would rescue—or have rescued—the calendar. Clever timing, but let’s not forget that school calendars are truly local products...

- “The calendar matter...does illustrate the inflexibility of state-imposed, centrist decisionmaking...at least for now...”
- “(In regard to flexibility), as one wag says: ‘If ‘they’ have missed 18 school days and ‘they’ have missed 10 school days, how do we legislate a blanket solution? As Chapter 18A, in particular, was being written, what happened to this logic? Of course, what ‘they’ did was ignored or irrelevant for what ‘they’ wanted.’”

The article concluded by asking for “respect for local solutions.”

In other news, the funding for the School Building Authority of West Virginia continued to be discussed, especially a “pay-as-you-go” model, as was inclusion and administration of medicines.

In terms of association news, the publication announced that W. Va. School Boards Association dues had been reduced by 15 percent, with the Annual Business Meeting recessed—for the first time in the organization’s history—until a later date in June. — *The Legislature* (Feb. 18, 1994).

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Sound Bites

“I just feel the love in this room.” – *Del. Brady Paxton (D-Putnam) following several interest group representatives’ expressions of support for the amended **House Bill 4001**, the “teacher empowerment bill.”*

“Don’t take out all subjectivity. I’d still leave a fair amount of subjectivity.” – *Sen. Education Chairman Robert Plymale (D-Wayne) responding to remarks of Jefferson County Board President Dr. Lori Stilley regarding proposed School Building Authority of West Virginia reforms.*

“Stop this madness and abuse.” – *Lorelei Scrabro, a Raleigh County parent, discussing the proposed bus travel time limits bill.*

“The main thing in mind was allowing teachers to teach and principals to be principals, not to come in to somebody and say, ‘I gotcha.’” – *House Education Vice Chairman Larry Williams (D-Preston) reviewing **HB4001**.*

“Dr. (Clacy) Williams is an authority unto himself.” – *W. Va. School Boards Association President Dr. Rodney Thompson (D-Wayne) introducing Williams at WVSBA’s 2004 Winter Conference.*

Meanwhile in Kentucky...

“I’m just a bill,
Yes, I’m only a bill,
And I’m sitting on Capitol Hill.
Well, it’s long, long journey
To the capital city,
It’s a long, long wait
While I’m sitting in Committee,
But I know I’ll be a law someday...”

– *Kentucky School Boards Association. What’s next? Maybe the Bowling Green, Ky., Nappy Roots’ rap version.*

The Legislature

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The Legislature

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