



## Delegates Okay NCLB Resolution; Persistent State Reform Efforts Cited

The W. Va. House of Delegates has adopted **House Resolution 6** which asks the President George W. Bush and the U.S. Congress to “immediately include a mechanism for a waiver from (NCLB’s) provisions for school accountability that shall automatically be granted to states such as West Virginia that have successfully increased student achievement through their own standards and accountability reforms.”

The resolution was adopted by a 79-18 vote. Only one Democrat, Del. Eustace Frederick of Bluefield, voted against the resolution. Three House members were absent or didn’t vote.

The text of the resolution is included on page 6.

Copies of the resolution are to be forwarded to the President and state congressional delegation.

### House Education Origin

The resolution originated in the House Education Committee, and was adopted by that body on Feb. 3. It was approved by a unanimous committee roll call vote—a move prompting Del. Brady Paxton (D-Putnam) to commend the committee for its “bipartisanship.” Paxton heads an HEC subcommittee examining NCLB regulations and the legislation’s impact on education in West Virginia.

The subcommittee met Thursday (Feb. 5) to review the resolution. While the review was general in nature, Paxton said it served

to help members answer any questions that might arise about the resolution or its effect.

Meanwhile, there are some reports that the state Senate will move to adopt its own NCLB resolution, possibly using or borrowing some of the House language. In that event, the Legislature itself could adopt a “Concurrent Resolution,” which would express the sentiments of both bodies. Such resolutions are usually not considered until the last few days of session.

In discussing **HR6**, House Education Chairman Jerry Mezzatesta (D-Hampshire) says, if nothing else, the proposal makes a statement regarding NCLB as a federal mandate.

### 10 Sections

The resolution has 10 sections, each dealing with a different concern regarding NCLB, including the pronouncement that West Virginia began a standards-based system of schooling in 1988 with the passage of **Senate Bill 14**.

According to the resolution, the state has intervened in four low-performing school systems as part of its accountability program. Also cited is the development of the criterion-referenced West Virginia Educational Standards Test (WESTEST), which is “aligned

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## Overview

### STATS

Day of Session:	24
Days Remaining:	36
Bills Introduced (not including House Carryover Bills):	795
Education Bills (WVSBA Count):	158

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### QUOTE

“We’re not going to wait until it’s too late.” — *House Education Chairman Jerry Mezzatesta (D-Hampshire) discussing a bill that would address counties having declining enrollments “below” 1,250 students.*

## WC Session Nears

The W. Va. School Boards Association’s 2004 Winter Conference will be held next weekend in Charleston (Marriott Town Center Hotel).

Conference training programs commence at 1:00 p.m., Friday, Feb. 13, with a presentation by Jamie Vollmer, a nationally known education speaker. He will discuss how county boards can develop better “connectivity” with communities in order to receive greater support for schools.

The Friday evening portion of the program features a “Meet the Gubernatorial Candidates” session. Eight candidates have been invited to attend—the three major Democrat candidates, and five Republican candidates. A total 19 candidates are seeking election as governor, including one Libertarian Party candidate.

Other training sessions relate to school facility needs in the state during the next few years. Dr. Clacy Williams, School Building Authority of West Virginia executive director, will provide the “lead” for this session, which will be followed by a panel discussion. That session will be held beginning at 8:45 a.m., Saturday (Feb. 14).

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# Calendar Plan May Be Ready Tuesday

By Howard M. O’Cull, Ed.D.

**A** House Education Committee subcommittee may vote on a school calendar bill as early as next Tuesday (Feb. 10), according to subcommittee chairman William G. Hartman (D-Randolph).

The committee spent about 45 minutes Thursday (Feb. 5) reviewing a second draft of the “Flexible Calendar Bill of 2004.” That draft incorporated changes from a subcommittee meeting held last week.

In Tuesday’s meeting, the subcommittee is to consider a proposal to allow county boards to begin school by August 15—11 days earlier than now. The school term would have to be completed in 43 weeks—current law—from the beginning date, but in no event later than June 8.

Based on discussions Thursday, the subcommittee isn’t going to consider a proposal that would have established a calendar based on “minutes” rather than 180 school days, partly due to the complexity of such given various school personnel laws and statutes. Rather, this calendar would establish the concept of “minimum instructional times,” which include 945 hours at the elementary school level; 990 hours at the middle school level, and 1035 hours at the high school level.

Under terms of the proposal, counties “that historically have difficulty achieving (180 days instruction) due to cancellations caused by severe weather (to use) bank time to help ensure sufficient instructional time within the (180-day) instructional term for the delivery of the full curriculum in the event that cancelled days cannot be made up through rescheduling.”

Boards meeting these “minimum instructional times” would have “satisfied the requirements for the minimum instructional term

for students, notwithstanding the number of separate instructional days less than (180) for which the schools were lawfully closed.”

The bill also would allow for establishment of year-round schooling, and amends—as does a Senate bill—the “format” for Instructional Support and Enhancement days, among other proposed statutory provisions.

In its meeting next week, the committee also is slated to consider a proposal that would create an 80-day term for the first school semester, and a 100-day term for the second school semester. That proposal was offered by HEC members Ron Fragale (D-Harrison) and Mary Poling (D-Barbour).

As the committee discussed the bill yesterday (Feb. 5), Del. Stanley Shaver (D-Preston) expressed concern that the proposal won’t help “snow belt” counties too greatly, and members also discussed being able to preserve spring break, as well as how to devise a means to count “bank time” so as to ensure that bank time is used for rescheduling lost instructional time, not as a means of “avoiding” minimum instructional time.

The committee is exploring various ways to give county boards options and flexibility, according to Hartman.

## Early Retirement

In other action yesterday, the HEC adopted a bill that provides school service personnel who notify county boards of their retirement plans by Feb. 1 annually, a \$250 bonus. The current \$500 bonus is preserved for professional personnel.

Although several members spoke in favor of a higher bonus amount, they agreed—given various budget constraints—the \$250 figure was a “beginning.”

According to a fiscal note, the program will cost about \$100,000, with any preference given to the employees who first notify counties. Representatives of the W. Va. Education Association may seek to change that language so that preference and priority goes to professional personnel, according to WVEA’s Perry Bryant.

The bill is **HB4284**, is has a second reference.

## ‘Thankless Subcommittee’

In other action, HEC Chairman Jerry Mezzatesta (D-Hampshire) appointed Fragale to head what he called a “thankless subcommittee,” whose purpose is to find ways in which to enhance revenue for public and higher education.

Mezzatesta, in announcing creation of the subcommittee, said the group wouldn’t “do the job of (House Finance).” Rather, the committee is to examine ways to “add revenue for public education and higher education to offset the (gubernatorial budget) cuts,” according to the chairman. Mezzatesta mentioned that notion at the first HEC meeting this year.

The HEC chairman admonished members not to take a “shell game” approach of “cutting in other areas.” According to Mezzatesta, various state agencies have already had to absorb significant funding reductions.

Several Republican members were added to the committee. Mezzatesta said the full HEC will “meet around” the schedule of Fragale’s subcommittee.

## Senate Education

Yesterday (Feb. 5) Secretary of Education and the Arts Kay

See **CALENDAR PLAN** on page 5

**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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# Bill Aids Boards with 1,250 Pupils or Less

**H**ouse Education, in a meeting Feb. 3, adopted an amended **House Bill 4018**. As introduced, the legislation would have allowed the state superintendent of schools to waive the school aid formula adjusted enrollment limit in cases where the superintendent determined the waiver was justified by student population density. The waiver also would have been subject to W. Va. Board of Education rules and procedures.

The amended bill requires the state superintendent to work with any county board whose net enrollment in Grades K-12 falls below 1,250 students.

## Technical Assistance

**HB4018** describes its intent as one of establishing a “safety net for counties with low student enrollment that provides the personnel necessary for the proper operation of the school system consistent with the efficient use of resources.” Accordingly, the bill requires the state superintendent to provide “technical assistance to (counties affected by the bill) to maximize the efficient use of resources available to the county, including, but not limited to, utilizing the services available through the Regional Education Service Agency and cooperative arrangements with adjoining counties.”

In those cases, school aid formula determination of professional and service personnel allowances would be computed, based on “utilizing a number for students in net enrollment of not less than the county’s actual net enrollment nor more than (1,250) as determined by the state superintendent for the proper operation of the county’s school system.”

An additional bill provision would allow the state superintendent to “waive for the county the ratio of students to professional instructional personnel...as determined necessary for the proper operation of the county’s school system.” Under current law, 51 of the 53.5 professionals funded by the school aid formula must be “professional instructional personnel.”

In making determinations regarding application of the waiver, the state superintendent is to consider “local circumstances...to ensure the efficient use of available resources.”

According to committee testimony, three counties soon may be impacted by the bill. According to the HEC staff, the counties are Gilmer, Pendleton and Wirt counties.

## Fiscal Notes Required

In other action this week, the committee adopted legislation that requires a fiscal note for every “policy, rule or proposed program affecting the public schools.” The fiscal note, at a minimum, must address applicable direct, indirect and opportunity costs to the public schools for implementing the policy, rule or program.

Any policy, rule or program affecting the public schools, as proposed by W. Va. Board of Education adoption (or other state agency or agencies), would be subject to three alternative conditions:

1. The adopting agency would be solely responsible for any resulting costs and the policy, rule or program would be

enforceable only to the extent the adopting agency provides necessary resources.

2. The adopting agency may notify the Process for Improving Education Council (extent that resources necessary for its implementation are pro) and request a meeting to “achieve consensus” on how important an agency’s proposed policy, rule or program is in regard to improving student performance, how costs can be minimized and any action(s) necessary to ensure capacity prior to agency adoption of a proposed policy, rule or program.

3. The adopting agency may include an improvement package in its budget request prior to the adoption of any proposed policy, rule or program, asking for the necessary resources and statutory changes necessary to implement the proposals.

## Rules Review

A final bill provision requires the Office of Education Performance Audits to review all policies, rules and programs adopted since July 1, 1999 to determine whether county boards and schools have the capacity to meet the requirement(s) and, if not, to report the findings to the WVBE along with recommendations for additional capacity or modification or repeal of the policy, rule or program.

A copy of all reports must be filed with the Legislative Oversight Commission on Education Accountability.

In an earlier bill section, the intent of the legislation is described as “(necessary) to establish a framework to avoid the imposition of policies and practices upon the public schools that interfere with the Legislature’s ability to provide for a thorough and efficient system of education by distracting attention and resources from the core mission of the public schools, improving student, school and school system performance and progress.”

## ‘Opportunity Costs’

“Opportunity costs” are defined as those costs which, through adoption of a policy, rule or program, may “(hinder, diminish or eliminate) any existing duties, functions or activities” required of an agency, including “changes in the allocation of time and effort by teachers and principals, changes in the allocation of instructional time and resources, existing courses and programs of study that will or likely are to be reduced or eliminated if the new requirements are added without additional resources and any other current activities that will or may be hindered, diminished or eliminated.”

According to a legislative finding, adoption of the proposed bill will allow the “resources focused on improving student, school and school system performance and progress (to be) maximized” through a “continued and heightened interest on improving efficiency” in the educational system.

The bill amends §18-2E-8b.

The process for improving education includes four primary elements, those being standards, assessments, accountability and capacity-building.

Both the Legislature and WVBE endorsed the process in 1998.

# Medicaid dollars discussed Education Spending 'Map' Requested

By Howard M. O'Cull, Ed.D.

Senate Education Chairman Robert H. Plymale (D-Wayne), in the SEC's Tuesday meeting (Feb. 3), asked representatives of the governor's office to provide committee members with a list of education programs funded by the Legislature, including a listing of Budget Digest-related projects.

SEC members also discussed Medicaid reimbursement moneys county school boards received last year, with senators to receive additional details about the generation and use of these moneys.

Plymale, in discussing his request of Joe Martin, the governor's legislative liaison, said he wanted the materials in order to get a "map" relating to education spending. The chairman added, "We're not minding to cut some," but said the committee should have the information at hand in order to make sound decisions. "Give us a map of where these programs started," he said.

Echoing some Senate concerns from last year, Plymale said he questions the wisdom of a line-item appropriation for educational technology programs—a position the House of Delegates has taken. (Refer to **House Bill 4072**, adopted by the House Jan. 20.)

## One Year Hiatus

The SEC chairman said a "line-itemed" approach to funding educational technology could erode benefits gained from the Basic Skills and SUCCESS computer programs during the past decade or so, noting that W. Va. Department of Education officials were quoted as saying last in 2003 that the programs probably could "without [additional funding] for one year."

In response to Plymale's questioning, Martin said the educational technology approach was chosen because there could be "some savings." He then said the legislative leadership, in a meeting last fall, was asked to provide suggestions for budgetary savings and reductions. The line-item approach apparently originated in the House Education Committee, according to Martin's comments.

Plymale, in discussing the subject further, said he didn't think the Senate was "consulted on that (the technology request)," adding, "I didn't like the actions last year, and I like this even less," referring to the governor's request for a line-item appropriation for technology. "I believe in these programs," he said.

## Other Line-Items

In the ensuing brief discussion, several SEC members began to question items on a handout prepared by Martin, including some House-related programs, as well as questions concerning "Energy Express," a summer program for at-risk youth, and some other budgetary line items.

## Medicaid Dollars

In regard to the Medicaid dollars, a few senators asked whether county school boards, in receiving various Medicaid moneys last year, were putting some of the funds back into special education or for other medical-related purposes.

Those sentiments were made by Sen. Jon Blair Hunter (D-Monongalia) and Sen. Edwin J. Bowman and others. Plymale, in response to the senators, said a portion of the moneys—6.5 percent of each county's went back to the state—and that some boards, facing fiscal woes, may have used the moneys to stay out of deficit.

"It alleviates some (fiscal problems)," said Plymale.

Hunter's contention was that special education teachers, who he said were responsible for most of the paperwork necessary to procure the "additional" Medicaid dollars, wouldn't benefit from their efforts. "They're (special education teachers) drawing down moneys for which they're not getting one bit," he said. Several senators also said if the billings had been on-going the Medicaid moneys might have flowed to counties earlier. Several senators said local boards covered some costs for which they had been eligible for Medicaid reimbursement, then "recaptured" Medicaid reimbursements.

According to the WVDE's school finance offices, the Medicaid funds were considered as "unrestricted" revenue, although department officials urged counties to use the dollars for special education purposes first if those "needs hadn't been met." If special education needs were addressed, the funds could be used for other purposes, according to WVDE officials.

At the conclusion of the meeting, Plymale said the SEC staff would direct a letter to W. Va. Department of Education officials asking for clarification as to how moneys were received and spent.

Martin said county boards received \$32.5 million in Medicaid funds reimbursements in late 2003.

— O'Cull is W. Va. School Boards Association executive director.

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# Senators Urged to Vote Against Basics Bill

Dr. Jeanne Moore has written the following letter to state senators, asking them to vote against a House-passed measure relating to “basic skills” instruction.

The following is the text of Moore’s letter:

“As a former lobbyist and a retired educator who served from 1977 to 1998 as W. Va. Department of Education Coordinator of Music, Art, Theatre, and Dance, I am writing to ask you to vote against the Committee Substitute for **House Bill 4043** because:

1. It defines “basic skills” in narrow terms as reading, mathematics, and English/Language Arts only. This ignores the need for a balanced curriculum including the arts (music, art, theatre, and dance), social studies, science, Physical Education, foreign languages, and health. The language used in this bill was discontinued by scholars and educators in the early 1970s.
2. The placement of a priority on the teaching of reading, mathematics, and English/Language Arts has been a matter of W.

Va. Board of Education policy since 1997. The same three subjects are required to be taught daily by this same policy adopted in 1997. There is no need for a new policy to do what is already required by an existing one,

3. To require that all other subjects be taught only as adjuncts to reading, mathematics and English/Language Arts, is to disregard the basic subject matter of other individual academic disciplines. To ask teachers who are specialists in arts, sciences, social studies, P. E., health and foreign languages to ignore the structure of those disciplines and the best practices in teaching them sequentially would be to deny our children a high-quality education.

For additional information on the position of professional education organizations regarding these issues, see: <http://www.menc.org/information/prek12/stand.html>.

Thank you for your kind consideration of this matter.”

## NCLB RESOLUTION OKAYED

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with the content standards that will provide the basis for assessing student, school and school system performance and progress...” It also cites “steady improvement” on National Assessment of Educational Progress tests.

Other resolution concerns relate to federal appropriations—to “cost West Virginia literally millions of dollars that it does not have”—strong sentiment regarding “the imposition of a uniform mandate on all public schools...,” and the conclusion that NCLB is the “most sweeping federal intrusion into state and local control of education in the history of the United States...”

The resolution requests that states be able to retain the NCLB waiver as long as “they maintain their proven standards and accountability programs and do not retreat from or weaken them...”

Virginia and Utah have adopted similar resolutions, as well as a school district in Reading, Penn., which “opted out” of NCLB. The state of Nebraska also has considered such a move, according to various committee testimony.

House members voting against the resolution were: Armstead, Azinger, Blair, Carmichael, Caruth, Ellem, Faircloth, Frederick, Frich, Hall, Leggett, Overington, Schoen, Trump, Wakim, Walters, Webb, and White, G.

Absent/Not Voting: Butcher, Coleman, and Shelton.

All others voted for the measure.

House Education held a NCLB public hearing on Jan. 21. The W. Va. School Boards Association was represented by President William J. Raglin (Kanawha).

House resolutions express the “sense” of the House of Delegates on issues. Concurrent resolutions express the “sense” of the Legislature on issues.

NCLB, adopted by Congress in 2001, is a cornerstone of the Bush administration’s education initiatives. Having bipartisan support when passed by Congress, the legislation has drawn the ire of Democrats and some Republicans for varied reasons, including what is seen as a lack of concomitant funding commitment by the Bush White House.

## CALENDAR PLAN

*continued from page 2*

Goodwin told members of the Senate Education Committee that the secretary’s office had reduced staff since 1997 and expanded services. The Educational Broadcasting Authority, Center for Professional Development, Division of Culture and History, Division of Rehabilitative Services, and Library Commission all fall under the auspices of the secretary’s office.

The broadcasting authority has developed electronic instructional videos that could be placed directly on school networks for more efficient delivery, given that Internet-based videos can be slower, according to Executive Director Rita Ray. The authority plans to pilot the videos in March and report results to the W.Va. Department of Education, she said.

Since the Center for Professional Development’s 2004 budget was reduced, fees for services increased, but the center still had many participants at the Governor’s Summer Institute and Principals’ Leadership Academy, according to Executive Director Gail Looney. A professional development master plan would be developed by CPD, Regional Education Service Agencies, the WVDE and WVBE, she said.

— *O’Cull is W. Va. School Boards Association executive director. Jason Keeling of Keeling Strategic Communications contributed to this article.*

### Wisdom

“Always do right. This will gratify some people and astonish the rest.”

— *The ‘other’ sign on President Harry Truman’s desk, attributed to Mark Twain. Truman’s most famous sign, of course, ‘The buck stops here.’*

# House No Child Left Behind Resolution

Following is the text of **House Resolution 6**, adopted by the House Feb. 4. It relates to the “sense” of the House regarding the federal No Child Left Behind Act:

“Urging the President and Congress of the United States to amend the No Child Left Behind Act immediately to include a mechanism for a waiver from its provisions for school accountability that shall automatically be granted to states such as West Virginia that have successfully increased student achievement through their own standards and accountability reforms.

**WHEREAS**, West Virginia began standards based accountability as early as 1988 with the adoption of a performance-based accreditation system, has continually improved and refined its system to the present Process for Improving Education that incorporates high quality standards, assessment, accountability and capacity building and has held schools and school systems accountable for student performance on test scores, attendance and graduation rates for at least fifteen years; and

**WHEREAS**, Performance-based accountability in West Virginia has led the state to take control of four of its lowest performing school systems, make the improvements necessary to improve student, school and school system performance and return the first two of these take-over systems to independent and fully accredited status with the remaining two recent take-over systems steadily improving under state control; and

**WHEREAS**, West Virginia has improved and strengthened its content standards for the curriculum in the public schools and has developed a new criterion-referenced West Virginia Educational Standards Test (WESTEST) aligned with the content standards that will provide the basis for assessing student, school and school system performance and progress, including an informal assessment of students in grades kindergarten through grade two, annual testing of students in grades three through eight in mathematics, English language arts, science and social studies, end of course exams in English language arts and mathematics in high school and a comprehensive 10<sup>th</sup> grade math exam covering subject matter through algebra; and

**WHEREAS**, West Virginia has participated in the National Assessment of Educational Progress tests since their inception and has shown steady improvement in the scores of its students on these tests notwithstanding a high incidence of economically disadvantaged students and students with disabilities; and

**WHEREAS**, In 2001 Congress enacted and the President signed into law the No Child Left Behind Act which has as its announced purpose bringing to the public schools the high academic standards in reading and mathematics, the test-based accountability for the achievement of these standards and the high quality teaching needed for all students to perform at proficient levels, a purpose which may be appropriate to prompt some states to implement standards based accountability reform, but which was already well established in West Virginia; and

**WHEREAS**, The No Child Left Behind Act further has the laudable purpose of bringing more attention and accountability in the public schools for ensuring that all students graduate with the requisite proficiency in the basic skills, the appropriations for achieving this purpose are well below the levels that were antici-

pated to be needed and authorized by the Act for schools eligible to receive Title I funds, a shortfall compounded by the Act’s requirement for a single accountability system that imposes the same mandates on all other public schools without any additional funding; and

**WHEREAS**, The imposition of a uniform mandate on all public schools with funding restricted to only an eligible subset of schools will result in an inequity of educational opportunity for students at schools not in the eligible subset, thus compounding the fiscal burden on the states and exposing their entire public school finance systems to challenges in the Courts; and

**WHEREAS**, The imposition of any mandate upon the public schools for which there is insufficient capacity or additional resources to meet its requirements, particularly a mandate which includes serious penalties for failure, will divert resources away from other laudable objectives of the public schools such as the advanced electives, vocational offerings and enrichment courses that enable the most academically capable students to excel; and

**WHEREAS**, Even though the educational improvements occurring in West Virginia over the past decade are proving successful with steady improvements in student, school and school system performance, the mandates of the No Child Left behind Act will cost West Virginia literally millions of dollars that it does not have and threaten to undermine its progress toward achieving the education goals of the state; and

**WHEREAS**, It is clear that the No Child Left Behind Act represents the most sweeping federal intrusion into state and local control of education in the history of the United States, which egregiously violates the time-honored American principles of balanced federalism and respect for state and local prerogatives, especially in the crucial area of education; therefore, be it

## **Resolved by the House of Delegates:**

That the Congress of the United States be urged to amend the No Child Left Behind Act immediately to include a mechanism for a waiver from its provisions for school accountability that shall automatically be granted to states such as West Virginia that have successfully increased student achievement through their own standards and accountability reforms; and, be it

**Further Resolved**, That such waiver be available to these states so long as they maintain their proven standards and accountability programs and do not retreat from or weaken them; and, be it

**Further Resolved**, That the Clerk is hereby directed to transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the West Virginia Congressional Delegation so that they may be apprized of the sense of the West Virginia House of Delegates in this matter.”

*Sponsored by Delegates Beach, Hartman, Kuhn, Fragale, Tabb, Renner, Shaver, Crosier, Perry, Williams, Swartzmiller, Paxton, Long and Stemple. (Originating in House Education Committee.)*

# Administrator's Perspective

## *WVSA bills being introduced* **Calendar Changes Warrant Attention**

By Martha Dean, Ed.D.

To say the least, this session has been hectic and there is a lot of work being done in the committees and subcommittees on bills and proposed bills. Yesterday there was another meeting of the committee to change the school calendar. House Education Committee policy analyst David Mohr outlined the changes in what Chairman Hartman has named "The Flexible Calendar" bill. I commend this subcommittee for listening to the concerns of all the members on the sub-committee as well as those of us who observe from the "gallery." The draft included several items that show much potential in making the school calendar more flexible for school boards.

The proposal includes moving the earliest starting date back to August 15, but maintaining the 43 week limitation on the 200-day employment term. This provision would allow a county to end first semester prior to the Christmas vacation, which is the desire of some of the committee members. Delegates Ron Fragale (D-Harrison) and Mary Poling (D-Barbour) had worked on a concept put forth at the last meeting to provide that both semesters would not have to be of equal length. They proposed first semester be 80 days long and second semester be 100 days in length. This concept is supported by the idea that most of the days missed for inclement weather occur after January 1 and that the testing is usually scheduled in the spring. Moreover, the end of school is hectic with sports events and seniors graduating.

### **'Banked Time'**

The issue of "banked time" would allow the time in excess of the required daily instructional time to be "banked" and used to make up days lost due to emergency conditions. Another concept being explored is the concept of equating minutes to the days instead of only relying on 180 days of instruction. Along this line, there is a proposal to define in law that a course credit for high school (and, where applicable, middle school) requires 7200 minutes of instruction. Currently W. Va. Board of Education policy requires 8100 minutes for a course credit. All of these things are in the works and may or may not emerge when the subcommittee reports a bill out to the full House Education Committee.

### **Cutting Education**

On Tuesday (Feb. 3) I had the opportunity to be in the Senate Education Committee when Joe Martin from the Governor's Office presented the Governor's Education Budget. It was apparent that Chairman Robert Plymale (D-Wayne) was not happy with the cuts proposed within the budget. The cuts last year in technology funding were one sore point. Martin pointed out that public education has not been subjected to the reductions in budgets that all other areas of state government has. The school aid formula remains intact. I heard murmurs that maybe it was time to cut public education because of the budget shortfall. That means we need to listen carefully and try to intervene before that happens! But, yesterday House Education Chairman Jerry Mezzatesta (D-Hampshire)

created a subcommittee to be chaired by Del. Fragale that is charged with finding a revenue source to fund some increases in education. He clearly said that he didn't want them to propose to take the money from somewhere else, but to find a new source of revenue. We will be following the work of this sub-committee closely.

### **WVSA Bills**

The W. Va. Association of School Administrators has four legislative priorities. Bills have been drafted to address each of them and we are now working on getting these bills introduced. There has been some dissatisfaction expressed by the W. Va. Education Association concerning our desire to provide a second transfer date to help in instances where unusual circumstances cause a drastic increase enrollment in one school and a decrease in others, most notably if school choice (NCLB) is involved. However, we are working to find language that will be restrictive enough to meet their concerns prior to having a bill introduced. The bill to create a new service personnel classification of Licensed Practical Nurse is drafted and has at least one sponsor and we hope it will be introduced this coming week. The other two bills are to fund the positions of treasurer and school nurses. They have been drafted and sponsors are being found. The last two priorities cost money and money is tight, however we'll still pursue them diligently.

—Dean is WVSA executive director.

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## **WINTER MEETING**

*continued from page 1*

Workshops relate to strategies used by the Monongalia County Board of Education in the passage of a recent school bond; a faith-based program for at-risk students; and, a session relating to the federal No Child Left Behind Act.

Members who arrive early for the program may wish to attend a Thursday evening (Feb. 12) cracker barrel session, which is preceded by a meeting of the association's executive board.

The FY05 Annual Business Meeting will be held Friday afternoon, and features election of association executive and regional officers. The FY05 operating budget also will be considered.

About 200 persons have registered for the conference.

For more information, please contact WWSBA conference registrar Shirley Davidson: [sdavidson@wvsba.org](mailto:sdavidson@wvsba.org).

W V S B A ' s  
**WINTER  
CONFERENCE**

February 13/14  
Charleston Marriott

## Senate

**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 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.

## House of Delegates

**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.

**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 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. Referred to Senate Education 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 Edu-

cation Committee 1/20/04. Passed House 1/22/04. Referred to Senate Education Committee, then Senate Finance.

**House Bill 4045.** 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 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.

**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 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. House third reading 2/6/04.

**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 Committee on Rules 1/26/04.

## Opinion

# McDowell County Wishes Just Don't Count?

Citizens of West Virginia need to stand up against **House Bill 4111**.

By taking away the property rights of the county board of education and handing them over to the state, our legislators have effectively disenfranchised the voters of McDowell County.

Whether they be for or against school consolidation, our people need to realize that this is a blatant abuse of the power we have given our legislators.

It is difficult to imagine this legislation was given due consideration: It passed within a day of being introduced.

I wonder which legislators would be willing to admit that they voted to take away the rights of the voters, because there are no other words to describe what was done.

If the wishes of the McDowell County citizens and board can be set aside, who can say where the next group of citizens will lose

their rights?

The people of McDowell County elected their school board members, presented an alternative consolidation plan and made their wishes known to the officials they elected.

All of this was ignored by the legislators at the Statehouse when they passed **House Bill 4111**.

If we allow property rights to be taken from that board, whose property is safe?

Will someone at the state level decide to give away your property next, because they think they know better what is good for you?

— Margaret Bragg, *Ivydale, belongs to Challenge West Virginia, a group that favors small schools. This is her personal view. Reprinted with permission from Jan. 31 Charleston Daily Mail.*

## Looking Back...

Prescience? According to the Feb. 4, 1994 issue of this publication, comments by then State Superintendent of Schools Dr. Henry R. Marockie “may be a future state Board of Education stance toward Regional Education Service Agencies... which may explain the state Board’s ‘seeming reluctance’ to ‘defend’ RESAs against critics’ attacks.” In his remarks, made on a public television program, Marockie said RESAs should have “stronger links with the state Board of Education, due to them having become “independent.” Marockie argued stronger RESA/W. Va. Board of Education ties would result in “greater accountability.” (The Legislature adopted legislation to this effect in 2002.)

An antecedent to 1995 Safe Schools legislation, the state Board of Education in 1994 had proposed stiffer penalties for possessing weapons within 500 feet of a school. In defending the WVBE proposal, Marockie said it would withstand any constitutional tests in regard to the “right to bear arms.” “This law places serious discussion with adult responsibility. It does nothing to restrict ownership of guns,” said the state superintendent.

During that legislative week, the Senate Education received a report that 23 counties were using the West Virginia Educational Information System—all systems were to be connected by July of that year (or be granted a waiver)... Inclusion was another big topic of discussion, with teacher association representatives saying they weren’t opposed to the concept, only it being mandated. In fact, the West Virginia Federation of Teachers (AFL-CIO) had commissioned a study, results of which showed that 92 percent of teachers said their inclusion training had amounted to less than three hours’ staff development... That issue of *The Legislature* also reported that the SEC, “while on a roll... approved—without the usual hot rhetoric and debate—(a bill) that bans corporal punishment in public schools.” Finally, then association president Keith L. Donley (Brooke) urged county board members and county superintendents to attend the 1994 Winter Conference where Gov. Gaston Caperton would serve as keynote speaker. — *The Legislature* (Feb. 4, 1994).

## Reading

# Leadership: Don't Be Pushed Aside

Real leadership — the kind that surfaces conflict, challenges long-held beliefs, and demands new ways of doing things — causes pain. And when people feel threatened, they take aim at the person pushing for change. As a result, leaders often get hurt both personally and professionally. *In Leadership on the Line: Staying Alive Through the Dangers of Leadership* (Harvard Business School Press, 2002), renowned leadership authorities Ronald A. Heifetz and Marty Linsky, who serve on the faculty at Harvard University’s John F. Kennedy School of Government, marshal a half-century of combined teaching and consulting experience to show that it is possible to put ourselves on the line, respond effectively to the risks, and live to celebrate our efforts. Indeed, the authors offer useful strategies leaders can employ, such as building political constituencies, trying to orchestrate the inevitable conflict, and forcing those who cause problems to actually solve the problems.

Overall, the book dwells on the negative aspects of leadership, serving more as a troubleshooting guide than a how-to leadership handbook.

To offer hope to those who want to avoid being pushed aside, Part Two discusses these five action ideas that help reduce the risks of leadership: first you must see what is happening, then you must take action with a plan; think politically; orchestrate the conflict; give the work back; and hold steady.

—Howard M. O’Cull, Ed.D., *W. Va. School Boards Association*

## Sound Bites

“We’ve faced a horrible budget year.” – *Gubernatorial liaison Joe Martin discussing budgetary concerns with Senate Education Committee.*

“We’ll certainly take the \$250 and run.” – *Bob Brown, interim director of the W. Va. School Service Personnel Association, discussing a measure that would provide a bonus to service personnel who notify employers of early retirement plans.*

“We’re going to step up to the plate and do our part. We’re not going to talk about education, we’re going to have the courage to recommend it. We’re not going to play shell games.” – *House Education Chairman Jerry Mezzatesta (D-Hampshire) discussing the establishment of a “thankless subcommittee” whose role is to study and recommend proposals to enhance education revenues.*

“Spring break is as sacred as Christmas, as is deer season.” – *Del. David Perry (D-Fayette) discussing revisions to the school calendar.*

“I believe in these programs.” – *Senate Education Chairman Robert H. Plymale discussing a proposed “line-item” approach to funding education technology. Plymale contends this approach may mean a lesser technology emphasis.*

## Meanwhile in Florida...

The *Manatee Herald-Tribune* (Bradenton, Florida) said Sunshine State school board members shouldn’t be begrudged their pay, which the newspaper said amounted to about \$30,000 in several neighboring counties with “health and retirement benefits (providing) a significant bonus.” The problem, according to the newspaper, is board members’ salaries in relation to beginning teacher pay. In summarizing the situation, the publication offered three editorial suggestions, including a plea for members to forego pay increases in years in which there were budgetary reductions or spending cuts and a freeze on increasing board member pay until it is “exceeded by the wages for starting and inexperienced teachers.” Acknowledging that board member pay is an “insignificant” part of some school districts’ \$400 million or so budgets, the *Herald-Tribune* said the matter was one of perception: “Board members should be wary of sending the message that they are worth more than a starting teacher who performs the most critical task in a public education system.”

– *Manatee Herald-Tribune.*

### The Legislature

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