



West Virginia Wants to Know

Group Finds New Focus - Spending Abuses

W.Va. Wants to Know, a Kanawha County-based watchdog organization, has been founded to “insure public monies are being spent according to their intended purposes,” according to co-founders Wanda Carney and Tifney Terry.

The two have contacted the W. Va. School Boards Association, noting they and their organizations will “accomplish our mission by monitoring and investigating any and all agencies and individuals who expend public monies, i.e., public funds and funding,” according to a written statement delivered to executive director Howard M. O’Cull, Ed.D., June 25.

In that communiqué, and in a subsequent conversation with O’Cull, Carney said, “With education becoming another industry in West Virginia along with an ever-growing state government, it became apparent that there is a need for a vigilant overseer of the people’s money.”

Hampshire Board Appearance

She said the organization, while headquartered in Charleston, “will be reaching out to every county in the state,” mentioning activities involving the Hampshire County Board of Education – the two appeared before the HCBOE on June 22 – as well as the Mingo, Doddridge and Cabell County school boards.

In regard to the Hampshire visit, Carney and Terry taped the meeting proceeds and provided O’Cull with a list of what they said were 10 “irregularities” occurring at that meeting, including a “find-

ing” that the Hampshire board “goes into executive session every meeting.” They also questioned if Hampshire members had received school board member training regarding the conduct of meetings.

They have asked O’Cull to discuss the findings with HCBOE members, but are writing a report of the meeting which they attended for the express purpose of asking the Hampshire Board to discontinue the employment of Jerry L. Mezzatesta, who has become the subject of scrutiny for receiving pay – and extended leave – in his position as a grant writer for the HCBOE. (At the June 22 meeting, the board revised Mezzatesta’s job description, removing the grant-writing responsibility.)

Carney says the organization will be examining school board abuses such as violation of the Open Meetings Law, excessive public spending, including moneys on legal fees and use of private lawyers, denial of public access to school board records, “unnecessary cost incursions” and the like.

The organization may be based on the Challenge West Virginia model, whereby local individuals form a confederation to challenge school consolidations, with zealous state-level organizing.

Carney, who was instrumental in “exposing” the “abuses” of former state superintendent Henry R. Marockie, Ed.D., has served as a legal secretary, is active in Kanawha County school board poli-

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Overview

STATS

2004 Regular Session:	<i>Adjourned Sine Die</i>
Days Until 2005 Regular Session:	192
Interim Meetings Remaining:	July - January 2004

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QUOTE

“The newspapers have been judge, jury and executioner. Is the media supposed to be the place where you have a trial, or is it in a courtroom? I had mine in a courtroom. And they found me innocent.” — *House Education Chairman Jerry Mezzatesta (D-Hampshire).*

High Price Tag Estimated For Reduced Travel Times

By Jason B. Keeling

The W.Va. Legislature commenced its interim study of school transportation two weeks ago, through Education Subcommittee B’s dialogue with state and local transportation officials. Issues relating to mathematics achievement, community engagement, and professional development schools were taken up by the Legislative Oversight Commission on Education Accountability (LOCEA).

Around nine percent of the state’s public school students are on buses for longer time-periods than the W.Va. Department of Education’s guidelines, which outline suggested maximums of 30 minutes for elementary students, 45 minutes for middle school students, and 60 minutes for high schoolers, said the WVDE’s Ben Shew.

The guidelines are exceeded most within rural counties such as

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Is Mingo ‘Re-intervention’ Imminent?

By Howard M. O’Cull, Ed.D.

According to various sources, State Superintendent of Schools David Stewart, at the conclusion of the W. Va. Board of Education’s May meeting (Summersville), told the WVBE he was “watching” the Mingo County school board election – an election ultimately won by two candidates who oppose a consolidated high school for the county.

Stewart’s comments are important in that a recently-enacted state law allows the WVBE to “re-intervene” in a county within five years of handling control of the county back to the local school board, the former action occurring two years ago in McDowell County. (The WVBE intervened in the system in 1998.)

The issue is one of whether or not the new Mingo school board, as constituted July 1, will want to proceed with plans to continue the consolidation, as approved by the current board last week.

The plan, approved on a 4-1 vote by the outgoing board, would approve construction of a new school atop a reclaimed surface mining site in Mingo County. According to various sources, the board has lost about 6,000 students over the past 20 years, with the high school in Williamson having about 130 students.

Nicewonder Group

The mine operator, Nicewonder Group, will build roads to the main communities the new school will serve and has offered to help build the school’s athletic facilities, say Mingo board officials.

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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Additionally, the board has been promised about \$20 million from the School Building Authority of West Virginia over the next three years for the construction project. The SBA awarded the first \$6 million in December 2003.

Three county residents have filed a petition asking that all action on the school plan be put on hold until two new board members take office July 1. The lawsuit has been held up when Morgantown lawyer Harry Rubenstein, who represents the school board, asked Mingo Circuit Judge Michael Thornsberry to recuse himself. Rubenstein argued that lawyers for the plaintiffs had represented the judge in a civil matter some years ago. (A Wayne County Circuit judge will hear the case.)

Under the revised statute, the re-intervention can occur “immediately in the operation of the county school system...if the state board” determines that the “conditions precedent to intervention exist...and that the state board had previously intervened in the operation of the same school system and had concluded that intervention within the preceding five years.”

The original Mingo intervention, unlike those in Logan, Lincoln and McDowell counties, was “negotiated” with state officials. During the intervention, a few schools were closed, although the impetus for the current proposal occurred shortly before the state returned control of the system back to Mingo officials. At that time, current Superintendent Brenda Skibo was named to the post and the state selected the site for the proposed school, later approved by the current board.

Consolidation critics contend conditions aren’t the same as in 1998, and that any intervention, as contemplated by the WVDE or Stewart, is an attempt to overturn an election and to “further disenfranchise” the voters of Mingo County, according to Linda Martin of Challenge West Virginia.

‘Forced Agenda’

Martin told *The Legislature*, “This is another example of the (WVDE) forcing their agenda on the people and counties by non-elected, non-accountable officials, rather than the people elected to make those decisions on behalf of citizens. It’s a total disregard for democracy,” she said, adding, “they do it because they can get away with it.” Martin also said CWV and other groups appear to be “locked out” by the courts. “Do citizens no longer have the right to question appointed bodies?”

On the national level, recent research regarding districts interventions in New Jersey – where the contemporary concept emerged in the 1980s – are spotty at best, largely due to the fact interventions “appear still to rely on the state’s ‘command and control’ approach of the past, leaving out needed collaboration with local leaders and organiza-

“It’s a total disregard for democracy.” — *Challenge West Virginia’s Linda Martin commenting on possible re-intervention.*

Please see **RE-INTERVENTION?** on page 8

Gazette: ‘Abolish this worthless commission’

Mezzatesta Complaints Dropped

“The newspapers have been judge, jury and executioner. Is the media supposed to be the place where you have a trial, or is it in a courtroom? I had mine in a courtroom. And they found me innocent.” – House Education Chairman Jerry Mezzatesta (D-Hampshire).

*“(Mezzatesta) also criticized *The Charleston Gazette*, accusing the newspaper of ‘distorting the facts’ and ‘misuse of the press’ in recent reports about him...”* – *Charleston Gazette* June 23, 2004.

Compiled by Howard M. O’Cull, Ed.D.

In wake of the state Ethics Commission’s decision not to pursue allegations made against the HEC chairman, the *Charleston Gazette*, in an editorial, called for “abolish(ing) this worthless commission.”

Editorializing a few days later, the *Charleston Daily Mail* said, “By giving Mezzatesta a pass, the (Ethics Commission) shows it’s worthlessness. The Ethics Commission is a sham. It has no teeth. It has no guts. It has become a rubber stamp of approval for unethical behavior,” according to the June 21 editorial.

Mezzatesta had been accused of salary double-dipping by receiving legislative compensation as well as pay and expense reimbursement by the state Legislature—a practice in which the *Gazette* says none of the other educator/legislators engage. He also had been accused of seeking funds from Hampshire schools as a “grant writer,” including dollars allegedly used for an audit of the Hampshire school board. Those individuals filing the charges contend the latter arrangement would have violated a 1999 agreement whereby Mezzatesta, in working for the Hampshire board, wasn’t to solicit state funds for his county.

The EC, in investigating the allegations, dropped both of the pending complaints, saying that Mezzatesta wasn’t personally involved in securing the \$70,000 grant. The newspaper quoted commission Executive Director Lew Brewer as saying, “He (Mezzatesta) didn’t ask for the money. He didn’t make any request for the money.” Additionally, the *Gazette* quotes Brewer as saying, in regard to the “double-dipping” charge, “He gets a salary as a part-time legislator and he does work for the (Hampshire County) Board of Education. That work does not require his physical presence in Hampshire County all the time, and he can perform that work while in the Legislature in Charleston.”

A third allegation regarding “shifting” grant funds from one usage to another was dismissed due to a statute of limitations expiration, according to the *Gazette*.

These are other developments relating to the matter:

- Mezzatesta, by vote of the HCBOE, no longer is responsible for ‘grant writer’ duties – a move that “most accurately reflect(s) the actual duties” he performs, according to Hampshire Superintendent David Friend in comments to the newspaper.

- In response to the EC ruling, Mezzatesta told the *Gazette*, “This has been a very difficult process, not only for myself, but for my family members and others close to me.”

- In a *Charleston Daily Mail* article, Mezzatesta said the EC

ruling proves his accusers and the news media were carrying out a “personal and political vendetta. Nobody has any proof I did anything wrong. It was all hearsay information,” Mezzatesta told DM reporter Josh Hafenbrack.

- In response to a few calls for Mezzatesta to lose the HEC chairmanship – including what *Gazette* reporter Phil Kabler reports as an effort that might involve Republican lawmakers and disenchanted “pro-labor” members of the House of Delegates who may “try to vote out House Speaker Bob Kiss” (D-Raleigh) – the speaker said if he’s reelected to the post he’ll go through his normal process for selection of committee chairpersons, adding, “I’m not sure I’m following the logic that if you’re accused of something and not found guilty, that there should be some punishment by me or anyone else.”

- In reviewing the EC’s approach to the allegations against Mezzatesta, *Gazette* reporter Eric Eyre – who broke the original story regarding the HEC’s alleged involvement in Hampshire County Schools receiving the \$70,000 grant – said the commission “mostly took (Mezzatesta) at his word.” Eyre argues extant public documents “contradict Mezzatesta’s statements to the commission and the reasons agency officials gave for abruptly ending an investigation.” As part of that article, Eyre says public records show that Mezzatesta, while doing the grant writer job, also takes paid personal leave during legislative sessions. Brewer, however, said the EC “(had) no records he (Mezzatesta) took professional leave. We were told something different. He says he’s still working while he’s in the Legislature.” Brewer was also quoted as saying, “Taking professional leave isn’t prohibited by the ethics law. We have no authority to second-guess when he’s allowed to take leave.”

- In a subsequent news article, Brewer is quoted as saying, as part of the Mezzatesta investigation, Joe Panetta, a W. Va. Department of Education official, wasn’t contacted. Reporter Eyre, in that article, said “(State Superintendent David) Stewart acknowledged that Mezzatesta has spoken about grants with (WVDE) administrators, including Office of School Finance Executive Director Joe Panetta.”

- In regard to the grants, Brewer told the *Gazette* they were secured basically as “pass through” moneys for the HCBOE and that Mezzatesta wasn’t using his position to benefit Hampshire County Schools.

- Eyre, in a follow-up article entitled, “School employee/legislators vow: No double dipping,” reported that Sen. Roman W. Prezioso (D-Marion) wouldn’t agree to receive both school board and legislative pay. Eyre also interviewed Democrat Del. Sharon Spencer, a Kanawha County school teacher.

- Tifney Terry, a Kanawha County citizen who brought one of the complaints against Mezzatesta, attended the June W. Va. Board of Education meeting in Romney, where she urged the state superintendent of schools to issue an interpretation regarding the legality of dual pay. According to Terry, the board provided no response to her request, although privately some members have said Stewart should issue a ruling. The request was filed in April.

- Reporter Kabler, in a June 14 column, said the EC’s ruling

“gives more ammunition to those calling for strengthening the powers of the paper-tiger commission.” He said if proponents want the commission to serve a “true judicial function, perhaps one place to start would be to remove the legislative control of the commission’s budget...It’s tough, no doubt, for commissioners to take punitive action against members of a legislative body that not only sets the commission’s budget, but also determines what powers and authority the commissioners will (or will not) have, and whether the commission will exist at all.”

- The DM, in a June 10 editorial, said Mezzatesta is “attempting to spin this (EC) complaint away – to define himself as a victim and questions about his compensation as a ‘malicious attack.’”

- Mezzatesta told the *Gazette* the investigation was a “thorough one and that the findings of the investigation have exonerated me so that I can continue to do the job for which I was elected.”

Commission members include Mara Watson (Mercer); Kathleen Aderholt and John Turak (Ohio); John Charnock Jr, Jack Blair, Bradley Crouser (all of Kanawha County); Kemp Morton and Ronald Salmons (Cabell), Charles Logan (Berkeley); and, Drema Radford and Jim Shepherd (Raleigh).

Watson, a former state Democratic Party Executive Committee member, and Turak, an Ohio County lawyer, served on the panel that investigated Mezzatesta.

Mezzatesta enjoys considerable support among HCBOE members and county board members and superintendents largely due to his stance on education issues, especially in making educational entities more accountable, in terms of greater county board/administrator flexibility and in terms of involving county officials in decisionmaking roles with the HEC.

Sources: Charleston Gazette and Charleston Daily Mail. *O’Cull is W. Va. School Boards Association executive director.*

Monroe Seeks Lost Education Funding

Monroe County Schools Superintendent Lyn Guy and the Monroe County Board of Education have filed a claim with the W. Va. Court of Claims against the state Department of Education seeking to recover nearly \$113,000 in increased student enrollment funding lost last year under allocation changes initiated by House Education Chairman Jerry Mezzatesta (D-Hampshire).

“We feared the loss of the money would send us spiraling toward a deficit,” Guy told the Associated Press in May. “We ended the (2002-2003 school) year with only \$41,000 to the good. When you have a \$13 million budget, that’s almost like ending with nothing.”

The county’s claim said the distribution was made in violation of state law.

“It’s really frustrating when you have to follow the rules but other people don’t,” Guy said in the AP interview.

Seventeen counties showed enrollment increases from the 2001-2002 school year to the 2002-2003 school year. During the 2002-2003 funding cycle, the Legislature made an initial appropriation of about \$1.5 million but it wasn’t enough to cover costs.

In March 2003, lawmakers appropriated an additional \$1.9 million. Another \$2 million also was appropriated for the 2003-2004 school year.

But instead of distributing the money to every county with growing enrollment as it had for about 30 years, state schools Finance Director Joe Panetta altered the supplemental appropriation, citing a legislative directive.

Mezzatesta had changed the wording of a budget line for growing counties from “increased enrollment” to “traditional increased enrollment.”

He defined traditional enrollment as having growing enrollment three out of five years instead of a one-year increase as is outlined in state law and had been the practice in previous years. Mezzatesta also excluded preschool enrollment, which he claimed some counties were using to pad enrollment figures.

The change cost 11 counties about \$679,000, while six Eastern Panhandle counties — Berkeley, Grant, Hampshire, Hardy, Jefferson

and Morgan — collected the bulk of the money.

Some of the same counties that failed to receive supplemental funding under the directive last year, also lost money again this year.

Doddridge County, for example, saw increases from the 2001-2002 school year to 2002-2003 and again from 2002-2003 to the current school year. Because the rural county did not have increases for three out of five years, it had to cover the higher costs out of its own funds. To cut costs, the county already has consolidated most of its schools into just three — an elementary, middle and high school.

“Small counties like Monroe and Doddridge don’t have the flexibility in funding that Mercer or Berkeley or Kanawha County have,” Guy said. “This hits us hard and we’re scared to death of finding ourselves in a deficit” in comments made to the AP.

In an answer filed with the Court of Claims, the Department of Education denied Monroe County’s allegation that funds were distributed in violation of state law.

“It is the respondent’s position that the funds appropriated by the Legislature in HB104 were distributed in accordance with the language presented in the bill and the intent of the Legislature, as clarified by legislative leaders and staff members who worked on the legislation,” Ronald Reece, assistant attorney general wrote on the education department’s behalf.

“Both Chairman Mezzatesta and (House Consultant to Education) David Mohr state that the funds were appropriated for the county boards that had experienced net enrollment increases in at least three of the past five years.”

Panetta also said in court documents that he discussed the methodology with Hank Hager, counsel for the Senate Education Committee. Hager on Monday refused to comment. And Senate Education Chairman Robert Plymale (D-Wayne) said the change was made without his consent.

Under the state aid formula to support schools, additional money

Please see LOST FUNDING on page 7

Looking beyond ‘unsubstantiated opinion’

School Performance Indicators Studied

Commentary by Michael Hicks and Viktoriya Rusalkina

A recent study of ours regarding school performance and consolidation in West Virginia high schools has enjoyed some attention from the news media and policymakers. The reasons for this interest in our research are many: School consolidation litigation; Legislative Auditor critiques (refer to the issue 19 of *The Legislature*); and, a continuing interest in schooling in a state which continues to suffer educational attainment at or near the bottom of national rankings.

However, we believe that the most important reason the study has been widely noted is that it represents a stark quantitative departure from the rhetoric that has dominated the educational debate, especially that surrounding school consolidation.

Rhetorical, Quantitative Analyses

Research in public policy is dominated by two forms of analysis: rhetorical and quantitative. Rhetorical analysis that develops hypotheses to be tested is a necessary precursor to quantitative analysis. The school consolidation debate has done much to provide questions to be asked about school performance, economies of scale, costs and educational performance. Unfortunately, there has been no serious attempt by the advocates of small schools to test their hypotheses regarding school size and performance.

This paucity of analysis should be held with much suspicion. No area of public policy enjoys more robust and available data than does education. If they wished to continue to form public policy neither advocacy groups nor government officials should continue to rely on arguments not subjected to quantitative analysis.

Our most recent study provided an analysis of all high schools in West Virginia with an emphasis on the impact of consolidation. Before reviewing what we did find, it is important to outline what we could not evaluate.

‘What Couldn’t Be Evaluated’

First, there has been no analysis of the minimum efficient scale of schools in West Virginia. We simply do not know at what size we begin to experience scale economies. And, since the operating budgets for counties are determined by enrollment, we cannot know whether consolidating schools reduces or increases the costs of providing educational services. The widely quoted comments regarding cost savings and consolidation are either the result of ignorance or outright misrepresentation of facts that do not yet exist.

Second, we did not evaluate middle schools, elementary schools or private schools in this analysis. It is likely that there will be different answers to the same questions in these cases.

What we did find mirrors what other economists have found. We note that the most rigorous of the research regarding school performance, costs and outcomes is performed by economists trained in modern statistical and modeling methods. Economists are also interested in education since states spend roughly half their budgets on schooling, and education is widely believed to be the dominant cause of regional growth differences.

Poverty/Parental Education Dominant

We found that poverty and parental education dominates the outcomes across the board. We know of no study that finds other-

wise. We also found that teacher education influences test performance and advanced placement test performance. Class size also impacts performance, albeit modestly. We also found better-attended schools also have better test scores. Finally, rural schools do less well than urban schools, but the impact is quite modest. Other researchers have used this measure as an evaluation of bus driving times. We are comfortable making this connection, but believe more analysis is warranted.

We note that bigger schools enjoy better test scores, but when we control for other factors, this impact dissipates. School size has no negative effect, and limited and modest positive effects. Bigger schools in West Virginia have a higher proportion of students taking the College Board tests (meaning a likely higher go-to-college rate) and better performance on some advanced placement tests. We were also startled by the small size of West Virginia high schools, the largest of which is half the size of the “big” schools in California and Texas. We used size as a measure of consolidation. All West Virginia schools are consolidated, but just a few have undergone recent consolidation.

A good many other factors were found not to influence educational outcomes. Among the several dozen unimportant factors were the age of the school, the gender of the principal, and the number of full time equivalent administrators.

Additionally, we employed interaction estimates without yielding any additional results. For example, we wanted to understand whether or not poverty and school size jointly plays a role in performance. We found it did not, and the extension to several other interaction effects provided no evidence of an impact on school performance.

We noted, but do not yet fully understand what role the decision to label students with learning disabilities plays in school performance. We might reasonably expect considerable school level variability in the proportion of students labeled as learning disabled, primarily as some schools may serve as a regional magnet for special programs. However, we cannot understand the breathtaking regional variation in learning disabilities. The county rates range from 4 to 24 percent of enrollment. This must be the result of a number of factors.

‘More Analysis Needed’

What we presented in our studies is a not particularly sophisticated analysis of school performance. Economists have been using these methods and data for a generation or more. However, that does not mean the results are not robust or sophisticated. Indeed, they look much like the other economic studies performed at different times in different states. We were able to explain between 35 and 55 percent of the variability in school test scores. That leaves much unexplained. So, much more analysis should be performed. We believe that using the methods we employ, extending them to longer time periods and better data will enhance our knowledge. The ultimate goal is to advance effective policies and understand the cost of these new policies. One welcomed effect should also be to advance the discussion from one of unsubstantiated opinion.

— Hicks and Rusalkina are officials with the Marshall University Center for Business and Economic Research.

Shorter Student Bus Rides Questioned

By Eric Eyre

A new study of student bus-ride times has puzzled state Department of Education leaders.

The study shows that about 9 percent of students statewide ride buses longer than state guidelines — no more than 30 minutes one-way for elementary school students, 45 minutes for middle school children and 60 minutes for high school students.

In 1996, the Department of Education conducted a similar survey: 16 percent of students had rides that exceeded guidelines at the time.

During the past eight years, 100 schools were closed across the state.

Did county school boards shut down schools and make bus rides shorter?

Probably not, say state school officials.

“It makes no sense,” said Wayne Clutter, state schools transportation director.

Small-schools supporters dismissed the study as “totally illogical.”

“It would take an idiot to believe that you can close 100 schools and decrease bus times,” said Thomas Ramey, a member of Challenge West Virginia, a small schools advocacy group. “Maybe they’re just counting the kids who ride more than two hours to school.”

The department relied on county transportation directors to report student travel times. Most directors turned to bus drivers

for estimates.

A comparison of the 1996 survey and the recent survey shows huge drops in the number of students riding over guidelines in some counties.

In Hampshire County, for instance, officials reported that the number of students over guidelines declined by 1,600. Similar drops were reported in Roane, Mingo and Lewis counties.

Statewide, the number of students over guidelines dropped from more than 30,000 to 17,800, according to the two surveys.

Department of Education administrators called transportation directors about the discrepancies. The directors insisted that the current numbers were correct, but they couldn’t vouch for the 1996 data.

Four counties — Hancock, Monongalia, Wayne and Pendleton — declined to turn over their bus time information. Several counties also didn’t break down their numbers by elementary, middle and high school students. Others provided only “estimates,” according to letters attached to their reports.

Department of Education administrators presented the incomplete study to legislators two weeks ago.

“The Legislature wanted anything we could produce,” Clutter said.

Two years ago, state schools Superintendent David Stewart promised that the department would set up a statewide computer system to track student bus times. The project was never started.

State school officials have said department employees have been overwhelmed with new requirements under the federal No Child Left Behind Act, leaving no time to set up the bus time tracking system. Department officials also doubt they could secure money to pay for the system.

Meantime, the department may require counties to report annually on the number of students who ride buses over guidelines.

“We’ll keep plugging away at it,” Clutter said. “One day, we’ll get reliable data.”

— *Reprinted with permission from The Charleston Gazette.*

2004 Interim Dates

The following are the W.Va. Legislature’s remaining 2004 interim meeting dates. Unless otherwise noted, meetings will be held in Charleston, at the state Capitol.

July 25-27

August 22-24, Beckley

September 19-21

October 10-12, Shepherdstown

November 7-9

December 5-7

January 9-11, 2005

February 6-8, 2005

The 2005 regular session will convene on Wednesday, Jan. 12, then recessing to and reconvening on Feb. 9, with the 60-day session set to adjourn April 9, 2005.



*Celebrating 50 Years of
School Board Excellence*

SPENDING FOCUS

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tics, and has served as a talk radio host.

Terry was unsuccessful in her bid for a seat on the Kanawha County Board of Education in May, and was an active opponent of the 2003 Kanawha County excess levy. Politically, the two individuals are aligned with KCBOE member Pete Thaw, although they do support some majority Kanawha County Board initiatives.

'Double Dipping'

Terry appeared before the W. Va. Board of Education in June, asking state superintendent David Stewart to issue an interpretation regarding Mezzatesta's alleged salary "double dipping." She said the WVBE was silent to her request – as she said many in the news media ignored her visit.

Carney recently made statements to *Charleston Gazette* reporter Eric Eyre in regard to Mezzatesta's attempt to increase the pay for the state superintendent of schools by \$60,000 – what would have been fifth highest state superintendent salary in the nation – and the non-issuing of the interpretation. According to the WVDE legal department, there have been an unprecedented number of requests for interpretations, but sources say Stewart will issue the interpretation.

Carney, told the *Gazette* she had obtained Stewart's affidavit from the Ethics Commission's investigation of Mezzatesta. In the *Gazette* article entitled, "Stewart Backed Mezzatesta," Carney said, "The affidavit is a cover-up for all sides. Mezzatesta led the charge to keep Dave Stewart in place," a reference to the Hampshire lawmakers avid support of Stewart when the state superintendent abruptly announced his resignation in March. Stewart later had the W. Va. Board of Education rescind the resignation and approve his staying on the job for two more years.

Stewart told the *Gazette* he didn't take sides in the Mezzatesta investigation.

In commenting on the organization's founding, O'Cull said it's "Challenge West Virginia *deja vu*. These groups, which county boards may say are misguided, grow out of frustration, focusing, in this case, on local boards. If the organization is well-led at the state level, I predict the organization will appeal to people on the margins in counties, will pick up and link with CWV – Carney has ties with Challenge's Linda Martin – and will scrutinize boards for the very things Carney and Terry suggest. Again, county boards per se didn't create WV Wants to Know. It – or what would have become W. Va. Wants to Know – was in dormancy, and a series of recent state-level events have brought these sentiments to the fore. I simply don't dismiss this as Kanawha County Schools politics. Again, the organization's success will depend on organizing abilities primarily. They don't have to hunt for the self-appointed disenfranchised in West Virginia politics," he said.

O'Cull mentioned that he has received several calls per week from disgruntled citizens about school boards. "The boards they cited – Cabell, Doddridge and Mingo – are the current hot buttons. As our counsel Howard E. Seuffer Jr. has said, frustration at state-level officials and policy as well as some local policy decisions that often result in litigation, Freedom of Information requests, and scrutiny of board activities. Just what we saw with the Hampshire Board last week. Boards need to be aware of this potential."

Carney and Terry said the organization will rely on talk radio, newspaper editorial pages and the Internet to communicate. They have appeared on a MetroNews talk radio show.

The group's telephone number is 304.437.2526. Their Web site address is www.wvwantstoknow.com.

The group has moved into a headquarters office on Bigley Avenue in Charleston.

Carney's remarks appeared in a June 20 *Gazette-Mail* news article reported by Eyre, which is posted at www.wvsba.org.

Carney and Terry are appearing on a Bluefield talk show today (Monday) to discuss higher education reform, according to a spokesperson for the group.

LOST FUNDING

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is to be provided based on the per pupil net total state aid multiplied by the increase in net enrollment.

Robert Richardson, a Lewisburg attorney representing Monroe County, said the state aid formula supports Monroe County's claim. None of the other counties that lost money has challenged the funding method in court.

"Schools should not have to be cowed by overly aggressive members of the Legislature," Richardson is quoted as saying.

The case, filed in December, likely won't be heard until next year, Cheryle Hall, clerk of the court, said last month.

Some observers say the Monroe case may be the "only

thing that sticks" in regard to the matter involving Mezzatesta.

The MCBOE and their attorney apparently didn't contact the WVDE 30 days in advance prior to filing suit, according to various sources. Under court of claims legal procedures that contact may not have been necessary in that the form filed with the court asks the person suing to specify whether the agency had been contacted formally or informally. The state Supreme Court of Appeals has ruled that persons suing state agencies must contact the entities in advance. That case grew out of a lawsuit against a state economic development panel and was issued by the high court in 2003.

Source: Associated Press. Compiled by Howard M. O'Cull, Ed.D., WVSBA executive director.

TRAVEL TIMES

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Barbour, Braxton, Calhoun, Doddridge, McDowell, Preston, and Tyler, by as much as 20 to 34 percent.

Del. David Perry (D-Fayette) pointed out that the estimated travel times did not include the time students wait before being bused.

To reduce travel times, the state department estimates an upfront cost of \$56.3 million for county school boards to provide additional personnel and buses, and an additional \$27.2 million in subsequent years, according to Shew.

Areas experiencing population loss are most affected given the nature of the state's school aid formula, which funds a limited number of personnel per 1,000 students, forcing some county boards to bear the costs of additional staff needed for shorter bus routes.

Sen. Vic Sprouse (R-Kanawha) suggested the Legislature consider providing additional funds to counties experiencing reduced populations, framing the issue as a state responsibility.

Harry Given, Webster County Schools' transportation director, said additional staffing wouldn't necessarily alleviate the county's time overage. "It's just simply, [students] live that far from the schools," he commented.

The county receives around \$4,500 of state funding for each student, and with a 40 to 50 student decrease per year, personnel often must be reduced, said Given.

The WVDE began reviewing the effects of school closures on bus routes within the last two years, according to Shew, who said the state department has been more proactive in working with school systems to address the issue.

Kanawha County has experienced increased busing efficiency using a routing computer program, according to George Becket. Some suggested Regional Education Service Agencies could assist counties in using similar tracking software.

LOCEA

The WVDE has established a mathematics taskforce, composed of teachers from the kindergarten to post-secondary levels, to address student performance in the discipline, according to Larry Lamb, state math coordinator.

The state's 19.3 average ACT math score falls below the 20.6 national average, secondary Algebra failure rates are all too common, and 60 percent of in-state college entrants take developmental math courses, said Lamb.

"We have been separating those who can from those who cannot," he said. The taskforce seeks to improve math achievement at all levels, building upon the previous efforts of Project MERIT, and placing more focus on mentoring, small groups, and standards based curriculum, according to Lamb.

Sen. Robert Plymale (D-Wayne) said students often fall behind in middle school, encouraging the taskforce to make future recommendations for preventing such. Plymale said secondary students may be avoiding more challenging math courses to ensure higher grades for PROMISE Scholarship eligibility, suggesting the scholarship's board consider making adjustments so students are not penalized if they make lower marks in the more difficult courses.

LOCEA members were also informed of efforts by Communities in Schools of Greenbrier County. The group provides onsite case management at both Eastern and Western Greenbrier Junior High Schools through tutoring, mentoring, after-school activities, drug and violence prevention, career exploration, and self-esteem programs, according to Emily Haas, an official representing the group. Communities in Schools is a national organization, with local networks across 31 states (see www.cisnet.org).

Haas said the group believes every child deserves a one-on-one relationship with a caring adult, a safe place to learn and grow, a marketable skill, and a chance to give back to peers and the community. The Greenbrier County school board has supported the program, she added.

State Schools Superintendent David Stewart said the WVDE was using research based strategies and practices to improve student achievement, noting West Virginia's positive

rankings according to Education Week magazine.

The WVDE was in the process of developing strategies focusing on up to 30 schools in the ten counties identified within **House Bill 4669**, creating professional development schools, he said. According to Stewart, the WVDE would not "barge in" regarding the selection process, instead local superintendents will submit schools for consideration. "I have high expectations for this project," he concluded.

— *The writer is owner of Keeling Strategic Communications, Cross Lanes, W.Va.*

RE-INTERVENTION?

continued from page 2

tions, according to New Jersey researchers studying the issue.

Ethics Complaint

Mike Carter, a Mingo County board member who voted against the consolidation effort, has been the subject of an Ethics Commission investigation due to his vote not to close a school where his wife works. That matter will be heard by the EC July 1. It was brought by one of the Mingo board members, according to Carter.

According to several Mingo board members who have contacted the WVSBA office, CWV has been active in the county, helping elect the new board members. Members complain that CWV isn't concentrating on the "whole facilities issue" just "preserving buildings," particularly Williamson High School.

Since the high school site selection and other matters involved state officials, several sources say this is providing Stewart impetus for a possible intervention.

Mingo officials, however, argue the plan is sound in that it involves collaboration among various entities, has considerable public support, will lead to better curricular offerings and is more efficient. They also point out that a county board voted for the plan, and that, given case law and state Supreme Court opinions, successor boards can't change board plans willy-nilly.

The WVSBA Executive Board, meeting June 16, discussed the matter and pending litigation involving several other school boards in the state. The executive board made no recommendation regarding involvement in any of the pending litigation, saying, as of now, the matters appear to be "local."

— *O'Cull is WVSBA executive director.*

To the Point

Opinion by Howard M. O’Cull, Ed.D.

Caught Flatfooted? That is the opinion being rendered by many observers of the Ethics Commission ruling regarding House Education Chairman Jerry L. Mezzatesta (D-Hampshire). Critics say executive director Lew Brewer is spending so much time defending the ruling, which exonerated Mezzatesta, that he is ignoring a chance to concentrate on what both Charleston newspapers – and other organizations, including the W. Va. Citizens Action Group – say are the shortcomings and failings of the agency, which began with a \$400,000 budget in 1989. The current budget is about \$280,000 and the agency has 2.5 employees. The entity has never been given investigative powers by the Legislature, which it depends on for its funds and powers. Privately, some education lobbyists say they plan to work in the 2005 session to shore up the agency. By the way, at the June Orientation, newly elected school board members got a quick wake-up call regarding service on non-county board entities such as economic development boards, leading some members to speculate that the EC concentrates on local officials but not legislators for whom, as cited above, it draws its funds and authority. Brewer attended the Orientation at my request. Incidentally, Mezzatesta, as HEC chair, was instrumental in efforts to ensure that county board members may serve on some local boards and commissions, as specified in a 2002 law. The CAG was the first entity to call for an overhaul of the EC – prior to the Mezzatesta ruling.

Closing the Gap? The appointment of Jorea Marple, Ed.D., a former Kanawha County Schools superintendent, to a WVDE position relating to closing the achievement gap for minority students has received favorable welcome in the education community. Marple, also an author, was highly successful in her efforts at Tiskelwah elementary school, a Charleston school with a high minority population. The ‘closing the gap’ issue has received considerable attention lately, including a report regarding minority students’ performance just issued by the Education Alliance. According to recent studies, minority students typically score lower on various achievement measures than white students. After serving as county superintendent, Marple was named principal of a career center in Kanawha County. The WVDE position pays \$110,000, according to press accounts.

Research Lacking? The recent debate over school bus travel times is far from over, based on comments from some education officials who attended June legislative interim meetings. In fact, at least one teacher association lobbyist is questioning the validity of data presented in the meeting.

And for good reason, in 1998, according to WVDE figures, 31,000 students exceeded bus travel times. The figure now is listed at 17,000. CWV says, based on its figures, the number is closer to 45,000. Additionally, not all counties were covered in the WVDE study presented in June, and some persons question whether the same methodology was used for each county, or was this left to transportation directors? Then, Marshall University researcher Michael Hicks has said the travel issue needs additional study. (Refer to articles on pages 5 and 6.) In the simplest terms, the WVDE doesn’t appear to have a viable research arm to study the effects of its policymaking. Whether this is by accident or design, may depend on your perspective. A few years ago, the WVDE did have a research “division” of sorts but the entity never proved viable.

In the simplest terms, the WVDE doesn’t appear to have a viable research arm to study the effects of its policymaking. Whether this is by accident or design, may depend on your perspective.

As this writer has said before, the lack of a research division has two major consequences: It allows groups such as Challenge West Virginia to question policy matters, albeit with their bias – and peddled research, meaning the WVDE must play “hasty” catch-up often to challenge this data; and, it means that program success may be determined by WVDE practitioners themselves. In regard to the latter, the Responsible Students Program (student behavior modification) was better than sliced bread, legislators were told repeatedly. When asked by a prominent House Education Committee member, himself an educator who had witnessed the program, if the RSP had been evaluated for effectiveness, WVDE officials said *they* had conducted an evaluation of the program, and it more than passed muster. Eventually, a statute was enacted requiring that program in particular to be reviewed independently. In the case of the legislative auditor’s report on school consolidation in West Virginia, both the SBA and WVDE’s research failings were documented. (Refer to Issue 19 of *The Legislature*.) According to the state superintendent and others, a research division would be costly. Are these alternatives viable: Contracting with colleges and universities – the SBA study regarding factors influencing student achievement cost \$6,000; writing grants for researchers for specific topics; hiring graduate students; harnessing the power of the W.Va. Education Information System (WVEIS) for research? Lastly, what of bias? This is easy to solve: Create an independent research board such as the model used by the Education Alliance, the closest organization we have for education research. Along those lines, strive for honest findings, not program validation per se.

— O’Cull is WVSBA executive director. The opinions stated are his own.



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