



The

# Challenge

September 2000



## Agreement reached in funding case

An agreement has been reached in the historic Recht school funding case, but attorneys, legislators and education officials still are debating what it means.

Judge Arthur Recht signed the order on August 1, resolving the portion of the lawsuit designed to improve schools.

The Associated Press reported that the order lends the court's approval to the way the state Department of Education has been operating schools for the past few years. The order says the state's education system should be based on

policies established since 1983 by the Legislature and the Department of Education, according to the AP.

Columnist Tom Miller said what the order means is that Recht has effectively thrown in the towel on his landmark decision "to overhaul the state's public school system."

"... the bottom line is that the Legislature and state Department of Education will continue to muddle along with uneven public school funding as they have been doing since Recht first dropped his bombshell in 1983," Miller

wrote. "So shed a tear for the once-exciting Recht decision that offered the promise that every child in this state could be assured of a 'thorough and efficient' education guaranteed by the constitution. It's now been discarded for the more mundane 'business as usual' approach that has served us so poorly in the past."

Michael Farrell, a special assistant to the attorney general who represented the West Virginia Board of Education, said the critical element is that the 1984

Master Plan for Education has been vacated "and the Department of Education's system of rules are now the law."

State Department of Education officials said the order requires that schools be judged by test scores, facilities and attendance rather than by the resources they receive.

But Dan Hedges, the attorney who brought the lawsuit, told the *Sunday Gazette-Mail* that state officials have misinterpreted the 10-page order. "There's either a deliberate attempt not to follow through on the order or there's total incompetence," he said.

Hedges brought the suit in 1975 on behalf of Lincoln County parent Janet Pauley, who believed that her sons were not receiving an adequate education. In 1982 Recht handed down a decision in which he found that the state did not provide an equal education to all students. In particular, Recht found problems with school funding, saying the state relied too heavily on money generated from

## Rural Trust Policy Director to keynote fall Conference

Challenge West Virginia will hold its second annual "Our Communities, Our Schools" conference Saturday, October 7, from 10 a.m.



Marty Strange

to 4 p.m. at the Cedar Lakes Conference Center near Ripley.

Marty Strange, director of the Policy Program for the Rural School and Community Trust, will deliver the keynote address. The Rural School and Community Trust is a national group whose mission is to strengthen rural schools and communities.

Marty Strange, who has always made his home in rural America, was a founder of the Center for

Rural Affairs in Walthill, Nebraska, one of the most respected rural organizations in the nation. Marty served as the organization's program director for 23 years.

His book, *Family Farming: A New Economic Vision*, is one of the leading critiques of industrial agriculture.

Marty received nat-

Please turn to page four

Please turn to page three



## 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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# This 'n that from around the state

- The West Virginia Board of Education has named David Stewart permanent state superintendent of schools. Stewart has filled the position on an interim basis since former Superintendent Hank Marockie resigned in March. He will make \$146,100, the maximum allowed by state law. The new superintendent said his goal is "to provide every child with a quality education."



- Earlier in the month Stewart told state educators he supports public preschool for four-year-olds, reducing class size to an 18-1 student-teacher ratio, bringing arts education back into the curriculum, introducing foreign languages at the middle school level, raising teacher salaries and stretching employment from nine to eleven months.

- West Virginia students are making major gains on standardized tests, but they perform poorly when compared to children from similar families, a study for the Rand Corporation concluded. West Virginia ranked 47<sup>th</sup> in the study's state-by-state comparison of achievement by students from similar family backgrounds, according to a report in *The Charleston Gazette*. In terms of raw scores, the state's students were 30<sup>th</sup> overall on national math and reading tests conducted from 1990 through 1996. "You probably could be doing better, but you are showing gains," David Grissmer, the study's principal author told *The Gazette*. Grissmer found that students who performed well on the national test came from states with strong public preschool programs, small class sizes and satisfied teachers. West Virginia has one of the lowest public

preschool participation in the nation.

- Admitting he violated the state Ethics Act, former state schools Superintendent Hank Marockie paid a \$1,000 fine and reimbursed the state \$227 for personal phone calls. An examination of records by *The Charleston Gazette* showed that Marockie made at least 1,700 personal calls on a state calling card and another 389 from his office during the past four years. Those calls add up to about \$1,200,

*The Gazette* reported. Under state law, the only ethics violations that can be investigated are those which occurred during the past year. Marockie declined to say whether he would reimburse the state for the other calls. The \$1,000 fine is the maximum that can be issued by the Ethics Commission.

- The Putnam County Board of Education has raised the county's excess levy rate from 95 percent to 100 percent of property values. This is in addition to a bond school officials have proposed, which would allow them to proceed with a consolidation plan to close Buffalo and Poca high schools.

- Lincoln County Assistant Schools Superintendent Charles McCann retired in August, following the takeover of the county system by the state. McCann, a former superintendent, was in charge of personnel. Abuses in the county's hiring practices were targeted by the state Board of Education prior to the takeover. Last year McCann paid a fine for an ethics violation that involved hiring practices for an afterschool program.

# Debate continues over meaning of order

property taxes, which resulted in children from poorer counties failing to receive the same educational benefits as children from counties with larger tax bases.

The following year Recht approved a 244-page Master Plan, which detailed what schools should look like and what should be taught in them. Hedges reopened the case in 1995, arguing that the state had failed to implement the plan.

State officials say the new ruling means that school evaluations now will focus less on what goes into schools and more on what comes out of them.

“We should assess our students,” State Superintendent David Stewart said. “And where students are not performing well, we need to ascertain why they’re not performing well. If they don’t have the capacity to correct that, the state board has to inform the Legislature that more funds are needed.”

Hedges says schools still will be judged in part by resources, which include textbooks, equipment and supplies. He said state officials must determine whether classrooms have sufficient space and ventilation, whether science labs have enough microscopes, whether computer labs have up-to-date equipment.

Kenna Seal, executive director of the state Office of Education Performance Audits, said auditors already cite schools for insufficient equipment and supplies. But he told the *Gazette-Mail* his office would revise its policy in order to provide a more comprehensive examination.

Hedges said state officials who commented on the agreement also failed to mention that Judge Recht’s order calls for changes in the state’s standardized testing program. He told the *Gazette-Mail* the order calls for a “value-added” approach to testing that won’t single out schools with a majority of low-income students.

He said schools whose test scores improve, even though they remain below the 50<sup>th</sup> percentile, won’t be punished. However, schools with traditionally high scores could be cited for declines.

The *Gazette-Mail* reported that Hedges and the state education officials will return to the courtroom on

September 18 to address the funding issues.

Recht said it’s up to the Legislature to create a plan to fund local school systems. He said he does not have the authority to dictate how schools are funded, but a second ruling could be issued related to funding.

Hedges wants more money for schools. House Speaker Bob Kiss said the Legislature is likely to reject the settlement if it requires increased funding, according to the AP.

“We’ve made it clear from the beginning that we’re not in a position to increase the level of funding,” Kiss said.

Senate Education Committee chairman Lloyd Jackson agreed that the Legislature might not be able to come up with more education funds. “The people of West Virginia can’t pay much more than what they’re paying,” he said.

“They know what the needs are,” Hedges responded. “They just need to come up with the money to do it.”

## Endangered School



The building housing Adamston Elementary School in Clarksburg, Harrison County, was built in 1919 as a high school and named Victory in honor of the men whose sacrifices helped win World War I. Today the school serves 269 students from grades pre-K through 5. Adamston students maintain a 94.1 percent attendance rate and meet or exceed county and state averages on standardized tests for grades 3, 4 and 5. The brick driveway in front of the school was provided by the local School Improvement Council to provide a safe, off-street, dropoff and pickup area for students. Funds were raised by selling bricks that were engraved with names of veterans and school alumni. Current plans call for Adamston to be closed and merged with North View and Wilsonburg Elementary schools in a new K-5 school which would have more than 750 students.



# Challenge West Virginia

*A program of Covenant House, Charleston, WV*

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**Our Communities, Our Schools • October 7, 2000 • 10 a.m. - 4 p.m.**

## Fall Conference . . .

ional Common Cause's Public Service Achievement Award and the Rural Sociological Society's Distinguished Service to Rural Life Award. He was named by a panel of scholars and journalists commissioned by the Lincoln Journal Star as one of the 100 people who most influenced the course of the state of Nebraska in the 20<sup>th</sup> Century.

He is a trustee of the Vermont Land Trust and the Winthrop Rockefeller Foundation. Marty lives with his wife, Annette Higby, and their son, Benjamin, in Randolph,

Vermont. Cost of the conference is \$10 per person, which includes the cost of a lunch meal. If you wish to attend, please fill out the form on the right and return it with the \$10 registration.

O v e r n i g h t accommodations are available. The Conference Center has lodge rooms at a cost of \$54 per night; motel rooms at \$40 per night; and dorm rooms at \$12 per night. You can make arrangements for these rooms by calling 304-372-7860. For more information, contact Linda Martin at 304-744-5916.

### Register now for the Challenge WV conference!

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Send completed form with \$10 registration fee to:

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For overnight accommodations, call the Cedar Lakes Conference Center at 304-372-7860. Lodge rooms are \$54, motel rooms are \$40 and dorm rooms are \$12.