



The Challenge

June 2000



School finance case still not resolved

Negotiations to settle the Recht Decision haven't broken off, but an agreement still hasn't been reached in the historic 26-year-old school funding case.

Hopes were high the case could be resolved when lawyers agreed to negotiate on April 3. Judge Arthur Recht postponed a scheduled hearing and recessed future hearings

until Aug. 1 to give attorneys time to reach an agreement.

"Even though we didn't get it done the first week, we're still meeting and we're still trying to work things out," Kitty Dooley, a lawyer for the State Department of Education told the Associated Press.

"I believe we're close," Dooley said. She would not

discuss details of the talks but said she believes the settlement hinges on "detail items, not major issues."

If the lawyers are unable to resolve their differences by August, they may file for an extension, she said.

The case, originally known as Pauley vs. Bailey, began in the 1970s when Lincoln County parent Janet Pauley sued, claiming

the state was not giving her children an adequate education. The case was dismissed, then reinstated by the state Supreme Court in 1979.

In 1982 Judge Recht ruled that the state's education system and its funding formula were unconstitutional. The decision said that the state's 55 county school systems relied too much on money generated from property taxes.

A year later Recht approved a 244-page master plan drawn up by the state Department of Education, which was to serve as a blueprint for future legislative action. The Supreme Court reviewed the plan in 1984 and 1987 and stated that the plan should be implemented.

Charleston attorney Dan Hedges, who filed the original lawsuit, reopened the case in 1995, saying the state still had not met the criteria called for in the court decision.

The West Virginia Education Association joined the lawsuit as a plaintiff in 1998.

Please turn to page four

New Challenge Chapter



Residents of Monongalia County formed Challenge West Virginia's eighth and newest county chapter at a meeting in May. Some chapter members are shown with Jenny Selin, second from left, seated, the fellow for Monongalia County.



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:

Linda Martin	Beth Spence
801 Gordon Drive	58 Frontier Road
Charleston, WV 25303	Alum Creek, WV 25003
304-744-5916	304-756-9191
LBM94@aol.com	bandb58@aol.com

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

Developing habits, hearts and minds

With the resignation of Superintendent Hank Marockie, the State Board of Education has an opportunity to be the voice of equity and adequacy for our children. It is time that educational policy be based on information, not politics and personalities.

During the last decade, 323 schools have been closed in the state, and the next 10-year facilities plans have just been completed. Those plans propose to close many more schools, most at the elementary level. This direction has been pursued even in the face of research that shows it to be a big mistake.

A large body of research shows that for school children, bigger clearly isn't better. The studies show that students learn more and better in smaller schools (the larger the school, the lower the students' achievement levels), students are more satisfied and fewer drop out. Students have a higher participation in extracurricular and leadership positions in small schools. Small schools have higher family and community involvement.

Research conducted by Craig Howley of Ohio University and Robert Bickel of Marshall University shows that as school size increases, student achievement decreases. They concluded that the poorer the community served, the smaller a school should be to maximize the school's performance as measured by standardized tests. That affects a large number of students and communities in the state. The West Virginia Kids Count research reports that child poverty in the state has grown by 62 percent since 1980 and by 1995 stood at 30 percent. Forty-five of West Virginia's 55 counties have poverty rates that exceed the national average of 20.8 percent.

Students behave better in smaller schools. Research shows there is less disruptive and violent behavior, substance abuse and addiction, and vandalism and theft in small schools. A study by the New Jersey Schools Boards

Association found that size was the most important predictor of school violence. James Allen Fox, a national crime expert and former dean of Northeastern University in Boston, speaking before a symposium on school violence at West Virginia University, said the most effective strategy for preventing school violence is to limit school size.

Currently, West Virginia operates the most expensive school busing system in the United States. Yet the costs of closing schools and busing children to larger schools outside their communities is not added into the costs of building large schools.

According to *Newsweek* magazine, the University of Chicago favors college applicants from small towns. Officials of the highly respected university say that "small-town kids tend to be well-developed as individuals." Dr. George Wood, in his book "A Time to Learn," describes the mission of schooling as "helping young people develop the habits, hearts and minds that will make them good citizens."

If the language of "developing young minds, hearts and bodies" sounds familiar, it is because those words were used by West Virginia Supreme Court justices when they ruled for the children of the state in the Pauley vs. Bailey case nearly 20 years ago. The state Board of Education and state politicians haven't come close to following the letter of this law, much less the spirit of the law. It is time they do so.

As a mother of three children who have graduated from our school system, I still dream that West Virginia will right its education system for my grandchildren and yours. It is time to break the cycle of bad policy and poor schooling in our state.

– Linda Martin

This 'n that from around the state

• The State Board of Education has given interim superintendent David Stewart the authority to reorganize the state Department of Education and address education issues, but board members say they have not abandoned a search for a permanent superintendent. School Board president Cleo Mathews said the board hopes to have a permanent superintendent by June 30. Stewart has not indicated if he will apply. State law requires that the state superintendent post be filled in a full-time capacity after a resignation or vacancy.



• Independent gubernatorial candidate Denise Giardina has done some research on the cost of buying and operating school buses. In an article in *The Charleston Gazette*, Giardina said it costs \$48,000 to buy a school bus and \$45,000 a year to maintain it. “West Virginia’s small schools, particularly grade schools, are the heart and soul of our communities,” she writes, suggesting that readers compare the cost of buying and maintaining a bus with the cost of a teacher’s salary.

• *The Dominion Post* of Morgantown has joined the *Charleston Gazette* in expressing outrage over former Superintendent Hank Marockie’s requests to pad his retirement benefits by adding unused vacation time and sick time to his time served. Wrote the *Dominion Post*, “We figure he owes the state only one thing. He owes the state only the sound of his office door closing behind him on the way out. His financial wranglings have caused the state school system enough embarrassment. If he wants another dime of this state’s money, let him pay for his own lawyer and try to get it. West Virginia is done paying Hank Marockie.”

• A federal grand jury is looking into Marockie’s use of public and private money, state school officials told *The Charleston Gazette*. *The Gazette* reported that Marockie’s longtime secretary testified for several hours before a grand jury in April. Federal investigators also have subpoenaed hundreds of records from Marockie’s office, including day planners. State Superintendent David Stewart said he is telling employees to tell the truth.

• Mason County voters overwhelmingly rejected a \$25 million school bond in the May primary. The bond was to have financed improvements to the county’s three high schools. Small schools supporters also lost their majority on the county board of education.

• Meanwhile, Kanawha County voters approved a \$27.5 million bond to make improvements to St. Albans and George Washington high schools.

• The State Department of Education will not approve Lincoln County’s plan to consolidate all county high schools except Harts, Superintendent Peggy Adkins told *The Lincoln Journal*. The *Charleston Daily Mail* reported that the county school board changed its mind about facilities, “perhaps illegally.” The board rejected a plan to consolidate all four high schools into one 1,210-student 9-12 school, choosing instead to keep all four high schools. A week later, the board voted to adopt the plan to consolidate Duval, Guyan Valley and Hamlin while keeping Harts High School. The problem, according to state officials, is the board failed to hold a public hearing and it didn’t put the new plan out for public review.

Challenge WV Chapters	
Preston County Jana Freeman Aurora, WV 304-735-3411	Lincoln County Thomas Ramey, Jr. Harts, WV 304-855-3930
McDowell County Eddie Harman Caretta, WV 304-875-4202	Ritchie County Patty Deak Ellenboro, WV 304-869-3462
Webster County Cindy Miller Hacker Valley, WV 304-493-6369	Logan County Christine Spaulding Madison Creek, WV 304-752-6056
Harrison County Paul Hamrick Clarksburg, WV 304-622-5664	Monongalia County Jenny Selin Morgantown, WV 304-598-9650



Challenge West Virginia

A program of Covenant House, Charleston, WV

Linda Martin
Education Coordinator
801 Gordon Drive
Charleston, WV 25303

Beth Spence
Rural Coordinator
58 Frontier Road
Alum Creek, WV 25003

Non-Profit Organization
US Postage Paid
Permit 2673
Charleston, WV 25301

Public hearings are for the public

During the recent public hearing on the 2000-2001 budget for Harrison County Schools, school parking lot paving – in excess of \$220,000 – was approved, while requests for painting of classrooms were denied or given “if time permits” approval.

Judge Recht’s decision detailed school facilities and stated that “they should be in good repair and attractively painted.” The 1995 West Virginia Department of Education’s Handbook on Planning School Facilities (Standards for Existing Facilities) states that “all school must be attractively painted and illuminated in a manner which most effectively contributes to an environment of visual accuracy and comfort.”

Harrison County voters, like voters in many other counties, consent to be taxed more heavily with an excess levy to provide necessary funds for facility maintenance as needed. This 2000-2001 budget is more than \$800,000 more than last year’s, the excess levy provides the total budgeted \$850,000 for facilities maintenance, but yet paint for classrooms gets only an “if time permits” approval.

The School Board provided a copy of this budget to the public library and it was available for public review at the county office for ten days prior to the announced public

hearing. But there was only one person from the general public in attendance to voice concerns over the proposed budget and proposed expenditures. Public review, public hearings and public schools avail themselves to the public, but it seems we pass on the opportunity to participate and leave it up to the other guy to decide what is best for our children.

We have many teachers, principals and parent volunteers that are to be commended for painting their own classrooms with their own money and on their own time. We cannot continue to neglect our responsibility to provide an attractively painted school. We should not allow any school board to neglect our classrooms and get it done “if time permits.”

–**Paul E. Hamrick, Fellow**
Harrison County Chapter
Challenge West Virginia

Finance case. . .

WVEA lawyer William McGinley said that a resolution “is probably closer than it’s ever been,” but “when you get down to the nuts and bolts, there are a lot of details to work out.”