



‘Thinking outside the box’

Innovation key to local governance

Legislative news begins on page 2

By Gov. Joe Manchin III

As West Virginia’s 34th governor, I am excited about the future of education in our state. Working together, we will take bold steps to ensure West Virginia students have the resources needed to achieve success.

Every child deserves the best teachers, the newest technology and the safest schools. With your help we can guarantee that a child’s geographic location, race or parents’ income level will not predetermine his or her life’s course.

We need to start thinking outside of the box when it comes to providing our students with the resources they need to compete on a national level. We need to pull all of our resources together to make effective decisions on tough issues. My administration, as we already have demonstrated, is interested in involving all stakeholders in the development of public policy. State officials should be held just as accountable as local officials.

Good governance at the local level involves a commitment to innovation and the ability to let go of status quo thinking. Your proposal for the sharing of educational central office administrative

services — and for building schools “where” student populations are centered — will be closely examined by this administration. We must maximize efficiencies without sacrificing quality.

Public education is the key to economic development. The two go hand-in-hand. Through collaborative involvement of the education community, we will advance programs that will educate our students for jobs in West Virginia. We can’t develop the infrastructure for jobs in this state unless we first develop a strong educational foundation. We can’t develop this foundation unless we are willing to examine, in an open, objective manner, existing programs to see if they work. West Virginians also need to demand accountability, both ethically and professionally, from those in public education.

While West Virginia’s counties are diverse in terms of geography, culture, population and local economies, this administration pledges to bring people in our state together around some central issues we face, including improving our economy; strengthening our educational system; providing high standards of ethics in government; and, working toward a common future grounded in what West Virginia is: a state with a strong, vibrant people.

Working together both on a county and a statewide level, we will guarantee quality education not for the few, but for the many. In

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Overview

STATS

Day of Session:	3
Days Remaining:	57
Bills Introduced (not including pre-filed bills):	347
Education Bills (WVSBA count):	126

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QUOTE

“It’s now time for us to seize the momentum of the (2005) Special Session and build upon it.” – Gov. Joe Manchin III in his Feb. 9 State of the State address

Reception Set For March 10

The W.Va. School Boards Association and W.Va. Association of School Administrators will sponsor a reception for legislators on Thursday, March 10, from 6 p.m. to 8 p.m. at the Charleston Embassy Suites Hotel.

The reception coincides with WVSBA’s 18th Annual Winter Conference that begins on Friday, March 11. The conference is preceded by annual board member and superintendent visits to the Capitol. Please note that members must make their own appointments with legislators.

The conference program features workshops on “high-impact” school boards, 2005 Special Session Ethics law revisions, the federal No Child Left Behind Act (as relating to “high-quality” teachers), school security, small schools and procurement of school building architects.

A conference working agenda is included on page 12.

For more information regarding the conference, please contact the WVSBA at 304-346-0571 or Conference Registrar Shirley Davidson at sdavidson@wvsba.org.

'Open for Business' sets theme for Manchin's 2005 State of the State address

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Although scant on details, Gov. Joe Manchin III outlined his vision to help West Virginia grow during his first State of the State address on Feb. 9. He stressed his "Open for Business" campaign theme and said his policies will lead more businesses to expand or locate in the state.

Manchin introduced a \$3.262 billion budget for fiscal year 2006, compared to the current \$3.1 billion budget. According to the governor, the new budget includes a \$75 million cut. Gubernatorial aides said some agencies didn't receive increases in their budgets as large as they had expected.

Although he referred to "our state's small, rural, community-based schools," Manchin did not specify whether he would support legislation to preserve these schools, especially legislation espoused by groups such as Challenge West Virginia. He did, however, announce a distance-learning initiative headed by first lady Gayle Manchin, and a venture to promote a partnership between the state's two largest universities, Marshall University and West Virginia University, on research and projects that create jobs and spur the economy.

In a Charleston newspaper article following the speech, W.Va. Federation of Teachers President Judy Hale said she was disappointed pay raises weren't included in the governor's remarks. Tom Lange, W.Va. Education Association president, said his organization knew teacher raises wouldn't be mentioned in the regular ses-

sion but said, "We're looking forward to something in May or the summer."

Jay Cole, a Manchin administration official, said the distance-learning proposal will benefit small schools and that it is innovative.

The governor's speech lasted about one hour.

For more information on the address, visit the Governor's Office web site at www.wvgov.org.

Looking Back

In his Jan. 11, 1995, State of the State address, Gov. Gaston Caperton stressed "safe schools" legislation as the major component of his education recommendations to the Legislature that year.

The Governor, in prefacing his safe schools proposals, said he never dreamed he would have to submit that type of legislation in West Virginia. Citing 113 reports of weapons being confiscated in schools during the past four school months — and holding aloft a .38 caliber revolver to illustrate his point — Caperton outlined a 'safe schools' program, according to *The Legislature*.

The plan, as introduced, imposed a felony for possessing a gun within 300 feet of a school; required development of safe schools plans by county boards; and an emphasis on alternative education, among other components.

In other education-related remarks, Caperton said West Virginia's education system "is the most improved in the nation." In their response to Caperton's address, Republican lawmakers criticized the speech for its "lack of specifics," but pledged their support for the safe schools legislation.

The Legislature also reported that the Legislature's two education committees had new members and new committee chairmen, including Sen. Lloyd G. Jackson II (D-Lincoln) as Senate chairman, and Roman W. Prezioso (D-Marion) as House chairman. Jackson succeeded Sondra Moore Lucht (D-Berkeley), who was defeated in the 1994 General Election. Prezioso followed Del. Percy C. Ashcraft (D-Harrison), who had retired from the Legislature after making an unsuccessful gubernatorial bid.

— *From The Legislature, Jan. 13, 1995*

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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The Legislature

WATCH FOR THE LATEST ON EDUCATION LEGISLATION.

State Board stops short of Mingo intervention

Board called ‘vulnerable, unstable, reactionary’

The W.Va. Board of Education (WVBE) on late Thursday said it will meet on Tuesday, Feb. 15 to consider further action regarding Mingo County Schools. During its meeting the day before in Point Pleasant (Mason County), the WVBE declared a state of emergency in the Mingo County School System. The board’s declaration was based on a report from the W.Va. Office of Education Performance Audits (OEPA), but it stopped short of actual intervention in the school system.

The board made the decision following a 45-minute executive session. The language of the motion allows the state superintendent of schools to “fully review the voluminous (OEPA) report and adequately reflect on the same” prior to any possible “appointment of an improvement consultant team or intervention in the operation of the system,” according to unofficial board meeting minutes.

A related motion directs the state superintendent to make recommendations to the board “at a date and time to be determined.”

In discussing the report with the Legislature, Mingo County Board of Education (MCBOE) president William Duty said he would welcome “with an open heart and open arms” collaborative discussions between the state board and local board to begin to address “issues and deficiencies” in the report, hoping the result would be a “working relationship” without a state takeover.

“We need a closer bond in a working relationship so that we, as the state and county board, can work together to address these issues,” Duty said.

Regarding the OEPA report, Duty said he was “not happy that the OEPA team found the deficiencies,” although he said he questioned how the board could have “slid” so much in two years since the state returned control of the county to the local board in 2002.

“Why were things fine just a few months ago, and now six months later, we’re in this shaped based on this report?” he said.

Report says Mingo board operations contributed to leadership problems

As expected, the 113-page report, presented by OEPA Executive Director Kenna Seal, Ed.D., concluded board operations have contributed to school system leadership deficiencies, including “personnel agenda delays, rescinding of motions, bickering over legality of meetings, lack of correct parliamentary procedure, confusion over minutes and attempts to undo prior actions, and indecisiveness (which) create a contentious climate of instability,” according to the report.

Additionally, the MCBOE is admonished to adhere to “fiscal constraint” due to a projected deficit next fiscal year, along with other citations regarding curriculum and instruction, facilities, and compliance with WVBE policies.

In terms of facilities, the report says the MCBOE’s decision not to “move forward” with a Comprehensive Educational Facilities Plan (CEFP) that had been approved by a previous board may have precedence but “is extraordinary in view of declining enrollment, finan-

cial jeopardy, aging buildings, inefficient and inadequate curriculum delivery, particularly at the high school level, taken together with the fact that funding is available for a facility that would make available a curriculum program that would meet the definition of a thorough and efficient school system....”

The report concludes that the board leadership is “very vulnerable, instable, and reactionary. Leadership at the board level is in serious need of development.”

Mingo County students rank among the bottom in West Virginia

The report specifically indicates that Mingo County high school students are not getting a thorough and efficient education. According to the report, fewer than 15 percent of high school seniors met Promise Scholarship requirements. Sixty-one percent of Mingo County high school students must take remedial classes in college. Only five percent of students that took Advanced Placement exams earned passing scores. The academic achievement level of Mingo County students is ranked 53rd

in the state, above only the McDowell and Lincoln County school systems, which both are now under state control.

County spending money faster than it comes in

Regarding facilities, Seal said Mingo County is spending money much faster than the county accumulates it. “According to our audit’s enrollment projections, the county is trying to operate too many high schools based on the decreasing number of students. The audit team also noticed several safety and health issues.”

Speculation about the state board’s reaction to the OEPA report was high, with system intervention considered among the most viable WVBE options. That sentiment, however, changed several days before the state board meeting, when rumors that the board would take a less-decisive approach surfaced, apparently concentrating on board leadership as the culprit, based on the OEPA report and its findings. That stance also allows the WVBE time to garner external support for possible intervention, especially among legislators who have convened for the 2005 regular session.

The report also frames the issue in terms greater than the board’s Comprehensive Education Facilities Plan (CEFP), meaning, in terms of the report and spin or rhetoric, the issue is larger than the CEFP per se. Those combined elements will allow the board greater justification for intervention, according to Howard M. O’Cull, Ed.D., WVSBA Director.

Legislators not likely to become directly involved, though members may be briefed

Indeed, there has been discussion that the WVBE might take the matter to legislators. Legislators who discussed the issue with *The Legislature*, said legislative involvement isn’t being consid-

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Mingo County Board of Education leadership is “very vulnerable, instable, and reactionary. Leadership at the board level is in serious need of development.”

Recent W.Va. Office of Education Performance Audits report

Questionable activities include hiring practices and use of grants

Board calls for state of emergency in Hampshire County Schools

During its Feb. 9 meeting here, the West Virginia Board of Education called for a state of emergency in Hampshire County Schools and unanimously voted to place the district's schools on non-approval status.

That action came after the board learned of questionable financial practices and hiring practices in the Hampshire County Board of Education (HCBOE) central offices. A team from the Office of Education Performance Audits (OEPA) made an unannounced visit to the Hampshire County offices in January to conduct an education performance audit.

According to the OEPA report, the Hampshire County board has violated several state code and state board policies.

"It is our job as the State Board of Education to ensure that all state hiring and financial procedures are followed," said WVBE President Barbara Fish (Wood County). "The report that the [state board] received today from the OEPA sends up a red flag and we must take swift and immediate action.

"The [state board's] key concern is always for the students of West Virginia. The irregularities in Hampshire County must be corrected immediately for their sake."

Serious violations include hiring and personnel certification

More serious violations include personnel hiring, posting, transfer and payment practices and policies that are inconsistent with requirements; personnel certification requirement deficiencies; finance deficiencies including use of grants; lack of policy development that is consistent with state policies; and lack of proper documentation of county board action.

OEPA Executive Director Kenna Seal said the report's findings are very serious and disturbing.

"The pattern of disregard for personnel laws in the hiring, assignment and applications for teacher certification is very serious," he said. "Also disturbing is the use of grant funds for purposes other than authorized in grant applications."

To correct the deficiencies in Hampshire County schools, the WVBOE declared a state of emergency and voted to appoint an improvement consultant team to make corrective recommendations within 60 days.

Hampshire president says local board will work with state to fix problems

HCBOE President Brenda Pyles, who attended the state board meeting along with Paula O'Brien, acting schools superintendent, said, "After spending 10 years on the Hampshire Board, I am very proud of my county and the board of education.

"The state is giving us, the local board, the tools to work with and we are going to work with the state board to fix the problems and get back to what is most important, the students of Hampshire County."

The state school board also directed the state Department of Education to investigate Hampshire County's alleged misappropriation

of federal and state grant moneys and to report its findings to the Board. At issue was the alleged use of a federal Migrant Education grant long after its liquidation date. Regional Education Service Agency VIII (RESA VIII) officials made the request in 2003 for a grant that expired in fiscal year 1999.

Sources: State education officials may have known about irregular hiring

The report, while citing numerous employee certification violations, also points out that Tammy Moreland, sister of former Del. Jerry Mezzatesta (D-Hampshire), was not certified as a principal "at the time of her selection and employment" as Hampshire High School principal.

According to sources contacted by *The Legislature*, W. Va. Department of Education "officials" may have known circumstances regarding Moreland's employment for some time. One source, who declined to be identified here, said, "Do you think this really happened out of the blue with the state department?"

In regard to the RESA VIII Migrant Education funds, WVBE member Lowell Johnson said, "I think it is imperative that we find out the expenditures of all state and federal grants and report any findings to the federal government. We need to know exactly how Hampshire County is using those particular funds." He said the information should be turned over to U.S. Department of Education officials for possible investigation.

West Virginia Wants To Know: State should appoint special investigator

Some people, including Wanda Carney of the Charleston watchdog group West Virginia Wants to Know, questioned whether the state superintendent's office should be the one to investigate Hampshire's grant usage. In a press statement released by Carney, she said, "We are pleased that the State Department of Education is investigating Hampshire County Schools. However, I find it very interesting that the WVDE didn't call in a special investigator to handle this case against Hampshire County.

"Let's go back in time when WVWTK first went to Hampshire County. We soon found out of all the irregularities in personnel hiring, job posting, transfer, and payment practices. One of the greatest concerns was the expenditures of grant monies. We took this information to members of the WVBE," she said.

According to Carney's press statement about the grant overview, "There was no accounting for how grant money was expended. This was changed several months ago when the WVBE followed up on grant money. WVWTK checked all the grants to Hampshire County. The state superintendent signed each and every one.

"We question now the ability of Dr. Stewart to head this investigation. Let's not forget that he signed a sworn affidavit stating that Mezzatesta never solicited grant money from the WVDE, submitting this affidavit to the Ethics Commission. That was one of

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An interview with OEPA's Kenna Seal

On Feb. 10, W.Va. School Boards Association Executive Director Howard M. O'Cull, Ed.D., interviewed Kenna Seal, Ed.D., executive director of the state Office of Education Performance Audits, about two recent OEPA audits of Mingo and Hampshire Counties.

O'Cull: In a nutshell, what does the Office of Education Performance Audits report conclude about the Mingo County School System?

Seal: Mingo County is currently not providing a thorough and efficient school system in the areas of curriculum and instruction, facilities, finance, leadership, and compliance with policies of the West Virginia Board of Education. The greatest deficiencies existed at the high school level, followed by the middle schools with the elementary schools having the least. The report pulled a lot of factors together that intersect and are related to student achievement. Many positive programs were credited but the overall and comparative quality of the system in terms of student performance was deficient.

O'Cull: There has been some discussion about lack of leadership in counties. This is in the OEPA reports for both Mingo and Hampshire counties. How does the leadership issue compare in both counties, and how does it differ?

Seal: WVBE Policy §2320 has a standard on leadership, which can be applied at the school, district or board of education level. We often cite leadership issues at the school level and occasionally at the other levels. In both Mingo County and Hampshire County the leadership issue came into question. The Mingo County Board of Education had extensive documentation that showed delays in approving personnel, indecisiveness, as well as a lack of knowledge of parliamentary procedure, use of executive sessions. The board also extended employment terms and added personnel when all data and indicators pointed to a looming budget crisis and a need to reduce personnel as enrollments decline 200 students a year. In Hampshire County, the board regularly went into executive session without documenting the reasons, and did not specify information on hearings, considered items not on the agenda, approved negotiated employment contracts without reporting the length or amount. Numerous policies needed to be updated to conform with state policies and other laws. Monthly finance reports were also lacking.

O'Cull: How can county school boards, mostly comprising lay citizens, provide proper oversight and monitoring for school systems? Before you answer that question think of how school boards operate, mainly through twice-monthly meetings in which boards "operate" off administrative-inspired board agendas.

Seal: Oversight by local boards can be accomplished in a variety of ways. Frequent and detailed reports concerning finances, facilities, assessment results, school and district report cards, policies, etc., can be requested at meetings or other times. All monitoring and audit reports from other agencies provide a very valuable source of information. Presentations at meetings, attendance at school functions, communications from constituents, and review of board policies provide a plethora of information from which to derive questions. Every county has a Unified County Improvement Plan that should spell out the mission, goals, monitoring activities, and evaluation of the entire system. Every county also has a Com-

prehensive Educational Facilities Plan that can be used as a guide to determine priorities and direction. Meeting with Local School Improvement Councils and reviewing USIPs also add focus to information gathering efforts. Boards must speak through their policies and actions. They can request items to be placed on agendas and in some counties have policies governing agenda development. Boards can monitor through reports and data. It is important that boards work through the county superintendent to accomplish monitoring and oversight. The county superintendent has a duty to also keep boards well informed and generate necessary reports and data.

O'Cull: Dr. Seal, I've been saying for years that a school board is only as good as the information from which it operates. Since boards don't usually operate from "independent" information – this is frowned upon as likely leading to micromanagement – aren't boards captive to superintendents' information or "formal" system information? A multitude of sins can be covered with this type information. What are your thoughts?

Seal: That is certainly one model that would make a superintendent happy, but boards have access to information via the Internet, external reports, training from WVSBA, and must be available to the public for opinions and information. Effective boards, in my opinion, weigh carefully and fully the recommendations and information from the county superintendent but should not let that be the beginning and end of their inquiry on matters. I think an effective superintendent gives boards ample information and options as well as a recommendation.

O'Cull: At yesterday's WVBE meeting, board member Priscilla Haden (Kanawha) referred to county board member training. Given the results of both the Mingo and Hampshire OEPA reports, would you say the focus of training should shift more to achieving oversight or monitoring, or is training not the proper vehicle for boards to use to achieve system oversight?

Seal: School-board-member training remains the best and foremost hope to advance the leadership function of school boards. All training is not 100 percent effective. The secret is continuous training about how to operate as a board and how to develop and know all the ingredients that provide a thorough and efficient instructional system that gets results in the form of student achievement. Training should also have a component dealing with expectations of the system relative to rules and policies.

O'Cull: In regard to the Mingo report, we see how a system seemingly has been in decline, although as you say in the report having many accomplishments. If you were to surmise, what caused this "decline?"

Seal: The first intervention was a negotiated and limited intervention that did not address all the components and was restricted in its length. Three county superintendents and changes in board leadership may have affected the continuity of purpose and goals. Many good things obviously happened during the intervention, but following the release, the freedom of independence was not linked directly with accountability. It is very difficult to have a sustained resolve to deal with a loss of 200 students and the staff the enrollment supports on an annual basis. Conflicting priorities to downsize to fit the budget and maintain programs, services and

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Joint Education Committee adopts recommendations on three issues

By Jason B. Keeling

Tuesday, Feb. 8, marked the conclusion of the W.Va. Legislature's interim sessions, and several recommendations were adopted by the Joint Committee on Education for consideration during the 60-day regular session. The recommendations were put forth in a report by the joint committee's Education Subcommittee B: Public Education, which was given the charge of studying six issues within the interims.

Instructional Time

Although employee groups expressed opposition to such during the interims, the subcommittee report recommends the Legislature "consider allowing" the instructional term to begin anytime during the week of Aug. 26, and end anytime during the week of June 8, which would allow counties some flexibility in scheduling the mandated 180 instructional days.

However, the report also considers reversing a previous policy change that disallowed the use of "banked time," which had permitted schools to extend the school day by a few minutes, and accrue those minutes as credit for missed instructional days or professional development.

The 2004 legislative resolution that directed the instructional time study requested consideration of strategies that would sanction the conclusion of public schools' first semesters before January, but no such recommendations were brought forth.

School Transportation

The W.Va. Department of Education in June reported that almost nine percent of student bus rides exceed state recommended travel times, but the figure increases to 13 percent for rural students. Department officials estimated that reducing the former figure by as much as five percent would cost \$56 million during the first year, and \$27 million each year thereafter.

The report concludes the cost of implementing that plan would "consume significant resources needed for educational improvements for the benefit of all students," and recommends that the W.Va. Board of Education provide technical assistance for counties having difficulty meeting the current guidelines. Also, an "attempt to find a more fair method of distributing funds under the 'high density' and 'low density' categories" should be undertaken within the next review of the school aid formula, according to the report, which presents the option of a "standard density" county classification.

WVSSAC

The subcommittee reviewed procedures of the West Virginia Secondary Schools Activities Commission during the interims, concluding that the commission had made strides in reducing administrative time required for reporting and general oversight. Subcommittee members agreed that allowing WVSSAC officials access to the West Virginia Education Information System would further streamline such efforts.

The report findings also state that school sponsored activities

should remain local decisions. However, the Legislature's education committees, according to the report, could oversee the commission's rule-making process.

The report's remaining recommendation would require the WVDE to create a position to "coordinate, oversee, and advocate for school libraries." Lastly, the report concludes that it would be unfeasible to use juvenile detention centers to house local alternative education programs, due to the financial and logistical problems of transporting students, and legal barriers encompassing a mixture of adjudicated and non-adjudicated youth. No changes to the state's local-option school uniform policy were advanced. Keeling is a public relations consultant for the W.Va. School Boards Association. Keeling Strategic Communications is based in Cross Lanes.

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in addition, we will effectively utilize educational technology. It is yet another way to improve our state's educational arena while ensuring that our children have access to the latest and greatest curriculum. I am committed to developing a seamless education system for the State of West Virginia.

During our history, we have wisely chosen to create a system of higher education, consisting of technical centers, community colleges, public colleges and universities, and I believe these institutions are essential to our future.

Higher education must create value to survive, and our colleges and universities can create enormous value. So, let's give them that chance. Excessive regulation and micromanagement have tied the hands of higher education and prevented institutions from achieving their full potential as engines of economic development and social progress.

I favor giving higher education institutions the flexibility to compete and to succeed. I am honored to have our two largest institutions, West Virginia University and Marshall University, agree to unite for the betterment of our state. They will become partners in creating new jobs, conducting scientific research and generating high-tech economic development.

According to the recent study of the Higher Education Policy Commission, 60 percent of our high school graduates are attending college. That's a 3 percent increase from the previous year, so the college-going rate is increasing. This is economic development in the making. We must build upon these encouraging numbers and offer students ample career choices and well-rounded educational institutions that meet their needs.

Everyone must take a role in this important mission, because education is vitally important to our future. Let us always remember that today's students are tomorrow's working West Virginians.

—Manchin, former Secretary of State and legislator, is a Marion County native.

MINGO COUNTY

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ered, although House and Senate Education Committee members are expected to receive briefings on the matter.

The community schools advocacy group, Challenge West Virginia (CWV), predicted some legislative involvement, although legislators said they can't legally introduce bills compelling boards of education, county commissioners, city councils or other elected public bodies to vote for or against any particular issue.

CWV points to laws enacted last year that effectively closed schools in McDowell County. Legislators said the McDowell issue wasn't facilities per se, but the use of federal funds to build schools in flood plains.

Linda Martin, CWV's executive director, said calling the newly constituted school board reactionary is "outrageous." She said the real reactionaries are the people at the WVDE.

"They are reacting to local board members who are trying to represent the people of Mingo County and their desire to keep small community schools," Martin said. "There is indeed bickering within the Mingo board.

"The bickering comes from the two old board members who disrupt meetings and attack any idea presented that is against their desire to consolidate schools. The three small-school supporters have taken their abuse ever since they took office."

Martin, whose CWV group is involved in "protecting" Mingo County community schools, said many aspects of the OEPA report are flawed, especially the premise that the system has "declined so much" since a new board majority took office in July.

"I am disappointed that we find ourselves discussing Mingo County again. The (W. Va. Board of Education) returned control of the school system about two years ago and, since that time, it is becoming obvious to us that Mingo County schools are yet again vulnerable and unstable."

— David Stewart, Ed.D., State Superintendent of Schools

"Since the current board members didn't take office until July 1, all the issues with which the state takes issue existed prior to the newly elected small-school supporters.

"If the state takeover was so valuable to the children of Mingo County, why are we getting the results that show the education they received under state control is now inadequate? These arguments are insulting because they assume we are all stupid," Martin said.

To bolster her argument, Martin said the state's use of college entrance examinations to "attack current board members is 'baloney,' since those scores took place with students who were 'showing great improvement' while the state was in charge from 1998-2002.

"It's another example of the state using anything they can find so that they can force consolidation," Martin said.

OEPA officials, however, said the system may have been declining for some time, noting that, in the original 1998 intervention, the system's "curriculum and instructional" programming was largely left intact. OEPA's Seal also said that systemic board problems have been exacerbated through board "dysfunction," a point several WVBE members made Wednesday.

WVDE officials declined to comment about whether they will seek legislative intervention into the Mingo system, as some rumors suggest.

The State Board of Education directed OEPA to perform January's Mingo County audit.

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the reasons that the ethics complaint was dropped the first time. After much work by WVWTK we had the ethics complaint reopened.

"Stewart later recanted his sworn affidavit. WVWTK wonders if it would not be in the best interest of the citizens of the state that the WVBE appoint someone else to head this investigation."

According to attorneys contacted by *The Legislature*, the WVBE approach may be sound, although a "hybrid" approach — a review by both agency and external investigators — often is used for such reviews. (This was the approach taken in regard to the bankrupt Multi-cap agency in Kanawha County, according to press accounts at the time.)

Liza Cordeiro, spokesman for the Department of Education, said Thursday that the state board had the (utmost confidence) in Stewart.

Wisdom

***"The more you know
the less you understand."***

— Chinese proverb.

SEAL INTERVIEW

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buildings, particularly at the high-school level in every community soon meet reality.

O’Cull: Based on my reading of the Mingo report, it seemed that system health had been in decline for some time and that the board leadership question seemed to heighten or be the place where decline “converged.” Is this accurate? If so, does a school board have this type power — and over such a short period of time, being six months when the new board majority came into power?

Seal: Financial decline began when the county was returned to local control. More academic and program progress was evident at the elementary level. The slippage seemed to start occurring at the middle school level and became a landslide in terms of overall academic outcomes at the high school level. I do believe that boards can cause chaos more quickly than they can restore stability and growth. In the Mingo situation I believe that the clock had been ticking on adequately staffing the schools to provide the required curriculum in all the schools and stay within budget. The current situation with the board change has created a chaotic situation that removes the system capacity to address the problem now and in the future. You could describe the situation as a convergence of the leadership issue with other factors.

O’Cull: Switching to Hampshire County, what steps could that board have taken to hold their superintendent more accountable — as well as Mr. Jerry Mezzatesta?

Seal: It is difficult to determine the dynamics of the problem with precision. Boards should take seriously and investigate allegations that have been made by citizens, parents, and employees. Taking the advice of their attorney relative to changing outdated policies also would help. Board members should also look carefully at personnel practices if they result in grievances and lawsuits decided against the administration. I doubt the board was aware of the grants and their disposition, in which they could have made periodic inquiry. Boards can always ask questions regarding personnel practices and the qualifications of personnel prior to hiring. It would also have been possible for the board to ask for reports about non-employees performing services in the system.

O’Cull: In small counties like Hampshire where everyone knows everyone, how difficult would or could it be for a school board — again friends, neighbors and relatives — to bite the ‘accountability bullet?’

Seal: Students come first and all decisions must be in their best interest. Schools do not exist for adult employment or games. The laws and policies are not to be tempered or compromised by whether or not you are dealing with friends, neighbors and relatives. No matter the size, every school system must first put in place, as a foundation, a program that meets statute and policies that is necessary to deliver an effective educational program. Every person in the system must be treated respectfully, but all must be held accountable. Any employee in the system who is viewed as “untouchable” causes morale problems and a breakdown in leadership.

O’Cull: We’ve talked about county board accountability. Now, let’s discuss state accountability. Should the state, if suspecting some irregularities in a county, take more of a role to pressure local board accountability? Could this be done without violating ‘roles?’

Seal: The state has a system of monitoring and capacity building in place that starts with simple reports but ends with interven-

tion. A myriad of inspections and reports have the purpose to nudge the system to comply on their own. The OEPA has a simple checklist for schools and systems to self-evaluate themselves without consequence. Statutes clearly give the State Board the authority to use the ultimate remedy in some circumstances. Counties can maintain full approval following on-site visits unless extraordinary circumstances are revealed that are very serious. In 20 years of state accountability on-site reviews, the state has thus far only intervened and changed the role of local boards four times, which shows restraint on the part of the state board.

O’Cull: In both reports, it seems you were operating from an array of data, including anecdotal data, interviews and the like. How effective is our data collection in West Virginia?

Seal: Excellent. The West Virginia Education Information System and other data collection efforts leave precious few questions unanswered related to student and school data.

O’Cull: Data tells us much. For instance, in Mingo we learned that many schools were ‘making’ No Child Left Behind Adequate Yearly Progress based on small cell sizes of students — under 50 students. To what degree is this occurring with West Virginia school districts? Or, is Mingo County an anomaly in this regard?

Seal: The smaller the school, the greater chance the school escapes our accountability system for NCLB. The larger the school, the greater the chance for a subgroup to not meet AYP. The minimum ‘n’ of 50 and the confidence interval works to the advantage of smaller schools.

O’Cull: Shouldn’t the state Department of Education have known about grant usage in Hampshire County? Some state board observers find it somewhat out of the norm that the Department is now investigating, literally, its provision of grant funds. Shouldn’t this investigation be done by a disinterested party or neutral party?

Seal: The state board directed the State Superintendent of Schools to further examine some areas identified in the report. I have no knowledge relative to how he may conduct this work or whether he plans to use WVDE staff or others outside the WVDE.

O’Cull: One last question. What lessons should the other 53 school boards in West Virginia learn from their brethren in Mingo and Hampshire Counties? And what lessons should the W.Va. School Boards Association learn from these situations?

Seal: Accountability is a very important part of every school system. It is a part of the process for improving education. All county boards must establish as a minimum foundation and expectation that all laws of the state and policies of the WVBE are followed. Particular attention must be paid to student performance in terms of achievement, attendance, and graduation rates to meet the annual performance measures. The definition of a thorough and efficient system is one that meets all standards and does it without waste. Every board has a responsibility to show leadership through their policies, practices, and actions, that the system mission is focused on the students and their achievement.

O’Cull: Dr. Seal, thank you for your time. I commend you, your staff and the state board for commissioning these reports. If we, as an association, and county board members in particular don’t learn from the findings, we have done a disservice to our boards and the kids of our state.

Seal: Thank you, Howard.
Seal has served as OEPA executive director since its creation in 1998. Before joining OEPA, he was Braxton County Schools Superintendent for 22 years. He received his doctorate from the University of Kentucky in Lexington.

Coming Soon

WVSBA Leadership Meeting

*Lakeview Resort
Morgantown
May 20-21, 2005*

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

In Brief

Ethics Commission/SBA

Gov. Joe Manchin III announced in his Feb. 9 State of the State Address that a provision of the recently enacted ethics legislation, considered in the 2005 Special Session, should be removed. That section essentially created a “gag order” for people who file Ethics Commission complaints. The citizen group, West Virginia Wants To Know, was among those who complained about the provision. Legislators said they were trying to strike a balance between those who file Ethics Commission complaints and those who are the subject of the complaints. In another Special Session-related item, final legislation relating to the School Building Authority of West Virginia (SBA) cuts members’ terms from XX years to three years.

Special Session for Pay Raises

All indications are that Gov. Manchin will call a Special Session in May to address teacher and school employee pay increases. Pay raises aren’t included in Manchin’s budget submitted to the Legislature on Feb. 9. In its 2005 Regular Session legislative package, the W.Va. School Boards Association calls for school employees to receive pay increases.

Movin’ on

Former Gov. Bob Wise has accepted a position with Alliance for Excellent Education (AEE) in Washington. According to *The Charleston Gazette*, the organization focuses on secondary school improvement and reform. AEE officials said in the *Gazette* article that Wise was selected for the post because of West Virginia’s strides in secondary education improvement.

More on Mezzatesta

Besides the Office of Education Performance Audits report, the

The Charleston Gazette reported that former House Education Chairman Jerry Mezzatesta (D-Hampshire) might “get a break” from prosecution in Hampshire County.

Newly elected Kanawha County Prosecuting Attorney Bill Charnock told a judge that a plea agreement addendum Mezzatesta reached gives him immunity from any charges in Hampshire County. Charnock’s predecessor, Mike Clifford, disagrees, saying the plea agreement and the addendum apply only to crimes committed in Kanawha County. The situation involves an apparently false affidavit Mezzatesta gave in Kanawha County regarding receipt of grants from the W.Va. Department of Education.

As part of a 1999 agreement with the state Ethics Commission, Mezzatesta agreed not to seek grants during his newly created position of community specialist for Hampshire County Schools. In November 2004 Mezzatesta and his wife, Mary Lou, were found to have altered or deleted legislative computer records at the Capitol. As part of the plea deal, Clifford agreed not to prosecute the Mezzatestas for any other “possible crimes occurring in Kanawha County....” Clifford said crimes that may have occurred in Hampshire County or other counties don’t fit the terms of the plea agreement.

G.A.

The Charleston Gazette reported that former state Department of Education official G.A. McClung pleaded innocent to charges that he broke a bevy of federal laws by guiding millions of dollars in state contracts to a friend.

McClung will stand trial in front of U.S. District Judge Joseph R. Goodwin on March 22. He is charged with extortion, mail fraud, defrauding the state of his honest services, fraud against a program receiving federal funds and filing false tax returns. Prosecutors allege McClung steered a \$2.4 million contract to Phillip “Pork Chop” Booth to provide furniture to schools ravaged by July 2001 floods.

State of the State ‘forward looking’

By Martha Dean, Ed.D.

The Legislative Session we’ve all been waiting for has begun. Gov. Manchin set a positive tone for progress in West Virginia during this session and his entire term.

Manchin’s State of the State was forward-looking and seemed to center on his goal to increase business opportunities in the state. He mentioned education briefly as he told the audience that his wife, Gayle, would spearhead a distance-learning initiative that enables access to specialized choices for students in rural areas.

He reiterated a theme of his campaign — slowing down consolidation of schools — when he mentioned that where a student lives should not determine his life’s course. He also encouraged West Virginia University and Marshall University to work in a new spirit of collaboration to promote the state’s economic interests.

To set the stage for a productive legislative session, Gov. Manchin praised the Legislature for its work during the special session. He commended legislators for working together without relying on partisan politics to divide them, to show the nation that West Virginia is serious about getting its house in order and its people back to work.

Some may be disappointed in a lack of specificity of the Governor’s proposals. However, it appears that there is much work to do and many action items depend on knowing important information not yet gathered. Fixing the pension systems and finding money for pay raises are on tap for later, but were not addressed as issues for immediate action.

This governor is asking us all to work together, particularly to help provide jobs, as well as skilled individuals who can do the jobs that become available.

The Legislature already has begun its work, as many bills have been introduced and assigned to committees. Those affecting education include bills about retirement such as:

- House Bill 2006 - Gives retired state employees and retired teachers a 5-percent-per-year increase in retirement benefits over the next three years.
- HB 2017 – Provides a cost-of-living increase to those annuitants under the teachers’ retirement system who have been retired for at least five years. The annual cost-of-living supplement would be equal to the lesser of the percentage increase in the consumer price index or 3 percent.

Other interesting bills include:

- HB 2012 – Provides a salary supplement for providers of Medicaid-eligible services in public schools.
- HB 2018 – Makes armed assault on school property a felony punishable by 25 years imprisonment and a \$10,000 fine.
- HB 2019 — Allows spouses employed by the same county board of education to transfer unlimited accumulated sick leave days to each other.
- HB 2021 – Increases school service personnel employees’ salary by one pay grade after 10 years of employment.
- HB 2023 – Requires the Secondary Schools Activities Commis-

sion (SSAC) to adopt rules requiring all players to wear neck braces at interscholastic football games.

- HB 2026 – Allows school bus operators and drivers’ education instructors to have a 5 percent premium discount on their personal automobile insurance upon completion of an accident-prevention course.
- HB 2028 – Requires every school to post and make available to the public the schedule for every teacher and staff personnel for each school. If they don’t comply, the principal of that school and the county superintendent shall be fined \$500 each.
- HB 2031 – Changes the meal/hour guidelines for cooks to mandatory.
- HB 2061 – Requires the SSAC to propose rules for legislative approval to set certification standards and otherwise govern secondary school athletic directors’ duties.
- HB 2062 – Requires county boards to give priority to teacher’s aide applicants with college credits for employment.
- HB 2069 – Provides that a school levy election may be held during a primary election.
- HB 2123 – Would authorize an exemption for standardized testing for children exempted from school attendance because they attend church school.

None of the bills currently introduced address any of the Legislative Priorities of the West Virginia Association of School Administrators (WVASA). Those that appear to be positive or negligible, as related to administrative issues, include House bills 2006, 2017, 2018, 2026 and 2069.

House bills 2012, 2021, 2023, 2028, 2031 and 2123 raise red flags.

As usual, many of these bills will not even be on the Education Committee’s agenda, but I would appreciate hearing from you regarding any that you have a special interest in, either positive or negative.

With regard to the progress of WVASA priorities, we expect to complete a draft of a bill that addresses our top priority of providing funding for both increased enrollment and those small counties that cannot meet needs of students with their current funding limits. Once it is completed, we will ask legislators to introduce the bill. I will keep you informed of the bill number and status.

Dean is executive director of the West Virginia Association of School Administrators. You may contact her at mdean@wvasa.org.

The Legislature

WATCH FOR THE LATEST ON EDUCATION LEGISLATION.

Witness to various reform 'phases'

Support of education support rewarding

By Paul J. Morris

Since serving on the West Virginia Board of Education, I have witnessed several phases of educational reform in the Mountain State. When I first joined the state board 25 years ago, emphasis was placed on providing an equal opportunity for all West Virginia children to a thorough and efficient education.

In the early phases of the equal opportunity emphasis, the *Pauley v. Kelly* case, later known as the *Tomblin v. Gainer* case, shined a penetrating light on the state's educational system. The case and its outcome, better known today as the *Recht* decision, addressed the inadequacy of the input and the facilities in our school system.

In 1982, the West Virginia Legislature responded to *Recht* by constructing a plan that would adhere to the decision. It enacted an amended funding formula, defined schools standards and enacted accountability measures. In 1998, the Legislature took further action by substantially revising the education system it put in place in 1982.

As part of the revision, the Legislature established the Office of Education Performance Audits (OEPA) to review the performance of county school systems and schools to determine how well State Board of Education policies and standards were being met.

Since the OEPA was established, we have helped several county school systems get back on track, and remain there with regard to their finances, test scores, facility maintenance, etc. Once we make that progress, counties begin working on their own.

No Child Left Behind

Today with new standards established by the federal No Child Left Behind Act, accountability for student learning is determined at the state, county, school and classroom levels. Student achievement is analyzed by the performance of various subgroups of students, rather than by the traditional average of all students.

As a result, we have better information about the academic achievement of all our students. This expanded information indicates that a wide difference in student achievement exists between minority and white students.

Just this year, the WESTEST was fully implemented. Teachers no longer teach to the test but instead are teaching the state's content standards established by the State Board. This allows us to better identify in which subgroups the achievement gap is narrow, and where improvements are needed.

Part of the Manhattan Institute's 2003 Public High School Graduation and College Readiness Rates in the United States study shows

that West Virginia's graduation rate for black students is 70 percent, the second highest in the nation. Also, West Virginia is presently ranked 5th in the nation for the lowest achievement gap between African-Americans and white students. But I think most would agree that any gap is too large. What can we do in West Virginia to close this achievement gap?

Closing the Achievement Gap

First, we must address areas such as professional development for principals and teachers. This professional development should include different ways to motivate all students to learn.

In math and science, we must evaluate not only what we teach

but also how we teach. And last, but not least, research indicates when parents are involved in their children's education, the children perform at a higher level than those whose parents do not show an interest. Therefore, educators must direct a strong effort toward increasing parental involvement.

A quarter-century after I started serving on the WVBE, we embark upon another phase of educational reform.

The West Virginia Legislature again showed its commitment to education and its progressive thinking when it passed House Bill 4669 in March 2004.

This important piece of legislation establishes professional development schools throughout the state. These 30 schools, all of which serve large numbers of economically disadvantaged students and many minority students, will receive intensive technical assistance to improve the academic performance of their students. Ultimately, West Virginia is expected to develop a model for school improvement that I am confident will be the envy of the nation.

This new phase is beginning to take shape. The new Division of School Improvement will provide the needed technical assistance to these selected schools. It will measure their academic performances annually and turn these schools into real success stories.

As this phase of educational reform sets its roots into the Mountain State, I am optimistic West Virginia's principals and teachers will grow and meet the challenge of closing the achievement gap between all subgroups. All of our children need the very best education available so they can become citizens in the global society that awaits them upon graduation.

Morris, appointed to the WVBE in 1979, is the senior member of the state board. The National Association of State Boards of Education recently honored him for his dedication to public education. He has served in various WVBE officer capacities.

West Virginia's graduation rate for black students is 70 percent, the second highest in the nation, and the state is ranked 5th in the nation for the lowest achievement gap between African-Americans and white students.

Conference Agenda

W. Va. School Boards Association
2005 Winter Conference
March 11-12 – Charleston (Embassy Suites Hotel)

Thursday, March 10, 2005

- 6 p.m. **W.Va. School Boards Association/W.Va. Association of School Administrators “Reception With Legislators”**
8 p.m. **WVSBA Executive Board Meeting**

Friday, March 11, 2005

- 9 a.m. **Legislative Visitations** (Personally arranged)
(Buses depart for Capitol at this time)
1 p.m. Session I:
“Five Habits of High-Impact School Boards”
Proposed Presenter:
Doug Eadie, President and CEO, Doug Eadie & Company,
a firm specializing in nonprofit/public board leadership and the board-CEO partnership, Palm Harbor, Fla.
Note: Each participant will receive a copy of Eadie’s book, *Five Habits of High-Impact School Boards*
4:30 p.m. **WVSBA FY06 Annual Business Meeting**
7 p.m. **“The 2005 Ethics Act Revisions”***
Presenters:
Lew Brewer, Executive Director
West Virginia Ethics Commission
Howard E. Seufer Jr., Bowles Rice McDavid Graff & Love
WVSBA Counsel
9 p.m. Adjournment

Legislative visitations must be personally arranged. Buses will depart at 9:00 a.m. from the Embassy Suites Hotel. For more details, contact Shirley Davidson at the WVSBA office.

Saturday, March 12, 2005

- 8:30 a.m. **Remarks From Governor** (Invited)
9 a.m. **“No Child Left Behind: Examining the ‘High Quality’ Teacher Provisions”***
Presenter:
Kay Walsh, National Council on Teacher Quality, Washington, DC
Note: Includes Panel Discussion (Invited Participants)
Chairmen, House and Senate Education Committees
Representative, West Virginia Board of Education
Representative, West Virginia Education Association
Representative, West Virginia Federation of Teachers.
Steven Paine, Ed.D.,
Deputy State Superintendent of Schools
Dr. Rodney S. Thompson (Wayne), WVSBA President
J. Michael Mullen, Ph.D., Chancellor,
West Virginia Higher Education Policy Commission
Robert E. “Bob” Baker Jr.,
U.S. Secretary of Education Representative, Philadelphia
11 a.m. Break
11:15 a.m. Clinics (Choose 1)
“Revisiting School Security”
Proposed Presenters:
Paul Timm, RETA Security, Lamont, Ill.
Kim Croyle, Esq., Bowles Rice McDavid Graff & Love
Jerry Cole, Southern District,
WV Intelligence Specialist, U.S. Attorneys Office
“The Small Schools Debate: Round II”
Proposed Presenter:
Craig Howley, Ohio State University, Dean’s Office/
Department of Educational Studies, Ohio University
“School Boards and Architects: From Fees to Blueprints;
From Blueprints to Fees”
Proposed Presenters:
Clacy Williams, Ed.D., Executive Director – School Building Authority of West Virginia
Representative — West Virginia Society of Architects
12:45 p.m. Adjournment

**Requires W.Va. School Board Association/W.Va. Board of Education Training Standards Review Committee (TSRC) approval*

WVSBA Introduces 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
Jason Keeling at 304.989.3262 for affiliate details.*

Sound Bites

“There’s an expectation – even a desire – in the minds of many citizens in Mingo County (to continue with the Mingo County Board of Education’s previously adopted Comprehensive Education Facilities Plan).”

– *Mingo County citizen William Totten, who spoke before the West Virginia Board of Education Feb. 9.*

“We find there are some dysfunctional school boards in this state.”

– *West Virginia Board of Education Secretary Priscilla Haden in remarks made at the Feb. 9 WVBE meeting.*

“I want to do all that I can to protect and support every one of our state’s small, rural, community-based schools. For many of our children, they are more than just places to learn; they are places to get a hot meal and some much-needed positive attention, and we must make it our mission to help them meet those needs, because they are the hearts of our communities, and their survival is critical to our future success.”

– *Gov. Joe Manchin III in his State of the State address.*

“This governor brings a new sense of energy, and we are looking forward to working with him.”

– *Tom Lange, West Virginia Education Association President.*

Meanwhile in Arizona...

An Arizona high school student has learned that art has the power to ignite passion and debate. Erika Vogt-Nilsen’s entry in Mountain Pointe High School’s winter art festival was a digitally manipulated photograph showing a sinister-looking puppeteer with strings attached to an image of the crucified Jesus.

A teacher and six students complained to school administrators that the photograph mocked Christianity. The teacher, Philip Moon, also sent to the local newspapers letters objecting to the photograph.

“From the Christian world view, this is the ultimate sacrilege,” Moon said. “Whether she intended it or not, it means God is dangling at the hands of man.”

However, school administrators defended Vogt-Nilsen’s work. Vice Principal Bruce Kipper said the photograph did not violate district policy regarding separation of church and state. He pointed out that students enjoy the right to freedom of expression within certain guidelines.

Kipper said he is satisfied that Vogt-Nilsen’s work is not obscene, vulgar, or inappropriate. Moon, however, disagrees.

“It has absolutely no place in the high school setting,” Moon said. “Do I think it should have been banned? Absolutely.”

– *The Arizona Republic*

The Legislature

West Virginia School Boards Association
PO Box 1008
Charleston, WV 25324