



Compromise measure adopted

House Okays Pilot Schools Program

By Jason B. Keeling

After much negotiation, a bill that would create three “professional development schools” passed the W.Va. House of Delegates Wednesday evening (March 3). The elementary schools selected must have significant enrollments of disadvantaged, minority, and under-achieving students.

Overseen by the state schools superintendent, the schools would be charged to “develop and implement strategies that may be replicated in other schools with significant enrollments” of the above student groups. The schools would be piloted for five years, beginning in July.

House Bill 4669 responds to recommendations from the Governor’s Minority Students Strategies Council, established by executive order Aug. 7. After the first round of No Child Left Behind Act student testing in West Virginia, data analyzed by the council, such as National Assessment of Educational Progress (NAEP) results, revealed significant differences among state student performances. The results point to an achievement gap between the general student population and their low-income and minority peers,

according to council members.

The council noted that only 8 percent of the state’s black students enroll in Advanced Placement (AP) or dual credit courses, compared to the 23 percent overall average. In 2003, African-American students in West Virginia had the lowest graduation rate at 79.4 percent, compared to 83.42 percent of white graduates.

Council members and volunteers lobbied legislators all week before the Wednesday House passage.

The state superintendent would have been permitted to establish special qualifications when staffing the professional development schools, potentially bumping existing teachers within the selected schools.

However, an amendment offered by Del. Mary Poling (D-Barbour) removed that authority, instead granting the state superintendent the ability to “craft job descriptions with requirements regarding training and experience and the right to specify job duties which are related to job performance that reflect the mission of the demonstration project school.”

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Overview

STATS

| | |
|---|------|
| Day of Session: | 52 |
| Days Remaining: | 8 |
| Bills Introduced (not including House Carryover Bills): | 1480 |
| Education Bills (WVSBA Count): | 273 |

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QUOTE

“Every piece of research tells us we save (money with the pre-kindergarten program).” – *Judy Hale, president of the W. Va. Federation of Teachers. Representatives of WVFT and the AFL-CIO distributed information to House of Delegates members showing that pre-kindergarten programs serve about 7,900 students. House Bill 4444 would have eliminated the program, which is expected to cost \$111 million by 2012.*

House Didn’t Kill Pre-Kindergarten

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In the end, the House of Delegates bowed to considerable pressure from various education organizations, child care groups, and other interests, voting to abandon efforts to scrap a statewide pre-kindergarten program first approved by the Legislature in 2002.

The bill, **House Bill 4444**, garnered significant opposition from the W.Va. Federation of Teachers. WV/AFT officials along with AFL-CIO representatives distributed leaflets to legislators showing there were 7,900 children enrolled in pre-kindergarten programs, with the measure potentially affecting 306 pre-school teachers and 194 teachers’ aides in several counties in the state.

WV/AFT President Judy Hale said her figures were based on data supplied largely by the W. Va. Department of Education’s Office of School Finance. House Education Committee Chairman Jerry Mezzatesta (D-Hampshire) criticized the information, saying it didn’t differentiate between “regular” pre-kindergarten students and “pre-K handicapped students.” Hale, however, said WVDE didn’t have

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PILOT SCHOOLS

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Prior to the vote, House Education Chairman Jerry Mezzatesta (D-Hampshire) provided an emotional appeal for his colleagues to vote against the amendment. “The achievement gap is no longer acceptable,” he said. Too often, education lawmaking focuses on teachers and service personnel, forgetting the students, he continued, saying the original bill would help ensure accountability.

“The education groups, they’re coming, they’re coming,” Mezzatesta said, chiding labor groups for opposing the original bill.

Several audience members and legislators applauded Mezzatesta’s comments, an act not permitted within House rules and rarely occurring.

Poling said the original bill would have potentially weakened seniority laws. The “language was not discussed, it would do away with seniority,” she said.

Amendment Roll Call

The amendment passed by a 54-43 margin. The yeas included: Bill Anderson (R-Wood), Bob Ashley (R-Roane), Craig Blair (R-Berkeley), Brent Boggs (D-Braxton), Larry Border (R-Wood), Bonnie Brown (D-Kanawha), Richard Browning (D-Wyoming), Greg Butcher (D-Logan), Ray Canterbury (R-Greenbrier), Mike Caputo (D-Marion), Mitch Carmichael (R-Jackson), Don Caruth (R-Mercer), Kevin Craig (D-Cabell), Joe DeLong (D-Hancock), Walter Duke (R-Berkeley), John Ellem (R-Wood), Allen Evans (R-Grant), Barbara Fleishauer (D-Monongalia), Ron Fragale (D-Harrison), Cindy Frich (R-Morgantown), Bill Hamilton (R-Upshur), Barbara Hatfield (D-Kanawha), Nancy Houston (D-Monongalia), Greg Howard (R-Cabell), Lidella Hrutkay (D-Logan), Richard Iaquina (D-Harrison), Earnest Kuhn (D-Boone), Margette Leach (D-Cabell), Otis Leggett (R-Pleasants), Tom Louisos (D-Fayette), Tim Manchin (D-Marion),

Dale Manuel (D-Jefferson), Dale Martin (D-Putnam), James Morgan (D-Cabell), Brady Paxton (D-Putnam), Don Perdue (D-Wayne), Mary Poling (D-Barbour), Rodger Romine (R-Doddridge), Robert Schadler (R-Roane), Patti Schoen (R-Putnam), Jody Smirl (R-Cabell), Kelli Sobonya (R-Cabell), Linda Sumner (R-Raleigh), Sally Susman (D-Raleigh), Robert Tabb (D-Jefferson), Ron Thompson (D-Raleigh), Richard Thompson (D-Wayne), Kenneth Tucker (D-Marshall), Christopher Wakim (R-Ohio), Ron Walters (R-Kanawha), Carrie Webb (D-Kanawha), Gil White (R-Ohio), Bill Wright (D-Lincoln), and Jack Yost (D-Brooke). Delegates Tom Coleman (D-Taylor), Joe Ferrell (D-Logan), and Emily Yeager (D-McDowell) were absent. All others voted against the amendment.

Council members then approached House leadership about pulling the bill, but a compromise was reached between council leaders, employee groups, and other legislators, according to Troy Body, the governor’s council liaison, who commended Mezzatesta for his leadership. “This is a very progressive move for the state of West Virginia,” said Body.

Soon after that compromise, the bill was amended a second time, allowing the state superintendent “To provide specifications and direct the county board to post the positions for school personnel employed at the demonstration project school that encompass the special qualifications and any additional duties that will be required of the personnel as established in the job descriptions authorized ... the assertion that the job descriptions and postings are narrowly defined may not be used as the basis for the grievance of an employment decision for positions at the demonstration project school.”

In essence, this would require the schools to post professional positions, but retains the state superintendent’s authority to establish special job qualifications, and disallows grievances alleging narrow position definitions. The state superintendent could also “recommend to the state board and county board the waiver of any policies that impede the implementation of demonstration school programs.”

Three inner city Charleston schools reportedly are being considered for the pilot project.

The bill has been referred to the Senate Education Committee.

Four and one half percent of the state’s roughly 277,000 students are African-American, with very small numbers of Hispanic, Asian, and American-Indian students. The most significant African-American student populations exist in 12 counties: McDowell (13.6 percent of total), Kanawha (11.4 percent), Raleigh (10.4 percent), Jefferson (9.5 percent), Mercer (8.7 percent), Berkeley (8 percent), Ohio (7.6 percent), Cabell (6.9 percent), Fayette (6.9 percent), Marion (5.6 percent), Monongalia (4.6), and Logan (3.3 percent).

W. Va. School Boards Association President William J. Raglin (Kanawha) attended Wednesday House sessions, representing WWSBA.

Some delegates who voted for the Poling amendment say they were concerned about possible loss of seniority for teachers—or that the measure would be used to justify such in the future.

— EDITOR’S NOTE: *Keeling has provided some contractual services to the governor’s council. He is owner of Keeling Strategic Communications.*

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

SEC Work Begins on House Bills

EDITOR'S NOTE: For a listing of pending Senate and House bills, refer to "Active Bills" on page 7. An expanded bill listing will be available in the March 8 issue of this publication.

The Senate Education Committee met yesterday afternoon (March 4) to begin work on House bills that have been referred to that committee, many during the last few weeks of the session.

In their deliberations Thursday, the committee:

SBA Bill

- Adopted an amended **House Bill 4610**, relating to the School Building Authority of West Virginia. As amended by the SEC, \$1 million will be appropriated for "emergency" purchase of school buses, in that the bus replacement cycle is waived for FY05 only. The waiver was based on justification provided by W. Va. Department of Education officials who cited no safety reasons in postponing bus purchases for one year. The SEC bill, unlike the House Bill, requires the transportation allowance of each county to include an allocation for the student field trips equal to the amount the county board had budgeted the previous year. The bill preserves much of the House's work in regard to overhauling statutes relating to criteria for the awarding of SBA moneys, including a provision that requires Authority officials to notify a county with an explanation of the factors for an SBA decision to fund or not fund a project. The SEC bill stipulates, as did the House bill, that SBA moneys can only be awarded in regard to the newly-arranged statutory language. Another bill provision encourages county boards to cooperate with community and technical colleges in the use of existing or the development of new vocational training facilities. While the House bill pulled SBA "pay-as-you-go" funds, the SEC restored these dollars. A House increment pay increase for teachers also was stricken. There are other provisions.

Service Worker Substitutes

- Okayed **HB4554**. That bill relates to the filling of school service personnel vacancies created by employees' leaves of absences. The bill had been approved, and would "correct" a 1994 Education and School Employees Grievance decision. According to W. Va. School Service Personnel Association officials, the thrust of that grievance was to seemingly provide substitute school service personnel with preference over regularly-employed personnel, and is the subject of action in Barbour County, among other counties. The bill also would amend current law so that, for purposes of filing vacancies with regularly employed personnel, all employees within the same building or working station—including bus operators—are given priority for filing the vacancy. There are other provisions.

ECE Measure

- Adopted a House-passed measure relating to the priority for Early Childhood Education in the basic skills of reading, mathematics and English language arts. SEC Vice Chairman Larry J. Edgell (D-Wetzel), in discussing the measure, said senators had been subject to considerable lobbying efforts by art and music teachers in regard to this legislation. The bill would require the W. Va. Board of Education to promulgate rules to effectuate the bill's provisions. Edgell said art, music and physical education would still be taught to Grades K-2 students, but would have to be oriented to reinforce instruction in the basic

skills. The bill is **HB4043**.

Technology

- Amended **HB4072**. That measure would create a unified approach to the long-term planning and implementation of technology in public schools. The bill was amended by the SEC to include greater collaboration between public and higher education. The bill would create a 16-member Education Technology Strategic Plan Advisory Committee, including the chief technology officers at West Virginia University and Marshall University. The W. Va. Library Commissioner would be an ex officio non-voting member. By Nov. 1 of each year, the EDSPAC is required to submit a technology plan (updated annually) to both the W. Va. Board of Education and the W. Va. Higher Education Policy Commission. The WVBE, HEPC, regional educational service agencies, and institutions of higher education would be required to expend appropriations as stipulated in the annual plan. The Basic Skills and SUCCESS computer programs are specifically covered by the plan. There are other provisions.

Tuesday Meeting

The next scheduled SEC meeting is set for Tuesday, March 9. Thirty-two House bills have been referred to the committee for SEC action. Due to the volume of legislation, there were early reports that many of these bills will be "rolled over" into an omnibus bill—a current practice of the Legislature for the last 15 or so years. According to the SEC staff, that is not the current posture.

SEC Chairman Robert H. Plymale (D-Wayne) has said he is not likely to consider all the House measures.

HB4001 Subcommittee

An SEC Subcommittee studying the so-called "Teacher Empowerment Bill," **HB4001**, met March 3 and March 4, and is scheduled to meet Monday, March 8 to conclude work on the SEC version of that bill.

In its deliberations Thursday, the Committee—at the request of Bob Brown, WVSSPA executive secretary—voted to strike wording relating to board/superintendent relations and a reference to school employees not having the right to strike. According to Brown, case law, including a state Supreme Court of Appeals decision regarding the 1990 teachers strike, supports that contention. Brown said the language, in that context, was unnecessary. Both teachers' organizations support removal of the language as did WVSBA.

The bill, likely to be presented to the full SEC Tuesday, makes a number of efforts toward paperwork reduction. It also strikes 22 specific areas of accreditation review by the Office of Education Performance Audits (OEPA). In terms of WVBE policies, the state board would continue, as planned, to repeal a list of various policies, reporting to LOCEA of the repeals. LOCEA then could recommend corresponding statutory repeal.

The subcommittee isn't departing much from the House-passed bill. The group did recommend a change in the appointing of teacher mentors so that faculty senates—not principals—choose mentors.

In terms of a bill provision relating to WVBE regulations that exceed federal statutes (special education), the subcommittee is recommending that all state board policies cannot exceed "the require-

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Legislative Calendar

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

SEC WORK BEGINS

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ments of federal law and regulations unless the supersedure is authorized by the legislature and funds are appropriated therefore.” Corresponding language would be added as applying to county boards regulations not be able to “exceed” state statutes or regulation.

In other action this week, the committee adopted legislation relating to in lieu of tax agreements which are operable in regard to economic development. The measure, however, was not adopted by the Senate by March 3, the last day in which legislation can be considered by its house of origin.

Grievance Procedure

At the **HB4001** subcommittee meeting, Sen. Edwin J. Bowman (D-Hancock) announced that he has asked to be able to chair an interim committee which will examine the state’s employees’ grievance procedure. In the past, Bowman has said he wants to learn more about the procedure and that he has some “questions” concerning some of its provisions.

A bill that would have required county boards, as one governmental agency affected by the grievance procedure, to be assessed a service-based fee to continue the work of the WVESEGB failed to clear the House. That bill is **House Bill 4005**. The fee-based service would have cost counties about \$500,000, according to figures provided by the W. Va. Education Association. Education groups worked against the measure.

The corresponding Senate measure wasn’t considered.

An interim committee studied the grievance procedure last year, but made no recommendations.

The **SEC’s HB4001** subcommittee is chaired by Sen. Jon Blair Hunter (D-Monongalia).

For a listing of House and Senate legislation, refer to “Active Bills” on page 7.

PRE-K NOT KILLED

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the figures broken down in that manner.

Although the measure appears dead for this session, even supporters of the ambitious pre-kindergarten program say the expected \$111 million needed for full implementation of the program by 2012 may prove prohibitive. The House sought to “save” \$34 million this year, using that money to fill budget holes.

In defending the measure, program supporters point to research which show that pre-kindergarten programs especially benefits students from low socio-economic status backgrounds. Those opposed to the program say these programs can be provided through Head Start, a federal program, and that the initiative largely was designed, with a shrinking student population base, to ensure continued employment of school personnel. Several proponents of the legislation to eliminate the program said it was a “jobs protection bill.”

House leaders say funding for the program could be eliminated when the state budget bill is considered.

The bill had seven Republican sponsors. It was approved by the House Education Committee late last week.

There was no companion Senate bill.

The W. Va. School Boards Association opposed passage of **HB4444**.

Wisdom

“Speak when you are angry—and you will make the best speech you’ll ever regret.”

– Laurence J. Peter (1919-1988),
The Peter Principle.

Week Busy as Session Nears Close

By Martha Dean, Ed.D.

This week has certainly been a busy one as both houses hurried to get bills to the floor and passed out by the Wednesday deadline. No bill that has not passed at least one of the two houses by that date can be considered. We must not forget, however, that active bills are able to be amended in committee and that past practice has shown us that an entire bill can be stripped and replaced with language from a bill that we thought was dead.

Pre-Kindergarten Bill

Noteworthy this week is the status of **House Bill 4444**, which would have eliminated the state support for three and four-year old programs in county school systems. The estimated cost savings to the state was about \$32 million. I did not take a poll regarding the number of counties that currently operate these programs. However, most people will agree that these programs are very beneficial to children. First, the brain research tells us that children learn most rapidly during the pre-school years. Second, the number of families that consist of only one parent or in which both parents work has been increasing dramatically over the past decade. Children in these families are less likely to receive opportunities at home to become "ready to enter school" by having basic knowledge necessary for success. The early educational programs provide these students with the necessary skills and knowledge to be more successful in school and increase their chance of high school graduation.

HB4444 was pulled from the special calendar on Wednesday. For now, that means there will be continued funding for pre-school programs under current law. The leadership in the House was most anxious to be able to capture those dollars for other budgetary considerations. **HB4444** called for the money to go into the Teachers' Retirement System.

Grievance Bill

Another bill that has not passed either House, which concerned school boards and superintendents, was **HB4005**, which passed to the floor from the Finance Committee. It would have required all entities which must utilize the Education and State Employees Grievance Board's services to help support its cost. This bill languished on the House calendar on second reading and did not pass the House. This would have cost every county board funds from their general budget.

Professional Development Schools

HB4669, which addresses the establishment of three model schools to address the particular needs of disadvantaged, minority and under-achieving students, was on a roller coaster ride in the House yesterday. First, in the morning session, it, along with four other bills was pulled from the consent calendar. The Rules Committee put all five bills on the special calendar. When **HB4669** came to the floor on third reading, Delegate Poling offered an amendment. Her amendment allowed the requirement of specialized training and knowledge regarding the targeted population. The bill was then moved to the foot of the special calendar. After a 15-minute recess

taken at 4:42 pm, the House reconvened and the first order of business was **HB4669** on third reading of the special calendar. Another amendment was offered by Delegates Earnest Kuhn (D-Boone), Jerry Mezzatesta (D-Hampshire) and Poling. This amendment provided that the job descriptions and postings that require special qualifications may not be used as the basis for the grievance of an employment decision for positions at a demonstration project school. The bill then passed the House 98-0-2.

House Bill 4001

There are still many active bills which directly impact public education. The Senate Education Committee has a subcommittee working on **HB4001**. The subcommittee has met twice this week and is scheduled to meet again on Monday morning, when they expect to complete their work and send an amended bill to the full committee. There has been a great deal of discussion concerning the required and optional assessment to either continue as is or modify. Teachers have expressed the concern that there are too many tests that take away too much time from instruction. However, NCLB requires that all states have an assessment program in place through which AYP can be measured. The House version would limit the mandatory testing program to the WESTEST in grades 3-8 and grade 11. Currently, an 11th grade test has not been developed as the Tomblin v. Gainer testing committee decided to test at grade 10 instead of grade 11. It appears that part of the testing issue will be placed in a study committee for one year and the currently proposed end of course exams will be postponed by one year, in the upcoming Senate version of **HB4001**.

The Senate subcommittee is considering putting the governor's proposal to raise the annual supplement for Board Certified Teachers by \$1000. There is apparent agreement that the Unified School and County Improvement Plans should be 5-year plans with annual updates as needed. They have discussed removing from the list of activities and programmatic areas not subject to review by the Office of Educational Performance Audits the following four components: health services, pupil-teacher ratio/split grade classes; planning and lunch periods; and preventive discipline, character education and student and parental involvement. The provision that would prevent the state from exceeding the requirements of IDEA is being strengthened through language clarification. This morning there was a concern about student discipline and it was suggested that perhaps a teacher should be able to appeal a principal's action in disciplining a disruptive child to the SBAT. This issue of student discipline may also become the subject of a study.

You can see that **HB4001** is an extensive bill with many provisions. The subcommittee has worked hard with it and next week, if it is passed out as amended, may need to be placed into a conference committee to resolve the differences between the House and Senate versions.

SEC Committee

When the Senate Education Committee met Thursday (March

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Opinion

‘This Stuff Gets Expensive’

By Hoppy Kercheval

West Virginia now pays for some part of the education of students from the time they are four-years-old until they get out of college...almost two decades of taxpayer funded education.

Just in the last couple of years the role of government in funding education has expanded dramatically. The legislature at the urging of Governor Wise passed the Promise Scholarship. That uses taxpayer money to pay the in-state college tuition for students who meet the requirements.

And the state is now in the process of phasing in a program where government will pay for the education of four year olds. It's publicly funded school for kids even before they reach publicly funded kindergarten.

OK, it's tough to fight against these things. After all, who's not for education. But all this stuff gets expensive. And every new program is difficult, if not impossible to cut when the budget gets tight. The program becomes and expected entitlement that only becomes more expensive.

Look at what happened in the House of Delegates Wednesday. House leaders wanted to cut the pre-kindergarten program and save about \$34-million annually. Most

of that money could have been put into the financially troubled teachers retirement fund. But the teacher unions mounted a full court press to keep that from happening.

The unions pointed out—correctly—that early childhood education better prepares kids for school. But pre-kindergarten also guarantees teaching jobs. It also keeps funding flowing to the county school systems from the school aid formula.

So, yes, it's about the kids, but it's also about the money for the counties and the teachers.

The problem is the pre-kindergarten program is going to get a lot more expensive. Many counties have yet to begin the program. When they do, the expense of running the programs, paying the teachers and funding their retirements will shoot up.

So, here we are. An idea becomes a taxpayer paid for program. A program becomes entitlement. An entitlement develops a constituency with enough political clout to keep the program going.

Now the state's citizens are getting that message even before their kids reach kindergarten.

—Kercheval is MetroNews Talkline host. This was his commentary for March 4. Reprinted by permission.

ADMINISTRATOR'S PERSPECTIVE

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4), members took action on four House Bills. One that has been of concern to both the W. Va. Association of School Administrators and the W. Va. School Boards Association is **House Bill 4601**. As passed by the House, it would remove the funds the School Building Authority of West Virginia had used in its “pay as you go” projects as well as delay the bus replacements for one year. The money “saved” through these actions would go to supplement state General Revenue. This bill was amended to leave the SBA money intact. It was further amended to establish \$1 million for a statewide emergency bus replacement fund. The committee was non unanimous on approving either the amendments or the bill. It now goes to Senate Finance.

HB4554 was passed out unanimously to the full Senate. This bill gives regular employee status to service personnel substitutes who fill a vacancy created by a regular employee being absent due

to receiving Workers Compensation benefits for more than 20 working days. The bill was amended by the SEC to change the number of days from 30 in the House version to 20 in the Senate version.

HB4043 was passed out subject to technical cleanup to the second reference in Finance. It is the bill that provides strong emphasis on basic skills of reading, mathematics and English language arts in early childhood education.

HB4072 was amended completely with a strike and insert amendment immediately following the enacting clause. SEC Chairman Robert H. Plymale (D-Wayne) suggested that the committee might want to take some time to study the amendment rather than acting on it immediately. However, the committee proceeded to approve both the amendment and the bill which now goes to the SFC. It provides for long-range planning in technology through a collaboration between public education and higher education.

There is no doubt that next week will be extremely busy and bills are finalized!

—Dean is WVASA executive director

EDITOR'S NOTE: *This is an abbreviated listing of education and education-related bills. An expansive listing will be printed in the March 8 issue of this publication. For information on any bill, or to receive a copy of the legislation, please contact me, or visit the Legislature's Web site at www.legis.state.wv.us.*

Senate

- Senate Bill 100.** Prohibiting state and political subdivisions from contracting with vendors owing debt. Passed Senate 1/27/04. Referred to House Government Organization Committee.
- Senate Bill 125.** Permitting solicitation of certain state employees for contributions to certain campaigns in local or county elections. Passed Senate 2/13/04. Referred to House Judiciary Committee.
- Senate Bill 196.** Eliminates the mandatory order of activities regarding Instructional Support and Enhancement Days. Originated in and passed Senate Education Committee 1/15/04. Passed Senate 1/21/04. Referred to House Education Committee.
- Senate Bill 231.** Authorizing county commissions to establish flood plain enforcement agency. Amended and passed Senate Government Organization Committee 1/29/04. Passed Senate 2/4/04. Referred to House Political Subdivisions Committee.
- Senate Bill 240.** Providing certain public governing bodies need not require second to motion. Passed Senate 2/17/04. Referred to House Judiciary Committee.
- Senate Bill 319.** Relating to centers for housing young adult offenders. Passed Senate 2/9/04. Referred to House Judiciary Committee.
- Senate Bill 408.** Relating generally to levies by county boards of education and expenditure of property taxes collected. Passed Senate Education Committee, as amended 2/25/04. Adopted by Senate Finance Committee, as amended 2/27/04. Referred to House Finance Committee.
- Senate Bill 410.** Providing educational opportunities to certain children of deceased military; removing in-state requirement. Passed Senate 2/24/04. Referred to House Veterans Affairs and Homeland Security Committee.
- Senate Bill 425.** Establishing English as official state language. Passed Senate 2/18/04. Referred to House Judiciary Committee.
- Senate Bill 439.** Relating to compulsory immunization of school children; exemptions. Passed Senate 2/25/04. Referred to House Health and Human Resources Committee.
- Senate Bill 449.** Relating to elections generally. Passed Senate 2/9/04. Passed House 2/23/04.
- Senate Bill 502.** Relating to rights of members of teachers defined contribution retirement system. Passed Senate 3/3/04. Referred to House Pensions and Retirement Committee 3/4/04.
- Senate Bill 636.** Relating to employment of members of teachers defined benefit retirement system. Passed Senate Education Committee 2/23/04. Passed Senate 3/3/04. Referred to House Education Committee, then House Finance.
- Senate Concurrent Resolution 12.** Declaring December, 2004, "Legislators Back to School Month." Adopted by Senate 1/23/04. Referred to House Rules Committee.

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

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. Tabled on House third reading 3/4/04.
- House Bill 2423.** Awarding high school diplomas to certain veterans. Passed House 3/1/04. Referred to Senate Military Committee.
- House Bill 2706.** Relating to compensation paid to members of the education and state employees grievance board. Passed House 3/3/04. Referred to House Government Organization Committee.
- House Bill 3190.** Relating to the titling and ownership of property for area vocational education programs. Amended and adopted by House Finance Committee 1/19/04. Passed House 1/22/04. Referred to Senate Education Committee.
- House Bill 4001.** Ensuring safer schools and empowering teachers by automating student suspension and expulsion data. Passed House 2/18/04. Referred to Senate Education Committee and Senate Finance Committee. Referred to Senate education subcommittee 2/24/04.
- House Bill 4005.** Creating a special revenue fund for the operation of the Education and State Employees Grievance Board. Amended and passed House Finance Committee 2/25/04. Tabled on House second reading, special calendar 3/4/04.
- House Bill 4018.** Authorizing the issuance of grant waivers to sparsely populated counties for relief from the ratio limitations on state funding of professional educators. Passed House education and finance committees. Passed House 3/3/04.
- House Bill 4036.** Relating to legislative appropriation of tobacco settlement funds. Passed House 3/3/04. Referred to Senate Finance Committee.
- House Bill 4037.** Relates to transfer of juvenile records between and among school districts, with certain restrictions on the sharing of information as well as detailed descriptions of information to be transferred between districts. Matters relating to records of students transferring from out-of-state referred to subcommittee. Original bill would have provided an appropriation of at least \$8 million for alternative education programs. The first \$2 million would have been distributed to counties based on net enrollment with the remainder being distributed in competitive grants for pilot or innovative programs. Amended and passed House Education Committee 1/22/04. Passed House 1/28/04. Passed Senate Education Committee 2/18/04. Referred to Senate Judiciary Committee.
- House Bill 4039.** Relates to contracts for non-educator athletic and extracurricular coaches. Would allow these individuals to con-

tinue 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. Adopted by Senate Education Committee 3/3/04. Senate first reading 3/4/04.

House Bill 4043. Establishing the priority for early childhood education in the basic skills of reading, mathematics and English language arts. Amended and adopted by House Education Committee 1/20/04. Passed House 1/22/04. Referred to Senate Education Committee, then Senate Finance Committee.

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

House Bill 4045. Requiring submission of evidence to state superintendent that county superintendent has given required bond and good security. Passed House 1/21/04. Referred to Senate Education Committee.

House Bill 4053. Changing the rate of compensation of members of the state board of education. Passed House 2/23/04. Referred to Senate Education Committee.

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

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

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

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

House Bill 4116. Providing tuition and fee vouchers for students who sound Taps during a military honors funeral. Passed House 2/25/04. Referred to Senate Education Committee.

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

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

Senate Judiciary Committee.

House Bill 4252. Allowing the purchase of up to four years of CETA time in the teachers retirement system. Passed House Finance Committee 2/34/04. Passed House 2/27/04. Referred to Senate Pensions Committee.

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

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

House Bill 4284. Extending the eligibility to receive the \$500 early retirement bonus to school service personnel (\$250 bonus for these individuals). House Education Committee adopted 2/5/04. Passed House 3/3/04. Referred to Senate Education Committee.

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

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

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

House Bill 4552. Relating to grounds for the revocation of teacher certificates. Originated within and passed House Education Committee 2/20/04. Passed House 2/26/04. Referred to Senate Education Committee.

House Bill 4601. Relating to public education generally. Suspends school aid formula appropriations for school bus replacements in fiscal 2005. Provides for legislative appropriation or allocation of appropriation of certain revenues, funds and moneys of School Building Authority of West Virginia. Provides certain guidelines and procedures by authority for plans, plan modifications and evaluating projects. Provides salary increment increase for teachers. Originated within and passed House Education Committee 2/24/04. Passed House 2/27/04. Referred to Senate Education Committee.

House Bill 4624. Relating generally to tax increment financing. Passed House 3/2/04. Referred to Senate Finance Committee.

House Bill 4626. Providing a salary supplement for providers of Medicaid eligible services in the public schools. Originated within and passed House Education Committee 2/25/04. Passed House 3/3/04. Referred to Senate Finance Committee.

House Bill 4655. Giving the Children's Health Insurance Program the right of subrogation. Passed House 3/3/04. Referred to Senate Banking and Insurance Committee.

House Bill 4668. Providing a supplemental pension benefit to certain retired members of the public employees retirement system and the teachers retirement system. Passed House 3/2/04. Referred to Senate Pensions Committee, then Senate Finance.

House Bill 4669. Providing for establishment of special five-year

demonstration professional development school project. Originated within and passed House Education Committee 2/27/04. Removed from House consent calendar 3/3/04. Amended on third reading 3/3/04. Placed at foot of third reading bills, amended a second time, then passed House 3/3/04. Referred to Senate Education Committee, then Senate Finance.

House Bill 4714. Clarifying that certain community education programs support public education. Passed House 3/3/04. Referred to Senate Education Committee.

House Bill 4737. Providing options for members of teachers retirement to make contributions for periods of temporary total disability. Passed House 3/3/04. Referred to Senate Education Committee.

House Bill 4738. Relating to salaries, wages and other benefits of school service personnel. Passed House 3/3/04. Referred to Senate Education Committee.

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

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

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Looking Back...

The March 4, 1994 issue of *The Legislature* pointed out that the regular session hadn't been a "barn-burner." A session sleeper caught the attention of the publication. It was a bill that would have required county board members to be elected strictly from magisterial districts.

Introduced by then Sen. James Humphreys (D-Kanawha), the bill was aimed at ensuring representation of all geographic areas in the county. In discussing the measure, Secretary of State officials pointed out the bill's complexities, including the fact newly carved geographic areas would have to be roughly equal in population to meet U.S. constitutional muster. Other senators raised similar questions, but the SEC approved the measure any way.

The SEC also, by a 6-5 vote, approved a measure placing the W. Va. Secondary Schools Activities Commission under the aegis of the Legislative Oversight Commission on Education Accountability. That committee also adopted a proposed constitutional amendment that would have given the governor authority to name the state superintendent of schools, and which would have reordered the state constitution so that the Legislature was responsible for the "general supervision" of the schools. (That is, if the amendment were approved by voters; the idea died in that session.) Finally, the committee voted to require school buses purchased after 1994 to be equipped with seat belts, a move that "cynics say pointedly is an effort (for

the SEC) to appear progressive."

Meanwhile the House Education Committee held a public hearing regarding public notification of pending education reforms—at the legislative and WVBE levels. The genesis was the then oft-discussed Policy 2000, a major initiative to overhaul the state's curricula and educational standards. Of the many topics of concern listed by the parents who spoke: "Teach/reteach," which one parent said leads to "dumbing-down students."

The HEC also considered a proposal, sponsored by the W. Va. School Service Personnel Association, to establish a "cooks-per-meals-served ratio," with W. Va. School Boards Association Executive Director Howard M. O'Cull and WVSSPA officials working to craft a proposal which ultimately called for specific ratios, but with voluntary county implementation.

Lastly, the House Committee was dealing with a proposal that would have omitted home-schooled students from having to score above the 40th percentile on standardized assessment tests. A Kanawha County delegate was successful in having the measure amended so that county boards notify home-schooling parents when or if their children score below the 40th percentile. W. Va. Department of Education officials were opposed to the measure introduced by then Cabell County Delegate Rick Houvouras (D).

— *The Legislature*, March 4, 1994.

Sound Bites

“The delegates in this body have sent the leadership of this House a message.” – *Tom Lange, president of the W. Va. Education Association discussing the House leadership’s decision not to take a vote on pre-kindergarten legislation.*

“Senator Oliverio, do you want to put helmets in there too?” – *Senate Education Chairman Robert H. Plymale (D-Wayne) in a question to Sen. Michael A. Oliverio (D-Monongalia). Another Senator had suggested use of seat belts in buses. Oliverio is a strong supporter of all-terrain vehicle safety.*

“The future’s in this bill. The future’s technology. I’m really hoping we can pass this today and get on with it.” – *Sen. Anita Skeens Caldwell (D-Mercer) discussing an SEC bill relating to technology.*

“This amendment is like fighting a ghost.” – *House Education Chairman Jerry Mezzatesta (D-Hampshire) in remarks opposing an amendment relating to the professional development schools bill. Mezzatesta went on to say that sometimes those ghosts wear white sheets over their heads.*

“Our membership in the Legislature has been involved. We’ve tried to take people under our wings.” – *Sen. Plymale discussing teacher mentoring.*

Meanwhile in Queens, NYC...

The New York Times reported that a former Parent-Teachers Association president from a Queens elementary school used about \$5,700 in association funds mostly for trips to the hairdresser, the nail salon and the tanning salon, according to city prosecutors.

Saying the funds had been “painstakingly raised through bake sales, book fairs and Mother’s Day gift sales,” prosecutors contend the parent used “A PTA debit card as a ticket to the good life,” although her attorneys said the client is innocent and that others had access to the PTA’s funds.

If convicted, the parent faces up to seven years in prison.

The newspaper said an employee at Beach Bum Tanning called the parent an infrequent customer: “She only came in a few times. She got the basic package, about 12 minutes under the lamp.” – *NYT (March 4, 2004).*

The Legislature

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