



Student travel times would have been “recommended”

Governor’s busing bill may become a study

Administrative Perspective Story on page 11

By Howard M. O’Cull, Ed.D.

The House Finance Committee on Thursday dealt what is probably a mortal blow to legislation that would recommend school bus travel times — a major rewrite of Gov. Joe Manchin III’s *original* busing bill.

House Bill 3040, as introduced, would have established mandatory bus travel time guidelines.

The House Education bill was developed after more than a week of discussions involving West Virginia School Boards Association officials, the Governor’s Office and House Education Committee leaders. Based on those discussions, House Education staff produced several bill drafts, each of which was shuttled to members of the House leadership, including Speaker Bob Kiss, D-Raleigh.

According to various sources, Kiss signed off on the House Education legislation shortly before the committee’s vote Tuesday (March 22) to approve the bill.

Instead of working from House Education’s proposal, the House Finance Committee adopted a substitute bill (committee substitute), essentially replacing the House language.

That legislation essentially requires the state superintendent of schools, in what would be a new section of statute, to “conduct a study of all available means to develop a viable, modified plan to provide transportation in the most efficient manner with the least amount of time possible for children to be traveling.”

The study would be developed in collaboration with all county boards of education and would include a study about “viable modified plans to deal with the decreased enrollment in the schools and the burden to school facility infrastructure.”

The last part of the study determines “total program costs related to the implementation of a viable modified plan and its impact on the education budget.”

Critics of the House Finance initiative say use of words such as “efficient,” “burden to school facility infrastructure,” and “impact on the education budget” mean a state superintendent-directed study will be biased or won’t get accomplished.

Linda Martin of Challenge West Virginia noted that State Superintendent David Stewart said several years ago the West Virginia Department of Education would complete a bus travel times study, but it never was completed.

See BILL BECOMES STUDY on page 7

Overview

STATS

Day of Session:	45
Days Remaining:	15
Bills Introduced (not including pre-filed bills):	1,970
Education Bills (WVSBA count):	456

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QUOTE

“We’re using different words to accomplish the same objective.” —*House Education Committee Chairman Tom Campbell, D-Greenbrier, describing a House Education bill relating to busing. The measure essentially died in the House Finance Committee on Thursday.*

May leadership meeting to cover new laws, scheduling

The West Virginia School Boards Association’s May 20-21 leadership meeting will focus on legislation and secondary school scheduling, including a discussion of block scheduling, as well as practical issues such as how to provide monitoring and oversight.

“All county boards can benefit from this session, which will show board members the documents and reports, financial and otherwise, that are needed to keep informed and to have a good handle on the system,” said Howard M. O’Cull, Ed.D., WVSBA executive director. The “monitoring and oversight” sessions grew out of the current Hampshire County situation.

The meeting program will include an Internet-based, follow-up component sponsored by the West Virginia School Board Effectiveness Project (WVSBEP).

“We will discuss laws adopted during the 2005 Regular Session at this meeting, rather than through the Spring Training Teleconference,” O’Cull said.

For more information on the meeting at the Lakeview Scanticon Resort and Conference Center, near Morgantown., please contact WVSBA conference registrar Shirley Davidson at sdavidson@wvsba.org.

House Judiciary passes bill that stops board ‘lone rangers’ – House Bill 2365

The House Judiciary Committee on Thursday adopted **House Bill 2365**, which would prohibit county board members from acting individually or singularly unless authorized by law.

The bill was approved by House Education on March 11.

There was no discussion on the measure but Del. Bob Tabb, D-Jefferson, asked whether a bill provision prohibiting board members from using board property would prohibit members, in case of a fire or other disaster, from contacting legal authorities.

According to House Judiciary counsel Robert Williams, such an action by a county board member is unnecessary because other arrangements could be made through procedures the county superintendent and central office administrators would use.

He said the measure, as written, would prohibit a board member from acting in that capacity, and that county boards without emergency policies should develop them.

Williams said the bill obviously was directed at “lone ranger” county board members who operate beyond their legal authority.

By doing so, they may “bind” the board to arrangements and agreements they’ve privately made.

Del. Tim Armstead, R-Kanawha, asked if a section of the bill that requires members to declare pecuniary interest conflicts so they can abstain from voting is already covered in the state Ethics Act. If it is, Armstead wondered which statute takes

The bill is designed to stop board members who act on their own because they may “bind” the board to agreements they’ve privately made.

precedence.

The counsel said the laws don’t conflict, and that the HB2365 language relates more to one being able to abstain from voting only if he or she were directly affected by a proposal – not as a member of a class.

The bill is based on a legislative rule.

The presiding officer determines if or when board members with declared conflicts vote.

Del. David Perry, D-Fayette, is lead sponsor of the legislation, which House Education and House Judiciary last considered in 2003.

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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Governor’s committee will examine meet-and-confer plan for state workers

Gov. Joe Manchin III this week announced that he has appointed Jefferson County Board of Education President Lori Stilley, Ph.D., to a meet-and-confer committee originally established by former Gov. Bob Wise.

Stilley will represent school board members on the 21-member panel which includes labor, management and government officials.

As envisioned by Wise and as adapted by Manchin, the panel will examine issues regarding whether meet-and-confer would be acceptable for state employees. (There is considerable speculation that the governor might be able to extend meet-and-confer rights to public employees by an executive order, but legislation would be required for school employees to receive similar rights.)

Over the years, school-employee groups have downplayed attempts to institute public employee collective bargaining, but have opted for more local efforts to engage in policy and working-condition discussions with county boards of education.

Various lawmakers predict meet-and-confer legislation will be considered in an expected special session purportedly slated for late summer.

See **MEET-AND-CONFER PLAN** on page 9

1,400 floor measure advances

Bills address enrollment increase funding

“It doesn’t take away from anyone at all.” – Del. Bob Tabb, D-Jefferson, lead sponsor of House Bill 2801.

Two legislative committees have advanced legislation relating to funding enrollment increases for growth counties.

The Senate Finance Committee took the lead with the passage of **Senate Bill 604**, which advanced from the Committee March 18.

That bill stipulates that school aid formula funds for increased enrollment will be appropriated based on a West Virginia Board of Education rule that establishes “an objective method” for distributing money to counties with increased enrollment.

Children under age five aren’t covered, according to Debra A. Graham, SFC counsel, in a report shared with the West Virginia School Boards Association.

Additionally, the bill directs the state superintendent to calculate the increases in net enrollment statewide and to report that figure to the governor for inclusion in his proposed budget to the Legislature.

Under the Senate’s bill, the Legislature “shall appropriate to the West Virginia Department of Education (WVDE) the amount calculated by the state superintendent and proposed by the governor.”

In terms of distributing the funds, SB604 directs the state superintendent to calculate “each school district’s share” of the appropriation by multiplying the county board of education’s projected net enrollment increase by the average total state aid per pupil.

Sixty percent of a county board’s share of such funds, as determined above, would be distributed by Sept. 1 each year. After the state distributes the initial money and after the actual increase in net enrollment is available, the state superintendent must compute the total amount to be allocated to each school district for the year.

The bill states that the total actual amount of money counties will receive for enrollment increases will be based on actual increases in net enrollment multiplied by the average state aid per pupil.

The state superintendent will make the second funds distribution to school districts so that both the first and second distributions equal the actual increases in net enrollment multiplied by the average total state aid per “net pupil.”

The second 40 percent distribution will be made by Dec. 31 each year.

The senate bill has a proviso that states if the amount of money a county board receives during the first distribution is greater than the amount to which a district is entitled, the county must refund the difference to the (WVDE) before June 3 of the fiscal year in which the excess distribution is made.

House bill does not require specific level of funding by the legislature

House Bill 2801, a related bill, states that any county board whose net enrollment has increased by 50 or more students between the two most current second-month reports is eligible to receive funds from the increased enrollment appropriation. These funds are in addition to regular state aid to which the county is entitled.

The increased enrollment schedule can’t exceed 65 percent of the appropriation attributed to the county’s increased enrollment, and must be paid during the first half of the fiscal year.

A subsequent bill section states that each county showing a net enrollment increase at the close of the second school month will receive a state aid allocation calculated on the county’s average per-pupil total state aid multiplied by the increase in the county’s student net enrollment.

This allocation would decrease by any amount the county board received during the first part of the fiscal year, as described above.

If the school district receives more money than it is due, based on the above bill

provisions, the board’s remaining payments for the second half of the school year would be reduced by the amount of the overage.

The House bill has the same exclusion for students under age five.

SB604 says if the amount of the legislative net enrollment appropriation isn’t enough to provide full payment, county allocations will be proportionately reduced.

The House bill has a provision that “nothing in this section shall be construed to require any specific level of funding by the Legislature.”

While the Senate bill strikes this provision, legislative leaders and observers have different opinions as to whether the Senate’s proposal actually requires funding, although the earlier bill provision directs the Legislature to “appropriate” the amount of net enrollment dollars “calculated by the state superintendent and proposed by the governor.”

1,400 floor provision

“(The bill) provides counties money for certain fixed costs they are having trouble covering.” – House Education Chairman Tom Campbell, D-Greenbrier.

HB2801 has a provision that creates a state aid formula “Allowance to Improve Economies of Scale of Low Student Enrollment Counties.”

The total amount of money counties would receive for enrollment increases will be based on actual increases in net enrollment multiplied by the average state aid per pupil.

See **ENROLLMENT FUNDING** on page 4

Education committees increase pace

By Jason B. Keeling

The Legislature's education committees took up 10 bills on Thursday, two of which were originated by committee.

Professional standards

The House Education Committee first moved a measure that would grant school counselors, nurses, speech therapists, and psychologists similar benefits to their classroom teaching counterparts. Currently, salary supplements of \$2,500 are granted to teachers who complete the rigorous National Board for Professional Teaching Standards certification process.

House Bill 2465 would provide the same salary supplements to those professional personnel not eligible for the NBTS certification, but who undergo certifications within their respective fields.

The West Virginia Department of Education would establish standards for those other professionals.

House Education Chairman Tom Campbell, D-Greenbrier, acknowledged the bill's \$16 million fiscal note could hamper the likelihood of its passage. But that estimate presumes all 3,088 professional personnel are certified by the state department, according to Jason Webb, a lobbyist for the West Virginia School Counselors Association.

In fact, about 90 professional personnel would be eligible presently, and HB2465 would allow a maximum of 100 professionals to be added per year, according to Webb, who urged legislators to recognize the "arduous task" undertaken within other professional certi-

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ENROLLMENT FUNDING

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The bill finds that some counties whose "enrollment falls below a certain level may not have the economies of scale to support the proper operation of the school system and the education of their students."

To determine whether these counties should receive "additional assistance...local circumstances" should be examined to "ensure the efficient use of available resources."

The proposed legislation then creates a "process for examining the economies of scale of counties with low student enrollment and providing additional assistance to them if necessary including, but not limited to, the grant of funds."

Process

If a county has fewer than 1,400 students (net enrollment), the state superintendent is directed to examine whether all of the county's "resources...are being efficiently utilized and whether additional assistance is needed within the county to improve its economies of scale."

Based on this review, the state superintendent may:

- Recommend areas of improvement if he or she determines that "all of the resources of the county are not being used efficiently." If the county requests it, the state superintendent must provide technical assistance.
- Provide additional assistance based on whether the "economies of scale may be increased with additional resources through (the county's) Regional Education Service Agency (RESA), through cooperative agreements with adjoining counties, and by technical assistance and other programs available to the state superintendent."
- Take "the actions" that are within his or her authority to increase the county's economies of scale through the above means.
- Provide a "grant of funds" to the county once the above steps have been taken or are "exhausted" in order to assist the county in improving its economies of scale.

Any grant funds the Legislature provides for this purpose are subject to legislative appropriations as well as any "restrictions, conditions and purposes the state superintendent determines nec-

essary to improve the economies of scale of the county."

Education committee approves shared services – central office administrators

In related action, the Senate Education Committee approved **SB589**, which allows the sharing of central office administrators through individual county arrangements and through agreements with RESAs. The bill has been referred to Senate Finance.

Its provisions are similar to the House language included in **HB2801**. According to HEC leadership, the House won't consider a SB589 companion measure, but has incorporated the concepts in the 1,400 floor proposal.

The committee also has provided expanded RESA responsibilities for sharing of services. That legislation is HB 3108.

The net enrollment increase provisions are included in §18-9A-15. The 1,400 floor provision, as included in the House measure, would become a new statute, §18-9A-15a.

The Senate bill has 15 sponsors, including lead sponsor Sen. John Unger, D-Berkeley. The House bill's lead sponsor is Del. Robert Tabb, D-Jefferson. There are six additional House sponsors.

SEC Chairman Bob Plymale, D-Wayne, sponsored SB589, which is based on a West Virginia School Boards Association "Legislative Priority" for the 2005 regular session.

There are four bills relating to the 1,400 floor provision.

The HEC first considered that concept in the 2004 regular session, making the provisions applicable only to Calhoun and Gilmer Counties.

Critics say two counties unfairly benefit

Critics said that by increasing the floor figure to 1,400 students, Pendleton and Pocahontas counties could be included. Both counties are represented by the Senate and House finance committee chairmen and have received legislative appropriations outside the SAF. Last year, Pocahontas County and Pendleton County each received about \$160,000 in such additional revenue.

When he presented to a joint House-Senate education committee, State Superintendent David Stewart said that such funding allocations, while probably necessary or justified, are reason to study the state school aid formula.

The WVSBA and the West Virginia Association of School Administrators, which took the lead to get this legislation introduced, support the measure.

PACE INCREASING

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fiction programs. He acknowledged those standards as equally valuable to bettering teachers.

Del. Sharon Spencer, D-Kanawha, requested the bill's fiscal note be recalculated.

Teacher seniority

A separate measure would place a limit of 10 years on the time a teacher may retain seniority within a school system in which they are no longer employed, whether they are reduced in force or voluntarily leave. **HB2855** was referred to a subcommittee after Judy Hale, president of the West Virginia Federation of Teachers, characterized it as "discriminatory against women," stating that it would limit mothers from returning to work.

Accounting principles

The committee originated and approved a bill that would require county school boards to use Generally Accepted Accounting Principles (GAAP) within financial statements. County boards are one of the only government bodies not yet required to do so, according to Joe Panetta, the WVDE's school finance director.

The originating bill also would downgrade school board financial statement postings from Class I-0 legal notices, to Class I notices. The former requires a county to post the notices in two local newspapers, and some do not have two such newspapers, according to Panetta. Class I notices must be placed only in one newspaper.

The GAAP standards are recognized by the national Government Accounting Standards Board, he said.

Other bills

The committee approved **HB3019**, which would recognize the Appalachian Education Initiative as a promotional instrument for art education in public schools. (Refer to the March 3 and March 10 issues of this publication.)

HB3163 was passed by the HEC, and would establish measures to prohibit colleges from requiring students to purchase bundled textbook packages. The bill would also prohibit college professors from receiving incentives from textbook companies for requiring such. Professors could receive royalties for their own copyrighted texts. The Senate Education Committee passed a similar bill, **Senate Bill 674**.

The SEC also passed **HB2527**, which would allow multi-county vocational school employees to administer employment competency testing for school service personnel.

SB701 would eliminate the requirement that statewide assessments be administered at specific grade levels, allowing the state school board authority to determine such; it would also require end-of-course examinations for Algebra I students.

Senate Education Chairman Robert Plymale, D-Wayne, acknowledged that the state board could already do the latter through policy, but said "this is a statement that we'd like the Legislature to make" regarding the importance of assuring students are prepared in mathematics.

In other action this week, the House Education Committee adopted **HB2528**, a measure relating to alternative teacher certification. It will be reviewed in a subsequent issue of *The Legislature*.

That measure is similar to **SB720**, which was on Senate Education's agenda earlier in the week. According to SEC staff, it

was pulled because the committee is waiting on passage of the House measure.

Higher education

Senate Education approved **SB603**, the higher education measure relating to greater "flexibility" for Marshall University and West Virginia University.

That bill also makes major changes in the Center for Professional Development (CPD).

For more information about the CPD changes, refer to "Administrative Perspective," which is included on page 11.

The SEC also adopted **SB290**, relating to school uniforms. That bill would require county boards to hold a public hearing on mandating each student enrolled in a public school to wear a school uniform.

Once the hearing – apparently one hearing per county – is completed, the board must develop a report summarizing the comments received during the public hearing and to then submit the report to the Legislative Oversight Commission on Education Accountability (LOCEA).

The report is due by Jan. 1, 2006.

The bill amends the current section of code relating to uniforms — §18-2-35, which is titled, "Dress codes requiring school uniforms for students."

In committee discussion, Senate Education Vice Chairman Larry Edgell, D-Wetzel, said the measure didn't "actually" address dress codes, but rather school uniforms.

The House uniform bill is **HB2977**.

Finally, the Committee adopted **SB521**, a measure that requires a study relating to flood and general property insurance as pertaining to county boards.

Edgell said boards often don't insure their properties for enough money and when flooding occurs, counties may be short of funds for building reconstruction.

— *The writer is a public relations consultant. Keeling Strategic Communications provides such services to the WVSBA. WVSBA Executive Director Howard M. O'Cull, Ed.D., also contributed to this article.*

Wisdom

"The function of education is to make one maladjusted to ordinary society."

— Northrop Frye, quoted in Michael Dirda, *An Open Book: Coming of Age in the Heartland*

Official: Ohio County plan could work throughout state

Program aids students with behavior problems

“It’s (teaching) really one of those professions where you notice abrupt changes in society.” – *House Education Member Linda Sumner, R-Raleigh.*

Representatives of Northwood Health Systems (NHS) in Wheeling presented to House Education on March 21. They discussed a youth diversion program they said may be the only of its kind in the state.

Dr. Perry Stanley, NHS’s clinical director, was the primary presenter. He said the program is a collaborative venture between NHS and the Ohio County Board of Education.

According to Perry, the “school-based, family-centered program (as developed) in cooperation with the Ohio County School System, is worthy of consideration for replication throughout the state.”

Moreover, Perry said “Choices,” as the program has been named, creates a positive school environment by addressing disruptive classroom behaviors often exhibited by students who have to cope with societal problems, including broken homes, single-parent families, family conflicts, domestic violence, and alcohol or substance abuse.

These conclusions are based on a 2002 NHS assessment of community need conducted among at-risk youth in Ohio County Schools, according to Northwood officials.

As a result of data gathered from that project, Choices includes components on student assessment, group counseling, individual counseling, family therapy, behavior management/modification and social work. It also focuses on coordination among agencies that work with at-risk youth and consultations, including working with school counselors.

Because NHS is a large mental health care operation, participating Ohio County students have access to psychologists, counselors, behavior-management assistants, social workers and others – positions the school system doesn’t provide or lacks such “one-on-one” efforts with at-risk youth.

Additionally, NHS officials said the program, in its third year of operation, is successful because of its collaborative focus on helping youth at risk and because the agency, in developing the program for the Ohio County School System, didn’t overextend itself.

“We stress one family at a time,” Stanley said.

During its first year, Choices was a pilot project at Madison Elementary School. In 2003 and 2004, and based on pilot project findings, the program expanded to identify additional schools that might benefit, including Ritchie Elementary and Triadelphia Middle Schools in Ohio County.

The program also may be initiated in Wheeling middle schools and in some Marshall County schools soon, Stanley said. NHS deliberately avoided “easier neighborhoods” in the Wheeling area, opting instead to work with disadvantaged families in high-crime areas, and in low-income areas, he said.

NHS officials told HEC members the program, which features individualized work with students to help them develop better classroom behavior and to help them learn, has been successful.

Stanley said NHS measures success through students’ attendance, compliance in taking medications, social skills, decreased impulsiveness, decreased aggression and decreased oppositional behavior at home and school. They take note of improved self-esteem because students have a greater sense of belonging and affiliation within the classroom.

The latter is significant because the program also has had residual benefits in helping parents be more aware of home situations that may contribute to students being disruptive at school. NHS officials said this attitude change takes time and is conditioned on several factors, including family stability.

Additionally, Stanley said families often gain access to expanded support services through students’ participation in the program, and may be more willing to work and cooperate with the schools. This is an important consideration because many parents of children participating in Choices may have had a bad experience when attending school.

Amy Wade, a counselor at Madison Elementary, said the program is successful because it gives kids hope and an outlet to deal with situations at home — situations she says often manifest themselves in classroom disruption.

She gave an example of a disruptive student. By working with the student – after two such incidents in a school day – she was able to learn the student’s mother was just released from jail and, on the same day, had been arrested again.

Wade said the student was acting out to cope with that situation. By working with him, and through other interventions, she said the student developed better behavioral coping skills. Additionally, she said the NHS-related interventions were successful because they got the student back in the “learning mode.”

Home visits

Another aspect of the NHS program is home visits. “How can you be effective in dealing with young people when you can’t get into the home?” questioned project coordinator Bill Childers, a retired Ohio County Schools counselor.

Home visits are important because they include affirmation for families and the difficulties they may have, especially single-parent families. “It’s another kind of belonging, another kind of affiliation, both with the child and the parent,” Stanley said.

Through home visits NHS officials can assess levels of stress and family structure. “I can’t imagine being a single parent to four young children,” Wade said. Stanley said he wonders how much time single parents have left to give their children after working and handling head-of-household obligations.

Not in opposition to school system

Childers stressed the importance of collaboration with schools and school systems. “We don’t want ourselves (to be) in opposition to the school system.” He said that’s why the agency insists on working with staff, including principals and counselors, and central office officials.

*“We stress one family
at a time.”*

— Dr. Perry Stanley, Northwood Health Systems

BILL BECOMES STUDY

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Martin and others made this point last year when a CWV member received a letter from Stewart. In that letter, Stewart wrote that he didn't know when the study would be completed.

CWV members also said WVDE officials told them there wasn't enough "computer space" to hold the bus routes data. (Refer to the February 20, 2004 issue of *The Legislature*.)

Sources said the House Finance action was unexpected. HEC Vice Chairman Larry A. Williams, D-Preston, said the committee's approach "caught (him) by surprise." In fact Williams was prepared to discuss House Education's plan which, as finally worked out, wouldn't have cost counties any more money.

Additionally, critics say House Finance counsel Nancy Tyler told the committee about the bill as introduced by the governor, and didn't mention the House Education revisions.

"That's extremely unusual, but that's what happened, based on my hearing her presentation to the committee," said WVSBA Executive Director Howard M. O'Cull, Ed.D.

Unlike House Education, there was virtually no Finance Committee discussion of the bill, except House Finance Chairman Harold Michael, D-Hardy, asked Williams about school consolidation per se.

In discussing issues relating to closure and consolidation, Williams said the study would direct attention to what causes long bus rides.

State board should have had to abide by county rules regarding bus route votes

As reported by the HEC, bus travel times would be "recommended" rather than mandated as in the original legislation submitted by the governor.

The proposed waiver provisions have been removed – a central part of the governor's bill and earlier drafts of it. Additionally, the "parallel" hearings, as recommended by the WVSBA, were removed.

Under the House proposal, only a county board must vote separately on bus routes that will exceed the recommended guidelines of 30 minutes for elementary students, 45 minutes for middle and junior high school students, and 60 minutes for secondary school students.

That revision, which WVSBA opposed, was added by the House leadership, apparently at the request of the Speaker, according to various sources.

The WVSBA approach required "parallel" or "dual" levels of accountability, where both the county board and state board would have had to make separate votes on bus routes that exceeded the statutorily established guidelines.

According to O'Cull, that language would have made the state board, just as county boards were required, to "pause" when considering facility plans. "It was meant for more accountability on the state board's part," he said. As it stands now, they take a hands-off role and simply look at process.

"Under the original House Education proposal, state board members might have gotten some dirt under their fingernails and might have used the pause built in to at least register more accountability for their actions."

In a related development, Del. Patrick Lane, R-Kanawha, on Tuesday succeeded in requiring the WVBE, in state takeover counties, to abide by the same "separate motion" provision as local boards.

Lane argued that by taking over a county board, the state board becomes a "county board" and should have to abide by guidelines and laws that affect local boards.

House Education's bill had several "legislative findings," including a section that found bus travel times have increased due to school closure and consolidations. However, the finding said that "with any fixed school facility infrastructure, the length of school bus transportation times for students is subject to variation from year to year because of the residential location decisions of families of school age children... therefore a strict limitation of the transportation times would be impractical."

The House legislation would have directed the WVBE to provide technical assistance to county school transportation systems to help them "apply all of the transportation resources available to them toward minimizing the length of the school bus transportation times for students."

Under the House bill, the state board would provide technical assistance for counties to "explore the potential for alternative strategies to the closure and consolidation of small, isolated schools in sparsely populated areas." Suggested technical assistance areas included technology (distance learning) and other "alternative strategies" for curriculum delivery.

Another reference was made regarding a study of the state school aid formula.

Additionally, the legislation would have modified how the School Building Authority of West Virginia considers county plans.

Committee discussion was wide-ranging, including the merits of the legislation and school consolidation.

Education committee 'treating the disease'

House Education Chairman Tom Campbell, D-Greenbrier, said the measure, as adopted by HEC, would have accomplished the same things as the governor's original waiver provision. "We're using different words to accomplish the same objectives," he said.

Other delegates, including Brady Paxton, D-Putnam, said the measure points out the need for the state and county boards to consider alternatives to the county unit system and to look toward placing schools where student populations are centered.

"This is a concept whose day has come," Paxton said.

Williams said the bill will cause counties to have more pause when considering school closures and consolidations, especially in context with a greater emphasis on revisions in the state aid formula.

He said HEC is "treating the disease, not a symptom," and that the House bill, if nothing else, will eventually address "all the diesel fuel and gasoline that's going to be burned up" until that time.

Lincoln, Mingo consolidations a 'political move' according to Del. Eldridge

Del. Greg Eldridge, D-Lincoln, was critical of consolidation efforts in Lincoln and Mingo Counties when he told the committee the Lincoln plan was a "political move on whoever's part to build a school where they wanted to."

He also said if his son didn't have his own transportation to school, he would ride the bus for an hour and 45 minutes each day.

Flexibility bill allows universities to grow in research, development

Marshall, WVU can lead the way to improving state aided by ‘flexibility’ bill

By Candace Kraus

The Legislature recognizes that a dynamic and efficient system of doctoral-level education is vital to providing for the economic well-being of the citizens of West Virginia. As the only research and doctoral-granting public universities in the state, Marshall University and West Virginia University must be integral components of any strategy to strengthen and expand the economy.

These universities must compete in a national and global environment that is rapidly changing, and continue to provide high-quality education that is affordable and accessible, while remaining accountable to the citizens of West Virginia for the most efficient and effective use of scarce resources.

Because Marshall University and West Virginia University have sufficient staff and internal expertise to manage their operation in an efficient and accountable manner, these institutions can best fulfill their public missions if they are granted adequate flexibility and autonomy.

With the passage of **SB603**, the Legislature intends that the operational flexibility measures granted to Marshall University and West Virginia University will accomplish a number of things:

- (1) Enhance the competitive position of Marshall University and West Virginia University for research and development;
- (2) Provide the universities with operational flexibility and autonomy including tools to promote, expand and enhance economic development in West Virginia;
- (3) Increase the development of research expertise in areas directly beneficial to the state; and
- (4) Focus the universities and their resources on enhancing the competitive position of the state and the economic, social and cultural well-being of the citizens of West Virginia.

The operational flexibility contained in SB603 includes such efficiency measures as eliminating multi-level approval for functions such as procuring goods and services and executing legal documents. The universities will be authorized to file in an electronic format most documents that are required by the state auditor.

Autonomy is increased by removing the universities from the supervision of the Higher Education Policy Commission. They are granted independent authority to determine capital budgets and needs, and to review and approve academic programs. Restrictions on offering tuition and fee waivers are removed, and the universities are authorized to set their own tuition and fee rates within the limits of the statutory caps.

The bill also gives the universities greater financial flexibility. The purposes for which Visa purchase cards may be used are expanded, and spending limits are increased. Certain obsolete or unusable equipment is exempt from the state Surplus Property disposal process when the cost of disposal exceeds the value of the item. The universities are authorized to increase fines for parking violations, and may use excess funds generated from the fines and the use of parking facilities at their discretion.

To ensure continued accountability and fiscal integrity of operations, the universities must comply with enhanced accounting

and auditing procedures. They are subject to more rigorous rule-making provisions and reporting requirements, and are charged with achieving targeted increases in the graduation rates of undergraduate students.

Of particular importance to the county boards of education are the enhancements SB603 provides for the delivery of professional development services. The bill establishes a structure to increase collaboration between state colleges and universities that offer teacher preparation programs, the Center for Professional Development, and the Regional Education Service Agencies.

As research and doctoral degree-granting institutions, Marshall University and West Virginia University have significant capacity to provide support and research-based expertise, and are required to collaborate with the Center for Professional Development in performing its duties. The State Board of Education is responsible for coordinating the efforts of the Regional Education Service Agencies, and for ensuring that each is collaborating with the appropriate teacher-preparation institution.

Through increased and focused collaboration, along with designated points of accountability in the State Board of Education, Marshall University and West Virginia University, professional development services will increase in quality, effectiveness and efficiency. Combined with the inclusion of the resources and expertise of the research universities, professional development service delivery in West Virginia will be significantly enhanced. Providing advanced and dynamic professional development programs leads to successful schools with heightened student achievement, and ultimately to a better-educated workforce.

A well-educated workforce is the critical component to diversifying and expanding the economy of the state and its standing in the global economy. Not only will SB603 increase the competitiveness and efficiency of Marshall University and West Virginia University, but the results will yield significant advancements for the state of West Virginia.

—Candace Kraus is counsel for the House of Delegates Committee on Education, and has been employed by the West Virginia Legislature for 10 years. Kraus graduated from Marshall University with a Bachelor's Degree in Criminal Justice in 1991, and from the West Virginia University College of Law in 1994. She is a native of Charleston, where she lives with her husband, Brian, and two young sons.



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MEET-AND-CONFER PLAN

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Rather than consideration or passage of bargaining legislation per se, many observers, including labor officials, predict school employees will be given binding arbitration rights for grievances. This is a move legislators such as Edwin Bowman, D-Hancock, chairman of the Senate Government Organization Committee, say will cut down on county board legal fees and eliminate grievances for matters that aren't "really able to be grieved."

County board attorneys say arbitration will be costly and, unlike the current grievance process, no precedence will be established in arbitration.

Both of the state's largest teacher groups support binding arbitration for grievances, according to their officers.

West Virginia Professional Educators Inc., an independent teachers organization, opposes collective bargaining, and is forming what would be known as the "Coalition Against Collective Bargaining for Public Employees."

The organization essentially would be a recast of a similar group that was active in the 1980s and 1990s.

While the West Virginia School Boards Association has been asked to join the group, the association's executive board has declined that offer.

Braxton County Schools Superintendent Carolyn Long is the West Virginia Association of School Administrators' representative on the meet-and-confer panel.

WVPE's slogan is "A child's mind is too precious to be bargained for."

Law allows leave for public officials

Several county board members have inquired about §6-5-12, a section of law that allows "leave of absence for public officials for performing public duties." The statute reads as follows:

"Any person elected to a part-time public office or appointed to a part-time elected public office shall be entitled to a leave of absence from his or her private employment except when such employment is with an employer employing five or fewer persons on a full-time basis on the days or portions of any day during which he or she is engaged in performing the duties of his or her public office.

"The leave of absence shall not result in any penalty being imposed upon the persons entitled to the leave of absence: *Provided*, That such leave of absence may be without pay by the private employer."

According to West Virginia School Boards Association counsel, the leave may apply to county board training in that such is required by statute, although legal counsel points out that the leave has certain restrictions, based on the size of the firm employing the county board member, and that it *may* be without pay.

For more detailed information, please contact WVSBA Executive Director Howard M. O'Cull, Ed.D., or counsel Howard E. Seuffer Jr., Esq., Bowles Rice McDavid Graff & Love. Seuffer's telephone contact number is (304) 347-1776. O'Cull's e-mail address is hocull@wvsba.org.

HEC approves three higher-ed measures

Consolidating WVU Tech administration

On Tuesday the House Education Committee approved three higher education bills, **House Bill 2795**, **HB2866** and **Senate Bill 401**.

HB2795 would give the West Virginia University Governing Board "full authority" to coordinate and/or consolidate WVU Institute of Technology administrative, informational, technological, financial and operating systems and functions with those of WVU.

All WVUIT "auxiliary" enterprises would be incorporated into the WVU auxiliary system. These programs would be operated on a "self-sufficient basis" for the purpose of establishing budgets and evaluating auxiliary enterprise operations.

The WVUIT president would be employed by the WVU Governing Board, but reports to the WVU president for management and executive purposes.

The chair of the WVUIT Board of Governors is added as a member of the WVU Governing Board.

Paying tuition for injured Guard members

HB2866 would allow West Virginia National Guard members who are discharged from military service due to wounds or injuries received in the line of duty to continue receiving tuition and fee payments as though they were still a member of the Guard.

Payments are contingent upon legislative appropriation in an amount determined by the state Adjutant General.

According to committee testimony, the bill's fiscal note is about \$39,000.

As defined by the bill, "line of duty" refers to wounds or injuries received as an active member of the Guard, not necessarily in combat. An example provided in committee might include a Guard member hurt in an accident which causes him or her to leave the service.

Governing board transfers

SB401 would authorize transfer of various orders, resolutions, policies, rules and agreements from Bluefield State College and Shepherd University to the newly established New River Community and Technical College and the Community and Technical College of Shepherd.

The bill provides for the division of all assets and liabilities between the sponsoring institutions and the new community and technical colleges by July 1.

It also establishes a mechanism to resolve disputes through the Higher Education Policy Commission if the institutions can't reach an agreement.

The measure has other provisions.

According to committee testimony, there is no provision in the legislation to address situations where a community and technical college and the HEPC may not be able to agree on disputed matters.

Committee counsel, however, said this hasn't happened in the past, and that the bill mirrors higher education precedence.

Controlling access to meth ingredients

The Senate approved an “anti-meth” bill this week, sending the measure to the House of Delegates. The Senate rebuffed an attempt by Minority Leader Vic Sprouse, R-Kanawha, to adopt an amendment that would have created an enhanced drug penalty for possession of the illegal drug within 1,000 feet of a school. According to Senate Judiciary Chairman Jeff Kessler, D-Marshall, existing laws – state and federal – already regulate that aspect of drug possession. Sprouse also wanted stiffer penalties.

The measure essentially limits the sale of products with active ingredients used to manufacture methamphetamine. The bill would limit purchase of common cold medicines that contain pseudoephedrine to three packages, or nine grams, each month. Pseudoephedrine is the active ingredient in Sudafed, a common over-the-counter cold medicine.

Customers would have to be at least age 18, ask for this medicine and sign a registry, which would be sent to the state Board of Pharmacy. The bill exempts children’s and liquid-capsule versions of the medicine.

Meanwhile, the House has considered legislation about clandestine drug laboratories — a related approach to the meth problem.

The Senate bill is based on Oklahoma law. Iowa’s governor signed similar legislation on Tuesday.

Editor’s note: “The Meth Connection: Methamphetamine Production and Children,” will appear in a future issue of *The Legislature*.

Lawmakers agree methamphetamine is a serious problem in the state, and other rural states.

Metro bill leaves school boards out

“Where are the school boards?” That’s a question several lawmakers are saying (mostly privately) about Senate legislation that would let cities and counties consolidate their services – or form metro governments. The Senate passed the bill earlier in the week on a 28-6 vote.

Under terms of **Senate Bill 159**, consolidation of cities, counties, or a county and the principal city into a metro government must be approved by voters in both localities.

An amendment adopted prior to passage of the bill raises the percentage of registered voters from each locality required to petition to begin the consolidation process from 10 percent to 15 percent.

The bill also would allow the consolidation review to begin if a majority of city council members or county commissioners in the localities vote for it.

Sen. Brooks McCabe, D-Kanawha, who spearheaded efforts to pass the legislation, said one advantage is a potentially greater “economies of scale” approach. He cited rising regional jail costs as one way the legislation could allow jurisdictions to save money.

As for the county board of education connection, several lawmakers say greater or “parallel” savings could occur through combining county board or county board services, especially administrations and central offices. They note, however, that this discussion was “off the table” when the county consolidation legislation was formulated.

For more information on the consolidation concept, refer to the McCabe article in *The Legislature*, Issue 8.

Casinos might be coming

The state’s four racetracks won the first round in the table games craps shoot earlier in the week, with the Senate Judiciary Committee advancing a bill to legalize casino-style games at the tracks in four counties – Jefferson, Hancock, Ohio and Kanawha.

The committee vote was 10-7.

Committee members rejected a vote that would require the approval of voters statewide to allow the games at the racetracks. Legislators who oppose expanded gaming see that as their best chance at derailing the legislation.

They argue there should be a statewide vote because voters who approved a state lottery in 1984 didn’t envision their vote would lead to increased gambling.

The committee also voted to increase the state’s share of proceeds from expanded gaming.

According to some estimates, table games might produce \$126 million a year, after expenses, if voters in the four counties approve the games. Table game supporters say they need the revenue to offset probable expanded gaming in Pennsylvania and other border states.

As proposed by the Senate, most of the estimated “state take” of \$30 million would go into general revenue.

Mezzatesta would be first to scoff at EC fine – \$200-a-month pay plan

The state Ethics Commission has given former House Education Chairman Jerry Mezzatesta until April 10 to pay a \$2,000 fine, and they’ve even offered a \$200-a-month payment plan that’s interest-free, according to the *Charleston Gazette*.

Mezzatesta’s counsel, however, calls the fine and public reprimand a “baseless punitive action.”

The EC is expected to take the matter to court in Kanawha County or Hampshire County circuit court, according to the newspaper.

If Mezzatesta doesn’t pay the fine, he’d be the first public official in the history of the EC not to do so, according to EC executive director Lew Brewer.

The nine-term delegate lost re-election last year after he became the target of an ethics investigation.

In a related development, Hampshire County bus operators are protesting Mezzatesta’s ability to take a “lateral transfer” and become transportation director in the county, based on HCBOE policy.

That potential move angered *Charleston Gazette* editor Jim Haught and the editorial staff of the *Charleston Daily Mail*, although Hampshire Board members say, by county policy, Mezzatesta can bump the current transportation director.

At a Monday meeting, HCBOE President Brenda Pyles, reading a statement crafted by West Virginia School Boards Association Executive Director Howard M. O’Cull, Ed.D., with Brewer’s consent, rescinded a long-standing policy of muzzling Mezzatesta critics, announcing the board will abide by the Brewer recommendation.

O’Cull also said he will work with Brewer and attorney Howard E. Seuffer Jr., of Bowles Rice McDavid Graff & Love, to fashion a model policy that “blends” the EC.

Education bills moving as session ending

By Martha Dean, Ed.D.

The House and Senate education committees and subcommittees have met twice each week – or more often — to perfect bills and get them to the floor. Work has proceeded on issues that are important to WVASA.

Notably, the Legislature is working on bills related to increased enrollment funding and to financial assistance for counties with enrollment so low it makes it difficult for them to provide the basics for their students. On March 22, **House Bill 2801** was amended in House Education to provide for any county whose net enrollment increased by 50 or more students between the two latest second-month reports to add a schedule of payments from the increased enrollment appropriation to their regular request schedule of payments from basic state aid.

Sixty-five percent of the increased enrollment appropriation could be distributed over the first six months of the fiscal year. The remaining allocation would be distributed to all increased enrollment counties before Dec. 31. This is similar to SB 604, which originated in the Senate Finance Committee.

The strike-and-insert amendment would also provide an allowance to improve the economies of counties with a net enrollment of fewer than 1,400 students and who are efficiently using the resources already available to them. This bill allows the state superintendent to take any of three actions to help those applying counties:

- (1) Recommend areas of improvement and provide technical assistance;
- (2) Help the county gain assistance through the RESA and/or adjoining counties; or
- (3) Make a grant of funds subject to appropriations from the Legislature.

Senators Edgell and Plymale have introduced **Senate Bill 672** that establishes a process for allocations to school districts with low enrollments and somewhat parallels the provisions of amended HB2801.

Many people have questions about the future of the Center for Professional Development. On March 22, Senate Education distributed **Senate Bill 603**, which originated in the Senate Education Committee.

This is essentially a higher education bill, but it does contain provisions relating to the Center for Professional Development. It would reconstitute the Board as of July 1, 2005, to include 13 people. The Secretary of Education and the Arts and the state superintendent would both be ex-officio members and be entitled to vote.

It also would include two members of the State Board, one person employed by WVU and one employed by Marshall, one RESA director, three experienced educators (a teacher, principal, and county administrator) appointed by the governor, and three citizens of the state, also appointed by the governor.

The bill abolishes the position of executive director of the Center for Professional Development and replaces it with a director, to be appointed by the governor, with the advice and consent of the Senate. The director would serve at the will and pleasure of the governor.

The bill outlines the ways the center board shall collaborate with the state board. The center board shall employ and fix the compensation of a coordinator of the Principals Academy, who serves at the will and pleasure of the center board.

As I read it, and the entire bill is inordinately long (172 pages), and would anticipate greater cooperation and collaboration between the CPD and other entities also interested in providing professional development to educators, including WVU and Marshall.

Thursday was another busy day for committees, starting with House Education meeting concurrently with a meeting of House Finance. Although I was in Education, I heard that House Finance distributed **HB3107**, the diabetes care plan act. This bill also creates a new section in the law to fund nurse's salaries, but only funds the following nurses this year:

- (1) One additional nurse — Cabell, Calhoun, Clay, Fayette, Greenbrier, Hardy, Lincoln, Mason, Mingo, Morgan, McDowell, Pocahontas, Putnam, Roane, Tyler and Wetzel.
- (2) Two additional nurses— Harrison, Marion, Mercer, Raleigh, Wayne, and Wyoming; and
- (3) One existing nurse position to avoid the loss of this or another instructional position due to a budget deficit — Preston and Taylor.

The additional nurse positions described above were determined by applying a ratio of one nurse per each 1,500 students in net enrollment, or major fraction thereof, in grades pre-kindergarten through 12, less existing nurses employed, to the extent funds are available. HB3107 now goes to the floor of the House and, after passage, on to the Senate.

I think it is important that the senators from those counties who would get no funding for nurses hear from people to explain that the reason they have the nurses is that they are using funding that could be used for teachers or other professional personnel. There may be insufficient funds to fund counties for one nurse per 1,500 students grades Pre-K-12, but it doesn't seem fair to me to reward only those counties who have chosen to use their scarce funds in another way.

I will definitely talk to senators to see if there is anything they are willing to do to change the bill to make it fair. The bill does do one thing WVASA supports: It creates a separate place in the formula to fund nurses, instead of providing no funds at all for nurse salaries.

House Education passed out four bills, and referred **HB2855** to the public education subcommittee. This bill would place a limit of 10 years on how long a teacher could retain seniority after leaving a county's employ.

HB3163 prevents college bookstores from selling required textbooks in bundled packages. Delegate Marshall offered an amendment that would keep professors from requiring a textbook that has pages in it that must be torn out and used for assignments. The attorneys are working on the wording for this amendment, but the purpose of the bill is to help keep the cost of textbooks down for college students.

See **ADMINISTRATIVE PERSPECTIVE** on page 13

West Virginia ranks among lowest in funding

Local libraries must become priority

By J. D. Waggoner

Libraries are at the very heart of a democratic society. They house diverse ideas about where we have been as a society and where we may be going; they provide possibilities for understanding others and ourselves; they encourage users to read, to think, to become productive members of society. The beauty and terrain of this state both inspires and challenges West Virginians. The libraries of our state open windows to the world even in the most rural communities. Yet for many, just keeping the lights on and the doors open is a daily challenge.

Because space is limited I will not use a great deal of it justifying the need for libraries. I will, however, briefly address some misconceptions.

Myth 1) - "The computer is replacing the book." Reality: Statistics do not support this. Although use of electronic resources is growing rapidly, circulation in libraries is also increasing. It is really quite simple; people who use computers are also readers.

Myth 2) - "Libraries are no longer needed because of the Internet." Reality: Libraries must be built larger because of the Internet. A comfortable chair in the reading room where the sun comes in is not replaced, but supplemented with a workstation large enough for a CPU, monitor and printer. The comfortable chairs are occupied and so are the workstations. The library's role has not diminished. It has expanded.

The greatest challenge to West Virginia's libraries is not what services to offer but how to pay for all the services patrons demand. Local government forms public libraries in West Virginia. The county commission, board of education, municipality or a combination of the three establishes the library and appoints a five-member library board of directors. State law requires that libraries established by local authorities be supported with public funds.

There are currently 97 library systems providing public library service from 173 facilities. However, these locally created libraries rank 50th in the nation in local financial support. Washington, D.C. is included in the rankings, so there is a 51st state. The state of Hawaii's libraries are under the state library agency, so 50th is dead last in the nation where local support is a consideration.

Over the years, several factors have affected local funding. The loss of federal Revenue Sharing funds to local governments was a major factor. This loss so damaged local library support that some library systems have never completely recovered. Now a new predator is feeding on the local revenues that should be supporting libraries. The predator is regional jail costs.

In two conversations over the last couple of weeks, I spoke to two library directors and two county commissioners in counties where library funding has been zeroed out of county commission budgets. All were very straightforward in saying the library lost funding because of the cost of keeping prisoners in the regional jails. The county commissioners did not want to take the funding from libraries.

The library directors certainly did not want to cut staff and hours. Unfortunately desire and reality are often at odds. The librarians

find themselves in competition for smaller and smaller pots of discretionary dollars. I am no authority on state tax structure or funding options for regional jails. There are people with more expertise in those areas. However, I will borrow a quote attributed to Walter Cronkite to illustrate my point, "Whatever the costs of our libraries, the price is cheap compared to that of an ignorant nation."

Educating a population takes all types of libraries: Public, academic, school and special libraries. Each type of library has a clearly defined role in lifelong learning. Libraries are perhaps the best examples of sharing resources for the common good. Yet libraries without resources limit the citizen.

The first cut made when libraries lose funds is in the materials budget. This is a long-term loss. New books appear, are marketed for a short period and then go "out-of-print." Libraries cannot go back and retrieve materials missed in the publication cycle. The next to be cut is staff. Library staffs are vital to the success of the user. A patron comes into the library, "Googles" a subject, and retrieves 1.5 million hits. Now what? The library staff helps the patron refine the search to get them off the "information highway" and onto a "street" with valid resources and reliable information.

The next target is the hours the library is open. A locked, dark library is a tragedy.

Libraries must become a priority to the decision-makers in our state. And, yes, I mean money.

Approximately half of the public libraries in West Virginia receive more state funding than local funding. This is partially a product of our tax structure, but you must keep in mind that libraries are "local" creations.

The most recent study of public libraries in West Virginia indicated that the funding relationship should be at least 50-50. Outside demands on county commissions, boards of education and municipalities should not diminish our state's future.

Perhaps a strong investment in the local library would reduce the need for more jail cells. Strengthening student success, promoting literacy, and encouraging imagination through library services and programs will affect the future of this state.

I hope the next few words do not hit the editing room floor although they may mean that this will be my last chance to address your organization. Before you heat the tar, these are facts not an opinion.

County commissions control approximately 30 percent of local tax dollars. Boards of education control about 70 percent. The contribution to libraries in fiscal year 2004 by county commissions exceeds the dollars provided by boards of education by nearly \$2 million.

School libraries and public libraries work together to educate our citizens. The situation is not an "either-or." It takes both to provide the resources needed for success. Making libraries a priority means including the public library in the excess levy. It means when budgets are diminished and cuts must be made, the public library should bear a reasonable portion of the cut. One hundred

See LIBRARY PRIORITY on page 6

Looking Back

Those glue traps you find in public schools came as a result of legislation adopted in 1995 relating to “Integrated Pest Management (IPM).”

According to the Feb. 27, 1995, issue of *The Legislature*, a public hearing on IPM drew quite a crowd, with “industry officials,” including representatives of groups such as Orkin and smaller, independent pest-management operators, opposing passage of a House bill on the subject.

The essential debate was whether school officials should continue to rely on chemicals to reduce pests, such as ants or cockroaches – or vermin – or to rely on “safer” methods such as glue traps and the like.

The hearing attracted those who said the IPM approach ultimately wouldn’t work and other speakers who spoke of safety and environmental concerns.

Ultimately, a modified version of the IMP approach was adopted, including provisions relating to notification if certain pesticides will be used.

One speaker at the public hearing told of an illiterate custodian who was unable to read packaging labels and used a “dangerous pesticide” in an attempt to clean a school floor.

In the sports department, the House Education Committee adopted a motion by then Del. Susan Hubbard, D-Cabell, to “effectively restore preferential treatment to currently employed coaches.” The debate, revisited by the Legislature occasionally, related to use of community members who may have expressed an interest in coach-

ing and whether these persons or educators or service personnel should have preference.

Hubbard is a West Virginia Education Association Uniserve director.

Lastly, in the déjà vu corner, the House and Senate education committees held a public hearing on, you guessed it, higher education reform.

– *The Legislature*, Feb. 27, 1995.

LIBRARY PRIORITY

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percent is not a “reasonable” portion.

To be fair I do not exempt the public library’s responsibility to prove its worth. Every public library should report to the board of education on its activities in support of education.

Quietly serving is not acceptable. The library must be an active and vital link in the education of all West Virginians.

– *J. D. Waggoner is the executive secretary of the West Virginia Library Commission. He is statutorily responsible for the development of public libraries and as an advisor to all types of libraries in the state. Mr. Waggoner was appointed secretary in 2002 and has worked with libraries for 35 years. He received an undergraduate degree from the University of Charleston and a master’s degree in Library and Information Science from the University of South Carolina.*

ADMINISTRATIVE PERSPECTIVE

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A bill originating in committee changes some of the county board financial reporting requirements. It would only require them to be published in one rather than two newspapers and would require the report to use GAP accounting standards. Further, it raises from \$250 to \$500 the amount a vendor would have to be paid during the year before it is required to be printed in the paper, although reports would be available at the county office. It passed unanimously.

HB2465 would require the state board to review other nationally credentialing processes such as those for counselors and speech therapists to determine whether they are comparable to the National Board Certification for teachers. If the state board finds that they are, those professionals holding these national certifications would be entitled to an annual salary increase of \$2500 and reimbursement for expenses incurred in obtaining the national certification. The bill will go to Finance.

HB3019 is a short and straightforward bill. It places in Code that the Legislature recognizes that the Appalachian Education Initiative serves a meaningful function in promoting the role of art education in the public schools and the programs provided by this organization and others similar to it benefit the state. The bill passed out of committee and they are going to request that the second reference to finance be waived.

Senate Education passed out four bills on Thursday. Committee substitute for **SB701** would eliminate the requirement for specific grade levels to be tested, eliminate the requirement for informal

assessment at grades K-2, and disallows testing for the purpose of accreditation for grades K-2. It would also require end-of-course testing for Algebra.

HB2527 allows service personnel testing to take place at multi-county vocational schools. **SB674** is similar to **HB3163**, placing restrictions on the sale of college textbooks. **SB504** relates to technical changes concerning high-tech research zones, parks and technology centers; and tax incentives relating thereto. It will go to Finance where the tax-incentive issues will be dealt with in greater detail.

House Education met at the same time as Senate Education on Thursday to hear a presentation. Both the public education subcommittee and math subcommittee will assign their staff to draft a resolution concerning the three enhancement programs presented by the State Department of Education.

These are: the Professional Development Schools, the math five-year plan and West Virginia Achieves. The subcommittee felt there were some concerns that needed to be addressed before they provide additional funding.

Some of those concerns are the high percentage of funding that goes into salaries for administrators, a lack of confidence expressed by teachers for the viability of the programs, too much time for teachers away from their classrooms, and the idea that teachers have too much going on to try one more new program at this time. Therefore, they will draft a study resolution.

Friday of this week is the last day for bills to be introduced on the House Floor. Bills can still, however, originate in committee. But, most of the work seems to be centered on working on bills already in the hopper.

— *Dean is WVASA Executive Director*

Listen to the ones who know the most: Classroom teachers

School, home: Math foundations untaught

By Tom Vogel

Clearly stated, our children cannot think well enough to solve a basic mathematical problem. Why?

Everyone has an answer for the problems with mathematics; that is, everyone who actually knows nothing about it. Unfortunately those who may have an answer — the classroom teachers — are very rarely listened to.

Sure teachers are put on committees and study groups, but are they really listened to or are they hand picked by administrators to do their bidding? How many county board members, state department administrators, superintendents, principals, consultants, and politicians have a master's degree in mathematics education?

Yet, these are the individuals who say there is a problem in mathematics and they have the solution to fix it. If they had the solution, there would be no need for this discussion.

Mathematics is not like any other core class. It is more like constructing a house; one part is built on the other. Without a strong foundation, the house cannot stand. The same can be said about mathematics. Without the basics of addition, subtraction, multiplication, division, integers, fractions, and decimals, no other math class can succeed.

For some reason administrators, board members, politicians, etc., miss that point. They believe all the problems in mathematics can be solved at the high-school level or by putting in some new program in the middle school. I, for one, believe that the problem goes far beyond that.

The system is broken. Elementary teachers are asked to teach every subject to all students, a task that is overwhelming, especially when many elementary teachers did not like (or understand) mathematics when they were in school. I taught a workshop for elementary teachers and asked the question, "Who disliked math when you were in school?"

Ninety-two percent of those present said they disliked math. Now they must teach the subject they disliked. If an elementary teacher tells a student that fractions are hard, then from that point on, fractions are hard. How many teachers give extra math problems for homework as a punishment? How many teachers tell students that they cannot subtract a larger number from a smaller one? The list goes on.

Does higher education do a good job educating teachers to teach math? I don't believe so. Sure they have prospective teachers take math courses, but do they help them understand how numbers work?

For example, I like to ask the question of high-school students, "What are the largest two numbers you can multiply?" Not one

student ever gets the correct answer. Therefore, I believe they were never asked that question or given a true explanation of multiplication. (The answer is nine times nine. Anything larger involves the operation of addition.)

Another example is the use of the "r" in long division. It stands for remainder, which is never used again in mathematics. Why not write the remainder over the divisor so you have a fraction?

That would introduce fractions to students much earlier. Fractions would then be less intimidating because students would understand the concept. Basic mathematical knowledge like this would help an elementary teacher educate and prepare students for higher-level mathematics.

Do teacher-ed programs help teachers overcome the "math phobia" they experienced in school so they don't (unknowingly) pass it on? The classes taught by higher ed probably add to the

phobia that our teachers must live with.

Do elementary teachers do a good job teaching math? I believe many do, but not all. And, it is not their fault. It is the fault of the system, both higher and public education. Every elementary school needs to have a certified math teacher, and I believe elementary schools need to depart-

"Administrators and teachers need to stop worrying about test scores and passing classes and do something to help the students understand and learn."

mentalize at some level.

Every teacher should be allowed to teach toward his strength not his weakness. If math and reading are the two most important subjects in elementary school, then individuals trained in those subjects should teach them.

Textbooks are an extremely large problem in our schools, especially in elementary schools, and for anyone who depends on a textbook to teach. Textbooks are written to make money, not to educate. Every five years or so, schools adopt new textbooks. The focus of the math textbooks changes from adoption to adoption and hence the way students are taught changes.

Administrators, at every level, must also share in the problems facing mathematics. Test scores and grades seem more important than understanding. If test scores are high enough and grades are good enough, then administrators are happy.

But what happens when understanding at the lower grades does not occur? Students are headed for failure in algebra and higher-level mathematics. Administrators like to put the blame on the teachers of the higher classes when the students were doomed to fail because they did not have the necessary foundation.

Administrators are quick to implement new programs or put students on computer programs to help with their basic knowledge. That seems all well and good until the students get poor test scores because the C.S.O.'s are not met for that subject and the blame

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MATH FOUNDATIONS

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starts all over.

Administrators and teachers need to stop worrying about test scores and passing classes and do something to help the students understand and learn. Inflating grades by the use of extra credit and bonuses does nothing for knowledge, but it gives a false sense of success.

We cannot leave parents out of the mix. Parents need to be more involved in their children's education. They need to make sure each child goes to school, gets a good night's sleep, eats well, and does her homework.

Parents also must understand that a child's grade is not always a true reflection of his knowledge. And above all, parents should not tell their children they had a hard time with mathematics when they were in school.

Somehow the students have been left out of the equation. Everyone seems to be more worried about how they look to someone else than with the success of all the students. Teachers want to look good to their principal and parents. Principals want to look good to the superintendent and parents. The superintendent wants to look

good to the state department, the local board, and the community; and the local board wants to look good to the voting public.

"Let's document" has taken the place of "let's teach." If we are not careful, "No child left behind" will leave all children behind.

Now comes the big question: Are we willing to tackle this problem head on or are we going to hide and continue to blame each other? We need to stop blaming each other, stop saying it's not our fault, and take a hard look at what is needed to fix the problem.

If board members continue to tell the central office to fix the problem, it will never be fixed and nothing will change. It will just look different. If the problem is ever to be fixed everyone must be involved.

West Virginia can take the lead by changing the system so our students can understand mathematics and succeed. We can lead the nation in mathematics education if we are willing to try.

—Tom Vogel taught 13 years at Petersburg High School in Grant County, served as president of the Potomac Council of Teachers of Mathematics, served three terms as president of the West Virginia Education Association, taught 16.5 years at Capital High in Kanawha County, taught every math class from 7th grade through AP Calculus BC, and holds a masters in mathematics education.

West Virginia University
College of Human Resources &
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Doctoral Program in Educational
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Announces
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Courses Begin in Summer 2005*
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richard.hartnett@mail.wvu.edu

Bill Abstract

Editor's Note: The following is a listing of education and selected education-related bills, with action current through Thursday, March 24, 2005 for most bills. For information relating to any of the measures listed, contact West Virginia School Boards Association Executive Director Howard M. O'Cull, Ed.D., or visit the West Virginia Legislature's Web site at www.legis.state.wv.us.

Senate

Senate Bill 94. Provides county boards flexibility in the statutory order of required activities to occur on school calendar Instructional Support and Enhancement (ISE) days. Approved by Senate Education Committee (Senate Education) Feb. 22. Passed Senate 2/28/05. Referred to House Education Committee, then House Finance Committee.

SB126. Relates to educational benefits for children of deceased military personnel (killed in action). Senate Education approved 3/16/05. Referred to Senate Finance Committee (Senate Finance). Senate Third Reading 3/25/05.

SB153. Revises state Ethics Act legislation enacted during 2005 Special Session in part due to revising language relating to a "gag order" against those filing Ethics Commission complaints that was included in the January legislation; other provisions. Passed Senate 2/17/05. Referred to House Judiciary Committee (House Judiciary). Passed House 3/18/05. Referred to governor.

SB212. Provides higher education employees the annual experience increment that is paid to state employees. Approved by Senate Education 2/22/05. Referred to Senate Finance 2/23/05.

SB248. Voids the requirement that education technology expenditures be made in accordance with the West Virginia Education Technology Strategic Plan (ETSP). In that Strategic Plan members weren't appointed by former Gov. Bob Wise, the legislation allows various entities, including the West Virginia Department of Education, to expend technology moneys, including dollars for the Basic Skills and SUCCESS programs. Approved by Senate Education Committee Feb. 22. Passed Senate 2/28/05. Referred to House Education Committee (House Education), then House Finance Committee (House Finance).

SB261. Provides for special election proposing constitutional amendment designated as the "Pension Bond Amendment." Passed Senate 2/24/05. Passed House 2/24/05. Governor signed 3/8/05; Legislative Action Completed.

SB282. Continues School Building Authority of West Virginia (state Sunset legislation). Passed Senate 3/1/05. Referred to House Government Organization Committee (House Government Organization).

SB290. Requires each county board of education hold public hearing on students wearing uniforms. Senate Education approved 3/22/05. Senate Third Reading 3/25/05.

SB347. Authorizes approval of rules of the Higher Education Policy Commission and Council for Community and Technical College Education. Senate Education adopted 3/3/05. Senate Adopted 3/9/05. Referred House Education.

SB401. Relates to governing boards of the newly-established New River Community and Technical College and the Community and Technical College of Shepherd University. Senate Education approved 3/3/05. Senate Adopted 3/9/05. Referred to House

Education. House Education approved 3/23/05. House Consent Calendar Second Reading.

SB504. Relates to high-tech research zones, parks and technology centers. Senate Education approved 3/22/05. Has second reference to Senate Finance. Referred to

SB521. Requires study on county board flood and general property insurance. Senate Education approved 3/22/05. Referred Senate Finance. Senate Finance approved 3/24/05.

SB589. Relates to county boards of education sharing services of central office administrative personnel. Senate Education approved 3/22/05. Referred to Senate Finance.

SB603. Provides greater flexibility to Marshall University and West Virginia University. Senate Education approved 3/22/05. Referred to Senate Finance 2/24/05. Senate Third Reading 3/25/05.

SB604. Establishes method for projecting increase in net enrollment for each school district. Senate Education approved 3/18/05. Passed Senate 3/22/05. Referred to House, then House Finance.

SB674. Relates to textbook sales at public institutions of higher education (textbook bundling). Senate Education approved 3/24/05. Senate Second Reading 3/25/05.

SB701. Eliminates requirement statewide assessment occur at specific grade levels. Senate Education approved 3/24/05. Senate Second Reading 3/25/05.

SB720. Relates to alternative teacher education programs, fitness programs and other programs. Introduced 3/21/05. Senate deferred action 3/22/05.

House

House Bill 2012. Requires county boards to reserve 7 percent of Medicaid reimbursements for services provided by county personnel as a salary supplement. House Education Committee approved 3/17/05. Referred to House Finance.

HB2015. Provides employers immunity from civil liability for job-related information disclosed regarding their former employees. Passed House 2/16/05. Referred to Senate Judiciary Committee (Senate Judiciary).

HB2286. Relates to the sounding of "Taps" at veterans' honors funerals. Passed House 2/18/05. Passed Senate 2/21/05. Referred to governor 2/23/05. Governor signed 2/25/05; Legislative Action Completed.

HB2328. Provides precedential application to the Ethics Commission's written Opinions regarding open governmental meetings. Passed House 2/21/05. Referred to Senate Government Organization Committee (Senate Government Organization), then Senate Judiciary.

HB2350. Corrects provision in law relating to certification standards in other states and their application to teachers who may apply for certification in West Virginia. House Education Committee approved 3/1/05. House approved 3/7/05. Referred to Senate Education.

HB2365. Prohibits county board members from acting individually or singularly unless authorized by law. House Education Committee adopted March 11. Referred to House Judiciary. House Judiciary approved March 24.

See **BILLABSTRACT** on page 17

Bill Abstract

BILL ABSTRACT

continued from page 16

HB2465. Provides salary supplements of \$2500 and expense reimbursements to professional personnel who meet certain professional national certification standards. House Education approved 3/24/05. Referred to House Finance.

HB2466. Removes some obsolete Code references from stature; other provisions. House Education Committee approved 3/1/05. House approved 3/7/03. Referred to Senate Education, then Senate Finance. Senate Education adopted 3/11/04. Referred to Senate Finance.

HB2525. Eliminates requirement that West Virginia Department of Education conduct independent evaluation of effectiveness of character education programs, including Responsible Students Program (RSP). House Education adopted March 8. House adopted 3/11/05. Referred to Senate Education.

HB2527. Allows school service personnel competency tests to be given at multi-county vocational centers at option of employee. House Education adopted March 8. House adopted 3/11/05. Referred to Senate Education. Senate Education approved 3/24/05. Referred to Senate Finance.

HB2528. Relates to alternative programs for the education of teachers. (These provisions also are included in SB720.) House Education approved 3/23/05. Second Reading House Consent Calendar.

HB2578. Increases school aid formula net enrollment limits for professional and school service personnel. House Education approved 3/1/05. Referred to House Finance. House Finance approved 3/23/05. Second Reading House Consent Calendar.

HB2603. Relates to reimbursement of tuition, registration and other required fees for course work completed by teachers. House Education adopted 3/17/05. Referred to House Finance. House Finance approved 3/23/05. Second Reading House Consent Calendar 3/25/05.

HB2783. Authorizes the Director of the Division of Rehabilitation Services to allow youth or other civic groups to use Rehab facilities and to charge a fee. House Education approved 3/15/05. Passed House 3/21/05. Passed Senate 3/24/05. (This bill was amended extensively by the Senate.)

HB2795. Relates to the consolidation of administrative, information, technological, financial and operating systems and functions of West Virginia University Institute of Technology with and into such systems and functions of West Virginia University. House Education approved 3/23/05. Referred House Finance 3/23/05.

HB2801. Relates to removing the delay in school aid formula funding for increased student enrollment. House Education approved 3/23/05. Referred to House Finance.

HB2837. Prescribes a personal finance instruction in secondary schools. House Education approved 3/15/05. Passed House 3/21/05. Referred to Senate Education, then Senate Finance.

HB2855. Places a limit of 10 years on the amount of time that a teacher who returns to work after terminating employment may retain his or her accrued seniority. House Education referred to a subcommittee 3/24/05.

HB2866. Provides for continuation of tuition and fee payments to members after discharge from military service due to wounds or injuries received in the line of duty. House Education approved 3/23/05. Second Reading House Consent Calendar 3/25/05.

HB2977. Relates to authorizing school-level implementation of student uniform policies. House Education approved 3/17/05. Referred to House Judiciary.

HB3018. Relates to designation of Mountaineer Challenge Academy as a special alternative education program. House Education approved 3/15/05. Passed House 3/21/05. Referred Senate Education, then Senate Finance.

HB3019. Relates to recognizing the Appalachian Education Initiative promoting the role of art education in public schools. House Education approved 3/24/05.

HB3055. Requires the state Secondary Schools Activities Commission to have at least two separate classes of competition at all end-of-year interscholastic athletic tournaments. House Education tabled 3/17/05.

HB3107. Relates to Diabetes Care Plan Act in the public schools; has nurses ratio; other provisions. (Originated in House Education, creating allowance for student health services). Originated in House Education 3/18/05. House Finance approved 3/24/05.

HB3108. Increases the focus of regional educational service agencies on school improvement. House Education approved 3/17/05. Referred to House Finance 3/18/05.

HB3163. Prohibits colleges from requiring students to purchase bundled textbook packages. House Education approved 3/24/05.

— *Compiled by Howard M. O’Cull, Ed.D.*

Important Legislative Dates

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

Sound Bites

“(The Lincoln County consolidated high school) was a political move on whoever’s part to build a school where they wanted to.” – Del. Greg Eldridge, D-Lincoln, discussing school consolidation in HEC meeting. He said his son, without his own transportation, would have to ride a school bus for over an hour and a half each school day.

“Too many processes are touched by too many people ...so many people are giving directions that it’s hard to tell who you’re accountable to.... In the end, you’re accountable to no one.” – WVU President David Hardesty discussing the need for “flexibility” for WVU and Marshall University.

“It’s a move in the right direction. It will take pressure off aides, teachers and others.” – Del. Mike Hall, R-Putnam, discussing House Bill 3107, which would provide some counties with additional school nurses. It also includes an individual diabetes care plan.

“It’s obviously an attempt to kill the bill.” – Jason Webb, a school counselors’ lobbyist who said a WVDE fiscal note attached to a bill relating to national board certification for counselors would defeat the measure because the cost was calculated at \$16 million. Webb said the actual cost would be around \$162,500.

“When you put a \$16 million fiscal note on it, it hurts.” – House Education Chairman Tom Campbell discussing the WVDE fiscal note.

Meanwhile in North Dakota . . .

A proposal to require North Dakota’s Board of Higher Education to develop an English fluency policy for instructors was approved in the state Senate, despite arguments that it could apply to some regions of the state itself.

Some instructors speak accented English that is harder to understand, and surveys of students have detected some complaints, said Sen. Tim Flakoll, R-Fargo.

The bill orders the board to write a policy on how to assess college instructors’ communications skills, “including the ability to speak English clearly and with good pronunciation.”

Sen. Carolyn Nelson, D-Fargo, a math lecturer at North Dakota State University, said foreign instructors in her department were not allowed into the classroom until they passed an oral English exam.

“Very often, we run into people that we have to listen to a little bit harder. You know, they might be from Alabama,” Nelson said. “They might be from south of (Bismarck), where they have a German-Russian accent. You might just have to listen a little harder, and in some cases, these kids might just have to go to class a little more often.”



The Legislature

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