



Drivers' education provision comes under fire from Lane

House Education committee funds RESAs

Refer to **Administrative Perspective**, page 10

The House Education Committee, on Wednesday approved legislation relating to funding for the state's eight Regional Education Service Agencies (RESAs).

House Education's bill strikes the wording of the original **Senate Bill 750**, which said RESA funding was "subject to legislative appropriation."

The HEC-amended bill provides a minimum \$4.4 million appropriation for RESAs (within the School Aid Formula).

It also requires a RESA-related study, and includes provisions of **SB589**, legislation relating to the "sharing" of central office administrators – both based on a RESA configuration and/or arrangements that two or more county boards may work out among themselves.

That part of the bill also amends §18A-4-8d, which was first adopted in 1989, to encourage sharing of services.

Sen. Education Chairman Bob Plymale, D-Wayne, introduced SB589 on behalf of the West Virginia School Boards Association.

WVSBA also has sought a RESA study the past several years.

Delegate: After-hours drivers' ed competes with private industry

A final **SB750** provision relates to drivers' education and provided the most committee discussion when Del. Patrick Lane, R-Kanawha, voted to strike a bill provision that would allow RESAs to provide drivers' education instruction after school hours.

Lane said this service has merit but competes with independent companies such as Capitol Driving School in Charleston.

The Lane amendment would have allowed RESAs to provide the drivers' education services only in counties without private driving instruction schools.

"Here we are as a government entering into the realm of competing with private enterprise," Lane said.

House Education Vice Chairman Larry Williams, D-Preston, opposed the amendment. "What works in Kanawha County may not work in another county," he said. Other delegates then vocally opposed the amendment, citing drivers' education as an "extension of the curriculum," contending that if students receive drivers' education instruction from a private company they can't receive credits. The former point was made by Del. Brady Paxton, D-Putnam, and the

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Overview

STATS

Day of Session:	58
Days Remaining:	2
Bills Introduced (not including pre-filed bills):	2,113
Education Bills (WVSBA count):	434

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QUOTE

"Fat opossums travel late at night." – *West Virginia legislative axiom attributed to former House Speaker Clyde See, D-Hardy. See was referring to the Legislature's penchant, on the last night of the legislative session, to adopt legislation that may encompass provisions members aren't aware of due to the late hour.*

Session teaches what boards should know about oversight

Registration continues for the West Virginia School Boards Association's Leadership Meeting at Lakeview Scanticon Resort and Conference Center on May 20-21.

Sessions will relate to 2005 legislation passed during the special and regular sessions, as well as interactive programs on school scheduling and monitoring and oversight.

WVSBA lawyer Howard E. Seuffer Jr. will conduct the legislative review. Legislative staff members are invited to participate.

The secondary school scheduling workshop will review school scheduling configurations in West Virginia. The strengths and weaknesses of each will be covered, followed by a panel discussion.

Oversight and monitoring are critical responsibilities of all county boards. This program segment allows board members to "know" what kinds of information – financial, statistical, or programmatic-based – are necessary to provide board leadership.

County board members can register for the conference by contacting their central offices. The last date to reserve lodging at WVSBA's discounted rate is April 18. For more information, contact Shirley Davidson, WVSBA conference registrar, at sdavidson@wvsba.org or (304) 346-0571.

Topics range from flood insurance and fizzy drinks to alternative teachers and technology plans

Education committees pass nine bills

On Monday and Tuesday, the Senate and House education committees adopted nine bills, mostly amending bills that originated in the other house.

The bills include:

BRIM bill won't change board coverage

- **House Bill 3152.** This bill, which originated in the House Finance Committee on March 23, was somewhat of a session sleeper. It requires the state Board of Risk and Insurance Management (BRIM) to provide "appropriate" coverage to county boards and other government entities, including the state Department of Corrections.

This measure is a response to a recent state Supreme Court case in which the court ruled that *every* state agency activity must be covered by liability insurance purchased or contracted for by the West Virginia Board of Risk and Insurance Management.

A corresponding statute was amended last year, with the 2005 legislation addressing county boards, the West Virginia Department of Education, teachers and others.

Chuck Jones, BRIM executive director, said his agency doesn't plan to change what they're covering or the coverage. BRIM personnel said the bill is mostly technical in nature, although legislators have asked for more fiscal information.

Based on the state Supreme Court case, Jones said he predicts premiums will rise if the legislation isn't enacted because BRIM would have to cover every agency activity. Thus, the legislation

states BRIM will provide "appropriate professional or liability insurance."

Jones said BRIM can't cover some matters now, such as when a teacher sexually abuses a child. BRIM officials said they won't cover the teacher, if he or she has been convicted of, or admitted to the offense, but will provide coverage for liability claims against the county board, depending on the situation.

Excess liability insurance coverage can be obtained from private vendors, a practice some municipalities have undertaken, according to committee testimony.

Flexibility for staff development but no return to full-day faculty senates

- **Senate Bill 94.** This bill, adopted early by the Senate, allows county boards flexibility in scheduling required activities on Instructional Support and Enhancement Days (ISE) days within the school calendar.

The House Education Committee adopted an amendment that changes the term "bank time" to "accrued instructional time," a mostly semantic change.

A more substantive change authorizes county boards and schools to use "accrued instructional time" for professional development/continuing education.

The "accrued instructional time" would be used to improve

See NINE BILLS PASSED on page 6

The Legislature provides county board of education members, state policymakers, school administrators, and others information, opinion and commentary regarding West Virginia legislative issues. This publication does not necessarily reflect the official views, opinions or policies of the WVSBA, unless specifically stated.

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Corrections

In the April 1 edition of *The Legislature*, an article about alternative teacher certification, titled "Demands of highly qualified teacher requirement mean new methods needed," omitted Serena Starcher's title.

Starcher is a coordinator in the West Virginia Department of Education's Office of Professional Preparation. She serves as liaison to the 19 institutions of higher education with teacher preparation programs. Starcher also has worked closely with others in the WVDE, Regional Education Service Agencies (RESAs), teacher organizations, etc., to revise current code language for alternative routes to certification.

In the April 1 "Last Word" piece by Howard M. O'Cull, Ed.D., on several occasions, "successor" should have been used instead of "predecessor." Another error referred to 2000 legislation relating to Regional Education Service Agencies having greater oversight by the state superintendent of schools. The actual proposal has been made this session, and is included in **House Bill 3108**.

Sources says it's political and doesn't meet state requirements

WVDE bus travel times study questioned

Associated Press reporter Allison Barker, relying on figures presented by the West Virginia Department of Education (WVDE), wrote that nine out of 10 students were on bus rides that met state-recommended guidelines during 2004.

Linda Martin, executive director of Challenge West Virginia, a small schools advocacy group, immediately questioned the data because she said it was self-reported by county board officials.

Martin, as quoted in the AP article, said the study was about “smoke and mirrors . . . None of us out in the communities who know the realities will ever accept that because it's not right. It's based on bogus information.”

According to Barker's article, 18,000 of the state's 230,000 schoolchildren were on buses for one-way rides longer than 30 minutes for elementary school students, 45 minutes for middle/junior high students, and 60 minutes for senior high students.

A WVDE official quoted in the Barker article said the figures were not that far out of line.

“In a rural state like West Virginia we're going to have some issues,” said Ben Shew, the WVDE's director for school transportation.

Meanwhile, the timing of the release of the figures has also come under fire, with CWV officials saying the information “suddenly appeared” when Gov. Joe Manchin III's busing proposal was being considered by legislators.

In a related development, a “new” fiscal note has been prepared for the governor's original bill that would have mandated the timelines subject to West Virginia Board of Education waivers. That is based on information provided by several WVDE sources.

According to those sources, the figures won't be released unless or until the governor's proposal is considered by legislators.

Reportedly, the new fiscal note will be considerably less than

the \$80 million first calculated, based on a study of Comprehensive Educational Facilities Plans (CEFPs) for the next five years.

Although a compromise bus travel times bill was reported from the House Education Committee, it died in the House Finance Committee with the latter committee substituting a statutorily mandated study of the issue.

Based on House Finance's action, a House Education staffer quipped, “The governor got his (busing) bill, and the speaker got his study.” This is perhaps an indication that the House leadership was looking toward a study rather than legislation.

Since the HFC action about two weeks ago, Manchin administration officials haven't publicly commented on the issue.

The Legislature quoted House Education Vice Chairman Larry A. Williams, D-Preston, as saying House

Finance's action “caught him by surprise.” That bill would have made the travel times advisory.

The bill is **House Bill 3040**.

Barker said WVDE officials told her the figures were based on a study completed in December 2004.

A 1998 law required the WVDE to undertake a comprehensive study of school transportation-related issues, including bus travel times. The study was never completed.

Most sources said the December study doesn't fit the extensive criteria established in statute – a point Martin made to *The Legislature*.

CWV member Carol Smith also said the WVDE, knowing Gov. Manchin would support bus travel times legislation, did a “quick and dirty” survey, timing its release to doom the governor's bill. Smith is Lincoln County Board of Education president.

“It proves the power they have over information – and the press,” she said.

“It proves the power they have over information—and the press.”
—CWV member Carol Smith, Lincoln board president.

Coming In May

WWSBA Leadership Meeting

Lakeview Resort

Morgantown

May 20-21, 2005

For more information regarding this conference, please contact the WWSBA at 304.346.0571 or Conference Registrar Shirley Davidson at sdavidson@wvsba.org.

RESAs FUNDED

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latter by Del. David Perry, D-Fayette.

RESA III Executive Director Chuck Nichols said students wouldn't have to pay for the drivers' education, but program costs might be split evenly between the county board and sponsoring RESA.

Lane was the only House Education member to vote for the amendment, which was rejected 20-1.

That provision was included in the original House RESA bill, **HB3108**.

NCLB resolution

In other action, the committee adopted a resolution relating to the federal No Child Left Behind Act.

Subcommittee Chairman Paxton told the committee the resolution is "indeed a bipartisan document."

The resolution asks the state's "national representatives to look into finding waivers that would help (West Virginia) better tailor NCLB to (the state's) needs and increase the state's chance of success (with NCLB)."

Pending legislation

This is a brief listing of pending legislation. For more information, refer to Bill Abstract.

- **Senate Bill 604.** Relates to projecting increases in student net enrollment, and includes 1,400 "floor" language for counties with small economies of scale. The bill is likely to be referred to a conference committee.
- **SB622.** Would grant some not-for-profit healthcare facilities relief from property taxes. A related bill, **SB741**, would exempt commercial farming equipment and livestock from personal property taxes. Both are lodged in the House Finance Committee.
- **House Bill 2328.** Relates to precedential application of Ethics Commission Open Meetings Law written *Opinions*. Resides in Senate Judiciary.
- **HB2365.** Prohibits county board members from acting individually or singularly; also contains information regarding disclosure of possible conflicts of interest before voting. Referred to Senate Education.
- **HB2578.** Increases SAF net enrollment limits for professional and school service personnel. Resides in Senate Finance Committee.
- **HB2816.** Governor's "healthy schools" initiative. Referred to Senate Finance.
- **HB3040.** Relates to school bus travel times. Resides in Senate Education, with a second reference to Senate Finance.
- **HB3107.** Includes provisions relating to school nurses. Has two references – Senate Education, then Senate Finance.
- **HB3152.** Clarifies state Board of Risk and Insurance Management's (BRIM) responsibilities for county board insurance coverage. Has been referred to Senate Finance.
- **House Concurrent Resolution 31.** Requests supplemental appropriation for five-year demonstration special development schools. Senate Education scheduled to consider today.

For a complete listing of education and education-related bills, as prepared by the WVSBA staff, refer to the Bill Abstract, which is included on page 13.

Also refer to the article relating to House and Senate committee action this week as well as The Administrative Perspective (Page 10).

Hardy County board opposes 'acting singularly' bill—House Bill 2365

The Hardy County Board of Education, in a letter to Senate Education Chairman Robert Plymale, asks him to not put **HB2365** on the SEC agenda and to not recommend its approval by the committee.

According to the letter, provided to WVSBA, the board's motion opposing the bill was adopted by a 4-1 vote.

The board, in its letter, wrote "...current (state school laws) describe school board member authority and (are) sufficient to call into question any member who acts outside his or her authority.

"The proposed bill would confuse board members, school employees and citizens as to whether this law is being violated if a board member, outside a board meeting, is involved in a discussion of a school issue that may be interpreted as the board member giving/using authority of the board."

The Hardy board is the only county board that contacted WVSBA, expressing opposition to the bill, which now is in Senate Education.

Removal bill doesn't apply to superintendents—current provisions apply

According to association counsel Howard E. Seuffer Jr., **HB2877**, as reported in the April 3 edition of *The Legislature* apparently doesn't apply to county board members and county superintendents, based on his interpretation of the bill.

County superintendent removal from office would remain under provisions of §18-4-3.

Tax bills could mean less money for counties—\$1.4 million for SB622

According to cost estimates, **SB622** could result in a loss of about \$1.4 million in tax revenue to counties, and **SB741** might result in a loss of \$874,000, based on fiscal notes and calculations prepared by the West Virginia Association of Counties.

Wisdom

“Don't stop the plough to kill a mouse.”

— C. H. Spurgeon, 19th century evangelical Christian author

House acts to merge retirement systems

The House of Delegates voted overwhelmingly to pass **House Bill 2984**, which allows school employees in the newer Teachers Defined Contribution (TDC) retirement plan to vote on whether they want to join the older Teachers Retirement System (TRS). The bill also would place all new school employees who are hired on or after July 1, 2005 into TRS.

This helps everyone in the older TRS plan. They are currently in a closed retirement plan that is 22 percent funded. Placing new employees into the older TRS plan will make it a more secure pension program because it will no longer be a closed plan. It benefits those in TDC and the new hires entering the system because they will be guaranteed a secure, predictable retirement.

HB2984 also benefits the state and local boards of education. Beginning in school year 2006-2007, merging the two retirement systems will save the state and county boards \$24 million. During the next 30 years that savings will grow to \$1.9 billion. This savings is the result of placing new hires into the older TRS because the cost of the new plan is 3.16 percent of payroll higher than the old plan.

Last year the House of Delegates passed similar legislation but the Senate refused to consider the proposal. This year the Senate remains a problem. Gov. Joe Manchin III may also want to put off adopting the legislation until a late fall special session on salaries and the Public Employees Insurance Agency (PEIA).

A *Charleston Daily Mail* article states that while Senate President Earl Ray Tomblin, D-Logan, “wouldn’t rule out Senate approval of the House bill before the regular legislative session ends April 9,” Tomblin said “Manchin would prefer to wait until a special session later in the year to deal with all salary and pension issues.”

According to the *Journal of Pension Plan Investing* actuaries Joseph Metz and Claire Wolhoff, “If a hypothetical plan participant ends up – at the end of his/her working career – with the same benefit from a DC plan as he/she would have had from a DB plan – given the same contribution – it is, at best, a coincidence. DC plans simply do not provide the same degree of retirement benefit security as do DB plans.”

They continue “...employers and employees alike must understand that a defined contribution plan may not be able to provide the same degree of retirement benefit security as a defined benefit plan or a hybrid plan.”

The House passed the bill on a 94-5 vote, with one delegate absent.

This article originally appeared in the West Virginia Education Association’s April 1 Legislative Update. Reprinted with permission.

Editor’s Note: This article was edited for this publication’s style.

Looking Back

According to the March 9, 1995, issue of *The Legislature*, safe schools legislation was going to be the dominant bill of the session – a fact borne out over the years with the passage of **House Bill 2073**.

What many legislators, including former Senate Education Committee chairman Lloyd G. Jackson II, D-Lincoln, considered as the final piece of the safe schools legislation, that relating to “dangerous students,” wasn’t adopted until 2002.

As Senate Education considered safe schools legislation, exceptions were made for gun shows on county board property. “These are legitimate programs for displaying weapons,” said Sen. Rebecca I. White, D-Harrison.

Her amendment also paved the way for the West Virginia University mascot to “bring WVU’s musket into public school facilities for promotional appearances,” White said.

In other legislative news, county board members were included under the Public Employees Insurance Agency (PEIA) programs, as long as they paid premiums.

Not all legislators were happy about providing county board members PEIA coverage, with White saying, “It’s not good public relations to pass this measure.”

She was joined by Sen. Michael Oliverio, D-Monongalia,

who said, “Setting aside one particular position for a pay raise (added PEIA coverage) is an inappropriate means of conducting business.”

Sen. Billy Wayne Bailey, D-Wyoming, defended the legislation, saying it would grant county board members “the same privileges legislators and county commissioners now receive.”

The bill was adopted by the Legislature that year.

Finally, a coaches bill was subject to considerable discussion in the waning days of the 1995 session with White arguing that only educators should be able to coach sports.

Sen. Robert Plymale, who was first elected in 1992, argued against the move, saying it would be detrimental to “minor sports...where coaches are hard to find.”

Finally, in the déjà vu department, there was no School Aid Formula bill that session because the two houses were unable to agree on legislation that would increase personnel formula net enrollment ratios, something proposed in this year’s **House Bill 2578**.

White was defeated in 1998. Plymale was named SEC vice chairman, serving with Jackson, during the 2001 and 2002 legislative sessions. He was named SEC chairman in 2003.

– *The Legislature* – March 9, 1995

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student performance and to meet federal requirements that affect elementary and secondary schools, including the No Child Left Behind Act (NCLB).

Only three such days could be used for this purpose.

The committee defeated an attempt by Del. Linda Sumner, R-Raleigh, to amend the bill to restore 10 full-day faculty senates.

Del. Linda Longstreth, D-Marion, said she sympathized with the notion of 180 days of school instruction and the desire for more staff development, but said the public would negatively react to 10 faculty senate days. Del. Mary Poling, D-Barbour, concurred, saying it would cause a “public outcry.”

Committee leaders, including Vice Chairman Larry A Williams, D-Preston, also opposed the amendment. Williams said it would mean fewer school days in “snow belt” counties and that the measure already provides for staff development.

Poling noted that the committee had adopted study resolutions regarding several West Virginia Department of Education programs that may warrant additional staff development — perhaps additional paid days.

The amendment was defeated by voice vote. The bill now goes to the House Finance Committee.

Schools would pay set fee for safety inspections

- **House Bill 3130.** The Senate Education Committee on April 5 extensively debated this bill before it deferred action until later, possibly today.

As adopted by the House March 30, the bill requires local boards of health to inspect all public or private schools at least once annually, or as necessary, to ensure compliance with safety standards.

When the inspections are complete, results would be shared with county school officials. If a serious or ongoing health issue persists, the Board of Health is authorized to send the report to the state Commissioner of the Bureau of Public Health and the West Virginia Board of Education.

Some Senate Education members were concerned about cost, although the WVDE fiscal note said there is no additional cost. Several senators said they dispute the fiscal note because it was prepared by WVDE officials without input from local health boards.

Chuck Hamsher, a spokesman for that group, said the bill could lead to personnel adjustments. Senate Education Chairman Bob Plymale, D-Wayne, admonished Hamsher for his statements.

Sens. Jesse Guillis, R-Greenbrier, and Clark Barnes, R-Randolph, however, defended Hamsher’s analysis, based on information they received from bureaus of health in their area.

Barnes said health departments in his district face pending layoffs and program cuts, which Hamsher said were outlined in the governor’s budget.

Sen. Michael Oliverio, D-Monongalia, moved to have schools pay \$100 for the inspections, based on the \$150 that restaurants pay.

Guillis objected. “I don’t know what a \$100 inspection of a school would get you,” he said. “We look at these bills from a subjective viewpoint.”

Sen. Ed Bowman, D-Hancock, succeeded in revising Oliverio’s amendment to require the \$100 fee for one year. The Legislature then would study whether the fee is adequate and consider placing the

matter under legislative rulemaking.

WVDE regulations on soft drinks stay in ‘Healthy Act’ plan okayed by SEC

House Bill 2816. This legislation creates “The West Virginia Healthy Act of 2005.” The committee essentially adopted the Senate Health and Human Resource Committee amendments.

The committee removed a House amendment that would allow beverages containing up to 10 grams of sugar to be offered in vending machines in junior high and middle schools. That would have included diet soft drinks, which are now permitted only in high schools.

Brian Kastick, legislative liaison for Gov. Joe Manchin, said the Senate changes would retain WVDE regulations, which bar soft drinks in elementary and middle schools, while requiring high schools that operate soft drink machines to have at least 50 percent in water, fruit and vegetable juices and other healthy offerings.

“We wanted to clarify that schools that choose to serve soft drinks must serve 50 percent in healthy beverages, and that they must be co-located,” he said.

Kastick said Senate changes also clarify that elementary schools without physical education teachers or facilities may petition the department to offer alternative programs to meet the bill’s requirement of 30 minutes of physical activity three times a week for students.

He noted that some elementary schools in the state lack gymnasiums, or have multipurpose rooms that combine gyms, lunchrooms and auditoriums.

“We want a physical program that gets kids up and running and active,” he said.

Sen. Jon Blair Hunter, D-Monongalia, supported the committee changes. “Some of us in (the Senate Health and Human Resources) committee felt the bill was a step backward,” he said.

Soft drink lobbyists sought the 10 grams of sugar provision to allow sports drinks such as Gatorade to qualify as healthy beverages. However, the lobbyists said they did not intend to use the bill to offer soft drinks in junior highs.

“It was never our intention to get into that market — elementary or junior high,” said Coca-Cola Consolidated lobbyist Allison Patient.

State board would study flood insurance

- **Senate Bill 521.** House Education approved this measure April 4. It requires the WVBE to conduct a study about the feasibility of requiring insurance (flood insurance/general property insurance, or both) on all buildings owned by county boards.

The coverage also would have to include building contents. The WVBE report would be made to the Legislative Oversight Commission on Education Accountability (LOCEA) on Dec. 1, including any legislative recommendations.

The bill is in response to flood recovery costs in the Northern Panhandle, where some schools apparently weren’t insured. House Education Chairman Tom Campbell, D-Greenbrier, said the “idea is to save the taxpayers money.”

Technology bill virtually rewritten

- **Senate Bill 248.** House Education extensively amended this Senate-passed bill. Under terms of the Senate bill, WVDE officials could use technology dollars budgeted previously de-

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spite the fact that a mandated technology group hadn't met.

Former Gov. Bob Wise was supposed to appoint the group. As amended by the House – essentially a bill rewrite – the bill encourages higher education and public education cooperation toward the use of technology.

House Education amended the bill to:

1. State more concisely major findings of the original legislation relating to the uses of technology in education, dividing that section – §18-2J-1 – into subsections relating to public education and higher education.
2. Include an additional finding that technology use in public and higher education isn't mutually exclusive, including areas for cooperation and collaboration that will improve efficiency and better serve students.
3. Move language into the section that will guide the administration and allocation of funds, based on a unified approach to implementing the legislation, especially through planning.
4. Create a new 15-member council to establish the educational technology strategic plan, now called the Governor's Advisory Council for Educational Technology. The Council will represent public and higher education and the private sector. The governor will appoint non ex officio members for three-year terms with the advice and consent of the Senate. Members serve without pay, but will be reimbursed for expenses by the Governor or their state agency. Two members are non-voting ex officio members (§18-2J-2).
5. Delineate powers and duties of the council that include, generally, gathering the necessary information to construct a unified educational technology strategic plan; promulgating a legislative rule incorporating the plan; and monitoring the plan's implementation and effectiveness. The council is also will advise the governor and Legislature on the state of education technology any matters requested (§18-2J-3).
6. Itemize goals that should be considered and strategies that must be addressed by the council in constructing the strategic plan. These are a restatement in more concise language of the goals and strategies formerly contained in two separate sections of the current statute (§18-2J-4).
7. Replace the current process for approval and adoption of the technology plan by both the WVBE and the Higher Education Policy Commission (HEPC), including agreement to a process for collaboration if one or both object to the plan. Under terms of the HEC amendment, the plan must be promulgated as a legislative rule in accordance with the statutes that require public comment, legislative review and recommendation by LOCEA, opportunity for legislative amendment and required approval by the Legislature in a rules bill. The plan becomes effective for the school year following approval. The council is required to submit annual updates to the rule and plan along with any necessary revisions (§18-2J-5).
8. Maintain the requirement for allocation and expenditure of educational technology appropriations in accordance with the plan, with limited exceptions for grants and for failure of the plan to be approved. The appropriations for FY2005 are not restricted. For FY2006, the agencies may not expend nor encumber more than 50 percent of their educational technology appropriations

except in accordance with the plan (§18-2J-6).

9. Modify the report the WVBE and HEPC are required to submit to LOCEA by adding their proposed allocations and expenditure of technology appropriations in addition to those for the prior year (§18-2J-7).

Governor aims to get more technology dollars at local level—Sturm

Based on committee discussion of the legislation, Nancy Sturm, the governor's technology coordinator, said the plan would make technology programs and expenditures more accountable to lawmakers and the governor.

She also hinted that the plan, as devised by the House, may cause a reappraisal of how the WVDE uses technology funds and its priorities, which Sturm said seem to be geared more toward getting hardware into the schools.

Sturm said a study or inventory would be made regarding technology in place and potential technology uses. She said that approach would save money, adding that there may be "more (WVDE) staff than we need," with the governor's aim being to get "more dollars to the local level."

Sturm also said current technology plans have resulted in duplication and discrepancies among counties and other difficulties at the school level.

Sturm, in response to a question from Del. David Perry, D-Fayette, said the goal is not to hire additional personnel, which Perry described as a "process we're trying to get away from."

Tightening alternative teacher certification requirements; several provisions

- **House Bill 2528.** This bill relates to alternative teacher certification. The committee amended the bill so that the certificate may be renewed not more than twice, with no individual able to hold an alternative program teacher certificate more than three years.

To be eligible for an alternative program teacher certificate, an applicant must pass a WVBE-approved basic skills and subject matter test in the area for which they want a license. They must have been offered a job by a county board in an area of critical need and shortage and they must pass a criminal background check.

Teachers entering the alternative preparation program must receive 18 semester hours instruction in student assessment; development and learning; curriculum; classroom management; the use of educational computers and other technology; and special education and diversity.

The programs must contain a minimum of three semester hours of instruction in special education and diversity out of the minimum 18 required semester hours.

Three phases of alternative program

The alternative program has three phases. The first phase consists of two to four weeks of intensive on-the-job supervision by a mentor and the school administrator. The teacher will be observed daily and will complete an orientation to the policies, organization and curriculum of the employing district.

During Phase II, the teacher is involved in "intensive on-the-job supervision" that begins the first day following the completion of Phase I and continuing for at least 10 weeks.

In Phase II, the alternative program teacher will be visited and

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critiqued at least once weekly by a professional support team. He or she will be observed and formally evaluated at the end of five weeks and at the end of ten weeks by the certified members of the team.

At the end of the 10-week period, the alternative program teacher will receive a written progress report from the support team chairperson.

Phase III consists of an additional period of continued supervision and evaluation of at least 20 weeks. The professional support team will determine the requirements of this phase with at least one formal evaluation at the completion of the phase.

During all the phases, the alternative program teacher must continue to receive the higher education coursework outlined above.

In addition to other duties, the professional support team will provide the county superintendent with a written evaluation of the alternative program teacher. It must be submitted by May 1. The evaluation will report the alternative program teacher's progress toward meeting the academic and performance requirements.

Support team training

Training for professional support team members will be coordinated and provided by the Center for Professional Development in coordination with the school district, consortium of schools, Regional Education Service Agencies (RESAs) and college or university, or any combination of these agencies.

To employ an alternative program teacher, a school, school district, consortium of schools or RESA must submit a plan to the WVBE and receive approval from the state board.

Special education teachers

The WVBE is required to promulgate a rule governing the operation of alternative education programs for special education teachers.

The rule is applicable only to teachers with at least a bachelor's degree in a program for the preparation of teachers from a regionally accredited college or university.

These programs may be an alternative to the regular college and university programs for the education of special education teachers and also may address the content area preparation of certified special education teachers.

The programs will incorporate professional development to the maximum extent possible to help teachers who are currently certified in special education to obtain the required content area preparation.

Content area preparation

These programs may be an alternative to the regular college and university programs for the education of special education teachers and also may address the content area preparation of such persons.

The WVBE is to report to the Legislative Oversight Commission on Education Accountability on the programs authorized under the statute at the July 2005 interim meetings.

The bill defines "area of critical need and shortage" as an opening in an established, existing or new position that has been posted according to statute.

Employment provisions

The bill has a final provision that states that the "recommendation to rehire an alternative education program teacher... is subject to the position being posted and no fully qualified applicant being

employed."

The provision doesn't apply to teachers with a West Virginia professional teaching certificate in special education and who are employed under an alternative education program.

Makeup of support team

The professional support team consists of a school principal, an experienced classroom teacher, a college or university education faculty member and a curriculum supervisor.

Districts or schools that do not employ curriculum supervisors or have been unable to establish a relationship with a college or university shall provide for comparable expertise on the team. The school principal serves as team chairperson.

There are several other provisions.

Higher education bills aim to cut textbook costs and okay legislative rules

House Education also adopted two higher education measures, one dealing with efforts to minimize the cost of textbooks ('textbook bundling'), and the other relating to adoption of higher education rules.

Among other things, the rules relate to the Underwood-Smith Teacher Scholarship Program, and the "Medical Education Fee and Medical Student Loan Program."

The bills are **HB674** and **SB374**.

Resolutions

The Committee late last week passed three Concurrent Resolutions. **House Concurrent Resolution 83** would request the West Virginia Secondary Schools Activities Commission (WVSSAC) to consider providing at least two classes of competition in the end-of-season interscholastic tournaments for soccer, swimming and "others as practicable."

HCR 84 requests that the Legislature's Committee on Government and Finance study the WVDE's education enhancement proposals titled: "West Virginia ACHIEVES (5-year plan)," "Mathematics – Our Future, A Five-Year Plan;" and "Professional Development Schools" (**HB4669** – 2004 session); as well as any other major initiatives being undertaken by the WVDE.

HCR 85 would require a study on the costs and benefits of full time in-school alternative education programs and a study into choosing one school from each RESA to set up model programs for the (next school year) to be used as a pilot program.

— *Written by Howard M. O'Cull, Ed.D., executive director of the West Virginia School Boards Association. Senate Education counsel Hank Hager and House Education Counsel David Mohr provided technical information for most of the legislation reviewed.*

The Legislature

WATCH FOR THE LATEST ON EDUCATION LEGISLATION.

H.S. students ignorant of 1st Amendment

The way many high school students see it, government censorship of newspapers may not be a bad thing, and flag burning is hardly protected free speech. It turns out the First Amendment is a second-rate issue to many students, according to a new study of high-school attitudes.

The original amendment to the Constitution is the cornerstone of the way of life in the United States, promising citizens the freedoms of religion, speech, press and assembly. Yet, when told of the exact text of the First Amendment, more than one in three high-

school students said it goes “too far” in the rights it guarantees.

Students are even more restrictive in their views than their elders, the study suggests. When asked whether people should be allowed to express unpopular views, over 95 percent of teachers and of school principals said yes. Only 83 percent of students did.

“These results are not only disturbing; they are dangerous,” said Hodding Carter III of the John S. and James L. Knight Foundation, the \$1 million study’s sponsor. “Ignorance about the basics of this free society is a danger to our nation’s future.”

Legislature should rethink who pays for regional jails

County consolidation not a cure-all

Editor’s Note: The following is an excerpt of remarks made by Clarence E. “Sam” Hall II, West Virginia Association of Counties (WVACO) president, in his “State of the Counties Address,” which was made at the group’s March 14, 2005 Annual Meeting in Charleston. Hall refers to consolidation of county governments and regional jail expenses that affect other areas of county government, including library funding. This is an issue highlighted in recent issues of The Legislature. As noted in the March 18 edition of The Legislature, consolidation of services may not necessarily “save” counties dollars, although efficiencies arguably can be realized.

I came here with a prepared speech but I have decided not to use it. Instead, I have been listening to the comments and concerns that our (West Virginia Association of Counties) Board of Directors raised during our meeting and I listened last night to the conversations among the county officials who are here.

What is the state of West Virginia’s counties?

I have heard comments that indicate counties are wonderful. Then I listened to others who said their counties are in mediocre shape. We have county officials here who have told me that conditions in their counties are horrible.

In other words, we have 55 counties and a wide range of conditions. Regardless of the state of each individual county, I have heard two burning issues during this legislative session and at this annual meeting: The consolidated government legislation and regional jail costs.

The WVACO was founded in 1960 at a time when county government had stagnated to the point that the continuation of county government was in serious jeopardy.

According to a history written by the founder of the association, Richard Shelton, various organizations and some news media were calling for consolidation of counties and revision of county government.

At that time, there was reluctance of the people to take this action because of concerns about loss of local control.

Fast forward 45 years and this same discussion is taking place

except that, through the efforts of the Association of Counties and interested governors and legislators throughout the decades, county government has been rejuvenated and is seen as a partner to state government.

The West Virginia Association of Counties is committed to the protection and preservation of county government but we recognize that these are changing times.

As long as the process of any form of consolidation is initiated and evolved at the local level, the West Virginia Association of Counties will support individual counties and their citizens in the direction they wish to take.

I want to emphasize, however, that consolidation is not a panacea to all economic ills and much consideration needs to be given to protecting the rights of our counties as currently structured to exist and continue to provide services at the local level.

We all need to make ourselves familiar with the proposals to consolidate local government and understand the ramifications. The legislation came out of the Governor’s Commission on Governing in the 21st Century and one thing is for sure: This legislation could change things. The role of

the West Virginia Association of Counties appears to be just as important today as it was in 1960.

The other issue, regional jail costs, is affecting every county and every county official’s budget. Our second-largest county is having difficulty paying for the costs so you can imagine the impact it is having on our smaller counties. Many solutions have been discussed, including community corrections and sharing of costs with municipalities.

But the question needs to be asked, “Why do counties pay for the costs of incarceration, anyway?” It is not a constitutional requirement but rather a requirement set in statute. Why are counties still paying as if there were county jails in this era of regional jails? It’s time to totally rethink who pays for incarceration!

This is an issue that our legislators need to seriously discuss and I hope that our brightest minds in the legislature can come up with an answer.

“We all need to make ourselves familiar with the proposals to consolidate local government and understand the ramifications.”

Final days of session just like a swap meet

By Martha Dean, Ed.D.

The final days of the legislative session remind me of when I was a kid and sat down with the other kids in the neighborhood to trade marbles. We wrangled back and forth and each made counter offers to get the most-coveted marbles for our collections. Sometimes we couldn't even make a trade, but continued to try as long as we felt we hadn't accomplished what we wanted.

Sometimes the first person we tried to influence to trade us a coveted aggie wouldn't give it up, but another kid was willing to give one for another he or she coveted more. As I wander the halls of the House and Senate, I see this type of struggle, but much is also taking place where I am not privileged to be. This makes it difficult to know exactly the status of legislation we want to get passed as trades are made in attempts to accomplish everyone's goals.

Bill to fund low-enrollment counties still alive

One of the bills that most interests me is still alive as the count-down winds down. **Senate Bill 604** contains provisions to make sure increasing enrollment counties get the money they need to provide for the extra students in their systems.

It also contains the provision the West Virginia Association of School Administrators (WVASA) has worked on to give low enrollment (fewer than 1,400 net enrollment) counties the opportunity to apply for funds to meet the basic required programs they cannot afford.

It currently rests in the House because the Senate took up the bill immediately when the House reported it over as amended.

Senate Education Committee Chairman Bob Plymale, D-Wayne, amended the section containing provisions for increasing enrollment funding to include the original Senate language.

The Plymale amendment passed the Senate and then the resulting bill passed the Senate and was communicated back to the House with the request to approve the Senate amendment.

I hope it will all be passed before the clock strikes midnight on Saturday. The provisions for the low enrollment counties are still in the bill.

House Education

On April 4 House Education met in the late afternoon and four bills were on the agenda, including **SB750**, which deletes the current funding system for Regional Education Service Agencies and makes their allocation at the discretion of the Legislature.

Several school administrators were in the committee room anxiously awaiting the House's action on this bill. We heard rumblings they would put it back in the school aid formula but with a reduction in the percentage.

When the meeting started, House Education Chairman Tom Campbell, D-Greenbrier, announced that two bills would not be considered as there was more work to be done on **SB94** and **SB750**.

That caused consternation among those present. The bills that were discussed and passed out of committee included **SB347**, which

authorizes rules of the Higher Education Policy Commission and the Council for Community and Technical College Education; and **SB521**, which would require a feasibility study on requiring flood insurance, general property insurance or both on all buildings owned by a county board and the contents of those buildings.

Recent flooding and concern about adequate insurance in some counties prompted this bill.

Senate Education

On April 5, Senate Education took up **HB2816**, the governor's bill on healthy lifestyles. It previously was passed by the Health and Human Resources Committee but has three references and will next go to Finance.

The bill was amended to put in the current requirements in West Virginia Board of Education (WVBE) policy on the sale of only healthy drinks in the elementary and middle schools.

The *Charleston Gazette* chastised the "loosening" of existing standards for healthy drinks in elementary and middle schools. It was further amended to make provisions for schools without certified physical education teachers so they can devise alternate programs that include physical exercise for their students.

Health inspections

A second bill on the agenda for the April 5 Senate Education Committee was **HB3130**, which requires local boards of health to inspect all elementary and secondary schools.

There was considerable discussion of the merits of having an outside agency inspect the schools, but a person representing local health departments said there is no provision to pay them for doing the inspections.

Sen. Michael Oliverio, D-Monongalia, then offered an amendment to allow the health departments to charge school boards no more than \$100 per inspection.

Senator Jesse Guillis, R-Greenbrier, then said the Legislature often has good intentions but passes mandates without the funding or the manpower to accomplish what they have mandated.

The bill was laid over until additional information is available.

Alternative certification

The committee considered **HB2528**, related to alternative certification of teachers. It passed with some changes and will go to the floor.

The final bill on the agenda was **HB3152**, which addresses what the state Board of Risk and Insurance Management (BRIM) is required to insure for county boards.

There was some confusion about this bill so it will be considered today, at which time a representative from BRIM is scheduled to be present.

ISE days

On April 5, at 4 p.m., House Education met to consider three bills. The most discussion centered on **SB94**, which removed the requirement for three activities in a specific order, as passed by the Senate.

See **ADMINISTRATIVE PERSPECTIVE** on page 12

The Final Four of Education

By Priscilla Haden

As I watched the West Virginia University men's basketball team compete for a slot in the Final Four, I was overwhelmed with pride. West Virginia truly has come a long way in basketball and in innumerable other ways, including education.

The state has made countless strides to better our teaching and our learning. One way we improved student achievement is through technology. Last month I published an article aligning the West Virginia Board of Education (WVBOE) goals with those of the new governor. Not surprisingly, we are on the same beat. The governor and the board recognize the importance of early childhood education, increasing student achievement, building educational leadership and using technology. Recently, technology has received a lot of attention — rightfully so.

The board has recognized the importance of technology for years and we are excited this governor also understands the vital role technology plays in educating our students.

Truth be told, I remember when technology in the classroom meant a calculator and an overhead projector. Now technology means laptops, wireless Internet and online learning.

Ready or not, the world is different. Kids are different. Learning is different. America's students need the knowledge and competence to compete in an increasingly technology-driven world. West Virginia is providing that knowledge through programs like Basic Skills/Computer Education, SUCCESS and WVLeans.

Basic Skills/Computer Education provides students a solid foundation in reading, composition, math and computer literacy. West Virginia Story, a study of the achievement gains from comprehensive instructional technology programs, found, among other things, that Basic Skills/Computer Education helps the most needy children improve.

SUCCESS (Student Utilization of Computers in Curriculum for the Enhancement of Scholastic Skills) prepares students for life during and after high school. This technology initiative provides computer productivity skills to our students and enhances critical thinking and decision-making.

Another three-point shot in the technology arena is West Virginia's E-Learning Platform, called WVLeans. WVLeans allows schools to provide Virtual School courses, giving students more course offerings when there are teacher shortages in critical areas. WVLeans also utilizes SAS inSchool, which creates web-based learning curricula focusing on the core subjects taught in grades eight through 12, including English, social studies, science, mathematics and Spanish, a reality for West Virginia students. Last, but

not least, WVLeans supports Reinventing Education, a partnership with IBM to develop technology solutions to support school reform efforts and raise student achievement.

Our state technology programs continue to gain national attention but we can't stop now. We must look to the future and analyze and enhance our technology programs. This is an exciting, cre-

ative and transforming era for students, teachers, parents and lawmakers. In his State of the State address, Gov. Manchin said, "A child's geographic location, race or parent's income level should not predetermine their life's course and it's up to us to see that they don't."

As a Board member, I look forward to partnering with the First Lady and the Legislature in building upon the past success of our state's educational technology initiatives. It is obvious to me that our state is already on the right path. We are on our way to the Education Final Four. And again, I am overwhelmed with pride.

— Haden is WVBE Secretary. She is a former Kanawha County Board of Education member and KCBOE president.

"We must look to the future and analyze and enhance our technology programs. This is an exciting, creative and transforming era for students, teachers, parents and lawmakers."

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ADMINISTRATIVE PERSPECTIVE

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Delegate Linda Sumner, R-Raleigh, offered an amendment to require one ISE day per month as the previous Faculty Senate Days had been scheduled.

Several delegates opposed the amendment for a variety of reasons, but most related to the need to keep students in school and in class as many days as possible, particularly relative to those counties that have significant snowfall each year.

Delegate Walter Duke, R-Berkeley, spoke in favor of Sumner’s amendment. Del. Sumner asked West Virginia Education Association President Tom Lange a question about the need for additional days for professional development during the school year because of the requirements of NCLB and other initiatives.

Nevertheless, the amendment failed.

The original amendment of the committee changed “banked” time to “accrued instructional time.” As many as three days of accrued instructional time can be exchanged for professional development. This amendment and the bill passed.

Technology

The committee then considered **SB248**, which requires that technology expenditures be made in accordance with the State Education Technology Strategic Plan.

Apparently, former Gov. Bob Wise never appointed the Governor’s Council so no strategic plan exists.

This bill re-enacts the requirement of the council, changes its members and allows allocated funds to be spent in accordance with the plan after it is completed.

Nancy Sturm, the Gov. Joe Manchin’s appointee for education technology, addressed the need for the bill and some of her ideas on how to improve access to technology for teachers and students in West Virginia.

The bill passed, as amended in the committee.

Final bill for consideration at Tuesday’s meeting was **SB674**. This bill is similar to **HB3163**, which prohibits college bookstores from requiring students to buy bundled textbooks. **SB674** was amended to more carefully craft the language so it doesn’t unintentionally cost college students more money for textbooks.

Wednesday House Education

Wednesdays are typically days the Legislature devotes to minor committee meetings.

However, this Wednesday, House Education met at 4 p.m. to consider two items.

The first was **SB750**, created in Senate Education to change the method to determine the funding for RESAs. It strikes §18-9A-8a as found in the school aid formula and creates a new section of law, §18-9A-27, which simply says that RESAs would be funded by an appropriation of the Legislature.

House Education amended the bill by putting new language in §18-9A-8a to create a foundation allowance in an amount appropriated by the Legislature not less than \$4.4 million.

House amendments also inserted the provisions of **SB589**, which allows RESAs to provide and counties to utilize central office administrators.

Further, it inserted the provisions of **HB3108**, which allows RESAs to provide driver education instruction.

Delegate Patrick Lane, R-Kanawha, offered an amendment that would only allow drivers’ education to be offered if there are no private businesses in the county offering driver education. This amendment was defeated 1-20, and then the committee amendment and the bill passed unanimously.

NCLB

The only other thing on the agenda was a report from the No Child Left Behind subcommittee, chaired by Delegate Brady Paxton, D-Putnam.

The subcommittee offered a resolution that would emphasize West Virginia requesting and getting waivers to the law to help the state tailor NCLB to meet the needs of West Virginia students. The committee passed the resolution with only one dissenting vote.

Today House Education doesn’t plan to conduct any business, but listen to a 9:30 a.m. report. Senate Education does have a scheduled meeting, but it is unclear what bills it will take up.

I remain positive about the possible passage of SB604, the increased enrollment/low enrollment bill. It is on the House side with only minor differences to consider.

Also, I think that RESA executive directors have worked diligently to ensure funding for RESAs for the upcoming year, as the condition of **SB750** verifies.

It is still alive and may be passed in some form prior to midnight Saturday. The funding of nurses languishes in Senate Education unless they take it up tomorrow (or at the last minute).

So far, no public education omnibus bill (a positive for administrators and school boards) looms in the horizon.

The session has been most cordial in terms of working relationships among WVASA and legislators of both houses.

We won’t accomplish all of our legislative goals, but we have strengthened our ability to communicate and to interact.

— *Dean is WVASA Executive Director.*

Important Legislative Dates

- Organizational Day Wed., Jan. 12
- First Day of Session Wed. Feb. 9
- Legislative Rule-Making Mon., Feb. 28
- Bills Introduced (20th Day) Thurs., Mar. 10
- Special Calendar (House) (30th Day) Mon., March 21
- Last Day to Introduce Bills Fri., March 25
- Senate (41st Day) Wed., March 30
- House (45th Day) Sat., April 9
- Bills Must Pass House of Origin
- Last Day of Session

Bill Abstract

Editor's Note: This is a list of education and selected education-related bills, with action current through April 6, 2005. For information relating to any of the measures listed, contact West Virginia School Boards Association Executive Director Howard M. O'Cull, Ed.D., or visit the West Virginia Legislature's Web site at www.legis.state.wv.us.

Senate Education Bills

- **Senate Bill 12.** Makes **English official language** of state. Passed Senate 3/29/05. Referred to House Judiciary 3/29/05.
- **SB94.** Provides county boards flexibility in the statutory order of required activities to occur on **school calendar Instructional Support and Enhancement (ISE) days**. Passed Senate 2/28/05. Referred to House Education Committee (House Education), then House Finance Committee (House Finance) 3/1/05.
- **SB126.** Relates to educational **benefits for children of deceased military personnel** (killed in action). Senate Education approved 3/16/05. Passed Senate 3/25/05. Referred to House Veterans Affairs and Homeland Security Committee (House Veterans Affairs Committee), then House Finance 3/28/05.
- **SB153.** **Revises** state **Ethics Act legislation** enacted during 2005 Special Session. Passed Senate 3/21/05 – House concurred with Senate amendment and passed 3/22/05. Referred to Governor 3/31/05.
- **SB159.** Creates **Consolidated Local Government Act**. Passed Senate 3/9/05. Referred to House Judiciary 3/18/05.
- **SB212.** Provides **higher education employees the annual experience increment** that is **paid to state employees**. Approved by Senate Education Committee (Senate Education) 2/22/05. Referred to Senate Finance Committee (Senate Finance) 2/23/05.
- **SB248.** Voids the requirement that education technology expenditures be made in accordance with the **West Virginia Education Technology Strategic Plan (ETSP)**. Passed Senate 2/28/05. Referred to House Education, then House Finance 3/1/05.
- **SB261.** Provides for special election proposing constitutional amendment designated as the “**Pension Bond Amendment.**” Passed Senate 2/24/05. Passed House 2/24/05. Governor signed 3/8/05; Legislative Action Completed.
- **SB264.** Relates to **Teachers Defined Contribution Retirement System**. Passed Senate 3/17/05. Referred to House Pensions and Retirement, then House Finance 3/18/05.
- **SB282.** Continues **School Building Authority** of West Virginia (state Sunset legislation). Passed Senate 3/1/05. Referred to House Government Organization Committee (House Government Organization) 3/2/05.
- **SB290.** Requires each county board of education hold public hearing on **students wearing uniforms**. Senate Education approved 3/22/05. Passed Senate 3/25/05. Referred to House Education, then House Judiciary Committee (House Judiciary) 3/28/05.
- **SB347.** Authorizes approval of **rules of the Higher Education Policy Commission** and Council for Community and Technical College Education. Senate Education adopted 3/3/05. Senate Adopted 3/9/05. Referred House Education 3/10/05. On House 2nd Reading, Consent Calendar 4/6/05.
- **SB401.** Relates to governing boards of the newly-established **New River Community and Technical College** and the **Community and Technical College of Shepherd University**. Senate Education approved 3/3/05. Senate Adopted 3/9/05. Passed House 4/01/05; completed legislative action.
- **SB419.** Provides **governmental entities relief** from certain policies, rules and regulations. Passed Senate 3/29/05. Referred to House Finance 3/29/05.
- **SB504.** Relates to **high-tech research zones**, parks and technology centers. Senate Education deferred action 3/29/05. Provisions included in **House Bill 2777**. Senate Education approved 3/31/05.
- **SB521.** Requires study on **county board flood and general property insurance**. Passed Senate 3/28/05. Referred to House Education, then House Finance 3/28/05.
- **SB585.** Allows **disclosure of juvenile records** in certain cases. Passed Senate 3/22/05. Referred to House Judiciary 3/23/05.
- **SB589.** Relates to **county boards of education sharing services** of central office administrative personnel. Passed Senate 3/29/05. Referred to House Education, then House Finance 3/29/05.
- **SB603.** Provides greater **flexibility to Marshall University and West Virginia University**. Senate Education approved 3/22/05. Passed Senate 3/25/05. House Education approved 3/31/05. Referred to House Finance 4/4/05.
- **SB604.** Establishes method for **projecting increase in net enrollment** for each school district. Passed Senate 3/22/05. Passed House 3/31/05. Passed Senate (Senate concurred with House amendment as amended) 4/4/05.
- **SB622.** Clarifies **exemption for property** used by certain not for-profit, tax-exempt corporations, including assisted living complexes. Passed Senate 3/29/05. Referred to House Finance 3/29/05.
- **SB661.** Relates to **juvenile proceedings and multidisciplinary teams**. Passed Senate 3/22/05. Referred to House Judiciary, then House Finance 3/28/05. Referred to House Finance 4/4/05.
- **SB674.** Relates to textbook sales at public institutions of higher education (**textbook bundling**). Passed Senate 3/28/05. Referred to House Education 3/29/05.
- **SB675.** Allows **county boards** to enter into **lease-purchase agreements** for school facilities. Passed Senate 3/30/05. Referred to House Government Organization, then House Finance 3/31/05.
- **SB701.** **Eliminates** requirement **statewide assessment** occur at **specific grade levels**. Passed Senate 3/28/05. Referred to House Education 3/28/05.
- **SB720.** Relates to **alternative teacher education programs**, fitness programs and other programs. Introduced 3/21/05. Senate deferred action 3/22/05.
- **SB740.** Relates to conducting **inventory of technology infrastructure** in state; other provisions. Passed Senate 3/30/05. Referred to House Industry and Labor, Economic Development and Small Business Committee (House Industry and Labor), then House Finance 3/31/05.
- **SB741.** **Exempts farming equipment** and livestock from **personal property tax** (commercial farmers). Passed Senate 3/28/05. Referred to House Finance 3/28/05.

See **BILLABSTRACT** on page 14

BILL ABSTRACT

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- **SB744.** Clarifies criteria for employee to sustain lawsuit for **intentional injury** (Workers Compensation). Passed Senate 3/28/05. Referred to House Judiciary 3/28/05. On House 2nd Reading, Special Calendar 4/6/05.
- **SB750.** Relates to Regional Education Service Agency Funding. Passed Senate 3/30/05. Referred to House Education, then House Finance. House Education approved 4/6/05.

House Education Bills

- **House Bill 2012.** Requires county boards to reserve 7 percent of **Medicaid reimbursements** for services provided by county personnel as a **salary supplement**. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.
- **HB2141.** Prohibits persons from **soliciting contributions on public highways**. Passed House 3/28/05. Referred to Senate Judiciary 3/29/05.
- **HB2163.** Eliminates the “**set-off**” against **Unemployment Compensation** benefits for persons receiving Social Security benefits. Passed House 3/30/05. Referred to Senate Finance 3/31/05.
- **HB2174.** Develops a **procedure** to notify **licensed professionals** who are mandated to **report child abuse/neglect** of the disposition of the investigation into the report. Passed House 3/3/05. Passed Senate 4/5/05. Legislative Action Completed.
- **HB2286.** Relates to the sounding of “**Taps**” at veterans’ honors funerals. Passed House 2/18/05. Passed Senate 2/21/05. Referred to governor 2/23/05. Governor signed 2/25/05; Legislative Action Completed.
- **HB2328.** Provides **precedential application to the Ethics Commission’s** written Opinions regarding **open governmental meetings**. Passed House 2/21/05. Referred to Senate Government Organization Committee (Senate Government Organization), then Senate Judiciary 2/22/05.
- **HB2334.** Relates to **limiting child out-of-state placements**. Passed House 3/30/05. Referred to Senate Judiciary, then Senate Finance 3/31/05.
- **HB2350.** Corrects provision in law relating to **certification standards in other states** and their application to teachers who may apply for certification in West Virginia. House approved 3/7/05. Passed Senate 4/5/05. Legislative Action Completed.
- **HB2365.** Prohibits **county board members** from **acting individually or singularly** unless authorized by law. Passed House 3/30/05. Referred to Senate Education 3/31/05.
- **HB2465.** Provides **salary supplements of \$2500** and expense reimbursements to **professional personnel** who meet certain professional national certification standards. House Education approved 3/24/05. Referred to House Finance 3/25/05.
- **HB2466.** **Removes some obsolete Code references** from statute; other provisions. House approved 3/7/03. Senate Education adopted 3/11/04. Referred to Senate Finance 3/11/05. On Senate 3rd Reading 4/6/05.
- **HB2525.** Eliminates requirement that West Virginia Department of Education (WVDE) conduct **independent evaluation** of effectiveness of **character education programs**, including Responsible Students Program (RSP). Passed House 3/11/05. Referred to Senate Education 3/14/05.

- **HB2527.** Allows school **service personnel competency tests** to be given at multi-county vocational centers at option of employee. Passed House 3/11/05. Senate Education approved 3/24/05. On Senate 3rd Reading 4/6/05.
- **HB2528.** Relates to **alternative programs for the education of teachers**. (These provisions also are included in SB720.) Passed House 3/29/05. Referred to Senate Education, then Senate Finance 3/30/05.
- **HB2570.** Requires **banking institutions** to **post bond/other security** for the deposit of county, municipality or county board education funds. Passed House 3/25/04. Passed Senate 4/5/05. Senate requests House to concur 4/5/05.
- **HB2578.** Increases **school aid formula net enrollment limits** for professional and school service personnel. House Education approved 3/1/05. House Finance approved 3/23/05. Passed House 3/28/05. Senate Education approved 3/31/05. Referred to Senate Finance 4/1/05.
- **HB2603.** Relates to **reimbursement of tuition, registration and other required fees** for course work completed by teachers. Passed House 3/28/05. Senate Education approved 3/31/05. Referred to Senate Finance 4/1/05.
- **HB2777.** Makes technical changes concerning **High-Tech Research Zones, Parks and Technology Centers**/tax incentives. House approved 3/28/05. Senate Education approved 3/31/05. On Senate 3rd Reading 4/6/05.
- **HB2783.** Authorizes the director of the **Division of Rehabilitation Services** to allow youth or other **civic groups to use rehab facilities** and to charge a fee. Passed House 3/21/05. Passed Senate 3/24/05. (This bill was amended extensively by the Senate.) Referred to governor 3/31/05.
- **HB2795.** Relates to the consolidation of administrative, information, technological, financial and operating systems and functions of **West Virginia University Institute of Technology** with and into such systems and functions of West Virginia University. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.
- **HB2801.** Relates to **removing the delay in school aid formula funding for increased student enrollment**. House Education approved 3/23/05. Referred to House Finance. House tabled on 2nd Reading, Special Calendar 3/30/05.
- **HB2802.** Updates provisions pertaining to **Commercial Driver’s Licenses** to conform with federal law. Passed House 3/28/05. Referred to Senate Judiciary Committee, then Senate Finance Committee 3/31/05. On 2nd Reading Senate Judiciary 4/5/05.
- **HB2809.** **Prohibits public contracts with vendors unless** vendors can demonstrate that **they offer health care insurance** to their **employees** and pay at least 75% of the cost of that insurance. House Tabled on 2nd Reading, Special Calendar 3/31/05.
- **HB2812.** Extends the time for the **Preston County Board of Education** to meet as a **levying body** for the purpose of presenting a special levy election. Passed House 3/25/05. Referred to Senate Government Organization 3/28/05.
- **HB2816.** Creates the “**West Virginia Healthy Act of 2005.**” Passed House 3/28/05. Referred to Senate Health and Human Resources, then Senate Education, then Senate Finance 4/1/05.
- **HB2837.** Prescribes a **personal finance instruction in secondary schools**. House Education approved 3/15/05. Passed House

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BILL ABSTRACT

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- 3/21/05. Senate Education approved 3/31/05. On Senate 3rd Reading 4/6/05.
- **HB2855.** Places a limit of 10 years on the amount of time that a **teacher** who returns to work after terminating employment may retain his or her accrued **seniority**. Passed House 3/30/05. Referred to Senate Education, then House Finance 3/31/05.
 - **HB2866.** Provides for continuation of **tuition and fee payments** to members after discharge from military service due to **wounds** or **injuries** received in the line of duty. Passed House 3/28/05. Senate Education approved 3/31/05. Referred to Senate Finance 4/1/05.
 - **HB2877.** Provides **procedure** for **removal** of **county, district** or **municipal officers**. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.
 - **HB2885.** Relates to **tuberculosis testing**, control, treatment and commitment. Passed House 3/23/05. Referred to Senate Health and Human Resources (Senate Health), then Senate Finance 3/24/05.
 - **HB2891.** Relates to **government reorganization**. Passed House 3/30/05. Referred to Senate Government Organization, then Senate Finance Committee 3/31/05.
 - **HB2963.** Clarifies the allowance of **excess levy elections at primary elections** and to remove language which conflicts with state constitution §10-11-et. seq. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.
 - **HB2977.** Relates to authorizing **school-level implementation of student uniform policies**. House Education approved 3/17/05. Referred to House Judiciary 3/18/05.
 - **HB2984.** **Discontinues** the **loan program** participation of teachers and nonteachers who become members of the **Teachers Retirement System** on or after July 1, 2005. Passed House 3/30/05. Referred to Senate Finance 3/31/05.
 - **HB3012.** **Exempts** property acquired by **lease purchase-agreement** by the state, a county, district, city, village, town or other political subdivision, state college or university, from **property tax**. Passed House 3/28/05. Referred to Senate Judiciary, then Senate Finance 3/29/05. On Senate 3rd Reading 4/6/05.
 - **HB3018.** Relates to **designation** of **Mountaineer Challenge Academy** as a **special alternative education program**. Passed House 3/21/05. Referred to Senate Finance 3/31/05.
 - **HB3019.** Relates to **recognizing** the **Appalachian Education Initiative** promoting the role of art education in public schools. Passed House 3/30/05. Referred to Senate Education, then Finance 3/31/05.
 - **HB3040.** Provides **maximum time limits for one-way bus transportation for any new bus route** created to transport students in the wake of the closure or consolidation of an existing school facility. Passed House 3/30/05. Referred to Senate Education, then Finance 3/31/05.
 - **HB3055.** Requires the state **Secondary Schools Activities Commission** to have at least **two separate classes** of competition at all end-of-year interscholastic athletic tournaments. House Education tabled 3/17/05.
 - **HB3098.** Expands the prohibitions and **criminal penalties for sexual exploitation** or **sexual abuse of a child by a parent, or guardian or custodian** to include offenses by persons who

hold a position of **trust** in relation to a child. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.

- **HB3107.** Relates to **Diabetes Care Plan Act** in the public schools; has nurses ratio; other provisions. (Originated in House Education, creating allowance for student health services). Originated in House Education 3/18/05. Passed House 3/30/05. Referred to Senate Education, then Finance 3/31/05.
- **HB3108.** Increases the **focus of Regional Educational Service Agencies (RESAs) on school improvement**. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.
- **HB3130.** Requires **local boards of health to conduct inspections** of all elementary and secondary **schools**. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.
- **HB3152.** Clarifies that the state **Board of Risk and Insurance Management is not to provide insurance for every property, activity or responsibility** of county boards. Passed House 3/28/05. Referred to Senate Education, then Senate Finance 3/31/05.
- **HB3163.** **Prohibits** colleges from **requiring** students to purchase **bundled textbook packages**. House Education approved 3/24/05. Removed from Consent Calendar by request 3/29/05. Tabled 3rd Reading, Special Calendar 4/01/05.
- **HB3213.** Creates the offenses of **malicious assault**, unlawful assault, battery and recidivism of battery, assault on a driver, conductor, captain or other person in charge of any vehicle used for **public conveyance**. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.
- **HB3225.** Relates to the preparation and publication of **year end financial statements by county boards of education**. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.
- **HB3359.** Relates to **filling** the **positions** and **extra duty assignments** of the **absent school bus operators**. Passed House 3/30/05. Referred to Senate Education 3/31/05.

Concurrent Resolutions *Senate*

- **Senate Concurrent Resolution 3** – Requesting Joint Committee on Government and Finance **study public school dress code** and use of uniforms. Resolution introduced 2/10/05.
 - **SCR11** - Requesting Joint Committee on Government and Finance **study protecting health and safety of student athletes**. Resolution introduced 2/10/05.
 - **SCR20** - **Recognizing importance of increasing funding to special five-year demonstration professional development school projects**. Resolution introduced 2/21/05.
 - **SCR21** - **Recognizing need to increase resources** and make changes to **eliminate racial and ethnic health disparities**. Resolution introduced 2/21/05.
 - **SCR28** - Requesting West Virginia Board of Education (**WVBE**) to **establish position** to coordinate, oversee and advocate for **school libraries**. Resolution introduced 2/25/05.
 - **SCR29** - Requesting Joint Committee on Government and Finance **continue Legislative Task Force on Juvenile Foster Care, Detention and Placement**. Referred to House 4/1/05.
 - **SCR31** - Requesting Joint Committee on Government and Fi-
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- nance **study strengthening families economically to help at-risk children**. Resolution introduced 2/28/05.
- **SCR33** - Requesting Joint Committee on Government and Finance **study mental health services for adolescents to reduce suicide** and delinquency rates. Referred to House 4/1/05.
- **SCR35** - Requesting Joint Committee on Government and Finance direct Legislative Oversight Commission on Health and Human Resources Accountability **study state obesity epidemic**. Resolution introduced 3/4/05.
- **SCR36** - Requesting Joint Committee on Government and Finance direct Legislative Oversight Commission on Health and Human Resources Accountability **study home- or community-based long-term support programs and services for disabled persons**. Resolution introduced 3/4/05.
- **SCR37** - Requesting Joint Committee on Government and Finance direct Legislative Oversight Commission on Health and Human Resources Accountability **study providing citizens of state with comprehensive, quality and affordable health care**. Resolution introduced 3/7/05.
- **SCR43** - Requesting Joint Committee on Government and Finance **study expansion of in-home family education programs**. Resolution introduced 3/10/05.
- **SCR49** - Requesting Joint Committee on Government and Finance **study alternatives to out-of-state placement of children**. Resolution introduced 3/14/05.
- **SCR65** - Designating month of December, 2005, **Legislators Back to School Month**. Resolution introduced 3/24/05.
- **SCR83** - Requesting Joint Committee on Government and Finance **study licensing athletic trainers**. Referred to House Government Organization Committee on 4/5/05.

Concurrent Resolutions

House

- **House Concurrent Resolution 8** - Requesting that the Joint Committee on Government and Finance **continue the Legislative Task Force on Juvenile Foster Care, Detention and Placement** as the Juvenile Task Force. Resolution introduced 2/16/05.
- **HCR11** - Requesting that the Joint Committee on Government and Finance **study how strengthening families economically can help at-risk children** and youth. Resolution introduced 2/17/05.
- **HCR15** - Requesting the Joint Committee On Government and Finance **study the current status of mental health services for adolescents and young adults to reduce suicide rates** and rates of delinquency. Resolution introduced 2/22/05.
- **HCR19** - Requesting the Joint Committee on Government and Finance **study the possible expansion of in-home family education programs** (Early Parent Education). Referred to Senate 4/5/05.
- **HCR21** - Requesting West Virginia Department of Education (WVDE) to **create a position** in the department to coordinate, oversee and advocate **for public school libraries**. Referred to Senate 3/31/05.
- **HCR28** - Requesting the Joint Committee on Government and Finance to direct the Legislative Oversight Commission on

Health and Human Resources Accountability (LOCHHRA) to **study the obesity epidemic** in West Virginia. Bill introduced. Resolution introduced 3/4/05.

- **HCR29** - Requesting the Joint Committee on Government and Finance to direct the Legislative Oversight Commission on Health and Human Resources Accountability (LOCHHRA) to **study the establishment of home or community based long-term support programs for disabled**. Resolution introduced 3/4/05.
- **HCR31** - **Recognizing the importance of increasing funding** to the special **five-year demonstration professional development school project**. Referred to Senate 3/28/05.
- **HCR47** - **Recommending** that West Virginia's national leaders **oppose the educational budget cuts** proposed by **President George W. Bush**. Resolution introduced 3/15/05.
- **HCR68** - Requesting the Joint Committee on Government and Finance **study the need for housing allowances by teachers and school service personnel living in growth areas**. Resolution introduced 3/25/05.
- **HCR69** - Recognizing the importance of the Health Sciences and Technology Academy (HSTA) and its significant contribution to African American and under represented high school students. Resolution introduced 3/28/05. Referred to Senate 4/5/05.
- **HCR80** - Requesting the Joint Committee on Government and Finance to conduct a study of the need to develop and implement a statewide emergency response to school shootings. Resolution introduced 4/1/05.
- **HCR83** - Requesting the Secondary School Activities Commission to consider a rule amendment to provide at least two classes of competition in the end-of-school tournaments. Resolution introduced 4/4/05. House Education approved 4/6/05.
- **HCR84** - Requesting the Joint Committee on Government and Finance to make a study on education proposals of the West Virginia Department of Education entitled: West Virginia ACHIEVES (5-year plan). Resolution introduced 4/4/05. House Education approved 4/6/05.
- **HCR85** - Requesting the Joint Committee on Government and Finance to study costs and benefits of full time in-school alternative education programs. Resolution introduced 4/4/05. House Education approved 4/6/05.

EDUCATION-RELATED

Senate

- **SB31**. Requires Chief Technology Officer to maintain **cross index of forms** used by state agencies. Passed Senate 3/22/05. Referred to House Government Organization 3/23/05.
- **SB101**. Allows county commission or municipality to **request traffic control signal** be used as **flashing signal**. Passed Senate 3/4/05. Referred to House Roads and Transportation Committee, then House Finance 3/7/05.
- **SB147**. **Limits purchase of substances** used in production of **methamphetamine**. Passed Senate 3/22/05. Referred to House Judiciary 3/23/05.
- **SB226**. Relates to **cross-reporting** when **abuse or neglect of individuals or animals** is suspected. Passed Senate 3/9/05. Referred to House Judiciary 3/10/05. House 3rd Reading, Consent
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Calendar 4/6/05.

- **SB239.** Creates **Flood Protective Planning Act**. Passed Senate 3/24/05. Referred to House Government Organization, then House Finance 3/25/05.
- **SB240.** Grants state employees **paid leave for organ donation**. Passed Senate 3/30/05. Referred to House Finance 3/31/05. House 2nd Reading, Consent Calendar 4/6/05.
- **SB245.** Relates to **regulating elections**. Passed Senate 3/29/05. Referred to House Judiciary 3/30/05.
- **SB268.** Relates to **underage possession of beer and liquor**; penalties. Passed Senate 3/4/05. Referred to House Judiciary Committee 3/7/05. House 3rd Reading, Consent Calendar 4/6/05.
- **SB348.** Clarifies when **audits** are required of **state funds or grants** (does not apply to agencies of government); penalties. Passed Senate 3/29/05. Introduced in House 3/29/05. Referred to House Finance 4/1/05.
- **SB414.** Relates to **child passenger safety** and booster seats. Passed Senate 3/25/05. Referred to House Judiciary 3/28/05. House 2nd Reading, Special Calendar 4/6/05.
- **SB417.** Provides for **organization and joint ownership of joint development entities** by municipalities and certain authorities. Passed Senate 3/30/05. Passed House 4/4/05. Legislative Action Completed.
- **SB442.** Relates generally to **authorizing table games at licensed horse and dog racetracks**. Passed Senate 3/28/05. Referred to House Judiciary, then House Finance 3/29/05.
- **SB444.** Establishes **offense of careless driving**. Passed Senate 3/28/05. Referred to House Roads and Transportation, then House Judiciary 3/28/05.
- **SB452.** **Continues Board of Risk and Insurance Management (BRIM)**. Passed Senate 3/8/05. Referred to House Government Organization 3/9/05.
- **SB487.** Authorizes use of **ballot-marking accessible voting systems**. Passed Senate 3/28/05. Referred to House Judiciary Committee 3/29/05.
- **SB492.** Relates to **claims against the state**. Passed Senate 3/24/05. Referred to House Finance 3/25/05.
- **SB542.** Relates to **venue for suits against the state** involving **motor vehicle accidents**. Passed Senate 3/30/05. Referred to House Judiciary, then House Finance 3/31/05.
- **SB558.** Relates to **management and investment of public funds**. Passed Senate 3/28/05. Referred to House Government Organization, then House Finance 3/28/05.
- **SB582.** Grants **concurrent jurisdiction to family court and circuit courts** to set support in abuse/neglect cases. Passed Senate 3/22/05. Referred to House Judiciary Committee 3/23/05. House 2nd Reading, Special Calendar 4/6/05.
- **SB583.** Relates to **appealing orders from family court to circuit court**. Passed Senate 3/22/05. Referred to House Judiciary 3/23/05. House 1st Reading, Consent Calendar 4/6/05.
- **SB584.** Allows the state Bureau for Child Support Enforcement to enter orders for **modification of child support amounts**. Passed Senate 3/22/05. Referred to House Judiciary 3/23/05.
- **SB587.** Relates to **appointment of counsel in abuse and neglect cases**. Passed Senate 3/30/05. Referred to House Judiciary, then House Finance 3/31/05.

- **SB588.** Relates to **cruelty to animals and intervention program for certain youths**. Passed Senate 3/29/05. Referred to House Judiciary 3/29/05. House 2nd Reading, House Calendar 4/6/05.
- **SB594.** Authorizes county commissions to adopt **ordinances to reduce false fire alarms**. Passed Senate 3/28/05. Referred to House Political Subdivisions Committee (House Political Subdivisions), then House Judiciary 3/28/05.
- **SB638.** Relates to filing **campaign reports in a timely manner**. Passed Senate 3/29/05. Referred to House Judiciary 3/29/05.
- **SB639.** Defines “**electronic postmark**.” Passed Senate 3/29/05. Referred to House Judiciary 3/29/05. House 2nd Reading, Special Calendar 4/6/05.
- **SB641.** Corrects definitions applicable to assessment of real property and **Homestead Exemption**. Passed Senate 3/29/05. Referred to House Finance 4/4/05.

House

- **HB2102.** Makes **tongue-splitting a crime** unless performed by a licensed physician. Passed House 2/16/05. Referred to Senate Health and Human Resources Committee, then Senate Judiciary Committee 2/17/05.
- **HB2106.** Imposes a **lien and recovery for unpaid child support** on the proceeds due a child support debtor from a settlement, judgment or award. Passed House 3/2/05. Referred to Senate Judiciary 3/3/05.
- **HB2150.** Expands the **possible venues where a child neglect/abuse petition may be filed**. Passed House 3/11/05. Referred to Senate Judiciary 3/14/05. On Senate 3rd Reading 4/6/05.
- **HB2244.** Makes the state’s criminal and penalty laws apply to use/**display of beer/alcoholic beverages in motor vehicles conform to federal law**. Passed House 3/7/05. Referred to Senate Judiciary, then Senate Finance 3/8/05.
- **HB2271.** Relates to payment of **expert fees in child abuse/neglect cases**. Passed House 3/11/05. Referred to Senate Judiciary, then Senate Finance 3/14/05.
- **HB2229.** Provides for the **temporary detention of juvenile perpetrators** of domestic violence. Passed House 3/22/05. Referred to Senate Judiciary 3/23/05.
- **HB2492.** Provides a **mechanism for funding teen court programs**. Passed House 3/28/05. Passed Senate 3/29/05 (no committee reference(s); constitutional rule suspended). House concurred in Senate amendment with amend, passed House 4/1/05. Senate refused to concur, request House to concur 4/5/05.
- **HB2546.** Relates to **underage possession of nonintoxicating beer and alcohol**. Tabled on Third Reading 3/31/05.
- **HB2607.** Expands **newborn screening** by adding **sickle cell anemia/adrenal hyperplasia**. Passed House 3/8/05. Referred to Senate Health and Human Resources, then Senate Finance 3/9/05.
- **HB2661.** Prohibits **sale of candy or fruit-flavored cigarettes**. House tabled on 2nd Reading, Special Calendar 3/31/05.
- **HB2781.** Relates to **annexation of unincorporated “territory.”** Passed House 3/30/05. Referred to Senate Government Organization, then Senate Judiciary 3/31/05.
- **HB2815.** Requires use of an **appropriate child passenger restraint device** or booster seat until the child is at least age six or weighs at least 60 pounds. House tabled on 3rd Reading, Special Calendar 3/31/05.

See BILL ABSTRACT on page 21

A kinder, gentler SBA

As chairman of the School Building Authority of West Virginia, Gov. Joe Manchin III wants to change the agency's negative image he says a lot of people have.

Manchin also weighed in on school consolidation. "I can't figure out why we're closing schools," he said. "For some reason we think we have to tear down and rebuild every time. In that case, we have the tail wagging the dog."

The governor also said, more often than not, it appears the "almighty dollar" rules how the SBA's approach to school consolidation, according to newspaper articles.

Manchin said that situation has caused havoc in many counties, particularly southern counties.

In that meeting, Manchin asked SBA members to put off voting on a waiver to move forward with the Mingo County Board of Education's consolidation plan until at least the next SBA meeting in June.

Sources report that West Virginia Board of Education President Barbara Fish protested the governor's recommendation, which was subsequently approved by the SBA board.

According to news articles, SBA Executive Director Clacy Williams, Ed.D., wanted the Authority board to move on with the project so construction could begin—a tactic that has been used to stifle citizen lawsuits challenging school closures and consolidations.

That approach, often used by county boards, is based on a 1991 case in Monroe County whereby the state Supreme Court, in its ruling, noted that substantial work had begun on a school project and that the actions of one county board are binding on future boards in that local boards are "continuing statutory bodies."

Manchin said postponing discussion on a proposed waiver to an SBA rule requiring school board ownership of property for school consolidation would give him time to study the matter.

Legislation adopted earlier in the year makes Manchin SBA chairman, replacing the state superintendent of schools.

In campaigning for office last year, Manchin voiced support for small, community schools but has acknowledged that school consolidation shouldn't be ruled out.

Bond vote could affect pay raises

When citizens vote on June 25 on whether to refinance the state's \$5.5 million pension debt through sale of bonds, they also could determine whether school employees get pay raises.

State legislators and others say there's a link between passage of the bond amendment and whether money will be available for raises.

House Speaker Bob Kiss, D-Raleigh, said there's no "quid pro quo" to a "tie-in between passage of the resolution to any particular pay raise, but it boils down to money."

Kiss said the amendment will pave the way for a better West Virginia economic picture, allowing the Legislature to concentrate on pay increases.

The West Virginia Education Association has called for a 15 percent pay increase over three years.

Kiss was quoted in the *Charleston Daily Mail*.

Felony charges for 'positions of trust' sex abusers—clergy, teachers, babysitters

Members of the clergy, teachers and other adults in "positions of trust" would face the same felony charge as parents for sexually abusing children, under **House Bill 3098**, introduced by Del. Sharon Spencer, D-Kanawha.

Under current law, such "non-guardian" offenders face a misdemeanor. Under the House proposal, those convicted of sexually abusing minors would receive a one- to five-year jail sentence.

The bill also covers babysitters and other child care workers, and employees or volunteers of any organization or program that teaches or supervises minors.

There were several reported incidents of child sexual abuse by teachers last year.

Mezzatesta stories win *Gazette* reporter Eric Eyre national IRE award

Charleston Gazette reporter Eric Eyre won an award for the best investigative reporting in America for 2004 as a result of his articles about former House Education Committee Chairman Jerry L. Mezzatesta, D-Hampshire. The award will be presented by the Investigative Reporters and Editors (IRE) on June 4 in Denver. Other winners included *The New York Times*, *The Miami Herald*, *The Charlotte Observer* and NBC News. The annual awards of IRE, a 5,000-member professional and educational organization, recognize outstanding investigative reporting by newspapers, television, radio, online media and book authors. There were 546 entries this year, according to *The Charleston Gazette*. Eyre, a native of Broad Axe, Pa., joined the *Gazette* in 1998. Earlier this year, he won a first-place award for investigative reporting from the Education Writers Association.

In Memoriam

Bernard A. Greer (Raleigh)

*September 9, 1950 –
March 23, 2005*

"That Man Lives Twice Who Lives The First Life Well."

WVSBA Recognizes 2005 Business Affiliates

PLATINUM

Acordia Employers Service

Charleston, WV
www.acordiaservices.com
Contact: Gary Waskey
gary_waskey@acordia.com

American Dairy Association /Dairy Council Mid East

Columbus, OH
www.drink-milk.com
Contact: June Wedd
jwedd@drink-milk.com

Associates In Rehabilitation

Pittsburgh, PA
www.associnrehab.com
Contact: Drew Rotz
drotz@associnrehab.com

Bowles Rice McDavid Graff & Love LLP

Charleston, WV
www.bowlesrice.com
Contact: Howard Seufer, Esq.
hseufer@bowlesrice.com

Cedar Lakes Conference Center

Ripley, WV
www.cedarlakes.com
Contact: Ron Grimes
rgrimes@access.k12.wv.us

The EdVenture Group

Morgantown, WV
www.theEdVenturegroup.org
Contact: Donna Casto
djcasto@edvgroup.org

Eperitus: Insight for Education

Richmond, VA 23113
www.eperitus.com
Contact: Dr. Carl Chafin
cchafin@eperitus.com

Keeling Strategic Communications

Cross Lanes, WV
www.keelingstrategic.com
Contact: Jason Keeling
jason@keelingstrategic.com

Williamson Shriver Gandee Architects Inc.

Charleston, WV
www.wsgarch.com
Contact: Joe Evans
jevans@wsgarch.com

W.Va. Assistive Technology System

Morgantown, WV
Contact: Jeanne Grimm
jgrimm@hsc.wvu.edu

GOLD

E.T. Boggess Architect, Inc.

Princeton, WV
www.etbarchitects.com
Contact: Todd Boggess, AIA
todd@etbarchitects.com

Turner Construction Company

Pittsburgh, PA
www.turnerconstruction.com
Contact: Betsy Kane
bkane@tcco.com

SILVER

AEL Inc.

Charleston, WV
www.ael.org
Contact: Dr. Keith Smith
smithk@ael.org

Dell

Lexington, KY
www.dell.com/k12
Contact: Kristen Reed
kristen_reed@dell.com

Maffei Strayer Furnishings

Pittsburgh, PA
www.mstrayerfurn.com
Contact: Lindsay Marler
lmarler@mstrayerfurn.com

**Interested businesses or
organizations may
contact West Virginia
School Boards
Association at
304.346.0571
for Affiliate details.**

History of School Consolidations

Editor's Note: A number of readers asked that we publish this listing.

School consolidations have occurred throughout the years. With the assistance of member school principals, Woody Higginbotham, and other sources, this list has been developed. If there are mistakes, contact the West Virginia Secondary Schools Activities Commission: http://www.wvssac.org/new_site/wvssac_website/html/index.htm or (304) 485-5494.

BIG CREEK - 1931

War, Coalwood, Excelsior

BLUEFIELD - 1969

Park Central

BRAXTON COUNTY - 1969

Gassaway, Sutton, Burnsville

BROOKE - 1969

Follansbee, Wellsburg, Bethany, St. Anthony's

BUCKHANNON-UPSHUR - 1958

Buckhannon, Upshur, Victoria

CABELL MIDLAND - 1994

Barboursville, Milton

CALHOUN COUNTY

Grantsville

CAPITAL - 1989

Stonewall Jackson, Charleston, Garnet, Boyd

CHAPMANVILLE - 1993

Buffalo (Accoville), Sharples, Buffalo

CLAY-BATTELLE - 1939

Daybrook, Core, Blacksville, Wadestown

CLAY COUNTY - 1960

Clay, Widen

DODDRIDGE COUNTY - 1934

West Union, Carr

EAST HARDY - 1979

Mathias, Wardensville, Milam

ELKINS - 1993

Beverly, Coalton, Elkins, Riverside

FAIRMONT SENIOR - 1985

Rivesville, Dunbar, Fairmont Catholic, St. Peters

FRANKFORT - 1976

Ridgeley, Fort Ashby

GILMER COUNTY - 1968

Glenville, Sand Fork, Normantown, Troy, Tanner

GRAFTON - 1990

Simpson, Flemington, Grafton, St. Augustine

GREENBRIER EAST - 1968

Alderson, White Sulphur, Renick, Williamsburg, Frankford, Ronceverte, Lewisburg, Bolling

GREENBRIER WEST - 1968

Crichton, Rainelle, Rupert, Smoot

HAMPSHIRE - 1964

Romney, Capon Bridge

HERBERT HOOVER - 1963

Clendenin, Elkview

HUNDRED - 1945

Littleton

HUNTINGTON - 1996

Marshall, Douglass, Huntington, Huntington East

INDEPENDENCE - 1978

Byrd Prillerman, Sophia, Stoco

JAMES MONROE - 1994

Waiteville, Gap Mills, Greenville, Union, Peterstown

JEFFERSON - 1972

Charles Town, Harpers Ferry, Shepherdstown, Page Jackson

JOHN MARSHALL - 1968

Moundsville, Sherrard, Union, Benwood-Union

KEYSER - 1997

Elk Garden, Piedmont, Howard

LEWIS COUNTY - 1966

Jane Lew, Walkersville, Weston, St. Patrick's

LIBERTY (H) - 1973

Victory, Salem, Bristol

LIBERTY (R) - 1978

Trap Hill, Clear Fork, Marsh Fork

LINCOLN - 1978

Sardis, Wallace, Lumberport, Shinnston, Kelly Miller

LOGAN - 1962

Aracoma (Logan)

MAN -

Accoville

MARTINSBURG -

St. Joseph's, Sumner

MIDLAND TRAIL - 1976

Ansted, Lookout, Simmons

MONTCALM - 1991

Glenwood, Bluestone, Bramwell, McComas

MOOREFIELD - 1956

Saunders

MORGANTOWN - 1953

Monongalia, St. Francis

MOUNT HOPE -

Dubois, Pax

MT. VIEW - 1978

Gary, Gary District, Welch, Northfork, Kimball, Elkhorn, Key-stone-Eckman

NORTH MARION - 1979

Barrackville, Fairview, Monongah, Mannington, Farmington, Dunbar

NOTRE DAME -

St. Mary's

OAK GLEN - 1963

Wells (Newell), Chester, New Cumberland

PARKERSBURG - 1953

Sumner

PARKERSBURG CATHOLIC -

St. Francis Xavier

See CONSOLIDATION HISTORY on page 21

CONSOLIDATION HISTORY

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PENDLETON COUNTY - 1998

Franklin, Circleville

PHILIP BARBOUR - 1963

Belington, Philippi, Kasson

PIKEVIEW - 1994

Oakvale, Spanishburg, Athens, Matoaka, Lerona

POCAHONTAS COUNTY - 1970

Greenbank, Marlinton, Hillsboro

PRESTON - 1991

Bruceton, Tunnelton, Terra Alta, Masontown, Fellowshipville, Newburg, Kingwood, Arthurdale, Aurora, Central Preston, West Preston, East Preston, Rowlesburg, Valley Preston

RITCHIE COUNTY - 1986

Cairo, Pennsboro, Harrisville, Pullman

RIVERSIDE - 1999

Cedar Grove, Malden, DuPont, East Bank, Washington

ROANE COUNTY - 1993

Walton, Spencer

ROBERT C. BYRD - 1996

Washington Irving, Roosevelt-Wilson

SAINT ALBANS -

State College

SHADY SPRING - 1968

Richmond

SOUTH CHARLESTON - 1990

Washington District, Dunbar

SOUTH HARRISON - 1965

Lost Creek, Unidis (West Milford)

SPRING VALLEY - 1998

Vinson, Ceredo-Kenova, Buffalo, Ceredo District

SUMMERS COUNTY - 1994

Lincoln, Forest Hill, Sandstone, Talcott, Hinton

TOLSIA - 1987

Crum, Fort Gay

TUCKER COUNTY - 1978

Thomas, Davis, Mountaineer, Parsons

TUG VALLEY - 1987

Dingess, Kermit, Lenore

TYGARTS VALLEY -

Huttonsville

TYLER CONSOLIDATED - 1993

Sistersville - 1896, Tyler County

UNION (GRANT) -

Bayard

VALLEY (F) -

Montgomery

VALLEY (W) - 1960

Jacksonburg, Pine Grove, Reader, Smithfield

WAHAMA - 1925

Waggener, Hartford, Mason

WEBSTER COUNTY - 1974

Webster Springs, Cowen

WEIR - 1953

Dunbar

WESTSIDE - 2002

Oceana, Baileysville

WHEELING PARK - 1976

Triadelphia, Warwood, Wheeling, West Liberty, McKinley Vocational, Lincoln,

WILLIAMSON - 1966

Chattaroy, Liberty

WOODROW WILSON - 1967

Stratton, South Fayette

WYOMING EAST - 1998

Conley, Glen Rogers, Herndon, Mullens, Pineville, Milam, Amigo

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BILL ABSTRACT

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- **HB2950.** Relates to **requiring a paper copy** of a voter's votes when using an electronic system to vote if an election is contested or for a random count of precincts. Passed House 3/29/05. Passed Senate 4/4/05 Title amendment adopted. Senate request House to concur 4/4/05.
- **HB2958.** Continues the **Public Employees Insurance Agency Finance Board**. Passed House 3/14/05. Passed Senate 4/5/05. Senate requests House to concur 4/5/05.
- **HB2981.** Relates to **claims against the state**. Passed House 3/25/05. Passed Senate 4/5/05. Legislative Action Completed.
- **HB2992.** Adds operation of **clandestine drug labs** to the **crime of wanton endangerment** involving "destructive devices." Passed House 3/28/05. Referred to Senate Judiciary Committee 3/29/05.
- **HB3002.** Removes the **30-day deadline** for submitting **designation to be eligible to vote in Primary Elections**. Passed House 3/28/05. Referred to Senate Judiciary 3/29/05.
- **HB3049.** Creates a **new crime of wanton endangerment involving the use of fire**; imposes criminal penalties. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.
- **HB3094.** Relates to **child support and enforcement**. Passed

House 3/30/05. Referred to Senate Judiciary 3/31/05.

- **HB3216.** Describes the **scope/limitations of legislative immunity**. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.
- **HB3281.** Relates to making it a **crime to alter, destroy, or tamper with computer equipment** containing **voter registration information**. Passed House 3/30/05. Referred to Senate Judiciary Committee 3/31/05. Removed from Calendar by Rules Committee 4/5/05.
- **HB3282.** Relates to taking "**upskirting**" pictures of a **nonconsenting individual** in public and private places. Passed House 3/30/05. Referred to Senate Judiciary Committee 3/31/05.
- **HB3340.** Excludes certain employment-related expenses from the definition of **gross income** for **purposes of determining child support**. Passed House 3/30/05. Referred to Senate Judiciary Committee 3/31/05.
- **HB3355.** Relates to **Unemployment Compensation generally**. Passed House 3/30/05. Referred to Senate Judiciary, then Senate Finance 3/31/05.
- **HB3360.** Requires the IS&C director to create and maintain an **information systems disaster recovery system**. Passed House 3/30/05. Referred to Senate Finance Committee 3/31/05.

— *Compiled by Shirley Davidson, West Virginia School Boards Association administrative assistant.*

Sound Bites

“Outstanding politics and amazingly bad public policy all combined in one bill.” – Sen. Brooks McCabe, D-Kanawha, discussing a proposal to raise the pay of some public officials, including judges.

“I’m not sure what a \$100 inspection of a school would get you. We look at bills from a subjective viewpoint.” – Sen. Jesse O. Guillis, R-Greenbrier, discussing a measure that would require health departments to inspect schools. A Senate Education Committee member had proposed schools be charged \$100 for the inspection.

“I want to speak to this amendment from a father’s point of view. I want to keep my kids in school as much as possible” – Del. Greg Eldridge, D-Lincoln, discussing a House Education Committee amendment which would have “restored” 10 faculty senate days. The amendment failed.

“Is there anyone in the audience who is opposed? Speak now or forever hold your peace.” – Senate Education President Bob Plymale, D-Wayne, asking soft drink industry lobbyists and others in attendance at a SEC meeting if they opposed language that would have repealed earlier versions of the governor’s school health initiative that allowed Gatorade and the like to be sold in schools. No one spoke up.

Meanwhile in Ohio..

Mark Wasserman is too young to drive a car to school, but not too young to drive a tractor. The 13-year-old eighth grader said he drove a John Deere farm tractor to school recently because budget cuts mean he can no longer ride the bus to Lake Middle School in Lake Township, Ohio.

Bus transportation was eliminated for all Lake High School students and any child in the Lake Local school district who lives within two miles of school, a move designed to save the financially struggling district \$32,235 this school year.

Because Mark lives 1½ miles from the middle school, his father, Robert Wasserman, told him to drive the tractor to school as long as he is unable to ride a bus. “I’m a single parent and that’s the only way I have to do it,” Robert Wasserman said.

Robert Wasserman works a graveyard shift at a construction job and feeds his livestock at 5 a.m. before going to bed, so he is asleep when his two children go to school in the mornings.

“I don’t like the idea, but Mark is very experienced,” Robert Wasserman said. “If he wasn’t experienced, I wouldn’t have let him drive the tractor.”

As long as they can safely operate the equipment, obey traffic laws, and stay under 25 miles an hour, there is no law barring a child from operating farm equipment on a roadway, said Sgt. Joe Luebbers, a spokesman for the Ohio Highway Patrol.

– *from The Toledo Blade*

The Legislature

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