



Mingo board members wanted more time to study consolidation issue State board takes control of Mingo schools

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Sustainability key to success of board takeovers on page 8

By Howard M. O’Cull, Ed.D.

On Tuesday, Feb. 15, West Virginia Board of Education members met in a crowded WVBE conference room that adjoins the state school superintendent’s office on the third floor of State Capitol Complex Building 6. Mingo County school officials and others began filing into the room about 30 minutes earlier.

According to unofficial board minutes, President Barbara Fish (Wood) called the meeting to order at 3:08 p.m., and 42 minutes and two parliamentary motions later, the state school board assumed control of Mingo County Schools. This transfers literal power and authority for the Mingo school system to State Superintendent David Stewart, Ed.D.

Prior to the board’s vote, Stewart read a one-page document that outlined actions to effectuate the re-intervention. At the request of a WVBE member, he clarified each of the five items comprising the recommendation, which later was accepted by the board.

Four WVBE members joined the meeting via conference call: Sandra Chapman (Ohio), Sheila Hamilton (Jefferson), Paul Morris (Kanawha) and Ron Spencer (Doddridge).

The WVBE decision to re-intervene in Mingo happened largely through the actions of former state senator and education chairman, Lloyd G. Jackson II (D-Lincoln), who, in 2002, helped craft language allowing the WVBE to re-intervene in a district within five years if conditions were “substantially similar” to those that prompted the original intervention.

The state board last week declared a state of emergency in Mingo County Schools and stripped the county’s accreditation after reviewing an Office of Education Performance Audits (OEPA) report on the schools.

“We asked the OEPA to conduct the audit because we wanted to know the facts before making any decision regarding Mingo County,” Fish said. “The findings were especially disturbing regarding the county’s financial situation. We cannot address the bleak financial situation without considering personnel, curriculum and — yes — the number of facilities the county is currently operating. Immediate action must be taken to prevent a deficit.”

The board first intervened in Mingo County in 1998 because of budget deficits, low student achievement and leadership issues. Mingo County regained local control in 2002, however, the most recent OEPA report said the board operates in a “confused and dys-

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Overview

STATS

Day of Session:	10
Days Remaining:	50
Bills Introduced (not including pre-filed bills):	698
Education Bills (WVSBA count):	183

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QUOTE

“They’re mining coal.” – State Superintendent Dr. David Stewart’s response to Mingo County Board of Education counsel Jim Lees when asked what was occurring on the site of a proposed Mingo County consolidated high school.

WC looks at teacher quality issues

The West Virginia School Boards Association’s 2005 Winter Conference program includes a discussion of the federal No Child Left Behind requirement for school districts to employ “high quality” teachers.

WVSBA Executive Director Howard M. O’Cull, Ed.D., said the governor and the House and Senate Education Committee chairmen have been invited to attend the conference.

The Association’s FY06 Annual Business Meeting will be held in conjunction with the Winter Conference. At that meeting, association executive and regional officers will be elected. Other business includes consideration of the organization’s FY06 budget.

Doug Eadie, author of *Five Habits of High-Impact School Boards*, is the keynote speaker. Attendees will receive a copy of his book, compliments of the West Virginia School Boards Effectiveness Project.

The program commences at 1:00 p.m. on March 11, and adjourns around 12:30 p.m. on March 12. A reception will be held from 6:00 – 8:00 p.m. on March 10. A program is included on page 13.

Education legislative activity wide-ranging

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Bill encourages students to perform Taps at veterans' honors funerals; first introduced in 2004

Legislation to encourage students in grades 6-12 to participate in the sounding of Taps at veterans' honors funerals is on passage stage in the House of Delegates today (Feb. 18).

The bill was adopted by the House Education Committee on Tuesday, Feb. 15. The House adopted similar legislation last year, but the bill died in the Senate.

Under terms of the bill, the West Virginia Board of Education (WVBE) would develop guidelines for county boards to implement the law. A program summary and the contact information also would be sent to state colleges and universities.

County policies must include these provisions:

- "The distribution of information to music and band teachers for their use in notifying capable students and obtaining the consent of their parents or guardians for voluntary registry as a candidate able to sound Taps during military honors funerals held within a reasonable distance from their residence.
- The credit toward community service or work-based learning requirements of the county or other recognition that will be awarded to a student for the registry and sounding of Taps during military honors funerals; and,
- The limits on the amount of regular classroom instruction that

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a student may miss for the sounding of Taps during military honors funerals to fulfill a community service or work-based learning requirement or, if none, on the excused absences that the student may accrue for this activity."

The measure stipulates that county boards aren't responsible for "any costs associated with the program [and that they] may not be required to provide or pay for student transportation to funerals and are not liable for student supervision while absent to participate in funerals."

Under existing rules for work-based learning, students would receive Workers Compensation coverage and liability insurance provided by the state Board of Risk and Insurance Management.

County boards, however, are encouraged to collaborate with veterans organizations to make the program successful.

The legislation, which would enact a new section of statute, §18-2E-8e, would formally be known as the "Veterans' Honors Funeral Assistant Community Service Program."

It would become effective 90 days after passage.

There are six House sponsors, including lead sponsor Del. Larry A. Williams (D-Preston). Williams is vice chairman of the House Education Committee (HEC).

Literacy problems contribute to West Virginia's 'backward' image

At its Thursday meeting, the HEC received a presentation from Verizon official John Golden on behalf of the Governor's Literacy Council. The Caperton administration created the council by Executive Order in 1991 to increase literacy among West Virginia's adults and families.

Golden told HEC members that low adult literacy levels have plagued the state for years. One in five West Virginia citizens has trouble filling out employment applications, can't complete simple mathematical tasks required by a job, or has trouble comprehending the importance and meaning of newspaper articles, he said.

"There's not really in West Virginia a culture that values life-long learning."

- John Golden, Governor's Literacy Council

While the state's graduation rate has increased and more students now go to college, Golden said illiteracy still causes unemployment or underemployment, higher welfare costs, increased unemployment compensation costs, crime, violence, workplace accidents and lost productivity.

These factors contribute to what Golden calls a "cycle of hopelessness," evidenced by "no culture" for lifelong learning. He also said a lack of functional literacy means that one might never experience "true freedom," and that the state's high rate of illiteracy contributes to a backward, illiterate West Virginia stereotype.

"There's not really in West Virginia a culture that values life-long learning," he said.

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MINGO TAKEOVER

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functional manner.”

Mingo Board attorney Jim Lees criticizes OEPA report, consolidation plan

Attorney Jim Lees, who represented the local board at Tuesday’s meeting, immediately criticized the OEPA report. Lees questioned some of the report’s findings, saying that Mingo County doesn’t substantially differ from other Southern West Virginia school districts or “most rural counties.” Two of the counties – Logan and Mingo – were under state control, he noted.

Lees also said he was appalled the OEPA report could include subjective statements of “findings” that the MCBOE was “dysfunctional” because the elected board disagreed with state board’s philosophy. He further stated that the essence of the matter was a WVBE desire for the local board to follow through with a controversial consolidation effort.

Lees pointed out, as had Mingo school board president William Duty, that the county board didn’t have clear title to the land proposed for building the new school, referring to a “gift in the future when [existing] coal production [at the site] ceases.” Lees said if the board commits money and resources to the consolidated plan, it could be guilty of a “breach of fiduciary responsibility.”

He also asked WVBE members, “Because [the majority of the Mingo County Board] doesn’t want to build a school on an active coal mine site, they’re dysfunctional?”

OEPA Executive Director Kenna Seal, Ed.D., who attended the meeting, told *The Legislature* that Lees’ comments were more for effect. He said the report’s comments regarding board dysfunction are justified when taken in the context of the whole report and that the Comprehensive Education Facilities Plan (CEFP), while mentioned, is only one aspect.

Seal noted examples of board bickering, delay of important motions to employ personnel and some agenda- and meetings-related findings.

As board members deliberated Stewart’s recommendation to take over the county board, the discussion largely shifted from the OEPA report to the CEFP. The recommendation was approved following a motion by Burma Hatfield (Mingo) and Delores Cook (Boone).

Lees asked Stewart what activity was occurring on the property, to which Stewart replied, “They’re mining coal.” Lees continued his comments, pointing out that the local board did not have title to the property – a point often made by Duty in recent months – and that several other factors hadn’t been explored by the WVBE. Those factors include building an access road to the site, located at Red Jacket, about 25 miles south of Williamson, Duty said.

Lees also questioned utility costs and other matters included in the current CEFP and concluded that, given these factors, the school board acted prudently.

When he learned the School Building Authority of West Virginia (SBA) had told the board to proceed with the CEFP, but not to acquire the property until coal mining had ceased, Lees said the school building construction proposal does not “remotely meet title [laws in West Virginia].”

In response, West Virginia Department of Education attorney Rebecca Tinder, carefully choosing her words, acknowledged that the SBA hadn’t met formally to waive any WVBE or SBA rules relating to title, although an SBA “employee” had conveyed that information in a letter to Duty.

Mingo board members want equal treatment

State board members questioned how the Mingo board intervention would differ from Hampshire County, which also received a negative OEPA report last week. Stewart said that, in making his recommendation, he was relying on the 2002 law which allows re-intervention. “It [his recommendation] follows the code,” he said.

Duty, in remarks earlier Tuesday, had asked the state board to “Give us no more or no less than what you’ve done for Hampshire County,” which the board said was in a state of emergency, requiring mandatory appointment of an improvement team.

Vice President Lowell Johnson asked what responsibilities were left for the Mingo County Board of Education once the state takes over. Tinder replied that the board would be responsible for student disciplinary

matters and for approving field trips and that it would have additional duties, but she wasn’t specific.

Yet, when the question came down to the CEFP, especially any resolution of title issues, Duty told Fish, “It’s not going to go,” although he offered no alternative, saying only the board wanted to further study the matter — an issue he has made at MCBOE meetings.

Duty’s and most board members’ insistence on studying the matter apparently became the converging issue, prompting state board justification. WVBE members said the “new board” had been in place for seven months but hadn’t adopted an amended CEFP for the state board’s ultimate approval.

Lees: ‘dysfunction’ characterization unfair

Lees, however, said the Mingo board was no different than any newly constituted board and that, even in seven months, it hadn’t been able to “to absorb and address many problems of the MCBOE.” Given the time it takes to integrate a new board, Lees said it was unfair to conclude it was “dysfunctional” because it wanted to further study a CEFP proposal. He said that’s especially true considering that Mingo County residents, in electing a new board majority, apparently had reservations with the proposal itself. He said that

“We want to give you your day in court, Mr. Duty.”

-- West Virginia Board of Education President Barbara Fish, in an exchange with Mingo County Board of Education President William Duty

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Mingo citizens were asking new board members to look at this issue.

Lees proposed giving the board a couple more months to respond to the existing CEFP. Fish and other members, however, said the board was given ample time to decide. Duty said the SBA assured him that Mingo County wasn't under any "undue pressure" to proceed, although both the WVBE and SBA in January letters asked the Mingo Board to decide on the CEFP and facilities matter.

The next regularly scheduled SBA meeting is in March.

Stewart will oversee most Mingo County operations, including school facilities

In the end, the Hatfield-Cook motion was approved unanimously by voice vote, directing Stewart to oversee all Mingo County school expenditures; the employment, discipline and dismissal of personnel; the county school calendar; and the operation of instructional programs and facilities.

The WVBE also directed Stewart to work closely with Mingo County Supt. Brenda Skibo to develop standards that must be met for the MCBOE to regain control of the school system.

"It is always a sad day when the [state] Board of Education has to intervene in a local county school system," Fish said. "The Board's deliberations are on behalf of the students of Mingo County. We spent several months reviewing all issues to ensure we fully understood the situation in Mingo County.

"I am proud of the Board and I am confident we made the best decision for the students."

In a Department of Education statement on its Web site, Fish said part of the state board's decision to return control to the local level was the local board's willingness to support the CEFP.

"In 2002, the Board felt that the CEFP would help the Mingo County school system operate within the budget and also allow the students to get the types of high-level courses needed to succeed in the workforce or at the post-secondary level," the statement said.

The second motion adopted near the end of the meeting directed Stewart to "effectuate the [CEFP]," a motion made by board secretary Priscilla Haden (Kanawha) and seconded by Lowell Johnson (Greenbrier).

Some concerned about stripping power of elected officials at the local level

While the West Virginia School Boards Association has not taken a position on the issue – no request for such has been made by MCBOE officials – county board members' perspectives on the state board's action varied, ranging from deep criticism to the need for greater contemplation, with great emphasis on the policy and procedural aspects of the issue. Few members outright criticized the WVBE decision.

Jefferson County Board Member Lori Stilley, Ph.D. said she is concerned about the public policy and processes with county board takeovers and that the state and county boards need to further study the issue.

"We need to consider remediation or probationary procedures before final action," Stilley said. "I am concerned that county board members, elected by a majority of people in their county, are stripped of power by appointed state officials."

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Students and communities must be considered in consolidation issues

No simple solutions to Mingo Co. 'scenario'

By Arnold W. Harless

As events unfold in the "takeover" of the Mingo County Schools by the State Department of Education, there are questions and sentiments on both sides of the issue. There are no simple solutions to this kind of situation.

The overriding issue, in my opinion, is not who wins but rather what is best for the school system and, ultimately, the students of Mingo County. In many cases the issues get bogged down in "small schools versus large schools" without really identifying what is one or another in relation, and what impact the changes will have on the education of the students.

On one hand, takeovers can give the impression of a strong-arm tactic that is abrasive and without consideration for the feelings and sentiments of those directly involved.

There are cases where there are no alternatives except for the state board to intervene. This is especially true when emotions and personal sentiments override sound judgment. There are also cases where the answer seems to be that consolidation is the solution to all the problems, and that is not always the case.

In my opinion, a school should be large enough to offer a curriculum that will meet the needs of the students. This means that classes are available for students whose abilities are on different levels. The student interests must be a part of the mesh. There are students whose interests are primarily vocational and others whose interests tend toward the academic or college preparatory.

The school should be large enough to offer a curriculum that is capable of meeting the needs of all the student interests and talents. The number of classes in a particular course such as physics need not be more than one if that is all that is needed to provide for welfare of the students.

In summation, a complete curriculum that meets the needs of the student body should be available to all students. The student body also should generally be the primary measurement used to determine the case for or against consolidation.

Every case is different and no one particular criteria or set of standards fits all, however, in every case, the welfare and education of students must be paramount if we are to provide a wholesome atmosphere and environment for the education of students in the present as well as the future.

Finally, the support and feelings of the community must and should be taken into consideration as far as possible. Generally, when the community is fully provided with the available information, hopefully, solutions can be found that meets the desires and welfare of everyone.

—Harless is a member of the Wyoming County Board of Education and a lay pastor. He is past president of the West Virginia School Boards Association and the Wyoming Board and was a WCBOE central office administrator.

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Stilley said, from a policy viewpoint, she understands the state's need to oversee county school systems but that "We need to address the issue of taking power from elected officials, which should be a local concern."

Lincoln County Board of Education President Carol Smith, whose system was taken over by the WVBE in 2000, also said she was concerned about accountability.

"This is just another display of power from the (WVBE) to remind us that they can do as they please and feel they don't have to answer to anyone," Smith said.

She also said procedural aspects of the issue should be studied, as well as legal and constitutional precedent. "This comes down to a constitutional question. Who knows what's best for our children and our communities: These appointed officials or our locally-elected officials?"

Smith also said she questions whether state intervention really helps a school system, citing a Charleston newspaper article published on the day of the Mingo takeover. The article showed that, in the two years following return of local school board authority, county test scores had risen slightly.

Smith, a long-time critic of a consolidated county high school, predicted fallout from the Mingo County decision could lead to long-term changes in the WVBE, beginning with future appointments by Gov. Joe Manchin. She pointed to the "overhaul" of the SBA, including removal of the state superintendent as chairman, and three-year terms for newly appointed SBA members.

Smith said some legislators want to reduce WVBE terms to five or fewer years. She said this sentiment has been discussed by some lawmakers who think the WVBE, while established to be insulated from politics, has become isolated from changes in the educational environment, primarily because of its reliance on formal, bureaucratic information from the WVDE – a point other sources make.

In discussing the WVBE's action Thursday, Duty said he wished the local and state boards could have "sat down and collaboratively discussed" the situation, but noted that neither he nor other MCBOE members had made that overture. During Tuesday's board meeting, he said WVBE members hadn't made a similar overture, but he had invited Stewart to visit the county.

Duty acknowledges that WVDE officials attended Mingo board meetings the past several months, and that they could have been approached about setting up a meeting of the two boards. He said, however, that he and the state board got "caught up in their processes," and that such a meeting didn't happen.

Governor continues to study situation

Gov. Joe Manchin III, whom many thought would issue a statement about the Mingo situation, told *The Legislature*, in the light of the WVBE's Mingo County decision, "I can only pray that the decisions that are being made [by the WVBE] are in the best interests of children."

The Charleston Gazette, in an article published Wednesday, said Manchin told the community schools group, Challenge West Virginia, that he still needed to study the Mingo County situation before issuing formal comments.

In a Thursday *West Virginia MetroNews* broadcast, Manchin said he appreciates the work of the state board of education. He said it's a very capable group, but he cannot say he fully agrees with the

board. The Governor said he wants to make sure the state board's findings are "accurate and correct," and that he doesn't know if it has done everything he would have done in the Mingo County situation. He said he is still reviewing the facts.

MCBOE member Despina "Dee" Kaparoules said she was "speaking from the heart," when she addressed the state board Tuesday.

"Consider our children," Kaparoules said. "Come in if you can to help us build this consolidated high school."

Other board members who attended Tuesday's meeting included Mitchell Chapman and Mike "Hie" Carter, as well as Skibo. Dr. James Endicott did not attend due to a scheduling conflict.

Lees: County board can't legally defend itself against state takeover

Due to the WVBE's seizure of the Mingo Board's finances, Lees can't be paid by the board, leaving only the option of citizens or others to pay his fees directly. Late last year, Lees asked that the board place funds for his work in escrow because of the possible re-intervention but MCBOE attorney Howard E. Seuffer Jr. and the Mingo County prosecuting attorney said state law prohibits it, so the money wasn't set aside.

Lees told *The Legislature* that such a practice, in the case of a state intervention, effectively proscribes a county board from uttering a legal dissent to the takeover, which he said may be unconstitutional. During the last several years, other attorneys have made that point, although it has never been tested in court.

Several Tuesday meeting attendees noted that the Associated Press story about the session omitted any reference to Lees, who answered several WVBE members' questions.

—O'Cull is WVSBA Executive Director. WVSBA Administrative Assistant Shirley Davidson contributed logistical support to this article. Fish's comments and some other statements were taken from the WVDE's reporting of the MCBOE re-intervention.

Wisdom

"The most savage controversies are those about matters as to which there is no good evidence either way."

— Bertrand Russell.

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

The community schools group, Challenge West Virginia and some Lincoln County students rallied at the state Capitol on Feb. 16 to show support for the group's "No-Cost Busing Bill."

The organization seeks Gov. Manchin's support of the bill, which Manchin said he is studying. At that meeting, Manchin commented about school consolidation, which some take as a change in his stance since the 2004 primary and general elections.

Manchin spokeswoman Lara Ramsburg told *The Legislature* that the Governor might soon provide a formal statement about the issue. In regard to the busing bill, Manchin said he's exploring its costs.

The West Virginia Department of Education said the cost is about \$50 million, based on a fiscal note prepared last year. CWV executive director Linda Martin disputes that figure, calling it "hog-wash."

She said the WVDE is opposed to the legislation, which would thwart further school consolidation, and "preserve existing" bus routes at the current cost to counties. Critics say the cost will be higher because of mandatory bus travel guidelines and factors such as student population shifts.

Still, the WVDE fiscal note – and fiscal note process – may receive closer scrutiny by the Manchin administration, according to various sources. One official, who declined to be identified in this article, said the WVDE can "stop" or "kill" legislation by applying a high fiscal note, thus allowing the department to use fiscal notes to set policy.

The Manchin K-12 Implementation Team discussed the WVDE fiscal note process. Some have suggested creating a fiscal note

agency separate from the WVDE — a point made by a few members of the education transition team — although the concept wasn't endorsed in the transition team report.

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Golden said one of the council's goals is increasing literacy rates through heightened awareness of the problem and by working with literacy groups as well as statewide workforce development groups. The council gets a small amount of money from the West Virginia Department of Education's Adult Basic Education Program and some funds from an income tax check-off item, as well as corporate contributions. Verizon is the major contributor.

For more information on the program, visit www.wvliteracy.org.

House and Senate education committee meeting notes

The House and Senate education committees met jointly Tuesday and Thursday, hearing from higher education officials Tuesday, and honoring retiring Southern Region Education Board President Mark Musick Thursday.

The committees will hold another joint meeting next week to hear from West Virginia Department of Education officials.

West Virginia is a member of the 16-state SREB, which was founded in 1948, the nation's first interstate compact for public education.

Committees hear from chancellors

By Martha Dean, Ed.D.

Several superintendents from West Virginia, including me, are attending the National Convention on Education in San Antonio this week. I'm writing this article on Wednesday, and not a lot has really happened so far this week.

Both education committees met Tuesday afternoon in the House chambers to hear reports from both chancellors. This departs from the past, when presentations were made separately to the House Education Committee and the Senate Education Committee. Not only does this save time, but I believe the committee members will value the thoughts and questions of the committee members from the other house.

Many questions followed West Virginia Council for Community and Technical College Education Chancellor James L. Skidmore's presentation about the state's community colleges. Perhaps this was because viewing the community colleges separately is a new organizational pattern. On the other hand, it may be because today's concern is providing the type of educational opportunities that citizens, as a whole, need instead of just providing new high school graduates an opportunity to get a college degree.

Chancellor Skidmore emphasized the wide range of opportunities available today through the community college system.

Higher Education Policy Commission Chancellor J. Michael Mullen has pointed out the challenges high schools need to undertake to produce more-qualified graduates. In his report, he said progress is being made and that many graduates are better prepared; however, there is still a ways to go and there are not enough students choosing careers needed in the Mountain State, namely medicine and science.

'Bugle bill'

The House Education Committee met at 9 am on Tuesday. Chairman Tom Campbell (D-Greenbrier) said that he did not think it will be common, but they did have a bill he hoped to get on the floor at Tuesday's meeting. **House Bill 2286**, relating to the sounding of Taps at veterans' honors funerals, was on First Reading on the Consent Calendar, Wednesday, Feb. 16.

The bill encourages capable young people to assist in the honoring of veterans by sounding Taps. To facilitate this, the State Board would develop guidelines and contact information for the counties to adopt policies for school-level programs for 6th -12th grade students.

County boards would not be responsible for any costs associated with the program, would not be required to provide transportation, and are not liable for supervision of students while they are absent to participate. The bill provides limits on regular classroom instruction that a student may miss to participate.

Bills are being introduced regularly. Last week I highlighted some of the House bills in this column. Quite a few bills now rest in the Senate Education Committee. Sen. Jon Blair Hunter (D-Monongalia) introduced **Senate Bill 34**, which allows county boards to contract with coaches for up to three years. He also introduced a

bill that requires boards to reimburse service personnel for personal automobile mileage expended in their course of employment at a rate consistent with the state mileage reimbursement.

A couple bills require funding of principals' salaries for more than 200 days. **SB35** expressly calls for employing principals for no fewer than 220 days. **SB180** also addresses assistant principals' extended employment term by changing it to 215. This is an issue that WVASA supports and that the principals' associations will work hard for during the session.

ISE days

Sen. Robert H. Plymale (D-Wayne) introduced SB 94, which addresses Instructional Support and Enhancement (ISE) days and removes the requirement that the activities occur in a particular order. **SB95**, introduced by Sen. Roman W. Prezioso Jr. (D-Marion), goes along with a priority of WVASA to require that county boards be reimbursed annually for the full cost of school nurses from funds appropriated to the West Virginia Department of Education.

SB112, also introduced by Sen. Prezioso, adds several provisions to §18-5-18b, concerning school counselors. It delineates what they should do and what they may not do as a part of their counseling duties. It further requires, by the school year 2010, that the number of students assigned to a counselor shall not exceed 250, and that they will be compensated by \$500 for each additional 25 students. **SB155**, introduced by Sen. Hunter, reduces the ratio of nurses from 1:1,500 students in grades K-7 to 1:750 students in grades PreK-12.

As I read all these bills, the main theme is to increase the benefits of specific employees or to limit their duties. On the horizon, I hope, is a bill to address WVASA's Priority Number One. It has been drafted and we will work to obtain sponsors to introduce it in one or both houses.

—Dean is West Virginia Association of School Administrators Executive Director

The Legislature

WATCH FOR THE LATEST ON EDUCATION LEGISLATION.

Sustainability key to success of board takeovers; Logan County seen as success

By Marsha Carr-Lambert, D.M.

Most people around West Virginia are familiar with a state takeover. They were acclimated to takeovers during the 1991 state-of-emergency announcement declared in Logan County Schools.

Logan County became the first West Virginia school district to relinquish control under a 1988 law that provided the state board of education authority over failing school districts. Three additional school districts in West Virginia have been taken over, and two of the takeover counties are still under state control.

Both Lincoln County, which was taken over in 2000, and McDowell County, taken over in 2002, are still under state control. The state took over Mingo County's schools in 1998 and returned local control in December 2002.

Mingo County is again in the headlines as the WVDE and State Board voted Tuesday, Feb. 15, to re-intervene. Hampshire County also has been declared a state of emergency. The two critical areas for concern in Hampshire County were a disregard for personnel law in hiring practices and certification requirements, and financial deficiencies including the use of grants, according to newspaper articles.

The four approaches to intervention taken since 1989

States have different techniques and strategies to incorporate when addressing financial and educational bankruptcy in school systems. There are four primary approaches used during intervention of a school or district. These approaches — district takeovers, mayoral control, third-party partnerships, and reconstitution of schools — each involve a shift in control from the school district to another authority and a subsequent shift in power.

West Virginia uses the district takeover intervention approach. The takeover has become increasingly popular since its 1989 induction in a New Jersey school district and continues today as a widely accepted reform initiative nationwide.

A takeover is the commandeering of day-to-day control of district operations and decision-making in an unsuccessful or failing school district. An unsuccessful or failing school district is one that does not meet the state standards established for evaluation purposes.

When a school system is identified as unsuccessful or failing, a shift in authority and power occurs, during which state boards or other outside agencies enter a school district and take control. The

takeover and full operational control of a school system by an outside entity such as a state department, government, or hired agency or specialist, is the most controversial approach in reform initiatives.

Critics vacillate as to the success or failure of school takeovers. For the most part, takeovers have not been viewed as successful, according to various researchers. Inasmuch as some school districts have witnessed success during the takeover, there has been an inability or failure to sustain or maintain this success for a year or more in the absence of the takeover.

I believe the limited or short-term success of takeovers is cause for concern when the takeover continues to be viewed as a solution for failing school districts. The federal No Child Left Behind Act (NCLB) has had little, if any, influence to alter the short-term results of takeovers or even shown

concern that sustained success is not being achieved from this reform initiative.

We must determine what causes sustainable success

From my perspective, determining what causes sustainability should be critical to the success of takeovers as a continued form of educational reform. In 2004, I conducted a study on a state takeover in West Virginia for a doctoral program in Organizational Management at the University of Phoenix.

My focus was Logan County (a greatly appreciated suggestion from Dr. David Stewart, State Superintendent), the first takeover in the state and one of only three takeovers reported nationwide that has demonstrated sustained success. I believed it was necessary to explore the characteristics of a successful sustained school system to provide insight as to why one system in West Virginia is able to sustain success and others across the nation fail in the effort.

These characteristics, once identified, would prove beneficial to all systems in their efforts to sustain success. A study of a sustained successful takeover was important to me for two reasons. First, if takeovers are to continue as a reform initiative, then sustaining the success must be a goal. Increased awareness and an understanding of the complexity of sustainability might serve to assist leaders in the quest for sustained success.

School administrators potentially could use this study as a source to preclude their schools from being taken over. School ad-

For the most part, takeovers have not been viewed as successful . . .

See SUSTAINABILITY on page 9

SUSTAINABILITY

continued from page 8

ministrators already involved in takeovers could use the findings of this study to sustain the success achieved during the takeover. The substantial implications of this study suggest that takeovers could have sustained results if a model were developed and implemented to advocate such results.

Defining the success of the Logan County takeover

Characteristics that defined the sustained success of the school takeover in Logan County, as revealed in the study, were identified in seven categories: (1) the removal of political infiltration or corruption; (2) establishment of a shared process/procedure (vision); (3) a shift in power from one level to multiple levels of authority; (4) a change in organizational culture; (5) placement of the right people in the right positions; (6) establishment of channels of communication inside and outside the organization; and (7) identification of the necessary leadership style, including matching styles of leaders with the needs of the organization.

This study is one small step toward understanding and bringing proper perspective to the field of sustainability. While many companies — and even school systems — desire success and achieve it, sustaining this success for an extended time evades even the greatest of corporations and school systems. While states profess to insist on school improvement, it seems unlikely that even state takeovers will yield the results desired by a nation demanding higher standards.

Short-term success will not solve the problems facing school systems. Takeovers that continue to yield short-term success will not offer a solution to solve the problems facing school systems.

It seems unlikely that even state takeovers will yield the results desired by a nation demanding higher standards.

Only through a relentless pursuit of sustained success will we find answers to solve some of the problems facing public education in America.

—Carr-Lambert is Grant County Schools superintendent



**on the web:
wvsba.org**

Looking Back

Déjà vu? “Safe Schools: Who’s Going to pay the bill?” That was the headline on a page one article in the Jan. 19, 1995, issue of *The Legislature*. The answer given then, according to that issue: “The West Virginia Department of Education will propose some state funding.”

That was the gist of then State Superintendent of Schools Dr. Henry R. Marockie’s comments to House and Senate education committee members. Marockie proposed funding for alternative education, although he said costs for these schools — a central feature of Gov. Gaston Caperton’s safe schools education program for that year — could be contained if regional alternative education schools were built or if counties shared resources and facilities.

Note: The issue of alternative school funding has been discussed for years, with a bill introduced this session to include \$8 million for alternative schools. In 1995, Caperton

budgeted \$2 million for alternative education. Marockie also discussed down-sizing, saying that many counties faced losing funds due to defeats of excess levies.

He said 13 of the 14 county boards then in deficit didn’t have excess levies and that, combined with many of those boards employing more than allowed by the state school aid formula, “require tough, tough decisions.”

The Legislature also reported that two new higher education officials, University Board of Trustees Chancellor Charles Manning, Ph.D., and State College System Chancellor Clifford M. Trump, Ed.D., met with legislators. The Legislature would later change the higher education governing structure.

Finally, Marockie told the Senate Education Committee, “I’m not sure how much downsizing can take place and us man the schools properly....”

— The Legislature Jan. 19, 1995.

WVSBA Recognizes 2005 Business Affiliates

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www.acordiaservices.com
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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

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Contact: Howard Seufer, Esq.
hseufer@bowlesrice.com

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rgrimes@access.k12.wv.us

The EdVenture Group

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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.

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www.wsgarch.com
Contact: Joe Evans
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W.Va. Assistive Technology System

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todd@etbarchitects.com

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Contact: Betsy Kane
bkane@tcco.com

SILVER

AEL Inc.

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Contact: Dr. Keith Smith
smithk@ael.org

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

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lmarler@mstrayerfurn.com

**Interested businesses or
organizations may
contact Jason Keeling at
304.989.3262 for
Affiliate details.**

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*

Sound Bites

“We’re asking for no more or no less than what you’ve [West Virginia Board of Education] done for Hampshire County”

– *Mingo County Board of Education President William Duty discussing the MCBOE intervention.*

“Sounds like the whole committee moves the bill.”

– *House Education Committee Chairman Tom Campbell (D-Greenbrier), observing support for the “bugle bill” (House Bill 2286).*

“It’s not like it’s a magic bullet: Build a school on top of a hill [reclaimed coal mine] and then ACT scores will go up.”

– *Mingo County BOE attorney Jim Lees discussing Mingo County intervention and comparing the situation to McDowell County’s Mount View High School, built several years ago.*

“There’s nothing wrong with the word consolidation, when need be.”

– *Gov. Joe Manchin III in comments to the small schools group, Challenge West Virginia, following its rally at the Capitol Wednesday.*

Meanwhile in North Dakota...

U.S. Department of Education officials reversed an earlier ruling and said North Dakota elementary- and middle-school teachers won’t have to further prove they are qualified to do their jobs. The ruling, which will allow 6,000 teachers to stay in the classroom without taking a test or compiling a portfolio, surprised state officials.

The department said North Dakota complied with federal teacher requirements, but didn’t indicate what prompted the precedent-setting decision. The USDE in December said that its criteria for highly qualified teachers fell short of the federal No Child Left Behind law, which calls for every teacher to be “highly qualified” by 2006.

North Dakota congressmen asked U.S. education officials to reverse their decision one day after they visited the state to discuss the ruling. The state’s congressional delegation believes the reversal resulted from their late January meeting in which they threatened to repeal No Child Left Behind. They said the department’s initial ruling violated the law, which required concerns with the state’s plan be made within 120 days after its submission. Federal officials received the plan in September 2003.

– *Bismarck, North Dakota, Tribune.*

The Legislature

West Virginia School Boards Association
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Charleston, WV 25324