



School Consolidation Process, Records

Auditor Gives SBA/State Dept. Bad Grade

By Howard M. O’Cull, Ed.D.

In a May 16, 2004 presentation to the Legislature’s Joint Committee on Government Organization, both the School Building Authority of West Virginia and the W. Va. Department of Education were criticized in a legislative audit of the SBA. The Legislative Auditor’s report has two main findings: “Project selection for funding by the (SBA) lacks accountability,” and “neither the (SBA) nor the (WVDE) maintain sufficient information to study the effects of consolidation on student achievement.”

In the report, the auditor concludes that the SBA promotes school consolidation, relying on its economies of scale to accomplish this objective – believed to be the first emphatic pronouncement of such by an entity of the state Legislature.

In terms of studying the impact of school consolidation, the audit notes that neither the SBA nor the department had studied the subject. The audit then concludes that the information necessary to perform a “longitudinal analysis of (school consolidation’s) effect on student achievement” is “significantly lacking” largely because “information for five years prior to consolidation and information five years post consolidation...(was unable to be obtained)...” including “reliable school closure information or test score data for the time period needed.” This situation caused the LA’s Office to “not pursue a study on the effects of school consolidation and student performance.”

Destruction of Records

Also in terms of information, the study found that “there is no definitive source for school closures and to what schools those students (from closed schools) were transferred,” specifically that such data isn’t maintained by WVDE or authority officials.

In that context, Legislative Auditor Aaron Allred noted the destruction of some needed records and other complications, pointing out that the WVDE shreds documents related to school closures after three years. Allred’s report says, “Failing to retain these vital work papers inherently reduces the level of accountability and is in apparent violation of the Public Records Management and Preservation Act.” To support that notion, the report cites a W.Va. Supreme Court of Appeals case.

SBA Executive Director Clacy Williams, in response, said his agency keeps as much paperwork as the state Purchasing Department does on its decisions.

Consolidation – ‘No Effect’ on Achievement

Allred also noted that other states have conducted such studies and that “consolidation has gone on long enough in West Virginia to study it in West Virginia.”

Williams told legislators his agency had been working with Marshall University on a study about consolidation’s effects on student achievement. He said he has seen preliminary results, and

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Overview

STATS

2004 Regular Session:	<i>Adjourned Sine Die</i>
Days Until 2005 Regular Session:	236
Interim Meetings Remaining:	June - January 2004

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QUOTE

“Whether that’s achieving the academic test scores, that’s almost immaterial to me.” — *Dr. Clacy Williams, SBA executive director, discussing a recent report on consolidation.*

Busing and Calendar Again on Interim Agenda

By Jason B. Keeling

Next month, the W.Va. Legislature will begin working on its education agenda, per the directives of various study resolutions adopted within this year’s regular session. The Joint Committee on Education outlined its forthcoming work on Monday (May 17), designating two subcommittees, one to focus on public education, the other responsible for higher education.

Six focus areas have been outlined for Education Subcommittee B, according to various resolutions, including:

- **House Concurrent Resolution 50** – Studying public school transportation.
- **HCR51** – Studying the regulation of athletic and other extracurricular activities by the W.Va. Secondary Schools Activities

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BAD GRADE

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expects to release the full study soon. (Refer to page 4 article reprinted from the *Charleston Gazette*.) The report recommended such a study.

According to the SBA executive director, preliminary findings of the MU study show that school consolidation has no effect – negative or positive – on student achievement in West Virginia.

“This report is going to say that even though we’ve consolidated schools, West Virginia still has small schools.” Because West Virginia schools are still relatively small, consolidation has had little or no impact on student achievement, for good or ill. “We’re not seeing a negative difference. That’s the important piece,” he said.

Williams said he realizes the benefits of school consolidation when he walks into a new high school and sees new chemistry and foreign language labs. That is proof of success, he says, even if the Marshall study shows no academic improvement after school consolidation.

“Whether that’s achieving the academic test scores, that’s almost immaterial to me,” Williams said.

The SBA official said, however, that the agency began to study school consolidation’s effects in 1993 but shelved the project due to the SBA workload regarding 67 individual school facilities projects.

‘Cost-Savings’

Allred also said consolidation “may or may not result in cost savings.” Williams agreed that his agency should “look at how efficient we’ve been” as far as any cost savings from consolidation.

Legislators point out that in the past decade, West Virginia’s education spending grew faster than most states’, despite a consolidation drive that closed more than 300 schools. The Mountain

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State’s per-pupil spending exceeded the national average for the first time in 1994, five years after the creation of the Authority.

Additionally, the report, based on findings of the LA’s Office, concludes that “certain policies and procedures adopted by the (SBA) encourage and promote (school) consolidation,” especially the “economies of scale” requirement. Of that criterion, the report concludes, “Many counties in West Virginia lack the number of students necessary to satisfy (economies of scale) criteria without consolidating schools.”

As validation for the above statement, the auditor concludes, “All other factors being equal, a school that satisfies economies of scale criteria will score higher in the evaluation process than one which does not meet the economies of scale guidelines.”

Public ‘Not Privy’ to SBA Work

The report makes several specific citations in regard to the SBA school facilities process. They include the following:

1. Some SBA facility project selections “made each year have no relationship to either ranking” – that of the “independent” Plan Review Team (ad hoc SBA group) and the SBA staff. In this regard, the report concludes that “every level of the selection process lacks documentation and accountability.”

2. The SBA is faulted for selecting some projects for funding that display “...wide and unexplainable variances between the (rankings conducted by the above two groups)...” In regard to this finding, the Legislative Auditor’s Office recommends “consideration...be given to developing a consensus of the two reviews.”

3. The “public is not privy to the analyses conducted or the reasons why certain (SBA needs-projects) were chosen over others during (the SBA meeting wherein projects were selected.) According to the report, this situation can create “an environment of speculation and criticism.”

4. The SBA should develop “documentation that fully explains the decisions made by SBA members.” NOTE: Legislation adopted this session requires such (**House Bill 4601**).

5. “The Auditor found that documentation is inadequate and is not currently retained from the ranking process other than the final rankings.”

6. “Multiple projects are selected in every funding cycle that do not appear to be based on any documented analysis.”

7. Even though the SBA uses appropriate “judgment and discretion...for selection of projects that are not highly ranked (in terms of final funding decisions), there is still a lack of understanding why some selections are chosen by the SBA.”

According to Allred, the full report will be placed on the Legislature’s Web site within the next several days, where it can be accessed through www.wvsba.org, the W.Va. School Boards Association’s Web site.

Many of the LA’s findings have been made by the association’s committee on school facilities headed by Dr. Lori Stilley (Jefferson). In fact, some WVSBA findings, conclusions and recommendations are alluded to in the report, especially in terms of SBA rankings.

One of the reasons state officials, including Gov. Gaston Caperton who was governor when the SBA was created, have espoused school consolidation is that it leads to better curricula which, in theory, was to translate into higher student achievement. Williams’ statement appears to hint at what may be a shift in WVDE/SBA rhetoric regarding achievement, according to some observers.

National studies have shown that smaller school size does trans-

late into higher student achievement, fewer incidents of student violence, greater community connectedness and other benefits – the reason many states have abandoned school consolidation as policy per se, although methodology of some studies has been questioned.

Additionally, while critics cede that Williams is correct in saying that vis-à-vis the nation West Virginia has small schools, they argue this entire pronouncement ignores the issue of the state's terrain, geography, roads, development and other factors, factors especially not present in more urban-like or heavily populated states – and that many of these studies were done in inner city settings, including a 1997 Michigan study that says the average school size, for optimal learning purposes, houses about 600-800 students. Recent analysis of that study finds a bias in both its population sampling and statistical distribution of schools in terms of national configuration.

Finally, any SBA study completed in West Virginia is certainly to be scrutinized by critics and supporters of the Authority and school consolidation. Critics are likely to question if the findings amount to “home cooking” in that many national researchers having expertise in terms of school facility policy weren't utilized, with

the state relying on local researchers whom critics assuredly will allege as “friendly” to the SBA and WVDE.

The SBA has 10 members. The state superintendent of schools is president of the agency. Thus far, the state superintendent or WVDE officials haven't commented on the report.

The report notes that some county superintendents were contacted during its preparation.

Legislators learned during the 2004 regular session that, despite WVDE promises to complete such, no study has been made regarding the effect of bus travel times on student achievement, with the state superintendent of schools writing a member of an anti-consolidation group that “we have made the commitment to enter the number of students who exceed the state guidelines for times on school buses in our data collection system as soon as the system is modified to accept the data. Due to the priority of No Child Left Behind, we cannot specifically tell you when the data will be available in our system.” (Refer to *The Legislature*, Issue 11 – Feb. 20, 2004.)

County board members wanting copies of the report in advance of the legislative Web site posting should contact me.

— *O'Cull is WVSBA executive director.*

Kiss, HEC Chairman Mum

Republicans Complain About Mezzatesta

In a headline that reads, “Kiss Holds Back on Mezzatesta,” the *Charleston Daily Mail* reported that House Speaker Bob Kiss (D-Raleigh) says he will refrain from public comment on House Education Chairman Jerry Mezzatesta's plight until ethics complaints filed against the Hampshire County lawmaker are resolved.

“I don't think it's appropriate for (House of Delegates) members to comment prior to the completion of those (Ethics Commission) deliberations,” Kiss said in a prepared statement, also posted on the MetroNews Web site. The speaker goes on to say, “The adjudicatory process exists for a reason under our laws, and we should respect that process. It would undermine the due process rights we all have under our Constitution to do otherwise.”

Kiss' stance hasn't gone unnoticed by some House Republicans who are calling for Mezzatesta's removal as HEC chairman, saying the veteran legislator has abused his power and hurt the image of legislators.

During the last two months, Mezzatesta has been accused of violating a 1999 agreement whereby, in accepting his job as a grant writer for Hampshire County Schools, he wouldn't pursue state grants, and that he directed W.Va. Department of Education officials to ignore a state law relating to guidelines for appropriating moneys for county student enrollment growth.

The state Republican Party filed one of the complaints against Mezzatesta with the W.Va. Ethics Commission. A Kanawha County Board of Education candidate also has asked the state superintendent of schools to investigate Mezzatesta's receipt of pay both by the county board and by the Legislature during legislative session. In regard to that request, State Superintendent David Stewart has yet to issue a response. According to the *Hampshire Review*, the county's local newspaper, Stewart said WVDE officials weren't going to investigate Mezzatesta but were going to inquire as to the use of some grant moneys the county board had received. If funds weren't

used for the proper purposes, the dollars may have to be repaid as with any other grant, according to comments made by a WVDE media relations official.

Most observers say Stewart is likely to wait until the EC issues his report before he makes a response to the Kanawha County citizen complaint—if he issues an interpretation. The *Daily Mail* reports that the matter may not be resolved before the November General Election. (Mezzatesta had no challenger in the Primary Election, but has a Republican challenger in the General Election.)

One of the allegations made against Mezzatesta is that he channeled a grant for one purpose to other recipients with the approval of Stan Hopkins, a WVDE vocational official. The *Gazette* didn't report if other WVDE higher-ups approved Hopkins' decision or knew of it.

Additionally, the newspaper reported that the state superintendent provided the HCBOE moneys toward an expense for a county board central office audit without Mezzatesta formally applying for the funds. Stewart, in his comments, said the dollars were provided to the Hampshire superintendent for Hampshire County Schools.

The situation has been widely publicized throughout the state. Mezzatesta, apparently at the request of his attorneys, is not commenting on the situation.

Mezzatesta has been HEC chairman since 1997. He is credited with providing considerable direction for education policy since that time, particularly as relating to making educational entities more accountable and responsive to educators and school administrators. He also is considered to be among the few House members having working knowledge of the state school aid formula and he has been a staunch supporter of issues such as school calendar reform, a “basics” curricular emphasis at the lower grades, and a focus on teaching and learning practicalities.

School Size Doesn't Affect Tests, Study Says

By Eric Eyre

State school officials and anti-consolidation advocates may be spending too much time arguing whether students do better in big or small schools.

A study released Wednesday concludes that high school size doesn't affect student performance on standardized tests.

What matters most? Students' income level and how many years of schooling their parents received.

"We didn't find that bigger schools were performing less well," said Michael Hicks, a researcher for the Center for Business and Economic Development at Marshall University. "Our biggest challenge is overcoming low educational attainment and high rates of poverty."

Hicks also found that students perform better in classrooms where teachers have higher educational levels.

Smaller class sizes also contributed to higher test scores.

Hicks, an economist who completed the study for the state School Building Authority, didn't find that students in bigger schools scored higher on the Stanford 9 Achievement Test.

But he said students in bigger West Virginia high schools are more likely to take college entrance exams and complete rigorous

Advanced Placement courses.

Hicks also found that low-income students didn't perform better in smaller schools in West Virginia.

School Building Authority Executive Director Clacy Williams said the study proves that school consolidation has not hurt children.

"We build a new school and put three schools into it and still have a small school," Williams said. "Our charge is to continue moving forward. In the process, we will economically create some great new jobs and enhance the future of our great state."

Hicks, who was paid \$6,000 for the study, was scheduled to testify this week in a Lincoln County anti-consolidation case. A judge has dismissed the lawsuit.

Linda Martin, who heads a small-schools advocacy group in West Virginia, said Hicks' study "contradicts all the studies that have been done everywhere else."

"Their conclusion is that consolidation hasn't caused harm," said Martin, director of Challenge West Virginia. "They put a billion dollars into school construction and have nothing to show for it."

— *This article appeared May 20 in The Charleston Gazette. Reprinted with permission.*

Judge Rules for Lincoln Consolidation

Kanawha County Circuit Judge Charles King is expected today (May 21) to issue a ruling to dismiss a lawsuit brought by Lincoln County parents who wanted to block, through judicial means, construction of a consolidated high school in Hamlin. The case is expected to be appealed to the W.Va. Supreme Court next week, according to various sources.

Quoting lawyers for both county parents and Lincoln County Schools Superintendent Bill Grizzell, the *Charleston Gazette* reported Tuesday that King's expected decision "clears the way for construction to continue on the \$32 million high school."

The attorneys quoted, including Greg Bailey, who represented Grizzell, said King's decision is based on the state already having spent "a high amount of public funds" on the school — sentiment that mirrors an early 1990s Monroe County case — and that the West Virginia Board of Education, which intervened in the county in 2000, was "comply(ing) with an agreement that ended the long-running Recht school-funding case."

The School Building Authority of West Virginia distributed the bulk of money needed to construct the consolidated high school, which is expected to house about 800 students and to open in 2006.

Lincoln parents filed their lawsuit about three months after the WVBE approved the Lincoln consolidation plan—a plan that LCBOE members don't support. The parents allege that school closings would hurt poor children, result in long bus rides, and that the school would dampen community involvement.

In that King didn't rule on the merits of the lawsuit, he has asked lawyers on both sides to submit written arguments they planned to

make this week. Those briefs, according to the *Gazette*, will be forwarded to the state Supreme Court.

Lincoln parents and students held hot dog and bake sales to raise money to employ legal counsel. Last month, they picketed the high school ground-breaking ceremony.

The school became an issue in the recent Primary Election when Challenge West Virginia, a small schools group, vocally opposed

Democratic gubernatorial candidate Lloyd Jackson, an advocate of the school. Jackson, who now resides in Kanawha County, complained, saying he was being unfairly painted as a school consolidation supporter when school boards

make final school closure/consolidation decisions. Several county board members who supported rival Joe Manchin contend that WVBE regulations, state law and the School Building Authority economies of scale criterion "force" county boards to consolidate schools, arguing that Jackson, in his career as a senator from Lincoln County and Senate Education Chairman, championed these "economies."

The Lincoln consolidation has proved controversial, largely spawning the emergence of CWV as a potent anti-consolidation group. Additionally, many observers contend this state takeover, unlike similar initiatives in Logan and Mingo counties, has proven particularly difficult—along with the McDowell County takeover.

LCBOE President Carol Smith, a vocal critic of the consolidation plan, was reelected in the May board election.

Smith contends access to the site chosen for the new school is prone to flooding, a point denied by WVBE and local officials.

Decision 'clears the way for construction,' superintendent says.

INTERIM EDUCATION AGENDA

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Commission that address: 1) providing equal access to activities; 2) achieving parity among schools in activities available; 3) paperwork and reporting required; 4) time consumed by principals, teachers, and other personnel on administration, appeals, clinics, and other meetings required for participation; 5) appropriate financial management; 6) review and approval of administrative rules; and 7) procedures for decision appeals.

- **HCR59** – Studying the feasibility, legality, and fiscal impact of using juvenile detention centers to house local alternative education programs where practicable.

- **HCR63** – Studying the improvement of public school libraries.

- **HCR77** – Studying the instructional term, including at least the following: 1) considering whether instructional time is more equitable and creditable than instructional days; 2) considering whether instructional time in excess of required minimums should be credited for cancelled instructional days; and 3) considering how to conclude the first semester before January 1 in secondary schools.

- **Senate Concurrent Resolution 100** – Studying public school dress codes and the use of school uniforms.

The subcommittee's co-chairs are Del. Larry Williams (D-Preston) and Sen. Larry Edgell (D-Wetzel).

The primary responsibility of Education Subcommittee A includes examining the implementation of **Senate Bill 448**, which established the Community and Technical College Council as a stand alone policy-making body. Formerly, the council was an advisory entity of the Higher Education Policy Commission.

The Legislative Oversight Commission on Education Accountability (LOCEA) would largely focus on the school aid formula, according to Sen. Robert Plymale (D-Wayne). However, unlike the subcommittees, as a constitutional body LOCEA may undertake any issues it deems necessary, he said.

Results of the first W.Va. Educational Standards Test (WESTEST) were being compiled by CTB McGraw-Hill, and expected to be released in August, Deputy State Schools Superintendent Steve Paine said during LOCEA's Sunday (May 16) meeting. The test was administered to grades 6-8 students, and those in grade 10.

By identifying areas of strength and weakness, the results could help improve instruction during upcoming school years, he said. Paine added that the next WESTEST will be conducted on May 15, 2005.

Other items at the top of the W.Va. Department of Education's agenda include increasing mathematics achievement, promoting health wellness, conducting a technology taskforce, and establishing professional development schools under terms of **House Bill 4669**, according to Paine.

Other education-related interim studies are listed on page 6. — *The writer is owner of Keeling Strategic Communications.*

Spring and the 'Noble Life' — A Desire to do Better

By Robert Rupp, Ph. D.

In spring we see elemental events taking effect on us. Spring is a time of hatchings and budding signaling a fresh start. It is also a time when the school year winds down as the number of concerts, plays and activities highlight the approach of another end of the school year and upcoming graduation of the class of '04.

Every year at graduation ceremonies, seats are reserved up front for the high school teachers. And each year I wish that some elementary teachers would occupy those chairs since they were the ones who planted the initial seeds of a good education. They were at Act One when quality education was planted in the minds of our students. Yet they often fail to see the second act—the culmination of their efforts.

As a novelist once said, a noble life does not start with good deeds or good character. Those come in the second act. At the beginning is the desire to do better. A successful school system realizes the need to establish that desire—to set expectations early and provide early support in the Act One of every student's life in Upshur County.

Education is like agriculture—both are based on cycles and

both rely on hope. The farmer ploughs and plants and waits for Nature's reply to his expectation. The teacher plants the seeds of knowledge and character and waits to see their fruition.

As we witness this spring once again the wonders of growth, let us remember the power of our teachers to plant the positive seeds of knowledge, perspective and compassion in a world where the weeds of ignorance, hate and cruelty yield their harvest across our nation and our world.

An extraordinary fact of nature is that plants can grow through pavement where there is a small gap. If the seeds of the natural world are so powerful, what of the seeds of education—of knowledge, perspective, compassion? Let us never doubt their power to push thru any part of our lives where there is entering wedge. And let us support all efforts of those in our county school system who plant and nurture the seeds of knowledge and each year work to provide quality education for our students in Upshur County.

— *Rupp is president of the Upshur County Board of Education. He is a Charleston Gazette contributing columnist. His views are frequently sought regarding politics in West Virginia. Rupp teaches political science at W. Va. Wesleyan College, Buckhannon.*

Education-Related Interim Studies

The following are 2004 education-related study assignments approved by the Legislature's Joint Committee on Government and Finance during its April interim meeting. For a listing of education studies, see Keeling article on page one.

Joint Commission on Economic Development

- **Senate Concurrent Resolution 81** - Requesting Joint Committee on Government and Finance study economic development funding

Joint Standing Committee on Finance

- **SCR 59** - Requesting Joint Committee on Government and Finance study property tax laws
- **SCR 92** - Requesting Joint Committee on Government and Finance study ways to reduce and eliminate sales tax on food

Joint Standing Committee

On Government Organization

- **SCR 68** - Requesting Joint Committee on Government and Finance study grievance boards and administrative law judge systems
- **SCR 89** - Requesting Joint Committee on Government and Finance study nonprofit entities that receive state and federal funds

Legislative Oversight Commission on Health and Human Resources Accountability

- **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
- **HCR88** - Requesting a study on methods of improving access to physical therapy services in rural areas of West Virginia
- **SCR 86** - Requesting Joint Committee on Government and Finance study providing services and support for disabled persons

Juvenile Foster Care, Detention and Placement Task Force

- **HCR71** - Requesting a study on the current statistical trends in juvenile delinquency
- **SCR 62** - Requesting Joint Committee on Government and Finance study epidemic of youth suicide in state

Joint Standing Committee

On Pensions and Retirement

- **SCR9** - Requesting Joint Committee on Government and Finance study converting Teachers Defined Contribution Retirement System to Defined Benefit Retirement System

Select Committee A - Flooding; Railroads

- **HCR11** - Requesting a study on the causes of the devastating flooding in southern West Virginia
- **SCR47** - Requesting Joint Committee on Government and Finance study governmental agencies involved in resolving problem of flooding of streams

Select Committee E - Racial Profiling

- **SB271** - Implementation of **SB271** relating to racial profiling data collection

Select Committee F - Campaign Finance Reform

- **HCR87** - Requesting a study on the projected costs and potential sources of revenue which may be made available to support a plan to provide public campaign finances for designated elected offices

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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.

June 13-15

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.

WVSBA's **ORIENTATION '04**

June 14-16
Marriott Hotel
Charleston, W.Va.

Suggest a Business Affiliate

The W.Va. School Boards Association offers businesses the opportunity to gain exposure to the state's education marketplace through its Business Affiliate Program. If you know of a business that may be interested in taking part during the upcoming 2005 fiscal year, contact the WVSBA office or Jason Keeling at jason@keelingstrategic.com before June 30. Further details will be posted on WVSBA.ORG.

The Legislature

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