

West Virginia School Board Association (WVSBA) Matters Regarding Public School Reform in West Virginia 2019 1st Extraordinary Session West Virginia Legislature May 23, 2019

“A teacher presents the past, reveals the present, and creates the future.” - Anonymous

The West Virginia School Board Association (WVSBA), an organization representing the state’s 55 county boards of education and 275 elected county boards of education members, has carefully observed and, in many instances, actively participated in discussions regarding public school reform in our state. Accordingly, WVSBA’s executive leadership and our members strongly believe West Virginia students deserve well-researched, carefully-crafted and finely-implemented public education reform measures - measures that will result in both demonstrable short- and especially long-term differences in student achievement.

We observe as others, many of the public education reform discussions in which we have participated and, more importantly, most public education reform measures we have seen can be summed as sleepy, simply minor statutory or regulatory fixes - policy Band-Aids if you will - rhetorically glamorized and marketed as serious public education betterment. West Virginia students and certainly our citizenry deserve public education reform not, as stated, education policy “Band-Aids.” These measures must continuously be outed as merely short-term fixes for many aspects of our public schools which appear to be shattering due to factors such as student enrollment declines, an aging population and an economy characterized by pockets of growth throughout the state but not the state as a whole.

Accordingly, WVSBA believes that an overall three-pronged approach to public education reform is necessary:

- First, many county boards of education members, county superintendents and school administrators clearly state West Virginia’s Public School Support Program (PSSP) or state school aid formula is “broken.” We urge the Legislature to commission a study which, among other components, would determine the actual cost to educate students in our state, based, in large part, on a comprehensive review of how public education funds are both derived and distributed in other states, especially in terms of how these states both define and ensure equity between and among school districts and schools. These findings, along with other relevant indicators collected from a review of the PSSP may, indeed, serve as *the* framework for creating a revised if not wholly different methodologies for school funding in West Virginia. Although incremental, certain provisions contained in Senate Bill 451 should be adopted by the Legislature during the 2019 1st Extraordinary Session relating to public education reform. These measures include the proposed “floor” for county boards having less than 1400 students; additional moneys for counseling and other “wrap around” services as well as the freeze and/or reduction in the amount of local share “counted against” county boards.

- Secondly, West Virginia’s public school accountability system should be redesigned to assure our communities, students, parents and, of course, public education practitioners, are adequately represented in the development of any subsequent recommendations to implement public education accountability measures - measures which will truly demonstrate progress our schools are making in terms of educational results. If significantly reformulated in terms of the intent and scope of duties both Innovation Zones and Local School Improvement Councils can serve vital roles to ensure our public schools and students achieve. The rub, of course, is that without adequate funding for our schools, parental and community commitment to schooling and strong curricula and instructional practices, anchored by continually enhanced pay for our teachers, Innovation Zones, even if reframed by removal of existing restrictions and requirements for their establishment, will become much as they are - underutilized, stranded if not overlooked change agents which can usher continuous public school system reforms at both the school and district levels. The same is applicable to LSICs.
- Finally, careful review of school personnel statutes is in order. However, any resultant recommendations must not displace our public school educators’ freedom and ability to provide meaningful and engaging instruction.

WVSBA is very interested in participating in and helping shape discussions for real, long lasting educational reform in West Virginia. Our state Constitution requires the Legislature to provide “a thorough and efficient system of free schools.” We believe a strong public education system- a system focusing on the education of all children provides the foundation for state to succeed on so many levels, whether it be fighting our state’s Opioid Epidemic or diversifying West Virginia’s economy.

In presenting this position paper, we have no particular pride of authorship. We, however, retain pride relating to the serious thought, time and effort having gone into the development of the paper.

Accordingly, you will find it necessary to read the entire document in order to glean its tone, the urgency by which our 19 recommendations are made, and the sincerity of our approach, namely a desire not only to participate in public reform efforts at the state and local levels but also, working with others, to make serious contributions which will result in significant public education reform.

The association recommends:

West Virginia’s public education reform contextual environment.

Considerations:

- *The association welcomes deregulation from a historically massive compendium of state laws, policies and regulations but such deregulation must be taken though a deliberative approach*
- *The West Virginia Department of Education’s Final Report West Virginia’s Voice proves instructive for school reform efforts both in terms of its*

*process and the resulting recommendations but must not be considered in finite terms as **the** prompt for school reform*

- *Public education reform is a continuous endeavor. In addition to action during the 2019 1st Extraordinary Session legislative interim meetings should be used to discuss various school reform aspects or proposals*
- *The West Virginia public education system is often characterized through the lens of a series of quantitative studies, marking the state's school system as rock-bottom or near rock-bottom. Although having value, these studies prove delimited because of their narrow focus - a focus devoid of textual considerations which shape schooling in our state*



1. Historically, West Virginia's public school system has been centralized. While historians, political theorists, even linguists and others debate the "reasons" for centralized state educational policy, the resulting con-joined legislative/state Board of Education approach is under-girded not only by state-level laws, policies rules and regulations but also a strict state-wide approach to funding West Virginia public schools (Public School Support Program [PSSP] or state school aid formula), a significant statewide approach to school construction (School Building Authority of West Virginia [SBA]), broad brush school personnel laws undergirded by a highly-settled statewide grievance process, adjudicatory rulings and court rulings, and curricular and instructional objectives whose efficacy for student progress is "graded" through highly-structured testing and assessment mechanics. That the state Board of Education and Legislature continually pronounce a willingness to depart from state-level policy pronouncement is one thing. To accomplish such responsibly is another. Indeed, due to state-level policy setting and directives little capacity has been developed locally for county school leaders to assume certainly immediate or short-termed decentralized policy leadership for county schools. The association welcomes attempts to deregulate public education but encourages the Legislature and state Board of Education to settle upon a deliberative approach as itemized in Recommendation 11 empowering school districts to work for "primacy" through assuming heightened accountability for results, especially in terms of student achievement or performance.
2. The West Virginia Department of Education's Final Report West Virginia's Voice <https://wvde.us/edvoices/> is instructive, providing a series of mostly "real-time" recommendations for public education reform in West Virginia. Indeed, many of these recommendations were bandied in the 2019 regular session and previous legislative sessions. Report recommendations, however, cannot be given short shrift even if influenced by factors such as participants' affiliations, participants' purported "agendas" or process limitations. Indeed, the inclusive process, which led to development of 42 discrete recommendations, was significant, providing a safe harbor voice for various (predominately public education constituencies) to explore and develop education reform objectives. Viewed comprehensively, especially in light of Senate Bill 451 and its considered exclusivity, *West Virginia's Voice* illustrates the well-noted principle the process often has import tantamount to the product itself. Based largely on its process,

West Virginia's Voice provides a significant “starting point” or authentic dynamic for various public education constituencies to discuss school reform proposals. The report and resultant recommendations, however, cannot be considered finite regarding school reform in West Virginia.

3. While many public education reform objectives as noted above can be achieved during the legislature’s 2019 1st Extraordinary Session, public education reform must be viewed as a continuous endeavor. The association strongly urges legislators to utilize legislative interim meetings for discussing public education reforms with the admonitions these sessions, in order to be constructive, must be devoid of public education interest group victimology lamentations.
4. If viewed from the basis of strict statistics as encased in a plethora of studies - studies often funded by organizations having discrete ideological or, usually, partisan goals and objectives for shaping public education - West Virginia fares poorly in terms of its public educational student achievement outcomes as compared with other states or locales. Yet, in reading one of these reports, including the customary catalog of dismal findings or histrionic conclusions, he or she will have read them all. Although valuable in providing quantifiable descriptors for our state school system, a school system is a dynamic, organic enterprise influenced by myriad factors, including economic, socio-demographic and cultural considerations. Finally, most of these reports are dumped in the state without enumerated recommendations or curatives for improving our schools - an assured blessing because, as noted above, many reports are laden with the writ large biases of their sponsoring organizations or, most particularly, their funders. Notwithstanding the value state comparative reports may provide concerning various aspects of West Virginia educational outputs, the wise policymaker realizes school reform is a dynamic endeavor shaped by numerous internal and external factors.

School Employee Salary Enhancements

Consideration:

- *The Legislature can provide enacting legislation to provide school employee salary enhancement*
5. WVSBA notes only the legislature can provide enacting legislation for providing school employee salary enhancements.

Matters Regarding Funding of Public Education in West Virginia

Considerations:

- *The association calls upon the Legislature to commission a comprehensive study of the state’s Public Support Program and resulting school funding considerations. This study must be independent of the state Board/Department of Education among other entities, although that entity will inform the report through various data*

- *Senate Bill 451 considerations made during the Legislature’s 2019 Regular session and similar proposals can or should be considered during the Legislature’s 2019 First Extraordinary Session*
 - *Both the 2012 Education Efficiency Audit of West Virginia’s Elementary and Secondary Schools and the sequestered Balanced Governance: Improving Educational Performance & Fiscal Efficiency / Report of the West Virginia Board of Education’s Commission on School District Governance and Administration (2014) serve as prompts for consideration of funding efficiencies in addition to probable modifications to the state’s PSSP.*
 - *The state’s county unit system of schools, established in 1933, is worthy of review in terms of adequacy as a methodology for structuring schools and in terms of funding adequacy, although such a review must be taken without biases based on seemingly ideological or political considerations*
 - *Without considerable clarification as to intent or inherent details for such, a block grant approach or component to school funding proves exceedingly problematic in terms of concept and implementation*
6. Based on recommendations generated at the eight West Virginia Department of Education’s *West Virginia’s Voice* forums, discussions related to educational funding, including that of the West Virginia Board of Education School Finance and Funding Committee, and many of the components of Senate Bill 451 itself, WVSBA has taken the position a comprehensive study of West Virginia’s Public School Support Program (PSSP) is necessary to address what may be described as structural deficiencies in the PSSP. Indeed, when conversing with many local officials, one often hears the PPSP, in the least, has antiquated provisions or that it may become or has become “broken” in various respects. To examine these and other state school funding needs, this study must be holistic. As underwritten by the Legislature, this independent study of state funding needs should be conducted by external researchers and must not become an “assignment” handed to the state Department of Education. As informed by state-level policy-makers, county board officials, representatives of various public education constituencies as well and business and other interest, the study should entail a comprehensive review of public school funding in West Virginia, examining existing PSSP adequacy or capacity to address the impact of issues arising due to the state’s declining student enrollments, discrete needs of county boards in terms of needed educational services, including so-called “wrap-around” services aimed to ameliorate ill effects of the state’s Opioid Epidemic and its residual effects of students staff and matters such as county board excess levies. Moreover, the study should compare the actual cost of educating West Virginia students and the amount of funds the state provides to county boards to ensure a thorough and efficient public education system (West Virginia Constitution §ARTICLE XII-12-1). Additionally, the study should compare West Virginia’s PSSP constructs for allocating funds to the state’s 55 school districts vis-à-vis that of other states and locales. Finally, the study should include various short- and long-term recommendations to address its findings.
7. In order to addressing more immediate fiscal matters affecting county boards, several Senate Bill 451 provisions should be implemented during the Legislature’s 2019 1st Extraordinary Session: The proposed floor for county boards having less than 1400 students; the addition of funding for

counseling and other “wrap around” services as well as the freeze and/or reduction in the amount of local share counted against county boards.

8. Both the 2012 Education Efficiency Audit of West Virginia’s Elementary and Secondary Schools and the sequestered Balanced Governance: Improving Educational Performance & Fiscal Efficiency / Report of the West Virginia Board of Education’s Commission on School District Governance and Administration (2014) serve as prompts for consideration of funding efficiencies in addition to probable modifications to the state’s PSSP. The state Board of Education report, which the board has sequestered for the past several years, provides a roadmap for placing student achievement as an objective to be addressed, through ensuring county superintendents assume, to the degree possible, an “instructional leadership” role rather than a decided “mixed role” of management and instructional leadership. The approach, admittedly not easily achievable, would entail external entities (collectives) to assume some if not many managerial functions partly to end administrative duplication between and among county boards. That concept is not new. As Gov. Earl Ray Tomblin pronounced in the 2013 State of the State Address, “...Over the past 30 years we have seen a 26 percent decrease in student population. I believe the community, especially parents, should always have access to locally elected officials who oversee their schools. But that does not mean we can and should provide all the current administrative overhead to each of our 55 county school boards. We must become more efficient.” Links to both reports are included on WVSBA’s website - http://static.k12.wv.us/tt/2014/commisononschoolgovernance_report.pdf This is the link to Gov. Tomblin’s remarks: <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2013/02/13/west-virginia-state-of-the-state-address-2013>
9. The state’s county unit system of schools, established in 1933, is worthy of review in terms of adequacy as a methodology for structuring schools and in terms of funding adequacy. Given persistent declines in student enrollments and a state economy characterized by pockets of economic growth, an aging population, the state’s Opioid Epidemic and its deleterious effects on public schools and school personnel, continuous study should be undertaken regarding how to strengthen county school districts. The association, however, discourages studies of the efficacy of the county unit system prompted by overtly ideological or political considerations.
10. Any notion for establishing a block grant approach or component to school funding in West Virginia must be considered within the contexts of Recommendations 6 and 7. Simply put, this concept, depending on the definition of block grants and several other considerations such as the purpose(s for which) these funds could be utilized, requires considerable study.

Public School Decentralization

- *Existing laws allow for decentralization based on Innovation School Districts which, based on consistency in terms of innovations, could achieve “primacy” or considerate leeway for deregulation through sustaining escalating levels of student achievement as underscored by school district embrace of heightened accountability for results*

- *The Legislature is encouraged to assemble a public education stakeholder committee to develop a school district accountability “pathway”*
- *Use of Innovation Zones to engender public education innovation, especially sustained innovation, requires considerable deliberative considerations, including thorough review of current restrictions and requirements for establishing Innovation Zones, stakeholder support for innovation Zones and requisite funding. Innovation Zones, in and of themselves, are limited in terms of prompting public education reform*
- *Local School Improvement Councils (LSICs) are woefully under-utilized as agents for public education innovation*
- *District school leadership capacity is the make-or-break for systemic public school reform success. Existing educational leadership development programs should be abandoned for more expansive public school leadership induction and training*
- *Legislators must exhibit the courage to address what may amount to the mischief and misadventures of the state’s home schooling set-up as undergirded by spates of state law consistent in terms of providing loose standards and regulations of this public education enterprise*

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11. Serious efforts to decentralize public education can be initiated through existing legislation establishing Innovation School Districts Act (§18-5B-13) / <http://code.wvlegislature.gov/18-5B-13/> This 2014 legislation (House Bill 4619) was adopted unanimously by the Legislature and approved by the governor. If rewritten to reclaim its original intent, the statute allows county boards to accomplish flexibility and deregulation over a period time eventually gaining degrees of system primacy, based on consistency in terms of innovations which must sustain escalating levels of student achievement as underscored by school district embrace of heightened accountability for results.
 12. As a free-standing recommendation to accomplish heightened of heightened accountability for student performance, WVSBA encourages the legislature to establish a committee comprised of citizens, legislators, educators, and business and industry representatives to explore development of an education accountability “pathway.” The “pathway” should focus on continuous improvement of schools and districts in West Virginia. In that the school is the locus where students learn, districts must assume responsibility to monitor performance of individual schools and provide, along with other agencies, needed resources for improvement. At the very least, the plan must: identify acceptable levels of performance for all schools and districts; address processes for monitoring performance progress; provide direction and procedures for building capacity; and outline consequences for unacceptable levels of performance.
 13. Largely as a curative to ward the hex of charter schools, public education constituencies widely embrace Innovation Zones. If we aren’t careful, this “cheap grace” approach anoints Innovation Zones as salvific for public school innovation and progress. Just taking a brief tour through the history of Innovation Zones, one first realizes the Innovation Zone concept became consolation for defeat of a charter schools proposal offered during the ill-fated 2010 public education reform session. Innovation Zones can prove of exceeding value in terms of school reform if state-level policy makers - literally the state Board/Department of Education - provide adequate guidance and oversight devoid of its considerate regulation, if adequate state resources are provided to support Innovation

Zones, if existing requirements for the establishment of Innovation Zones are removed, if county boards (or county superintendents particularly) provide state support for Innovation Zones and, most importantly, if public school professional educators themselves work to embrace Innovation Zones success.

14. Local School Improvement Councils (LSICs) are woefully under-utilized and can provide direct community input to school decision-making as decentralization occurs.
15. District school leadership capacity is the public education issue least-discussed in terms of public education reform all the while being the make-or-break for systemic public success. Current efforts for public school reform require the development of a statewide, regional (Education Services Cooperatives [ESC]) and local emphasis on educational leadership development. The state Board of Education, state Department of Education and the state School Administrators are strongly urged to abandon current efforts to develop public education leaders through what is billed as an “induction endeavor.” WVSBA supports a more comprehensive approach characterizing leadership development as an ongoing endeavor including both a practitioner basis as well as theoretical underpinnings and multi-disciplinary components. A broadly-developed model designed to develop county educational leaders is paramount due to impending retirements of school principals and central office administrators. This leadership development also should include components for development of professional educator leaders at the school level.
16. Legislators must exhibit the courage to address legislation which may lead to misadventures in terms of the state’s home schooling set-up as undergirded by spates of state law which have proven consistent in terms of providing loose standards and regulations regarding home schooling. The home schooling conversation always begins with “Many home-schoolers home-school students for the right reasons...” The association, while acknowledging and certainly supporting that dictum, also adds this prefatory stanza: “The people of this state, while assuredly embracing the obvious value of home-schooling, must ensure home-schooling statutes, policies, rules and regulations do not result in a compromises to home-schooled students’ education, maturation and social development through environments which may hamper these realizations.

School Personnel Statutory Considerations

Considerations:

- *School personnel laws are worthy of review but only with a carefully-constructed, long-term approach. Rather than viewed from a vantage of **deconstruction***
- *Teacher Empowerment: That dictum is often placed in the parlance of “teachers just want to teach.” Professional educators should provide context and elaboration regarding this concept*
- *As county educational conditions change, should school personnel laws adapt to those changes through embracing customized employment practices?*

17. School personnel laws are worthy of review but only with a carefully-constructed, long-term approach. Rather than viewed from a vantage of **deconstruction**, these laws must be considered within terms of how or why these statutes were enacted and, in response to this analysis, whether modifications in these statutes or their outright abolition proves credible or will better teaching or school service personnel proficiencies. Any wholesale abandonment of these laws (a considerable skein of the laws) is literally impossible in the short-term due to intertwining tapestries of various under-girded precedence - grievance processes, court decrees, adjudicatory rulings. To excise these laws leaves county boards at a loss, especially in terms of administrative leadership capacity to address what would be emergent school employee personnel issues requiring county board to address. Moreover, these laws provide school employees certain protections and, finally, school personnel laws, as reviewed or modified, must ensure public educators' abilities to provide meaningful and student-engaged instruction.
18. Teacher Empowerment: That dictum is often placed in the parlance of "teachers just want to teach." That is fair enough and that statement often references cumbersome paperwork, innocuous local and state policies and stifling demands impinging or outright judging teacher competence. There are two additional considerations: Will teachers identify statutory constraints (school personnel sections of law) which hamper professionalism? And, are teachers, working with LSICs or other structural configurations, willing and able to assume greater accountability for school leadership?
19. As county educational conditions change, should school personnel laws adapt to those changes? This is another consideration. Indeed, should teachers, under primacy considerations for Innovation School Districts as outlined above, seek to customize employment practices to these emergent realities?

Who (Will Get to) Carry the Voice for Public Education?

In terms of public education reform, the actual issue West Virginia faces is one of who will (get to) to speak for public schools. In answering that question, West Virginia policy-makers must abandon efforts to reform public education simply by relying on antiquated models of reform. It appears many state-level policy-makers, often armed with aforementioned "dismal reports," are vociferous in support of proposals, however meritorious, which may be delivered in a seeming stick-in-the-eye fashion, prompting fomented tizzies from institutional public education interest groups, including this association. No matter the sincerity of each of the parties identified above, defensiveness abounds. Indeed, public education interest groups seemingly perceive their status as de facto spokespersons for schooling in West Virginia questioned if not on the line. This begs the question: Do public education interest groups, fearing what could be lesser levels of influence, use those considerations as prompts to denigrate discussion of a wide-range of public education reforms which might benefit our schools - even decidedly controversial proposals?

Being on the “correct” or status quo end of public education policy has and will serve legislators well in terms of political longevity: Certainly, legislators need sponsors and sponsors need legislators.

To a great degree, politicians’ embrace of public education policy incrementalism is seen as a means to prevent unrest among the monolithic public education establishment and, thus, is viewed as a staple for political career longevity, given the influence of many public education groups.

Through election of a new legislative political party majority, West Virginia’s political landscape has and is changing. Politicians having or maintaining historic ties with established public education interest groups are finding themselves having to respond or maybe wrangle with issues or notions to reform schools which – just a few years ago – would never have surfaced as serious legislative discussion fare.

Likewise, many legislators or state-level policy-makers having historically “avoided” considerate affiliation with public establishment groups embrace legislative proposals whose cloistered, stealth emergence may catch peer lawmakers off-guard, engendering an environment of extreme suspicion - suspicion which may overshadow the purpose, merit and intent of their proposals, prompting not only defensiveness but also assuring public education status quo. Can’t elected politicians do better? That is neither the question nor the answer: As elected public education officials or state-level policymakers, our true constituents are our students. We all must do better.

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On behalf of the West Virginia School Board Association (WVSBA) Executive Committee

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