



McDowell board spurns consolidation Bill Strips Takeover County Property Rights

NOTE: *HB4111 passed the Legislature today; details Monday.*

By Howard M. O’Cull

In what amounts to the latest chapter regarding the scope of the W. Va. Board of Education’s power and authority over local school systems, the House Education Committee Thursday (Jan. 22) originated and adopted **HB4111**, allowing the WVBE, after intervening in a school district, to “(function) in lieu of the county board of education in a transfer, sale, purchase or other transfer regarding real property.”

In a rare appearance before the HEC to discuss to a specific bill or legislative proposal, state Superintendent of Schools David Stewart said the legislation was necessary to secure about \$52 million in funding the McDowell County Board of Education had voted to reject two days earlier, including \$41 million in moneys from the U.S. Army Corps of Engineers to replace schools located in flood plains—a feat that virtually stunned legislators, including House Education Chairman Jerry Mezzatesta (D-Hampshire).

Stewart was accompanied by W. Va. Department of Education in-house Counsel Rebecca Tinder who spoke briefly to the language included in the bill.

They were joined by Del. Emily Yeager (D-McDowell), House Majority Leader Rick Staton (D-Wyoming) and state Fire Marshal

James “Sterling” Lewis—all of whom deplored the McDowell County board’s actions, with Yeager commenting, “I hate to say it, but my people aren’t using good judgment.” Yeager said the loss of funds from both the federal Corps of Engineers and the state School Building Authority not only would harm students’ education and the ability to garner new educational facilities, but would result in a devastating blow to economic development in the county. “You might as well close the doors and turn the lights off [in McDowell County],” she said.

Staton, who represents a portion of McDowell County, said the local board had foregone a “unique opportunity” to address facility needs in the county. He cited the “devastations” the county had endured, including flooding, loss of population, students, jobs and businesses, adding that school consolidations are accepted by students more so than their parents.

Fire Marshal ‘Option’

Lewis raised the ante considerably, saying, “I’m the only option other than this bill.” He then said if the bill wasn’t passed he would initiate school closure procedures in McDowell County, citing 264 fire code violations which he said dated to 1983. To this writer’s memory, the last time the state fire marshal made such a declaration occurred in 1978 when then marshal Walter Smittle, Lewis’ predecessor

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Overview

STATS

Day of Session:	10
Days Remaining:	50
Bills Introduced (not including House carryover bills):	377
Education Bills (WVBSA count):	95

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QUOTE

“What we are hearing about this bill is political rhetoric in a season of presidential politics...”—*Ken Meyer, U.S. Department of Education representative at House Education’s No Child Left Behind forum.*

About 130 Signed Up for Winter Meeting

About 130 county board members, county superintendents, and school administrators have pre-registered for the W. Va. School Boards Association’s Winter Conference, slated for Feb. 13-14 in Charleston (Marriott Hotel).

The WC will include a plenary session relating to building community support and outreach for public education, as well as sessions dealing with facility issues in light of the federal No Child Left Behind Act as well as the governor’s recent declaration of support for “small and rural schools.”

Also scheduled are three clinics, legislative visitations, the FY05 Annual Business Meeting, and a chance to meet the Democrat and Republican gubernatorial candidates. That event is slated for Friday, Feb. 13.

A detailed program agenda will be mailed to county board members early next week and posted on WWSBA.ORG

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State leaders say all students can't learn at same pace

Education Officials Debate Merits of Law

By Jan Boyles, Daily Mail staff

An open forum on the landmark education bill, the No Child Left Behind Act, evolved from a primer into policy progress for state legislators.

The overriding principle of the law is to hold school systems accountable for student achievement. But state lawmakers are struggling over implementation of the federal mandate.

"This bill articulates the problem convincingly: We do have an underclass of students for whom the system is not working," said David Shreve, senior committee director of the National Conference of State Legislatures. "No Child Left Behind perfectly articulates the problem and imperfectly mandates a solution."

But U.S. Department of Education envoy Ken Meyer believes that the bill is not as groundbreaking as some might suggest.

"This bill is an evolution, not a revolution," Meyer said at the forum Wednesday afternoon. "We have not seen a decrease in the achievement gap over the years."

Meyer suggested that most of the discontent toward the bill should actually be targeted at a 1994 legislation package, "Improving America's Schools," which was drafted by the Clinton administration.

"I think that we're pointing fingers rather than rolling up our sleeves," said Bill Raglin, president of the Kanawha County school board and the West Virginia School Boards Association. "We're too worried about who can be blamed."

Speakers expressed concern that federal funding for No Child

Left Behind is insufficient.

"We're not asking for a handout, or a blank check," said Education and the Arts Secretary Kay Goodwin. "We're asking for the government to keep its promise."

According to Shreve's statistics, allocations for public K-12 education increased by \$5 billion — a 1 percent raise after adoption of No Child Left Behind. The federal government provides the least amount of dollars for implementation, with the burden often falling to state and local governments, Shreve said.

Meyer said the state's federal funding has increased dramatically, but he said he thinks "what we are hearing about this bill is political rhetoric in a season of presidential politics."

The law clearly states that schools must achieve 100 percent proficiency in core subject areas in ten years. Joshua Sword, representative for the American Federation of Teachers, said there is no doubt that the goal of 100 percent is unattainable.

Shreve said he believes the measurement of student achievement — termed adequate yearly progress — is severely flawed.

Doddridge County Principal Greg Kuhns said principals find it "demoralizing" when their school does not meet the goal.

No Child Left Behind mandates that 95 percent of all students in defined subgroups must participate and take the state's exam. In West Virginia, 20 percent — 295 schools — failed to meet the required percentages.

During the forum, the following policy solutions were offered to address the 295 schools not meeting adequate yearly progress standards under No Child Left Behind:

- DeWayne Matthews of the Education Committee of States suggests that West Virginia adopt incentive pay to lure more quality teachers into the state. The act requires that each district possess a defined percentage of "qualified teachers."
- Deputy state school Superintendent Steve Paine believes that federal officials should examine professional development. Superintendents should have more flexibility to allocate stipends, he said.
- Test requirements for special education students should be modified, Paine said.

Delegate Jerry Mezzatesta, D-Hampshire, said, "We know that every child can learn, but they can't learn at the same pace."

The law requires that students take tests on grade level, not based on learning ability.

Shreve said some states have lobbied for flexibility in the implementation of the bill. Since West Virginia was the ninth state to fully put the provisions of No Child Left Behind in place, Paine said that the state should have access to amendments that have been made in the law after its adoption here.

Raglin believes that No Child Left Behind would have a greater chance of succeeding if the public, especially parents, were "energized" about student progress.

—Writer Jan Boyles can be reached at 348-7918. Used by permission Charleston Daily Mail.

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 WWSBA, unless specifically stated.

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The Legislature

FOR THE LATEST ON EDUCATION LEGISLATION.

U.S. Education Secretary Challenges State

U.S. Secretary of Education Rod Paige is defending the Bush administration's "No Child Left Behind" Act. Paige was a guest on MetroNews Talkline, originating from the White House Wednesday.

West Virginia lawmakers continue to wring their hands over how to pay for the program and meet its demands. Paige says it's a very simple formula.

"We're no longer going to be satisfied with just educating some of our children," Paige told Metronews. "This is saying we're going to do that for all our children."

How to do that, Page says, is up to the people of West Virginia.

"What should a child be able to know, think, and be able to do as a result of an education in West Virginia? That's pretty clear. Once you set that out, the next thing is how do you know it's been

done? You go test them."

Paige says the legislation allows local boards of education and others at the local level to decide what they want a West Virginia Education to entail.

Paige also responds to the handicap West Virginia endures of trying to attract qualified teachers to rural areas. Paige says that again is incumbent on local leaders, but the federal government is financially supporting the effort with record funding.

"Two-point-85 billion dollars in a line item to get quality teachers. So the people locally have a responsibility of deciding how to spend those dollars to attract those teachers and other scarce resources to educate those children."

Source: White House. MetroNews "Talkline." The Web site address is www.wvmetronews.com.

Support for funding restoration generated

Mountaineer Challenge Academy Faces Cut

By Jason B. Keeling

Given the state's current fiscal dilemmas, Governor Bob Wise has ordered several agencies to trim their fiscal year 2005 budgets, including the W.Va. Adjutant General's Office.

The office was instructed to cut its \$15 million budget by 9 percent, according to W.Va. Adjunct General Allen Tackett in his presentation (Jan. 21) before the House Education Committee.

As the office's only service not critical to the current national military campaign, this would eliminate funding for the Mountaineer Challenge Academy, he said. The academy requires \$2.8 million per year, 60 percent of which comes from the federal government, according to Tackett, who said failure to restore funding for the academy would likely lead to losing it permanently.

The academy features a voluntary 22-week program that serves drop-out students from across West Virginia, according to Director Hugh Dobson. Academy graduates have been particularly successful when pursuing United States military service, he said, citing a 100 percent (compared to 75 percent national average) basic training passage rate for academy graduates. He said most graduates adjust very well to U.S. military protocols, particularly in terms of physical training.

Dobson clarified that the academy's purpose was not to be a boot camp. Some students "run" considering initial adjustments, but officials make every attempt to help them through, he said. "The kids are already broken...although it's disciplining and structuring, it's nurturing as well."

Academy participants may not have criminal histories, and are often referred by parents, counselors, or other school officials. The academy has a capacity for 180 students and began the year with 108 attendees, according to Dobson.

"This program is important to me," said Tackett, who added that he had only missed two graduation ceremonies since the program began, characterizing graduations as a "moving experience" uplifting cadets and their families.

"Education is a lot cheaper than incarceration," said Del. Robert Tabb (D-Jefferson), who expressed dismay over the proposed cut, saying that funding for jails have increased in concurrence with the proposed academy cut.

Dels. Larry Williams (D-Preston), Stanley Shaver (D-Preston), and Jerry Mezzatesta (D-Hampshire) also expressed support for the academy.

Williams, a farmer by trade, likened the changes in academy cadets to crop growth after receiving rain during times of drought.

Mezzatesta, House Education Committee chairman, said the state's director of military and government affairs would be asked to find funding for the academy. He also invited Dobson and Tackett to bring cadets to present during the session.

W.Va. University has devoted outreach support for academy graduates, making the state only the second of 25 similar academies across the nation to have a joint-relationship with a higher education institution, said a university official.

Tackett also received support in his presentation before the Senate Education Committee, particularly considering the 60/40 rate of federal to state dollars for the academy, according to SEC Council Hank Hager.

— Keeling is WVSBA executive assistant.

WINTER MEETING

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The annual WVSBA/W. Va. Association of School Administrators "Reception with Legislators" will not be held this year, according to WVSBA and WVASA officials, although the event is expected to be rescheduled next year.

Instead of the reception, WVSBA is encouraging members to arrive Thursday, Feb. 12 for legislative visitations and for an open forum regarding WVSBA business-related matters.

For more information, contact Conference Registrar Shirley Davidson at sdavidson@wvsba.org.

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sor, threatened to close several schools in West Virginia. Smittle didn't follow through with that action, but pressures were placed on schools to correct fire/safety violations.

Once the various comments were made, Tinder explained a bill provision relating to schools in a flood plain. That section states, "If (a) flood control project (relating to school facilities) is proposed in a county where the state board of education has intervened in the operation of the county school system... or any other constitutional or statutory authority to intervene, the powers granted in this section are vested in the state board."

The resolution before the McDowell board would have authorized the transfer of school property in a county flood zone to the Corps of Engineers. Then the corps would have retained control over the land, so no buildings could be put there. It eventually would have deeded land not in the flood zone back to the county board, after new schools were built there with corps moneys.

The sticky point, which arose a few years ago, concerned whether or not the state or the county board had the final title to the property in question. Tinder said the WVBE had assumed that body had control because it was considered a financial matter—the WVBE controls the McDowell County Board's finances—but corps attorneys insisted that the county board had title to the property.

Last Summer

Discussions of this type legislation began to surface late last summer when WVBE and SBA officials reportedly contemplated what to do in case the McDowell school board rejected efforts to turn title of the property over to the corps.

Once the board acted Tuesday night, Stewart and WVDE officials worked with House Education Committee staff to draft the language in the bill.

While the WVBE has intervened in four school districts, beginning with Logan County in 1992, the current Lincoln and McDowell County interventions have been the most contentious, both fraught with board/superintendent wrangling over school facilities and other matters.

State power over counties in cases of interventions haven grown considerably stronger during the past several years. In fact, the state superintendent of schools or his or her designees literally possess most of the school board administrative powers in Lincoln and McDowell counties.

According to Mezzatesta (D-Hampshire) the bill is on the fast-track. He says he hopes the Senate takes up the bill soon.

Press accounts say the three McDowell members voting against the bill did so due to concern about bus travel times, concern about being "excluded" by the WVBE from the school facilities process, and one member's desire not to close Big Creek High School.

While no comments were taken from lobbyists, Mezzatesta briefed this writer about the bill prior to the meeting.

Alternative Education

In other action, House Education voted to endorse an alternative education bill, **House Bill 4037**, which would require the automatic disclosure of all records to county superintendents and principals involving offenses committed by juveniles such as violence against another person, weapons possession, and possession or delivery of a controlled substance. Principals would be responsible for disclosing the content of these records to the juvenile's teachers

and the student's "regular bus driver."

Minimum records to be disclosed include arrest reports, reports of investigations, psychological test reports/results, evaluation reports for probation or facility placement, and other materials that would alert the school to the potential danger that the student might pose to himself or herself.

In terms of psychological/mental health records, these would be disclosed to a school psychologist or other appropriately trained person designated by the superintendent. That person is to use his or her judgment to inform others who would have a need to know the results, including the principal, teacher or bus operator.

A bill provision that would have distributed \$8 million for alternative education programs in the state was stricken due to the cost, according to Mezzatesta.

In that the debate included what to do in regard to obtaining records from students who seek to transfer from out-of-state, Mezzatesta appointed a subcommittee to study these issues.

FOIA

Del. Greg Howard (D-Cabell) had suggested that a mechanism be established where governors of states or their offices would be contacted regarding speedy transfer of these records.

HEC members seem most disturbed that incomplete records, both county-to-county in West Virginia and from out-of-state districts, often are made available to school officials, including records regarding Individualized Education Plans (IEPs), immunizations, and psychological records.

Currently, the parents of out-of-state transfers must only sign a written verification of the student's history, which may not always be accurate, according to Mezzatesta.

Del. David Perry (D-Fayette) suggested the records be obtained through parent-initiated Freedom of Information Act requests.

Other committee members were concerned about federal health privacy statutes and questioned denying students educational services until the records were received, as some members suggested.

O'Cull and Dean were asked to work with the subcommittee.

Net Enrollment Caps

The committee approved a measure that delays until FY06 implementation of a law to increase school aid formula net enrollment caps. The bill was to have gone into effect July 1.

Under terms of the legislation, adopted last year, county boards would receive a total \$2.5 million annual appropriation, over a 12-year period, to fund increased employment of personnel, based on scarcity factors. This "extended schedule" covers the first 6 of the 12 years of appropriations.

Superintendent Postings

Finally, the committee okayed a bill, **HB4081**, that requires county boards to post the position of county superintendent "for at least 30-days preceding the appointment" of a new superintendent, except in cases of reappointment or interim appointment. The measure grew out of the Preston County Board of Education's decision in 2003 to fill the county superintendent's position without benefit of posting.

Technology Plan

In their Monday (Jan. 19) meeting, the committee approved a bill that establishes an Educational Technology Strategic Plan, **HB4072**. The plan would be undertaken by the WVBE, with a block appropriation of dollars given to the WVDE for implementing its

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SBA Group to Meet

By Lori Stilley, Ph.D.

As the chairperson of the W. Va. School Boards Association's School Building Authority review committee, I am writing to announce of meeting of the committee on Saturday, Jan. 31 in Morgantown. We will be meeting to work on recommendations for refining the criteria used by the SBA to award projects.

As a matter of background, between 1990-2003 the SBA has distributed \$785.6 million. If we include moneys awarded in the past cycle it takes the total to almost \$1 billion. The SBA is an appointed board given the task of awarding publicly funded grants on the basis of need. In fact, the staff of the SBA prepares score sheets and provides a "Needs Score" to its board for use in making their funding decisions.

However, based on research conducted over the past eight months by the review committee, we have found that there are no statistical correlations between the certain indicators and the actual awards of an SBA grant:

- SBA staff Needs score
- Increases or decreases in a county's student enrollment or population
- Counties providing matching funds

Needs Score

For example, we found that a county that received a Needs Score of 19 was funded but a county that received a Needs Score of 46 was not. We also found that five counties received an identical Needs Score of 25.14; three received awards but two did not. The question becomes then why were these three projects chosen over the other two. Given the current system of evaluating projects, this question remains unanswered. Several counties have been told by the SBA that they must pass a bond or provide matching funds in order to be awarded funds. However, we found that it is clear in the legislative statute that "No matching funds are required."

In addition, there are concerns with the criteria used in determining the Needs Score. For example, the question used to evaluate a project relating to health and safety issues is the following:

What is the severity of the health and/or safety conditions which are being addressed by this project?

1 2 3 / 4 5 6 / 7 8 9
Minor Moderate Severe

Staff members then evaluate projects by answering this broad question. How does one determine the answer to this question? How does one decide on a score of 1 versus a score of 9?

Basically, this committee is concerned first, about the lack of a relationship between the amount of money provided to projects and any public policy goals such as the Needs Score and student enrollment. Second, we are concerned about the lack of clear funding criteria. We feel that SBA must have objective, clear criteria in place so that school systems know what criteria to use when submitting projects, how these criteria will be applied, and what they need to do next time if not awarded. There needs to be a rationale for selecting certain projects for funding.

We will be meeting in Morgantown to finalize answers to these questions and prepare a document for the legislature. All interested would be most welcome. We believe this SBA reform will be beneficial to children throughout our great state.

—Stilley is president of the Jefferson County school board.

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provisions, except for federal "categorical" funds. Funds would be distributed to local boards in terms of plan provisions.

The legislation is necessary, according to HEC officials, because county technology needs continue to change and because there is greater diversity and expertise among county technology personnel, according to Mezzatesta.

Early Childhood Education

The Committee also adopted a bill which prioritizes subjects for curricular instruction in Grades K-2—essentially tying such to "Basic Skills," with additional instruction to be aimed at shoring these skills, including "augmentation" through scheduling.

According to Mezzatesta, the bill's purpose is to get all students to grade level. Thus the bill is structured so that accountability for student performance on the statewide assessment of student performance in ECE grades will only include the basic skills of reading, mathematics and English language arts. The bill is **HB4043**.

NOTE: For more information on these proposals, refer to "Administrator's Perspective" on page 8. For related House and Senate floor action, refer to "Active Bills" on page 7.

SEC

The Senate Education Committee, in Tuesday and Thursday meetings, received a presentation about higher education and the Mountaineer Challenge Academy. For information on that program, refer to Keeling article on page 3.

Stewart will address the SEC on Jan. 27.

—O'Cull is W. Va. School Boards Association Executive Director. Executive Assistant Jason B. Keeling contributed to this article.

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Looking Back...

The Jan. 21, 1994 issue of *The Legislature* was a combined issue due to “weather conditions which forced closure of the Association’s offices for several days”—a reference to the fiercely cold, snowy winter of 1994. Accordingly, legislative action was described as ‘scant,’ with the only House Education Committee proposal being discussed was a proposal that required school personnel to be trained in First Aid and Cardiopulmonary Resuscitation techniques (CPR). To the consternation of bill sponsors, the W.Va. School Service Personnel Association sought to amend the bill to pay school aides receiving the training “additional pay,” and representatives of the W. Va. Education Association sought to make the training voluntary. In other reporting, a hearing was to be held on early childhood education, and the House and Senate education committees voted to appoint a joint legislative committee to “study matters relating to (Regional Education Service Agencies),” which the publication described as “a preeminent effort to quell perceptual issues or matters relating to RESAs.” Additionally, then House Education Chairman Percy C. Ashcraft II (D-Harrison) announced he had set up an exploratory committee for use in a possible gubernatorial bid. Ashcraft had chosen not to seek reelection to the House of Delegates. Lastly, Wood County Board of Education member David Kurtz urged county boards to reduce all 261-day administrative con-

tracts, saying, “261-days is more a phrase than a reality.” Kurtz added, “Reducing the length of contracts is, in effect, cutting an employee’s salary. It is not popular to cut salaries, but in this difficult fiscal era, sometimes this option must be pursued...” The Wood County school board did reduce administrative contracts. Kurtz served as WVSBA president in 1999-2000.

Wisdom

“Reasonable people adapt themselves to the world. Unreasonable people attempt to adapt the world to themselves. All progress, therefore, depends on unreasonable people.”

— *George Bernard Shaw.*

Program focus: Character education, etiquette Cotillion Chapter Established

The Charlotte, N.C.-based National League of Junior Cotillions has announced the appointment of Beckie Fink Mohn as director of the W.Va. Advantage Valley Chapter.

The NLJC program, which features character education, etiquette, and social dance training for sixth through eighth grade students, includes five classes and two Balls over an eight-month period.

The purpose of the NLJC program is to give students instruction in ballroom dance and practice in the social courtesies needed for better relationships with their family and friends. Students actively learn life skills through a creative method employing role-playing, skits and games.

The social behavior component ranges from rules of conversation to formal and informal table manners. In addition to the usual courtesies connected with dancing, etiquette instruction is also provided regarding the following: instructional dinners, acknowledgement of gifts, behavior at cultural and civic events, correspondence, interaction in groups, introductions, paying and receiving compliments, receiving lines, sportsmanship and sports etiquette, telephone courtesy, and many other areas of social contact.

The NLJC setting will encourage children to be comfortable together, to make new friends and to enjoy themselves,

says Mohn. Communication skills learned by students in a peer group setting provide graduating students with increased confidence and poise in social situations, she said.

Mohn is a Cabell County teacher, having taught for over 20 years. She is a Concord College graduate with a degree in elementary education and a minor in library science. She has a master’s degree in counseling from Marshall University and is a sustaining member of the Junior League in addition to Junior League Garden Club and the W. Va. Basketmakers Association. She also sings in the choir at St. Joseph Catholic Church.

The NLJC was established in 1979. There are over 400 chapters in 29 states, involving thousands of students, according to executive director Anne Colvin Winters, who says the program will have a “great impact on the self-esteem and social development of young people.”

For more information, contact Mohn at 304.523.4959 or NLJC at 1.800.633.7947. The group’s Web site is: www.nljc.com. *Advantage Valley encompasses 12 counties in three states—West Virginia, Kentucky and Ohio. It includes the Metropolitan Statistical Areas (MSA) of Charleston and Huntington/Ironton (Ohio)/Ashland (Kentucky). According to the 2000 Census, the U.S. Population Center east of the Mississippi is located in Advantage Valley.*

Active Bills

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.

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 (Second reference may be waived.)

House Bill 4037. Relates to transfer of juvenile records between and among school districts, with certain restrictions on the sharing of such 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 at least \$8 million for alternative education programs. Passed House Education Committee 1/22/04. Referred to House floor.

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 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 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 Education Committee 1/22/04. Referred to House floor.

House Bill 4111. Requiring the W.Va. Board of Education to assume control of school properties in takeover counties. Also relates to schools in these counties’ flood plains. Originated in and adopted by House Education Committee 1/22/04. Passed House 1/22/04. Rules suspended and passed Senate 1/23/04.

Reading

‘Creative Class’ Drives Economic Development

In *The Rise of the Creative Class: And How It’s Transforming Work, Leisure, Community and Everyday Life* by Richard Florida (Basic Books, 2002), the author introduces his readers to the ‘creative class,’ his term for an assortment of individuals better known as scientists, engineers, architects, educators, writers, artists, and entertainers.

Backed with a spate of research, Florida contends these persons have the “economic” role of creating new ideas, new technologies, and new creative content. In general, they are creative, individualistic, diverse and meritorious.

In a sweeping style, Florida says the creative class constitutes about 40 percent of the U.S. workforce, profoundly affecting the country’s culture, work and lifestyle issues. He assesses the rise of the creative class in economic terms—comparing it to the rise of the European bourgeoisie and their concomitant derivation of values driven from roles as merchants.

Boldly sharing his research, Florida says the social changes of the past few years haven’t been imposed by us, by technology or the marketplace, but by an emphasis on the work of these individuals.

He theorizes these persons will have even more impact in the future, determining which companies prosper or go bankrupt, and even which cities or regions thrive or wither. (His critique of Pittsburgh, his city of residence, is particularly prescient given that city’s recent financial woes.) A significant finding: the presence of amenities that attract the creative class—(open, diverse culture, tolerance, less reliance on conventional social, economic and business norms, access to higher learning)—has more to do with a state or region’s economic development than conventional governmental stimulus packages. The reason: Absence these amenities—frowned upon by often conservative governmental types and officials—planners can’t attract the creative class; without these amenities, creative-class types won’t find the state, region or locale attractive. Hence, many states are seeing stagnant economic growth, he says.

Florida is H. John Heinz III Professor of Regional Economic Development, Heinz School of Public Policy and Management, Carnegie Mellon University.

— Review by Howard M. O’Cull, WVSBA executive director.

House Side has 'Busy Week'

By Martha Dean, Ed.D.

This week has been fairly busy in terms of activity on the House side to get bills out of committee and onto the floor for action prior to the weekend. This activity has applied to several committees, including education. On Wednesday, two education bills, **House Bill 4040** and **HB4045** were on third reading. **HB4040** relates to the criteria for making decisions affecting the filling of vacancies if one or more permanently employed instructional personnel apply for a classroom teaching position. **HB4045** stipulates that county superintendents submit evidence of having been bonded to the State Superintendent of Schools.

On Thursday, a committee substitute for **HB4043** was approved by the House (Jan. 22). This bill would place in code that the state board must develop rules including:

(1) Reading, mathematics and English language arts are the only subjects that are required to be taught daily in kindergarten through grade two early childhood education programs;

(2) Instruction in other subject matter in kindergarten through grade two shall be oriented to reinforce instruction in reading, mathematics and English language arts; and

(3) Strategies for the early detection and intervention to correct student deficiencies in reading, mathematics and English language arts shall be employed throughout the instructional term in the early childhood grades to help students achieve mastery in these subjects, including allowing flexibility in student schedules to provide additional time and instruction for students who are below mastery in these subjects in grades three and four.

'Hates' to Mandate Curricula

According to HEC Chairman Jerry Mezzatesta (D-Hampshire), he hates to legislate curricular matters. However, he is aware of situations that exist in this state where the number of subjects that are required to be taught interfere with the teaching of the basics and this bill will fix that. The premise is that if more time is spent on the basics, the more likely all students are to be able to master them in a timely fashion. Who can argue with that?

NCLB Hearing

Wednesday afternoon was devoted to a lengthy "Open Forum" on No Child Left Behind. An extensive array of speakers addressed the national, state, and local perspectives regarding this federal legislation and its impact on schools and schooling (*See articles on pages 2 and 3*).

West Virginia's Democratic Congressmen sent written statements which were read by various members of the House Education Committee. Their main focus was that the Republican-controlled Congress has failed to keep its promise to provide adequate funding to implement this law. A joint letter from Byrd and Rockefeller aimed to "set the record straight". The bill, which they both voted for, was designed to help education by inserting accountability, but the funds have not been appropriated to fully fund the requirements.

Three other speakers presented a national view. David Shreve

represented the National Conference of State Legislatures. He focused mainly on the requirements and the ways the states have chosen to implement the requirements through their state plans. He further explained the issue of the \$6 billion dollars the republicans insist states haven't spent as being due to the length of time they have to spend their allocations after they have been appropriated by Congress. According to him, there is very little money that is typically unspent after the time has expired.

The Education Commission of the States speaker emphasized that the challenge is with the implementation of the bill (which we all recognize). He highlighted three challenges: 1) developing a data system to handle the required data on each child and each subgroup; 2) creating a system to help improve a school's performance; and (3) how to ensure all classrooms are staffed with highly qualified teachers.

Ken Myer represented the USDOE. He claimed that NCLB is an evolution and not a revolution. He insisted that the lack of funding alluded to by several speakers was not as severe a problem and they believe. Of course, he laid blame on the Democrats and asserted the belief that the law was necessary due to many things, one of which is that, nationally, 1/3 of entering college students require remedial reading classes.

W. Va. Presenters

Speakers from West Virginia included Bill Raglin, representing the W. Va. School Boards Association; Dr. Steve Paine, representing the W. Va. Department of Education; Joshua Sword, representing the W. Va. Federation of Teachers, AFL-CIO; Dr. John Hough, executive director, Regional Education Service Agency VIII; Kathryn Marino, WV Professional Educators; Dr. Deborah Akers, W. Va. Association of School Administrators; Dr. Kenna Seal, Office of Education Performance Audits; Anita Maxwell, W. Va. Education Association, and Kay Goodwin, Sec. of Education and the Arts.

All spoke eloquently to agree that educators in this state want to be held accountable. We want all children to learn and to achieve mastery. It is a wonderful goal to leave no child behind and one which all agree they wish to reach. They also pointed out some challenges, most common of which is the dilemma we find ourselves in about special education students and testing them with the same test other students in their age group take.

Another issue is the cost associated with the implementation of the law, most particularly the necessity to provide professional development without either the time in the employment calendar or the funds with which to pay teachers to attend training beyond their employment term.

Everyone was given an opportunity to air their concerns and the forum lasted three hours in order to accomplish this. Delegate Mezzatesta closed the meeting by relating some of the accomplishments we have here in West Virginia, particularly the rating given by *Education Week* in its most recent state by state comparison. He indicated that he has a goal to reduce the paperwork to allow teachers to concentrate on helping students master the basics.

—Dean is WVASA executive director.

Driving Home the Point

By David Stewart

Sir Winston Churchill once said, “If you have an important point to make, don’t try to be subtle or clever. Use a pile driver. Hit the point once. Then come back and hit it again. Then hit it a third time—a tremendous whack.”

The W.Va. Board of Education and W.Va. Department of Education (WVDE) continue to “drive home our point” and I am happy to report that it is working!

For years we have been talking about closing the achievement gap, increasing the graduation rate, improving test scores, providing a safe learning environment for students and pushing healthy eating and exercise habits.

Our efforts are beginning to pay off.

For example, the board wants all children to be well prepared for post-high school life. As a result, the board adopted more stringent graduation requirements that will enhance all students’ education and prepare for the future. Whether they continue their education in college or vocational school, or they directly enter the workforce, it is imperative that every student is prepared for lifelong learning.

Recently, the Manhattan Institute Study announced that West Virginia has the fifth highest graduation rate in the nation. West Virginia’s African American students have the second highest rates and West Virginia leads the nation with college-ready transcripts.

Quality Counts Report

Earlier this month, *Education Week’s* “Quality Counts Report” announced that the Mountain State scored top grades for its efforts to improve education quality. West Virginia received an “A” for standards and accountability measures which were adopted and outline clear and specific standards in core subjects. The state also received an “A” for resource adequacy and scores of “B-” for improving teacher quality, and school climate. This report confirms that our state is heading in the right direction.

Child nutrition and lifestyle has been an important focus with the board. Its Healthy Child Initiative has hit the ground running with the “Recipe For Success.” “Recipe for Success” is a mixture of good nutrition and active lifestyles best practices that can be incorporated easily into the curriculum. In 2004, every principal in the state will receive a “Recipe for Success” CD-Rom.

Teacher quality has long been an important factor for success. In 2004, more West Virginia teachers received a National Board Certification than in any other state. I, along with the Board, would like to congratulate the 63 educators who earned the highest teaching credential. I know it was no easy task and I commend anyone who has achieved this honor. To date, West Virginia has 151 nationally certified educators.

A recently released *Safe Schools Report* revealed that all West Virginia schools are at or below the five percent mark for

classification as persistently dangerous. Prevention programs also have been put into full implementation and include provisions to prevent bullying, harassment and intimidation in every state school.

West Virginia seniors in the graduating class of 2003 continue to perform well on the ACT Assessment. The state’s average ACT Assessment composite score remained at 20.3, one of the highest averages in the past six years.

According to data released by the National Assessment for Educational Progress (NAEP), West Virginia’s fourth graders are staying above the national average in reading. The report also indicated that both fourth and eighth graders made great improvements on their math scores.

The board and the WVDE have also been working very hard implementing No Child Left Behind (NCLB). It is a blend of new requirements, new incentives and new resources that have impacted every student, teacher, and principal in the state.

West Virginia began working on its implementation plan more than a year ago and after several discussions and meetings with the U.S. Department of Education, WVDE staff knew they were on the right road. Our state had already developed a comprehensive plan to monitor student achievement long before NCLB was enacted. In April of 2003, U.S. Secretary of Education Rod Paige paid West Virginia a visit to announce that not only had our plan been approved, but also, our state was the ninth to achieve such a monumental goal.

The plan, now known as “West Virginia Achieves,” set into motion a new set of content standards and objectives and performance descriptors. The WVDE has realigned content standards and objectives so they are now in compliance with the federal act.

In July, West Virginia released its first NCLB report card. Of the 728 schools scored, 433 made Adequate Yearly Progress (AYP), based on testing requirements. More than 670 schools showed improvement in performance areas of math, reading, English/language arts and attendance.

For the other 295 schools, assistance was on its way. County support teams and distinguished educators are working with these schools to improve their performance, making AYP an achievable goal.

Of course there are some concerns with NCLB such as the lack of accountability for high school students, testing for special education students that does not align with other federal mandates and the overall punitive nature of federal law.

Despite these concerns, West Virginia’s public education system is on the right track. The WVDE is working with the federal government to fine-tune NCLB. As you can see, the department is focusing its efforts on healthy children initiatives, improving test scores and preparing students for college. We have not been subtle or clever. We have hit the key points. Then come back and hit them again. We are indeed “driving home our point.”

—Stewart is State Superintendent of Schools, a position he has held since 2000.

Sound Bites

“I think that we are pointing fingers rather than rolling up our sleeves” – *W. Va. School Boards Association President William J. “Bill” Raglin in remarks made at the House Education Committee’s No Child Left Behind forum.*

“We’re not asking for a blank check or handout; we’re asking for the (federal) government to keep its promise.” – *W. Va. Secretary of Education and the Arts Dr. Kay Goodwin in remarks at the NCLB hearing.*

“Since that time, the past 14 years, a lot more expertise is out there.” – *House Education’s Policy Analyst David Mohr discussing educational technology in W. Va. Schools.*

“They always err on the side of the student” – *House Education’s Brady Paxton (D-Putnam) discussing an alternative education proposal.*

“I’m the option other than the bill you have.” – *State Fire Marshal James “Sterling” Lewis discussing a House Education proposal relating to McDowell County Schools.*

“We know that every child can learn, but they can’t learn at the same pace.” – *House Education Chairman Jerry L. Mezzatesta (D-Hampshire) in remarks made at the NCLB forum.*

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**WINTER
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February 13/14
Charleston Marriott Hotel

Contact WVSBA Conference Registrar Shirley Davidson at sdavidson@wvsba.org or (304) 346-0571. The last day to make room reservations is Jan. 30.

The Legislature

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