



The

# Challenge

December 1999



## School funding case reopened

Almost 18 years after the historic Recht Decision was handed down, attorney Dan Hedges is going back to court to see that it is implemented. He will present his case before Judge Arthur Recht beginning Dec. 6.

In 1982 Recht determined that the state did not provide a "thorough and efficient" system of public education and that it didn't provide enough money for public schools.

When he brought the original case in the 1970s, Hedges argued that children in poor counties were not getting an equal education because the state relied too heavily on county property taxes to fund

schools. Poor counties with lower tax bases did not have as much money to operate schools systems.

As a result of Recht's decision in that case, the state was forced to reallocate or "equalize" funds. A Master Plan for Education was created by the State Department of Education as a blueprint for implementing the decision.

Many people, including Challenge WV coordinator Linda Martin, who was on the committee that developed the Master Plan, say the Recht Decision was never implemented in the way the court ordered.

Now Hedges maintains that the state simply isn't allocating enough money for education. He says the court decision calls for adequate funding, not just equitable funding.

Hedges told *The Charleston Gazette* individual school systems are being blamed because their students aren't performing well.

"You can't point the finger at the principal when the elected officials are providing no money" for a variety of elective classes, he said. "Or the facility is such a dirtball facility that you can't provide the education."

Hedges says the state Board of Education isn't evaluating and auditing school systems the way its own policies and state law tell it to. He says that's happening all over the state, including in Lincoln County, where state auditors have found the "wheels to be off" the education system.

"It's the state Board of Education not doing their job," Hedges told *The Gazette*. "Their attempt to blame Lin-



Ritchie County residents in November formed the fifth chapter of Challenge West Virginia. Accepting the plaque certifying the chapter are, from left, Patty Deak, Terri Weiford and Terri's daughter, Hannah. Patty and Terri both are fellows with the Challenge WV program and Patty is president of the Ritchie County Chapter of the organization.

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## Challenge West Virginia

The Challenge is published by Challenge West Virginia, a statewide organization committed to maintaining and improving small community schools and reforming education policy in West Virginia so that all of our state's children have the opportunity to receive a first-class education and the promise of a bright future.

Challenge members believe state education policy, which has resulted in the closing of a fourth of West Virginia's schools during the past ten years, does not serve the best interest of many children, especially those from

low-income families who live in rural areas.

Challenge West Virginia is a program of Covenant House, an independent, non-profit organization in Charleston, WV, which is not connected to any other program by the same name.

To start a chapter of Challenge WV, to inquire about the fellowship program or for more information, contact:

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## Gubernatorial candidates on consolidation

Candidates for governor in West Virginia are hearing about citizens' opposition to school consolidation – and some are approaching the issue with caution.

Incumbent Republican Gov. Cecil Underwood, whose administration has overseen the closing of a large number of schools, told the Associated Press he has mixed feelings.

"I think school consolidation has been very beneficial in many areas," Underwood said. "I know it is very controversial. I am hoping with our distance learning network, when it gets in place, we can eliminate the need for further massive consolidation."

Underwood said he is concerned that long bus rides over mountain roads in rural counties are dangerous.

"If we can take education to the remote areas by distance learning, then we eliminate that risk," he said.

Congressman Bob Wise, the leading Democrat in the race, said each case should be considered individually, but he told the AP that "small schools generally are better."

Charleston lawyer Jim Lees said he opposes consolidation in rural areas, but thinks it is viable in cities.

"The education of the children suffers when you make kids ride on buses for more than an hour each way, particularly elementary students," he said. "When you take the community out of schools, education suffers. There's clearly a correlation between dropout rates and consolidation in rural areas. Parental participation drops much more drastically in rural area consolidation."

Lees added that consolidation does not save

money because transportation costs increase.

Libertarian Bob Myers, a retired Huntington businessman and former member of the Cabell County and State Boards of Education, said, "School consolidation is not about children. It is about building buildings. Instead of moving 400,000 students every day, we should move 2,000 teachers once a day."

Independent candidate Denise Giardina, a Charleston author and college professor, is absolutely opposed to consolidation and has made that opposition part of her platform.

Republicans Joseph Oliverio and Hughes Booher, together with Democrats Fred Schell and Dan Russo also said they oppose consolidation.

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## This 'n that

- Board of Education members in West Virginia's largest school system – Kanawha – are questioning whether consolidation is saving them money. According to a summary drawn up by the schools treasurer, Kanawha County has already spent about \$3 million more than the \$616,594 it is expected to have saved in daily operating costs associated with the construction and consolidation of Riverside High School this year, according to the *Charleston Daily Mail*.

- Kanawha County has closed more schools during the past 30 years than remain open today, according to a report in the *Daily Mail*. The newspaper reported that at its peak in 1960, Kanawha County had 199 schools, including 166 elementaries. Today the county has only 87 total schools and 59 elementaries, some of which are on the chopping block this year.

- Who's on first in Lincoln County? After the State Board of Education met with county officials to discuss the results of an audit which declared a state of emergency in Lincoln's schools, both the state board president and the Lincoln County superintendent were confused, according to the *Charleston Daily Mail*. State Board president Cleo Mathews said she was waiting for Superintendent Peggy Adkins to ask for technical assistance from the state. Adkins said the county needed help, but she wasn't sure if the state's assistance was simply a 77-page list of remedies. A major remedy calls for the county to operate fewer schools, and one thing that Adkins did request was "priority funding" from the School Building Authority, which distributes funds to build new schools.

- Lincoln County students scored second lowest in the state on standardized tests last spring while the county led the state last year in griev-

ances filed by school employees, according to *The Charleston Gazette*.

- Almost a third of West Virginia's children – 29.9 percent – live in poverty, according to the Census Bureau. This percentage is second only to the District of Columbia. Median income in the state is \$25,822, which is lowest in the nation.

- The State Board of Education on Nov. 4 approved the closure of three Charleston schools at the end of this school year. Those schools are Roosevelt Junior High School, Tiskelwah Elementary and Oakwood Elementary. Roosevelt supporters, who are threatening court action, say they felt left out of closure discussions conducted by the Kanawha County Board of Education.

- Less than 20 percent of West Virginia's schoolchildren have the skills needed to write proficiently for their grade level, the U.S. Department of Education has reported. In tests conducted during 1998, only 18 percent of the state's eighth graders were proficient.

- Fayette County parents spoke out at a public hearing in opposition to consolidation. The County's Comprehensive Education Facilities Plan would close four of seven high schools and a number of elementary schools. The board has not yet voted to accept the plan. Parents said they oppose the plan because students would be on buses for too long and they said they prefer smaller schools where their children can get more attention from teachers.

### Check out our web site!

Visit Challenge West Virginia at our new web site and you will find links to a lot of information from people and organizations supporting community schools.

The address is:

<http://www.wvcovenanthouse.org/challengevw>



# Challenge West Virginia

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## Recht Decision going back to court

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coln County and other counties is misplaced. They have terrible facilities, and as a result, they can't offer what they should.

"That's not to say there isn't politics at the core of the problem, but funding is at the root of about 80 percent of the deficiencies."

At a hearing in November Attorney General Darrell McGraw submitted and later withdrew a petition to intervene in the case. McGraw was a member of the Supreme Court which ruled in favor of the Pauley family which brought the suit (originally known as Pauley vs. Bailey). The Supreme Court said the state's edu-

cation system was not thorough and efficient as required by the State Constitution. That ruling led

### Coming Up

Challenge West Virginia is conducting public hearings on school bus transportation times. We'll have a full report of those hearings in our next issue.

We'll also have information about The Better Schools Bill, which would limit times children can be on buses and which would place the School Building Authority under legislative oversight.

to Recht's 1982 review of the case.

The Gazette reported that McGraw said he didn't want anybody in his office using his name to represent people if "it was against the best interest of children."

Attorneys for Gov. Cecil Underwood, Senate President Earl Ray Tomblin and House Speaker Bob Kiss asked Recht to dismiss them as defendants in the lawsuit.

The judge refused, saying he wants to keep all branches of government involved so they can try to work together to devise a solution.

"In my mind the only way to do that is to have everybody part of this suit," Recht said.