



Travel times measure okayed

HEC Bill Aimed at Achievement Gap

By Howard M. O’Cull, Ed.D.

Refer to the Administrator’s Perspective, page 8.

The House Education Committee yesterday (Feb. 26) voted to approve legislation that would create a Professional Development Schools project for improving academic achievement for disadvantaged, minority and under-achieving students.

The legislation, **House Bill 4669**, was one of 10 measures approved by the HEC this week, including a bill that would grant some educators a pay increase, a resolution relating to bus travel times, and a bill that would create the school service personnel position of administrative assistant. Several other items were considered. (Refer to page 5 article detailing the pay increase.)

The “demonstration professional development school project”—operational for a five-year period—would be under direction of the state superintendent of schools. The purpose of the program is to “provide a special demonstration environment wherein the public schools included in the demonstration project” work in collaboration with higher education, community organizations and

the W. Va. Board of Education in order to implement strategies that “may be replicated in other schools with significant enrollments of disadvantaged, minority and under-achieving students to improve academic achievement.”

The legislation grants the state superintendent authority to:

1. Select up to three public schools with significant enrollments of disadvantaged, minority and under-achieving students. The schools must have similar calendars and be located within a reasonable travel distance to a college or university with a teacher preparation program. (Three inner city Charleston schools reportedly are being considered, each of which operates off a modified calendar.)
2. Require cooperation from the county board where a demonstration project school is located to “facilitate program implementation” and to avoid “reallocation of resources for the schools that are disproportionate with those for other schools of the county of similar classification, accreditation status and federal Title I designation.”

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Overview

STATS

Day of Session:	45
Days Remaining:	15
Bills Introduced (not including House Carryover Bills):	1369
Education Bills (WVSBA Count):	264

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QUOTE

“We hope this will be an historic event. This bill will bring West Virginia to the cutting edge...” – *Patricia Wilson, member of the Governor’s Minority Students Strategies Council, discussing proposed House of Delegates legislation that would establish a special demonstration Professional Development School Project for minority and economically disadvantaged students.*

HEC may trim Mullen’s pay Superintendent’s Raise Looks Doubtful

Analysis by Howard M. O’Cull, Ed.D.

The notion to increase the compensation for the state superintendent of schools from \$146,100 to \$200,000 has been the subject of intense legislative discussions this week, with the House Education Committee yesterday (Feb. 26) voting to place a higher education bill in subcommittee.

The bill figures in the mix in that it would have reduced the pay for the chancellor of the Higher Education Policy Commission from \$252,500 to \$200,000. The major purpose of the bill was to grant some state colleges university status. An attempt to move the bill back on the committee’s agenda late yesterday was thwarted when an HEC member sought to make an amendment to the bill, promoting HEC Chairman Jerry Mezzatesta (D-Hampshire) to recommit the bill to subcommittee.

In acknowledging State Superintendent David Stewart, who

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was present for a portion of the meeting, Mezzatesta said, “Dr. Stewart doesn’t make \$301,000”—reference to the salary of an official of a tax-supported senior citizens program in Wyoming County. (The salary may spark a legislative investigation, according to the *Charleston Daily Mail*.)

Mezzatesta went on to blast what he called “over-bloated pay schedules at the (HECP) central office,” which is located in Charleston. He said these salaries would come under greater scrutiny and chided HEPC Chancellor J. Michael Mullen for not being present to discuss the graduate center bill.

Scrutiny

In other fronts relating to the proposed increase in the state superintendent’s pay, the *Charleston Gazette* strongly criticized the initiative in an editorial Thursday, joining the *Charleston Daily Mail* which also is opposed to the increase. One *Gazette* slant is that higher pay for the state superintendent could mean higher increases for other “bureaucrats” in the W. Va. Department of Education.

Meanwhile, some House members who voted for the raise say they are beginning to receive mail, telephone calls and e-mails about the matter, with teachers, among others, questioning the wisdom of the potential increase. That information is based on various reports provided to education lobbyists, including this writer.

Several delegates, including Del. David Perry (D-Fayette), have contacted the W. Va. School Boards Association, based on calls from county board members, superintendents and school administrators opposed to the position. The delegates say several issues should be stressed, namely that the pay is a ceiling, not an automatic increase, that the bill hasn’t passed the legislature and that

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Stewart himself never solicited the increase.

Speaker’s Comments

House Speaker Robert S. Kiss (D-Raleigh) is the latest high-ranking state legislator who appears to be backing off from earlier support of a potential \$53,900 increase in the pay for the state superintendent of schools. Kiss made his comments to the *Charleston Daily Mail*.

Gov. Bob Wise joined the discussion of the issue in a Metro News report Wednesday, saying he had misgivings about the planned increase, which would be effective only if adopted by the Legislature and approved by the W. Va. Board of Education.

Wise told Metro News Wednesday (Feb. 25) that he is not “as enthusiastic as I could be, but I’ll hear the arguments and reasoning for it.” Wise did say if the bill merely raises the cap he’d probably sign it, however if it were an automatically granted increases he would have reservations.

In the Feb. 25 *Daily Mail* interview, Kiss said, “I do think what happened with that (the proposed increase in the state superintendent’s pay) we were looking at the situation of possibly losing Dr. (David Stewart). The Education Committee thought that (pay increase) would help to keep him. I’m not sure in the final analysis that’s a great reason to give a pay raise.”

A day earlier, he told the *Daily Mail*, “What are you going to pay to attract people to major policy positions that affect all of us? But we are a poor society, and how do we justify in a tight budget year a \$50,000 pay raise?”

Tuesday’s *Daily Mail* article went on to say that if the Senate “doesn’t approve it (the pay increase), it’s a moot point, however.”

The Senate

And, that appears, based on press reports, to be the Senate posture, with Senate Finance Chairman Walt Helmick (D-Pocahontas) saying, “The Senate doesn’t have a great appetite at this point for any pay raise of any kind anywhere.” Sen. Minority Leader Vic Sprouse (R-Kanawha) also was quoted as saying the raise would get a “cool reception” in the Senate, with Sprouse adding, “I think it’s a nice gesture to say something nice to Dave Stewart to try to keep him. But all that being said, in a year where it’s a tight budget, it’s not right to give any administrator a pay raise anywhere throughout the school system.”

These comments were made prior to House Education’s adoption of a measure that would provide teachers an increase in experience increments, but the Senate leadership appeared equally cool to that notion, with Helmick telling the *Daily Mail* Wednesday, “We had taken the position over here that we’re down \$100-some million, we’re going to cut public education, we’re going to cut higher education, we’re going to cut services throughout. I just never thought there was a possibility you’d see pay raises. Where are you going to get the money? The bottom line is, where are you going to get it?”

The House also has approved raises for members of the judiciary, which Wise says he supports, and some county officials. In regard to the judicial pay raise Wise said, “These judges have not had a pay raise in six years. They are now 49th in the nation in pay. Even as tough as it’s been, most every public employee has gotten a pay raise in the last six years, they haven’t.” Wise made his comments on MetroNews “Talkline.”

WVBE board members Priscilla Haden and Barbara Fish have been the only two members of the state board to discuss the poten-

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ACHIEVEMENT GAP

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Personnel Laws

3. "Make decisions with respect to the employment, promotion and transfer of personnel employed at a demonstration project school to reflect any special qualifications and additional duties that will be required by virtue of the demonstration project (irregardless of corresponding school personnel laws in Chapter §18A of the code)." Employees in demonstration project schools, however, retain all "rights, privileges and benefits (under current law) with respect to other positions in the county for which they meet the qualifications."
4. Direct the W. Va. Department of Education, the W. Va. Center for Professional Development and the schools' Regional Education Service Agency to provide technical assistance and professional development "necessary for successful implementation of the demonstration school programs...including...early intervention or other programs of the (WVDE) to assist low-performing schools."
5. Collaborate, entering into agreements with colleges and universities willing to assist with efforts at a demonstration school in order to "improve student achievement...including a professional development school program model..."
6. Require collaboration with local community agencies to improve attendance and increase parental involvement.
7. Provide for independent project evaluation.
8. Recommend to the WVBE and county board waivers of policies that impede the implementation of demonstration school programs.

The state superintendent is to make status reports to the Legislative Oversight Commission on Education Accountability and to the WVBE regarding demonstration project progress, including recommendations "(considered) necessary for improving operations of the demonstration project or prudent for improving student achievement in other public schools through replication of successful demonstration school programs.

The state superintendent is to make a recommendation regarding continuation or termination of the program by the 2010 regular session, including any supporting findings and results of the independent evaluation.

Dr. Pat Kusimo and Patricia Wilson presented to the HEC prior to the bill being considered. They reiterated that the proposal is recommended by the Governor's Minority Student Strategies Council.

Both presenters, along with Dr. Hazel Palmer of the W. Va. Education Alliance, reiterated the need for programs that "close the achievement gap" between African American students and students from disadvantaged and impoverished homes.

'Exercise of Love'

Wilson said the proposal would bring "West Virginia to the cutting edge" in terms of addressing the needs of disadvantaged students. Kusimo said efforts leading to introduction of the legislation could be characterized as "an exercise of love."

She then discussed several factors that may contribute to students "falling away as (they) go up through the system," including "teacher sequence," which she said can have a profound effect on student achievement, especially of minority or disadvantaged youth.

For more information, refer to the "Opinion" column on page 9.

Wilson said town meetings were going to be held in the 12 counties with the highest African American population.

The report of the Governor's Minority Students Strategies Council is located on the W. Va. School Boards Association Web site at www.wvsba.org.

Transportation Resolution

In other action this week, the HEC adopted a resolution, **House Concurrent Resolution 50**, relating to school transportation. The resolution directs the Legislature to conduct a "study on the transportation of students to and from the public schools."

The resolution cites recommended guidelines for school bus student travel times, as well as "proposals (that) have been made to change the recommended guidelines into required maximum lengths of time that students of various grade levels should be on the bus for transportation to and from the public schools for all new bus routes."

Additionally, the resolution states that the "transportation of students to and from public schools is a major category of expenditure of public funds for the state and county boards of education."

Findings relating to study of the issue would be delivered to legislators in 2005.

Administrative Assistants

The purpose of this legislation, **House Bill 4323**, is to create a new school service personnel classification of "administrative assistant." These individuals would be defined as persons who are assigned to the county board of education central office and who perform administrative duties either independently or with minimal supervision by an administrator.

The position would be Pay Grade H, and would be paid entirely from county funds.

Medicaid Waiver

The purpose of this legislation is to require county boards to reserve and utilize seven percent of the amount of reimbursements received for Medicaid services for service providers' salary supplements. (This would apply to persons such as audiologists and speech pathologists.)

The bill's provisions would be effective after July 1.

According to the bill, "The amount of the supplement to each employee shall be determined by dividing the amount of the reimbursements that are accounted for by each type of Medicaid-eligible service during that six-month period equally among all employees who provide that type of Medicaid-eligible service."

The bill is **HB4626**. It has been referred to the House Finance Committee.

Given a shortage of service providers, non-certified individuals have been performing such duties, and federal reimbursements are not received in those cases, according to Stephen Haid, a service provider representative. Providing the supplements would demonstrate to professionals that the state is committed to maintaining high standards and maximizing federal dollars, he said, adding that the bill would encourage professionals to continue practicing within school settings.

Del. Stanley Shaver (D-Preston) said many federal dollars had been lost, expressing his support for the provision. The bill was referred to the Senate Finance Committee.

Personal Finance

The purpose of **House Bill 4574** is to require the WVBE to prescribe instruction on personal finance "to be integrated into the curriculum of an appropriate existing course or courses for all stu-

dents in the secondary schools.”

The program is designed to “prepare students to handle their finances.”

The effort builds upon recent efforts by the state treasurer, according to HEC Vice Chairman Larry Williams (D-Preston).

Literacy Checkoff

House Bill 4576 would provide for a state income tax check-off for grants to schools and public libraries in relation to family literacy programs. The WVDE would administer the program, which would be operable until 2009.

AEL Initiative

This bill, originating in committee, would recognize the Appalachian Education Initiative as “(serving) a meaningful function in promoting the role of art education in the public schools, and that the services of such organizations support public education in this state.”

The code amended is §18-2D-1 relating to community education. The lead sponsor is Del. Robert Beach (D-Monongalia).

WVSSAC Resolution

House Concurrent Resolution 51 would require the legislature, in interim meetings next year, to “make a study on the regulation of athletic and other extracurricular activities by the (W. Va.) Secondary Schools Activities Commission...”

The study is to address questions relating to “(Provision of equal opportunities for students to have appropriate participation in regulated (WVSSAC) activities.” Other questions to be considered by the legislature relate to “achieving parity among schools in the activities available for students,” the amount of “paperwork and reporting required by the schools and counties,” the amount of “time consumed by principals, teachers and other school personnel officials on administration, appeals, clinics and other meetings required for participation,” “appropriate financial management and fiscal accounting,” the review and approval of “administrative rules,” and the “procedures for appeals of (WVSSAC) decisions.”

Findings are to be made by the 2005 regular session.

The HEC has considered such a proposal in the past.

The committee adopted a resolution regarding use of state correctional facilities for alternative educational purposes.

The committee also recognized five National Board of Professional Teaching Standards certified teachers from Marion County, each of which described the rigors of obtaining the certification and thanked the Legislature for its support.

SEC Passes ‘Growth County’ Facilities Act

In its meetings this week, the Senate Education Committee adopted the “Growth Counties School Facilities Act.”

Senate Bill 408 would apply to “growth counties,” defined as counties “that (have) experienced an increase in second month net enrollment of (50 or more students) during any three of the last five years.”

For any growth county adopting a resolution choosing to abide by the statute, assessed values resulting from additional appraisal or property valuation due to “new construction or improvements...to existing real property or newly acquired personal property” would be designated as “new property values.”

The statewide regular school board levy rate (established by the legislature) then would be applied to the assessed property tax revenues collected from “application of the regular school board levy rate.” The resulting funds would be “placed in a separate ac-

count, designated as the growth counties school facilities act fund.”

Revenues deposited in the growth counties school facilities act fund would be appropriated by county boards for “construction, maintenance or repair of school facilities.”

These funds could be carried over for an “indefinite length of time and may be used as matching funds for the purpose of obtaining funds from the School Building Authority of West Virginia or for the payment of bonded indebtedness incurred for school facilities.”

Estimated school board revenues generated from “application of the regular school board levy rate to new property values (would not) be considered as local funds for purposes of computing (school aid formula local share).”

In other action, the SEC deferred action on **House Bill 2268**. That bill likely will be taken up Tuesday (March 2), according to SEC staff. The bill would address the critical need and shortage of substitute teachers. An attempt was made to provide expanded benefits to substitute teachers, causing Chairman Robert H. Plymale (D-Wayne) to defer action on the bill. Additional fiscal information is required, according to SEC staff.

SEC action late Thursday will be reviewed in Issue 14 of *The Legislature*.

— Jason B. Keeling, owner of Keeling Strategic Communications, contributed to this article. O’Cull is W. Va. School Boards Association Executive Director.

Legislative Calendar

- ✓ **First Day:** January 14, 2004: First day of session. (W.Va. 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. (W.Va. Const. Art. VI, §22).

Bill Makes Several SBA Changes

By Jason B. Keeling

The School Building Authority of West Virginia may see a few process changes under terms within **House Bill 4601**, originated within and adopted by the House Education Committee Tuesday (Feb. 24).

HB4601 addresses several sections of W.Va. Code relating to the SBA (§18-9D-1 et. seq.) Under terms of the bill, §18-9D-2 would redefine “facilities plan” to be a 10-year county-wide comprehensive educational facilities plan that, among other things, addresses “existing (county) school facilities and facility needs of the county to provide a thorough and efficient education...” These plans, which now would include a ‘school major improvement plan,’ would be updated annually.

The school major improvement plan would be defined as a 10-year school maintenance plan which is incorporated in a county-wide CEFP. The school major improvement plan must address regularly scheduled maintenance, a projected repair and replacement schedule for all facilities in the county, and must also address “the major improvement needs of each school within the county.”

The bill states that all SBA revenues are subject to appropriation or allocation “by the Legislature, except revenues pledged and obligated...prior to the effective date of this section. Any future pledge of these revenues shall be subject to authorization by the Legislature and any future obligation shall be (in accordance with §18-9D-16, which relates to SBA appropriation of funds, including guidelines and procedures for county submittal of proposals).”

‘Un-Pledged Funds’

Additionally, §18-9D-6 also would make the SBA’s use of unpledged funds subject to appropriation or allocation of appropriation by the Legislature. This section relates to the SBA’s capital improvement fund and the school building debt service fund. Additional bill sections are amended accordingly.

W. Va. Code §18-9D-15 would make a change in state code to say that W. Va. Board of Education projects and projects of multi-county vocational centers are subject to the same requirements as those of county boards.

The bill significantly amends W. Va. Code §18-9D-16, including a provision stating that “prior to the expenditure of any funds under this article, the (SBA) shall certify to the Joint Committee on Government and Finance a list of projects approved for funding by the (SBA). This certified list may not thereafter be altered or amended other than by legislative enactment.”

SBA Explanation

The section also reorganizes remaining provisions into a series of guidelines and procedures for plan and project submission to the SBA, modifications and updates, and project evaluations. Added to the project evaluation guidelines is a requirement that the SBA return to the county submitting a project explanation of the evaluative factors underlying the decision to fund or not fund a project.

Current provisions for annual W. Va. Department of Education on-site inspections of SBA-funded facilities are retained.

Bus Replacement

The bill has other provisions:

- School aid formula funds designated for replacing school buses would be withheld in fiscal 2005. House Education Chairman

Jerry Mezzatesta (D-Hampshire) said the measure would help alleviate some of the state’s fiscal problems. Otherwise, the committee would be forced to consider raising taxes, he said. Some county school boards had “failed to do their job” by using moneys designated for buses on other items, he added. A letter submitted from the W.Va. Department of Education’s Office of School Transportation said, “Eliminating the purchase of buses for the coming school year is manageable in terms of providing safe school transportation. The school bus inspections, provided by the WVDE’s Office of School Transportation, would be instrumental in assuring that safety issues are the principal priority.” The letter was signed by he WVDE’s Wayne Clutter who oversees the transportation division. That bill section would provide for an allocation for field trips equal to the amount counties received in FY04.

Teacher Pay Increase

- An additional experience increment increase would be added to each of the current teacher salary classifications, effective the second half of the 2005 employment term. The cost would be about \$4.9 million funded through the one percent discount for property tax (local share), according to committee testimony.

The bill was scheduled for House third reading today, with the right to amend.

— *Keeling is owner of Keeling Strategic Communications. W. Va. School Boards Association Executive Director Howard M. O’Cull, Ed.D., contributed to this article.*

Cowboy’s Riddle

Two young boys, Bill and Bob, were playing marbles one day during morning recess. Bob asked Bill what his mother and dad were called. Bill said he didn’t know what he meant. Bob said that this morning his mother said his dad was a long-eared, hardheaded donkey, and that his dad said that she was a big-headed, long-nosed elephant.

Bill looked up and said, “When I get off the school bus tonight, we will sit down at the supper table. My dad will come to the table in his mining clothes with just his hands washed. He will have a tired look on his face or a worried look, wondering how long his job will last.”

“Mom will come into the room bringing food. She also will have a concern about how she will be able to do all that a mother does. But, then a little smile will come across her face and she is just glad her family is safe.”

“I guess they are just my Dad and Mom.”

Come on Legislature: It’s not about what we are. It’s about who we are.

— *By Rev. David “Cowboy” Brown (Barbour)*

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tial pay increase, both saying it would serve as a good tool in future recruiting. In discussing the proposed increase, Mezzatesta said it could prove particularly helpful in negotiating a contract with a replacement for Stewart.

Effective Date

The legislation, **House Bill 4044**, was approved by the House of Delegates Monday (Feb. 23) on a strictly 77-23 partisan vote. There is no companion Senate bill.

As written, the measure would be effective July 1, if approved by the WVBE. Mezzatesta says there is no cost to the state in that the “funds are there for the increase.” According to the *Gazette* the increase would make the state superintendent’s salary the fifth highest in the nation, ranking behind Mississippi (\$240,000), Illinois (\$225,000), Florida (\$232,025) and Ohio (\$201,406). The salary now ranks 18th. The lowest paid state superintendent is in Oregon, where the salary is \$76,300. (Salaries are based on 2002 figures.)

Mezzatesta and other supporters of the increase say the salary needs to be competitive with that of the chancellor of the Higher Education Policy Commission, whose current salary is \$252,500. Also, Judy Hale of the W. Va. Federation of Teachers contends that superintendents in some school districts in the country make more than Stewart.

Policy Dispatch

In discussing the matter with both the *Gazette* and *Daily Mail*, this writer has pointed out that the state superintendent of schools position in West Virginia is one with significant policy dispatch, perhaps more so than in other states.

In fact, while Art. XII, Section 2 of the state constitution states that the “general supervision of the free schools of this state shall be vested in the West Virginia board of education...” that same section of the constitution says the WVBE will select the state superintendent who “shall serve at its will and pleasure. He shall be the chief school officer of the State and shall have such duties as may be prescribed by law.”

Under state law, however, the state superintendent is given authority to have “general supervision of the free schools of the state, and shall be the chief executive officer of the state board of education.” That statute, §18-3-3, says the state superintendent shall be charged with the general supervision of all “county and city superintendents of free schools and of county and district boards of education within the state...” Additionally, §18-3-9 allows the state superintendent to “employ assistants and such other employees as may be necessary.”

WVBE’s Role

Given the policy prowess of the state superintendent’s position as articulated both in the constitution and by statute, WVBE members may be prone to evaluating the role of that body itself, specifically as it comes to impacting WVDE policy initiatives—with the state board frequently being criticized, particularly by some House members, for WVDE policy pronouncements often having genesis with the department and then blessed by the board.

Stewart announced that he was resigning on Feb. 11, then about 48 hours later, said he would reconsider the resignation after an

appearance before the House of Delegates. In the aftermath of Stewart’s resignation, The *Gazette* reported that a “couple” of board members may have been part of the reason in that they were accused of trying to “micro-manage” the WVDE and WVDE administrators. Stewart himself never made such a statement, however.

During the last few months, the board had initiated a goal-setting process, refining some WVDE-developed standards and goals, and has sought to increase its independence and visibility, although there is less than board unanimity in regard to that approach among WVBE members, according to several observers.

The next few months, of course, will tell a great deal as to the future role of the board. Stewart also enjoys the support of the education community—see W. Va. School Boards Association President William J. Raglin’s comments in last week’s issue of this publication—and legislators, particularly House members.

Some analysts see recent events involving the state superintendent as part of an effort to coalesce greater authority around that position. Such an approach, during difficult financial times, could centralize WVBE/WVDE policy, especially fiscal policy, largely in the hands of a state superintendent who enjoys good relations with the Legislature—a marked contrast to his predecessor Dr. Henry R. Marockie or other recent state superintendents.

In defense of this view, the state superintendent, in terms of referent or positional power, must develop effective working alliances and sway with several interests, especially funders (in lean financial times), as well as maintaining a good working relationship with the WVBE, which Stewart has by most accounts.

Achieving this balance can be tricky, however: Last year, former WVBE President Howard Persinger (Mingo) and a few other members of the state board criticized WVDE officials for what amounted to legislative reductions in spending for educational technology. Persinger, however, reportedly irritated legislators by holding up payment of education-related budget digest moneys as protest.

Additionally, it appears some education lobbyists and others think the board’s say in education policy should be, if not limited, uttered largely through Stewart’s office and the WVDE. Moreover, the WVBE itself has gotten some bad press relating to per diem expenditures—another House bill gives them a \$500 per month salary rather than a \$100 per diem—and for wanting to increase their advocacy at a time of fiscal reductions. The board, now with a full compliment of members, also is in the process of group formation—all the while seeking, as a body, to determine their policy niche and role.

Finally, many analysts point to the fact that major WVDE positions, such as the employment of top-level WVDE officials, don’t have to have the board’s stamp of approval, but with the board being blamed in certain quarters of the news media for high-level WVDE employee failings. (Persinger often said the board had two employees—Dr. Kenna Seal, executive director of the W. Va. Office of Education Performance Audits, and an executive secretary—a point WVDE officials reportedly reiterated with the board.)

Stewart: Focus on Kids

In broaching this mien of subjects on several occasions, Stewart has said publicly the chief focus of both the WVBE and department should be students, and not personalities or positions. Obviously the state superintendent’s position, as executed by someone like Stewart, may be the locus for achieving that result.

—O’Cull is WVSBA executive director.

'Safe Routes' Bill Good for State

By Barbara Evans Fleischauer

The West Virginia Legislature is currently considering a bill that encourages children to walk or bike to school. Known as the "Safe Routes to School Bill," **House Bill 4162** provides communities with a new funding mechanism to build or repair sidewalks and bike lanes so that children who travel along major roads or cut through neighborhoods remain safe. **HB4162** also allows for the removal of hazards and the installation of traffic-calming programs to regulate cars traveling around schools whenever they might pose a threat to student safety.

West Virginia is not the first state to introduce such legislation. California, Maryland, and Delaware are among states which have prioritized the safety of a child's journey to school when they are walking or riding a bike. The bill puts control of the program in the hands of the W. Va. Commissioner of Highways. Funding would come from the federal government's "Hazard Elimination Program." School districts would be permitted to seek funding to construct new and repair existing sidewalks, bike lanes and crosswalks.

In addition to determining the new measure's potential to save lives, the Commissioner of Highways will also evaluate recreational use of the paths. This makes the program as much about health as it is about safety. Thirty years ago, 60 percent of children walked to school. Today, fewer than 10 percent do. As the number of children

walking to school and play has decreased, the number of children suffering from obesity has skyrocketed.

West Virginia taxpayers spent an estimated \$33.4 million for health care costs related to obesity in 2003. Thus, creating safe walking routes does more than protect children on their way to school. Hopefully, the "Safe Routes to School Bill" will encourage students and other community members to leave their cars, and walk or bike when there are safe walking routes in their neighborhoods. It is also hoped that the long-term effect of this program will be a decrease in the amount of traffic around schools, enabling children to more easily participate in extracurricular activities.

In theory, implementation of **HB4162** could save school systems money on busing every year. Additionally, this program could increase the sense of community, bringing citizens together to walk, bike, skate, and generally improve their health. Establishing and, more importantly, funding safe routes to school is a safety issue, a health issue, a financial issue, an environmental issue, and a community-values issue. Passage of the "Safe Routes to Schools bill" should benefit everyone, bringing communities together to keep children safe.

NOTE: For more information on specifics of this legislation, refer to Issue 6 of *The Legislature*. The measure has been referred to the House Education Committee.

— *Del. Flesichauer is a legislator from Monongalia County.*

Looking Back...

The Feb. 25, 1994 issue of *The Legislature* contained six articles relating to legislative session happenings, including features regarding a major public hearing on Regional Education Service Agencies, which the W. Va. School Boards Association newsletter said some individuals had termed as "love in for RESAs." Indeed, The Legislature reported that about 40 speakers spoke in favor of RESA governance continuing as it were. "Not one negative comment was spoken, unless you consider comments from a high school principal who said at one time he did not fully understand RESAs' existence, but later realized their potential."

In terms of school calendar legislation, the House Education Committee, according to *The Legislature*, was tied up in debate for over an hour in regard to a proposal that would have given employee organizations the right to "meet with school boards and, as result of those 'communications' and discussions, to arrive at the beginning and ending dates for the school term." Negotiated agreements, however, couldn't obligate the state. The proposal, offered by then Del. Steve Williams (D-Cabell) was labeled as collective bargaining by some delegates. Following about 90 minutes of debate, *The*

Legislature reported that Williams withdrew the proposed amendment.

The publication also reported that the Senate Education Committee had held a public hearing in regard to placing the W. Va. Secondary Schools Activities Commission under legislative rule-making review. WVSBA representatives spoke in favor of the move, saying it would make the WVSSAC more accountable, and that the WVSSAC then could be the subject of agency "sunsetting legislation." "We need to broaden input from all factions to avoid complications," said Jeanne Grimm (Monongalia), then WVSBA Program Officer. The 'big' WVSSAC issue—scheduling male and female sports during 'different seasons.' "Our system stigmatizes girls as second class citizens. There would be an uproar if boys were made to play in the off-season," said Brian Knight, a W. Va. Chapter of the National Organization for Women representative.

Finally, legislators were described as "irritated at the length, duration and intensity" of a bill regarding inclusion which was being discussed by the House Education Committee.

'Things are never as simple as they seem' Legislative Inter-Workings

By Martha Dean, Ed.D.

Watching the Legislature at work is always interesting and filled with intricacies that are difficult to follow and understand. In these next two weeks, it will become even more fast-paced and difficult to follow. I need to remind myself often that things are never as simple as they may seem and many inter-workings are not obvious to me as I continue to learn. So, with that in mind, I will give you my take on some of the currently pending bills.

I returned this week from attending the National Conference on Education to find that work in West Virginia had not stopped in my absence. Actually, more legislation has come out of the House Education Committee than had earlier in the session, and I thought it was pretty busy already. On Feb. 20, three bills (**House Bills 4552, 4553, and 4554**) originated in House Education. Those bills are on third reading today. **House Bill 4552** to some extent modernizes the reasons for revocation of teacher certificates. It clearly states that a conviction, guilty plea or no-contest plea to any charge involving sexual misconduct with a minor or a student is cause for revocation.

This provision is an improvement over current law. It also clearly says that revocation may result from using fraudulent credit to obtain certification. This is also an improvement in current law as it is clearly stated and there are no conditions exempted. However, there is language that says: "Provided, That the certificates of a teacher may not be revoked for any matter for which the teacher was disciplined by the county board that employs the teacher, 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: Provided, however, 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." These two provisions are still protecting the employment and licensure rights of teachers.

House Bill 4553 provides that any teacher who has graduated from a teacher preparation program at a regionally accredited institution of higher education who holds a valid teaching certificate in another state will receive that same certificate in West Virginia. It also adds a penalty of dismissal for any West Virginia higher education and public education official who fails to grant the certificate.

House Bill 4554 provides that service employees who are employed to fill a leave of absence of a regular employee who is on workers' compensation and absent for more than 30 days, the substitute who is employed to fill this position is granted regular employment status and be accorded all rights, privileges and benefits pertaining to the position. This same provision is applied to service employees who are suspended and absent more than 30 days.

Grievance Bill

While work in the education committees are proceeding at a fast pace, we cannot overlook the work of other committees which

may have an impact on education. Notably, **House Bill 4005** passed out of the House Finance Committee on Tuesday (Feb. 24). It is currently on the floor of the House and at least one delegate is committed to having it removed from the consent calendar and allowing amendments to occur on third reading which should be on Monday. This bill was originally introduced at the request of the governor and creates a special revenue fund to be designated the "Employees Grievance Board Fund". The funds for this account are to come from all public employers covered by the grievance procedure. Each entity's responsibility is one-twentieth of one percent of its annualized expenditures. That means that every county board of education would be required to contribute to the expense of operating the Education and State Employees Grievance Board.

This is definitely an unfunded mandate! I need to make it clear in this article that the bill did not pass through the House Education Committee. House Education Chairman Jerry Mezzatesta (D-Hampshire) has indicated time and time again that he is not interested in passing any legislation that contains an unfunded mandate. Now is the time for all school board members and all county superintendents to make sure that their delegates are clear that this bill is just that: an unfunded mandate that requires us to fund the operation of another government agency. Don't let this happen!

Delegate Poling's Amendment

More on **House Bill 4005**: I learned this morning that Del. Mary Poling (D-Barbour) is prepared to offer an amendment on Monday that would remove the requirement that county boards contribute to this "fund." I would also urge support for the Poling amendment. It certainly isn't right for any government body to pay for the operation of another out of its operating funds. However, our concentration must be the public schools. The amendment would remove county boards and should be supported. Also, I would still urge Delegates to defeat this bill on the House floor. That should send a clear message that unfunded mandates cannot be supported.

Demonstration Project

Just this morning, House Education met to discuss two more bills originating in committee. The first one was a bill to authorize the state superintendent to designate three elementary schools in West Virginia as demonstration schools. These schools would have significant enrollments of disadvantaged, minority and under-achieving students. They would also need to be located fairly close to a college with a teacher preparation program to encourage collaboration with higher education. Prior to review and passage of the bill, the committee heard about findings of a Minority Achievement Report. Minorities and poor children perform below the basic skill level in greater numbers than the rest of the population. The theory is that there are ways to improve the achievement of these students and the passage of the bill would allow West Virginia to test some strategies that might work in narrowing the achievement gap. Also,

See **ADMINISTRATOR'S PERSPECTIVE** on page 13

Minority/low income students: What's the Standard in West Virginia?

By Pat Kusimo

I can still hear my mother saying it, "I don't care what everybody else does, in this house..." The discussion was usually punctuated with a firm and definitive reminder, "You don't live in everybody else's house, you live in mine." The lesson was clear. If what I was suggesting fell below her standard for behavior or academic achievement, her standard ruled. It didn't matter what others did. What does this have to do with student achievement in West Virginia? Absolutely everything.

We need to ask ourselves some hard questions: What do we really believe about the ability of low-income and African American youth to attain academic excellence? Are we comfortable with the fact that 58 percent of African American youth and 54 percent of low-income youth in grades 3-11 had SAT-9 basic skill scores below the 50th percentile?

Data from the 2002 National Assessment of Educational Progress (NAEP) also show a pattern of underachievement. In 2002, 9 out of every 10 African American and 8 out of every 10 low socio-economic standard 8th graders were reading at the basic or below basic levels. Only 3 percent of African American and 6 percent of White students enroll in AP classes, compared to 25 percent of Asian and 8 percent of Puerto Rican students. Enrollment in rigorous curriculum is shown to increase a student's chance of not only attending, but also graduating from college. Currently, West Virginia ranks 50th in percentage of college graduates.

126 Percent Prison Increase

While West Virginia's African American student population is small, less than 4 percent, one out of every two students in West Virginia is poor. The current achievement data for both groups indicates that they will almost certainly be chronically unemployed or relegated to low wage jobs with few, if any benefits. Additionally, low literacy rates are associated with juvenile and adult criminal activity. One-third of West Virginia's prison population is African American. Between 1990 and 1999 West Virginia's prison population rose 126 percent, the third highest in the nation.

Research by *West Virginia Roundtable* found that 86 percent of employers reported too few qualified applicants for high skilled jobs. Approximately 78 percent of West Virginia employers reported they had too few employees in key skill areas. Employers also reported that with an associate degree or certificate could fill 44 percent of their job shortages. West Virginia is currently ranked 50th in median household income and 49th in per capita income. According to data presented at the *Education Alliance's* October 2003 forum on No Child Left Behind, West Virginia's per capita income has fallen further behind the national average for four straight years.

Schools are well positioned to impact these statistics. To break the cycle of poverty, unemployment and welfare for West Virginia families, our schools and teachers must learn how to use the variety of instructional strategies and schooling practices that research has proven increase the academic achievement of all children, including

African American and low income children. If we do not, the cycle of poverty, rising crime rates, unemployment and welfare that afflict too many West Virginia families and communities will likely continue.

'Acceptable' NCLB Achievement

We as a collective body of educators need to decide, "What is an acceptable achievement standard for *all* children in our state, regardless of No Child Left Behind, ethnicity or socio-economic level?" Are we ready to learn and do what is necessary to improve the academic achievement of all of West Virginia's children, including its poor and African American children? If we are not, what does that say about us? Whose job will it be to explain to students, parents, business and community leaders that we just weren't ready or willing to do it? Or maybe we believe the day of reckoning will never come.

We can either do nothing and continue to see our state's population decline as businesses down size and leave West Virginia or we can get busy. We can either invest state funds to build prisons for the undereducated or we can use our money to build an educated workforce that will attract business and reinvigorate our economy. What will we choose to do: educate or incarcerate?

Our parents and guardians would be proud of us if we take a stand and say, "I don't care about other states. We've decided that all children, including low-income and African American children, will achieve to high standards. And we're going to work, like our parents and guardians did, to make it happen in our house—West Virginia."

More information on the achievement of minority children in West Virginia can be found online at www.allwvstudents.org.

— *Kusimo is an educational consultant with P-K Educational Enterprises.*

Wisdom

“...What people fail to realize is that all achievements are eventually surpassed, records are broken, reputations fade, and tributes are forgotten. In college, (Evangelical leader and Focus on the Family official) James Dobson's goal was to become the school's tennis champion. He felt proud when his trophy was prominently placed in the school's trophy cabinet. Years later, someone mailed him that trophy. They had found it in a trashcan when the school was remodeled. Jim said, 'Given enough time, all your trophies will be thrashed by someone else!'”

— *Rick Warren, The Purpose Driven Life: What on Earth Am I Here For?* (Zondervan: Grand Rapids, Mich., 2002).

Active Bills

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

Senate

Senate Bill 71. Relating to verifying legal employment status of workers employed in state. Passed Senate 2/16/04. Referred to House Industry and Labor, Economic Development and Small Business Committee.

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 147. Relating to transfer of lottery surplus net profits. Passed Senate 2/20/04. Referred to House Finance 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 208. Allowing state police to engage in certain political activities while off duty and out of uniform. Passed Senate 2/10/04. Referred to House Judiciary Committee.

Senate Bill 209. Requiring review of certain state leases and purchases by Joint Committee on Government and Finance. Passed Senate 2/3/04. Passed House 2/25/04.

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. 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 406. Relating to victim notification of defendant's release. Passed Senate 2/9/04. Referred to House Judiciary.

Senate Bill 410. Providing educational opportunities to certain children of deceased military; removing in-state requirement. Passed Senate 2/24/04. Referred to House Veterans Affairs and Homeland Security Committee.

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

Senate Bill 448. Relating to higher education advisory boards generally. Passed Senate 2/10/04. Passed House, as amended 2/18/04. Communicated to Senate.

Senate Bill 449. Relating to elections generally. Passed Senate 2/9/04. Passed House 2/23/04.

Senate Bill 524. Relating to council for community and technical college education and PROMISE Scholarship board of control. Passed Senate 2/13/04. Adopted by House Education Committee 2/20/04. Passed House 2/24/04.

Senate Concurrent Resolution 12. Declaring December, 2004, "Legislators Back to School Month." Adopted by Senate 1/23/04. Referred to House Rules Committee.

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

Senate Concurrent Resolution 33. Urging manufacturers and dealers of all-terrain vehicles design, test and offer roll bars as optional equipment. Adopted by Senate 2/10/04. Referred to House Rules Committee.

Senate Concurrent Resolution 41. Affirming religious tolerance is official policy of state. Adopted by Senate 2/16/04. Referred to House Rules Committee.

Senate Concurrent Resolution 42. Requesting Governor proclaim fourth Friday of April, 2004, "Children's Memorial Flag Day." Adopted by Senate 2/16/04. Referred to House Rules.

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 2423. Awarding high school diplomas to certain veterans. Adopted by House Veterans Affairs and Homeland Security Committee 2/25/04. House second reading 2/27/04.

House Bill 2801. Requiring the Ethics Commission to furnish copies of all advisory opinions issued by the commission to the Legislature and the Supreme Court law library. Passed House 1/

23/04. Referred to Senate Judiciary Committee.

House Bill 3097. Prescribing proper venue in civil actions involving West Virginia University and Marshall University. Passed House, as amended 2/5/04. Referred to Senate Judiciary Committee. Referred to Senate Government Organization Committee.

House Bill 3150. Barring state officers, agencies or entities from requiring that surety, payment, performance or bid bonds be obtained from any particular company. Passed House 2/11/04.

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.** Ensuring safer schools and empowering teachers by automating student suspension and expulsion data. Passed House 2/18/04. Referred to Senate Education Committee and Senate Finance Committee. Referred to Senate education subcommittee 2/24/04.

***House Bill 4005.** Creating a special revenue fund for the operation of the Education and State Employees Grievance Board. Amended and passed House Finance Committee 2/25/04. House second reading, special calendar 2/27/04.

House Bill 4017. Prohibiting retailer licensees use of gambling names and symbols in advertising, signage and directions to retail establishments offering limited video lottery games. Passed House, as amended 1/30/04. Referred to Senate Judiciary Committee 2/2/04.

***House Bill 4018.** Authorizing the issuance of grant waivers to sparsely populated counties for relief from the ratio limitations on state funding of professional educators. Passed House education and finance committees. House first reading, special calendar 2/27/04.

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. Passed Senate 2/9/04. Approved by Governor 2/25/04.

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 education 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 4045.** Requiring submission of evidence to state superintendent that county superintendent has given required bond and good security. 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. Passed House 2/23/04. Referred to Senate Education Committee, then Senate Finance.

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 4101. Creating an affirmative defense for certain civil and criminal actions arising from the sale of certain alcoholic drinks and nonintoxicating beer by licensed private clubs to persons under the age of twenty-one whose age is verified by use of scanner. Passed House 2/2/04. Referred to Senate Judiciary Committee.

House Bill 4110. Making the state's criminal and penalty laws applying to the use and display of beer and alcoholic beverages in motor vehicles conform to federal law. Passed House, as amended 2/4/04. Referred to Senate Transportation Committee, then Senate Judiciary 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 Educa-

- tion 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 4252.** Allowing the purchase of up to four years of CETA time in the teachers retirement system. Passed House Finance Committee 2/34/04. House third reading 2/27/04.
- 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.
- House Bill 4269.** Establishing the offense of setting fires in a public right of way as arson in the fifth degree. Passed House Judiciary Committee, as amended 2/6/04. House second reading 2/27/04.
- ***House Bill 4271.** Requiring all schools to permit students to self-administer asthma medication. Amended and adopted by House Education Committee 2/17/04. Passed House 2/20/04. Referred to Senate Education Committee.
- 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 4280.** Making available to retired participants in PEIA the optional dental, vision, and audiology and hearing-aid services insurance plans that are available to current participants. Passed House Finance Committee 2/24/04. House third reading 2/27/04.
- ***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 4287.** Eliminating the provision of law limiting seniority rights for classified employees when funding the annual salary increment results in employee layoffs. Passed House 2/9/04. Passed Senate 2/23/04.
- ***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. Passed House 2/20/04. Referred to Senate Education Committee.
- House Bill 4304.** Continuing the children's health insurance board. Passed House 2/9/04. Referred to Senate 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 4339.** Clarifying the imposition of consumers sales and service tax on purchases made by providers of professional or personal services. Passed House Finance Committee 2/24/04. House third reading 2/27/04.
- House Bill 4434.** Expanding the possible venues where a child neglect or abuse petition may be filed. Passed House 2/19/04. Referred to Senate Judiciary Committee.
- House Bill 4467.** Relating to the payment of expert fees in child abuse and neglect cases. Passed House 2/20/04. Referred to Senate Judiciary Committee.
- ***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.
- ***House Bill 4552.** Relating to grounds for the revocation of teacher certificates. Originated within and passed House Education Committee 2/20/04. Passed House 2/26/04. Communicated to Senate.
- ***House Bill 4553.** Relating to standards for awarding certificates to teach in the public schools. Originated within and passed House Education Committee 2/20/04. Passed House 2/26/04. Communicated to Senate.
- ***House Bill 4554.** Relating to the rights, privileges and benefits of substitute service personnel employed to fill vacancies created by leaves of absence. Originated within and passed House Education Committee 2/20/04. Passed House 2/26/04. Communicated to Senate.
- ***House Bill 4574.** Providing instruction in personal finance for secondary school students. Passed House Education Committee 2/24/04. House second reading, special calendar 2/27/04.
- ***House Bill 4601.** Relating to public education generally. Suspends school aid formula appropriations for school bus replacements in fiscal 2005. Provides for legislative appropriation or allocation of appropriation of certain revenues, funds and moneys of School Building Authority of West Virginia. Provides certain guidelines and procedures by authority for plans, plan modifications and evaluating projects. Provides salary increment increase for teachers. Originated within and passed House Education Committee 2/24/04. House third reading with right to amend, special calendar 2/27/04.
- ***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.
- 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.
- * *Bills previously reported in The Legislature.*

ADMINISTRATOR'S PERSPECTIVE

continued from page 8

Hazel Palmer of the West Virginia Education Fund presented similar findings of another study. The committee then passed the bill to the floor with little discussion.

The second bill discussed in this morning's session was a higher education bill which, among other provisions, would set the cap for the Chancellor's salary at \$200,000 per year. The committee was not ready to pass this bill and it was assigned to a sub-committee.

After the meeting, W. Va. Education Association representatives had a good chance to look at the demonstration school bill. It contains provisions regarding the employment, promotion and transfer of personnel currently employed at a demonstration school that were unacceptable to WVEA. I would guess that, once the bill gets on the floor at the amendment stage, amendments will be offered regarding these provisions.

WVASA Bills

Dr. Mark Manchin, W. Va. Association of School Administra-

tors legislative chair, has worked hard to get three bills introduced on behalf of the Association. I ask that you contact your Delegates and Senators and ask for their support. They are:

SB 540 provides for the funding of the required treasurer's position for county boards. The bill has been referenced to the Education and Finance Committees. It is currently in Senate Education.

SB 541 provides that a school nurse be provided for every 1,500 students in grades K-7 with funding for the cost of that position. The bill has been referenced to the Senate Education and Finance Committees and is in the Education committee.

HB 4522 will add a service personnel classification for LPN with an H pay grade. This bill has been referenced to House Health and Human Resources and Finance committees. It is currently in the Health and Human Resources committee.

In order for these bills to progress, it is essential that they get out of the committees and onto the floor of their respective chambers. Each bill still has to go to the respective Finance Committee which will be a busy place by the end of the session.

—Dean is WVASA Executive Director.

Correction...

The Feb. 19 issue of *The Legislature* contained a factual error. According to *Charleston Gazette* reporter Eric Eyre, Challenge West Virginia did not provide an analysis of bus

travel time data for a story that ran in 2002. *Gazette* reporters compiled and analyzed that information. *The Legislature* regrets this factual error. —Howard M. O'Cull, Ed.D., editor.

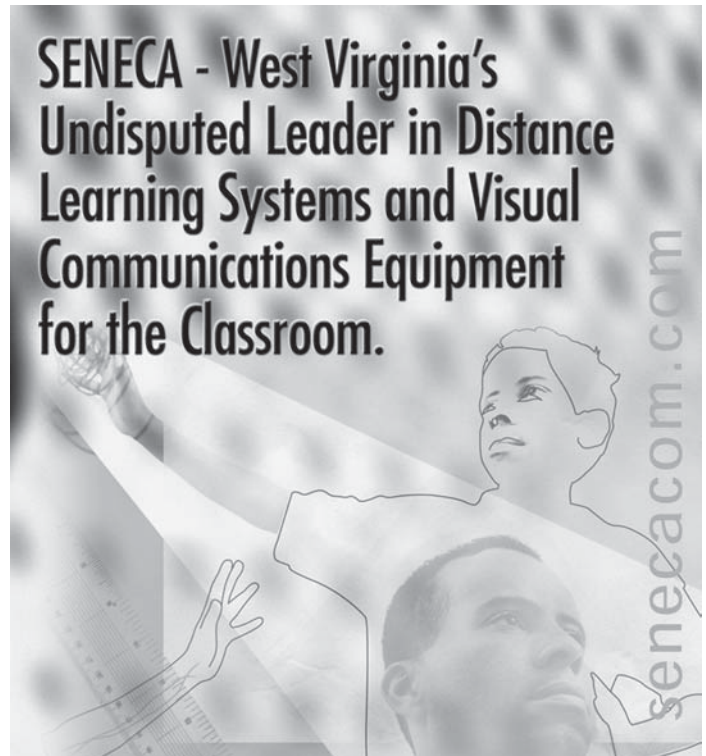
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Berkeley County Board of Education
Manny P. Arvon, II - Superintendent



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Sound Bites

“In principle, I have no problem with the increase. But, we’re trying to plug a \$120 million dollar hole in the budget.” – *W. Va. School Service Personnel Association Executive Secretary Bob Brown discussing higher pay for the position of state superintendent of schools.*

“Keep going.” – *Del. Robert D. Beach (D-Monongalia) in response to a call for additional sponsors for a bill. Initially, Beach was the lone sponsor.*

“‘Minority’ goes across all types of lives and race...” – *House Education Chairman Jerry Mezzatesta (D-Hampshire) discussing the demonstration Professional Development School measure.*

“Dr. (David) Stewart (State Superintendent of Schools) doesn’t make \$301,000...” – *Del. Mezzatesta commenting on legislators’ discovery that the head of a publicly-funded senior citizens group in Wyoming county makes a six-figure salary.*

Meanwhile in Hawaii...

Wahine State legislators have rejected Gov. Linda Lingle’s proposal to have voters decide whether to dismantle the Hawaii (state) Board of Education and create seven smaller local school boards, although Hawaiian Republican legislators are hoping to put pressure on the Senate to keep the measure alive, according to the *Honolulu Star-Bulletin News*. Lingle, a Republican, has said House lawmakers “missed an important opportunity for genuine restructuring” of Hawaii’s public school system. She also accused the recalcitrant legislators of “(demonstrating) their lack of faith in the voters of Hawaii by failing to place on the November ballot our proposal for the creation of local school boards,” Lingle said in a written statement from Washington, where she was attending the National Governors Association meeting. One state senator was quoted as saying, “‘I think the proposal she had with seven departments of education didn’t make sense.’” - Hmm. – *Honolulu Star-Bulletin News*. Sunday, Feb. 22, 2004.

The Legislature

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