

Despite recession, new schools remain in CIP

Budget includes \$50 million for 2 elementary facilities

By MONA CASTEEL

Despite declining enrollment and difficult economic times, Shenandoah County Public Schools plan to build two new elementary facilities by 2016.

The proposed new schools, budgeted at \$50 million, are part of a \$55 million capital improvement program revealed a week ago. Un-

less the economy improves, however, there is little likelihood that the schools would be built.

Before the recession and while the local building boom was at its peak, jobs were plentiful, particularly in the construction trades, and school enrollment here was on the rise.

During the past two years, however, more than 1,000 jobs have been lost and construction projects are few and far between. Many of those who came here seeking employment, particularly Hispanics who flock to the building trades, have been forced to leave the community in search of work.

The loss of jobs has translated into declining student population.

The proposed new elementary schools, one to be built near the northern campus and the other in or near Woodstock, were initially to be built in 2010 and 2012.

A month after the July 2008 announcement that the schools would be built, the school board chairman said the projects would be delayed.

Said Chairman Gary Rutz at the time: "We are not proceeding with school construction at the present time."

County supervisors seemed elated at that an-

ouncement. Though supervisors authorized the school board to acquire land for the new schools, the two boards are believed to have crafted an agreement to delay school construction while supervisors moved forward to finance a new courthouse and renovation of the former Safeway Store building to house human services agencies.

At the time, supervisors agreed on three issues: They supported the concept of two schools and they agreed on the search for land, but they wanted to put off building until economic con-

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Toilets, doors to cost million

Old school locks no longer usable

By MONA CASTEEL

Shenandoah County Public Schools are about to spend nearly a half million dollars to replace an appliance many local residents still insist is not necessary in this low crime neck of the woods: door locks.

And if taxpayers are not adequately moved by the proposed \$450,000 cost of replacing locks and doors at three elementary schools, they might want to know that school officials also want to replace the partitions that divide commodes in school toilets, a project they say will cost another \$620,000.

Imagine what school administrators might want to buy if the country were not mired in recession.

The lock and door replacements and the rest room partition projects are planned over the next three years.

Members of the county school board were told last week that new locking systems and replacement doors at each of the elementary schools would cost \$150,000.

Should the school board sign off on the plan, the doors and locks will be changed at Sandy Hook Elementary in the 2011-12 school year. They would be replaced at W.W. Robinson the following year and at Ashby Lee a year later.

Board Chairman Gary Rutz questioned the cost of the new locks and doors.

Maintenance Supervisor Gene Dykes said too many keys "are floating around," thereby compromising security. Existing locks, Dykes added, are old, and finding replacement parts is becoming increasingly difficult. New doors are needed to accommodate the suggested new locking hardware because, he told the board, "You can't redrill them."

The school system must convert the doors to improved accessibility for individuals with disabilities according to the Americans With Disabilities Act, Dykes said.

New doors cost \$295, and new locking mechanisms are \$225. Each elementary school, said Dykes, has 220 doors. The \$150,000 project at each school will cover the cost of materials plus labor.

Middle schools' doors will

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Former streambed



Dave Stickley/The Free Press

John Ricketts, 75, shows the location on his Fort Valley property where an all-weather stream once flowed. Ricketts sued his neighbor for relocating the stream and won a verdict last week.

The case of a vanishing stream

Prominent developer must restore it to original path

By DAVE STICKLEY

A prominent Shenandoah County developer has been ordered to repay his Fort Valley neighbor \$7,500 for bulldozing the man's backyard and relocating a stream that formerly ran through the property.

Building contractor Douglas M. Boyd was harshly criticized in a decision reached

Friday by Shenandoah County Circuit Court Judge Dennis L. Hupp.

Hupp called Boyd's actions "inconsiderate and irresponsible but also quite high-handed and even arrogant."

Added the judge of Boyd: "He should have known better than to conduct himself this way."

Hupp awarded \$7,500 in compensation to the victim

of Boyd's trespassing on the Fort Valley property in the summer of 2007. Boyd and his wife, Tracy, a co-defendant in the case, also will face another hearing to determine how much they will have to pay in punitive damages, or punishment.

Boyd has been ordered to re-route the small stream, which has no name, so that it runs on its original course back through his neighbor's yard.

The victim of Boyd's actions, meanwhile, said he is hanging his hat on the hopes

that Hupp will award significant punitive damages. He said Boyd owns millions of dollars worth of property in Shenandoah and Warren counties, as well as in Colorado. If there is little monetary punishment against Boyd, he said, "there is no justice in this case."

John B. Ricketts, 75, said he has spent approximately \$100,000 in legal fees, as well as counseling due to stress brought on by the legal battle, since beginning the court

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Train tracks to nowhere

By DAVE STICKLEY

Is there any hope that the largely unused railroad track in Shenandoah County will spring to life and trains will start chugging up and down the Valley again?

Apparently not. Two weeks ago, in what is believed to be an unprecedented move, a railroad crossing in Shenandoah County was paved over. The crossing, leading into the Shenandoah County Landfill north of Edinburg, was blacktopped to improve what government officials said was a bumpy trek across the track.

If ever there was an admission that rail traffic in central Shenandoah County is dead, at least in the short term, paving over a train track would be it.

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Tonja Stickley/The Free Press

A pickup truck passes over asphalt applied recently over the Norfolk Southern Railway tracks on Landfill Road, north of Edinburg. Jerry Copp, administrator of the local Virginia Department of Transportation residency, says the crossing is the first in his long career VDOT has paved over. The rail line has not been used for years.

Schools await funding decision

Money intended to save jobs

By MONA CASTEEL

Shenandoah County Public Schools officials hoped to learn this week how much funding the school division will receive as the result of Congress's recent decision to release billions of dollars to save education jobs.

The \$10 billion bill will allow Virginia public schools to share \$248 million to support teaching positions in the upcoming school year. The allocations will be distributed to states based on population. States can distribute their funding to school districts according to their own primary funding formula or a relative share of federal Title I funds. Title I programs help lower-income children referred to as "educationally deprived."

The money is part of the American Recovery and Reinvestment Act that already has helped save more than 300,000 education jobs. President Obama signed the new bill into law a week ago.

Local Schools Superintendent Keith Rowland said Monday that details of the program were not yet available.

"We are unsure as to the amount that will be coming to us as well as the regulations as to how the funds can be spent," said Rowland. "I am hopeful this information will be forthcoming this week."

According to U.S. Education Secretary Arne Duncan, the money must be applied to salaries and benefits of teachers, principals and support staff. It cannot be used for

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Rallying around poor kids

By MONA CASTEEL

Thanks to the generosity of Shenandoah County residents, local children will have lots of school supplies when classes resume in September.

Paper, pencils, pens and notebooks have been contributed by the busload for use by children of low-income parents during the upcoming school term.

Organizations and individuals ranging from banks to churches to the county sheriff have collected school supplies during much of the summer and have delivered them to county schools.

The contributions will help complete the lists of required supplies for students from kindergarten through the 12th grade whose families struggle to meet their children's educational needs. And in a county where job losses are significant and the number of public

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4 of 9 county schools fail to make testing mark

Superintendent not surprised at scores; tells board progress is being made

By MONA CASTEEL

Based on testing, five of nine Shenandoah County public schools achieved adequate yearly progress, a benchmark of the federal No Child Left Behind program.

Overall, however, the school system failed to achieve adequate yearly progress as mea-

sured by test results.

Though four schools failed to achieve the benchmark, the school system improved over students' test results of the previous year when only four schools reached AYP.

The goal of the AYP program is for 100 percent of students to become proficient in basic studies by 2014 in order to con-

tinue receiving federal funding for education.

Schools failing to achieve AYP for two consecutive years are considered "in need of improvement" and are subject to state department of education intervention.

All three Shenandoah County high schools, one middle school and one elementary school reached AYP status.

Schools Superintendent Keith Rowland told the school board last week that the test

results came as no surprise.

"It's still a challenge for us," Rowland said. "This (report) comes with no surprises, and it's what we always deal with... yet we have made some significant improvement. We did not necessarily achieve AYP, but there were successes."

The full report of scores will be presented at the September school board meeting, he said.

The AYP scores will prevent each school from being listed as fully accredited. School accreditation ratings

reflect student achievement on Standards Of Learning assessments and other tests in English, history/social science, mathematics and science. Ratings are based on the achievement of students on tests taken during the previous academic year and may reflect a three-year average.

Adjustments also may be made for students with limited English proficiency and for students recently transferred into

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Local schools await word on federal funding to save jobs

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compensation for district-level employees such as superintendents and department directors.

"The purpose of the law is to give funds for teachers at the local level to benefit students in the classroom," Duncan

has said. "If states and districts are not meeting the intent, we will challenge them."

Duncan said his department is structuring the fund to allow "maximum flexibility" for school districts with options such as rehiring or recalling laid-off teachers.

In light of that allow-

ance, Rowland's administration may look at hiring workers for jobs it announced a few months ago would not be filled because of a money shortage.

Local school officials developed an early retirement incentive program for the division's employees in the spring

to help balance the budget. That plan saved the school system almost \$1.9 million in salaries and benefits, Rowland said in April. It also protected 63 other jobs from being slashed.

Few of the vacant positions were to be filled, officials said. Only five of 42 positions vac-

ated through attrition and the early retirement plan were among those marked to remain vacant.

Early response to the streamlined in-class instructor prompted concern that pupil/teacher ratios would spike. Documents, however, have shown that 25 percent

of the school system's classes actually will end up with few students per teacher.

The reduced budget also included no cuts in instructional time and minimal impact on both instructional and extracurricular activities, including coaching stipends.

Developer loses court battle over streambed

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fight against Boyd in 2008.

Ricketts is seeking \$350,000 in punitive damages against the Boyds.

Hupp said in his ruling that Ricketts is entitled to such damages. The question is: How much?

"Since I have found that Boyd's conduct was reckless and willful and wanton, I believe Ricketts is entitled to consideration of an award of punitive damages. This determination will be made at a subsequent hearing," Hupp wrote.

Ricketts said the \$100,000 he has spent represents most of his life savings.

"I was motivated to pursue this even if it wasn't financially defensible," he said in an interview Tuesday. "Nobody puts control on his (Boyd's) behavior."

Ricketts said it was obvious that Boyd had trespassed on his land. But what angered him more was Boyd's reaction when confronted about the damages. He said Boyd attempted to bully him by hiring a lawyer and filing a counter lawsuit, which was later dismissed. He also said Boyd came onto his property and confronted him and his attorney and another person in a profanity-laced tirade.

The threats and legal pressure from Boyd, Ricketts said, only strengthened his resolve.

Hupp held a three-day bench trial in May and June. On Friday, he issued a five-page ruling in which he mostly agreed with Ricketts' arguments.

Boyd undertook the bulldozing while Ricketts was not at home in the summer of 1997. Ricketts lives in Arlington and is bass player in the Kennedy Center opera house orchestra.

The former owner of the property, ironically, was Boyd. Boyd sold a two-acre tract that includes the 1907 Victorian style farmhouse in 1999. The buyer was Carol Dennis, Ricketts' longtime companion. In 2002, Ricketts became co-owner of the property along with Dennis.

Ricketts used the property as a second home, a place in the country to visit on weekends. His next door neighbor is Boyd, who lives in a wooded knoll that sits well above Ricketts' property to the north. The Boyd home is not visible from the unpaved St. David's Church Road where both homes are located.

Ricketts was at his Fort Valley home the last weekend in July of 2007.

He said when he returned two weeks later, on Aug. 14, "everything had been devastated."

Ricketts said trees had been knocked down in the backyard, 3,400 feet of his grass backyard had been bulldozed and was left bare dirt, and most importantly, the stream that had run through his property for about 100 feet had been completely moved onto Boyd's property.

Boyd then erected a wooden fence so that the stream was on his property.

Ricketts said Boyd admitted nothing, other than that he bulldozed the land. And, he said, Boyd told him that he did not trespass and that the work was performed on his land. Boyd said he erected the fence to pasture his bull.

Hupp said evidence showed Boyd did trespass and did move the stream's path onto his land.

Hupp ruled that Boyd acted with "willful and wanton or reckless disregard for the rights of others."

"Removing what he thought was a division fence without even consulting with the neighboring landowner is not only inconsiderate and irresponsible but also quite high-handed and even arrogant," Hupp wrote.

"It is even more egregious to change the course of

a stream that runs along that boundary line without consulting the neighbor. I do find that Boyd changed the location of the stream. . . His offense is compounded by his own experience as a real estate developer. He should have known better than to conduct himself in this way. In addition, being a resident of Fort Valley for two decades, he certainly should have understood the importance of water to any agricultural tract."

Ricketts said that Boyd admitted no wrongdoing at the trial regarding moving the stream. That forced Ricketts and his Harrisonburg-based attorney, Brian K. Brake of the Lenhart Obenshain law firm, to call witnesses to testify that the stream has always been on the property owned by Ricketts.

Ricketts and Brake found all persons who owned the property dating to 1935. Every one, with the exception of Boyd, said the stream did run on Ricketts' land.

Brake said he believed it would be "unusual" for someone like Boyd to unknowingly relocate a stream.

"I could see how they could make a mistake like this but what shocked me was the response," Brake said. "It would be unusual, but if you did this, wouldn't most people try to fix it?"

Brake said Boyd mounted an extremely aggressive defense through his attorney, Kevin Rose of Harrisonburg. Boyd filed a counter lawsuit against Ricketts, which Hupp dismissed.

Boyd then sought sanctions, or punishment, against Ricketts for filing what Boyd deemed a frivolous lawsuit. When Brake began to question Boyd's attorney on what basis it was frivolous, the motion for sanctions was withdrawn.

In his ruling, Hupp said he did not believe that Boyd intentionally trespassed. However, that did not mitigate what he called Boyd's reckless behavior.

Ricketts, meanwhile, says he is bitter that he has had to spend his life savings to defend his property rights. He said he will continue his quest for punitive damages against Boyd and will produce evidence when that hearing is held at an undetermined date.

Equally dismaying to him, Ricketts said, is lack of help he got from police as well as the Virginia Department of Environmental Quality, which regulates streams.

Ricketts said he has spoken with Sheriff Tim Carter about Boyd's trespassing. Though he described Carter and the deputy he dealt with as polite, he said nothing was done about Boyd's trespassing. Ricketts said the first deputy he spoke with to file a complaint wondered why he wanted to file a trespassing complaint. The deputy, he said, told him that Fort Valley had its own laws.

Likewise, Ricketts said the DEQ did little to punish Boyd for moving a stream. He said that Boyd should have first been required to get a permit to take such action. Instead of penalizing Boyd, the DEQ wrote him a warning letter.

Of the DEQ, Ricketts said: "As soon as they found out Boyd had a high-priced lawyer, their attitude changed, in my mind. They ended up doing absolutely nothing."

Ricketts said there is a warning to all landowners in Shenandoah County. That someone can go onto a neighbor's property, move dirt and a stream and pay a \$7,500 fine should be an eye opener. If it can happen to him, Ricketts said, it can happen to anyone.

"I think people, especially those seeking a second home here, should know the reality of the situation if they have problems," he said. "I tried to go through the proper channels. The only thing left for me to do was file a lawsuit."

School supplies



Tonja Stickley/The Free Press

The Edinburg Christian Church this week turned over more than \$8,000 worth of school supplies to Shenandoah County Public Schools for use by children from low-income families. It was one of several such projects conducted countywide. Charlie Sine (left), president of the Men's Fellowship of the church, and Polly Wetzel (second from right), president of the Women's Fellowship, gave the supplies to Deborah Litten, Shenandoah County Public Schools student services assistant, and Superintendent Keith Rowland.

Rallying around the children

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school students qualifying for free or reduced breakfast and lunch meals inches upward, the number of children whose parents are unable to provide school supplies is on the rise.

Close to 40 percent of the 6,000 students enrolled in local public schools were eligible for free or reduced price meals during the last school year.

Area banks for weeks have set up special bins near their front doors to accept individuals' donations of school supplies. Businesses have had drives, asking citizens to add to the collections. Service organizations have adopted the school district as the beneficiary of contributions. Churches have undertaken special projects for the same purpose.

One of those churches is the Edinburg Christian Church whose women's and men's fellowships underwrote the shipping expenses for an international charity's contributions of nearly \$8,000 in school supplies.

Through their work to establish A Small Hand, a food pantry for infants and toddlers, church volunteers discovered a rich resource in Gifts In Kind International. Not only did Gifts In Kind provide some needed monetary support of A Small Hand, but it also suggested school supplies were available for local students.

The church honed in on that idea, said Bill Wetzel, a member of both the church and men's fellowship. Pallets of school supplies were there for the taking, Wetzel said, and required only payment of shipping costs.

"We found out the shipping costs were around \$580, so the women's and the men's fellowship split those costs," he said.

Gifts In Kind provides millions of dollars worth of supplies each year, Wetzel added.

When the contributions earmarked for Shenandoah County schools arrived in Edinburg, church volunteers uncovered notebooks, pens, papers, mechanical pencils and erasers by the scores.

A week ago, a small contingent of the Edinburg Christian Church met to present the supplies to school officials Keith Rowland and Deborah Litten. Rowland is superintendent of Shenandoah County School Division; Litten is the division's student services assistant.

Only a few days earlier, the Shenandoah County Sheriff's Department posted officers outside Wal-Mart in Woodstock to ask for donated school supplies. Shoppers who participated accepted lists of suggested items. When they left the store, the shoppers turned over the purchased articles to officers who, in turn, stashed them in a waiting school bus. Later, members of the sheriff's department and of the community joined efforts to fill boxes and bags. The outreach was vast.

Sheriff Tim Carter said supplies collected filled almost 430 book bags. But donations came in more than just paper and pencils, portfolios and folders: Some gifts came in monetary form.

"The response was overwhelming," said Carter. "The amount of school supplies was simply overwhelming. But we also collected more than \$1,400 in cash, and we weren't expecting that. People were really generous."

The weekend of collections, staged during a sales tax-free period in Virginia, marked the second drive for the sheriff's department. Officers assumed the task in 2009, accepting it from the Shenandoah County Department of Social Services that had initiated the collection but found the job too difficult for its staff.

While the small items accumulated, however, the officers realized that the numbers of book bags, easily the more expensive of school items, were lagging. The staff knew then how much of the money collected would be used and was able to fill its 428 new bags, said Carter.

His department's officers and community volunteers then coordinated the remaining supplies according to grade-specific items for kindergarteners through high school seniors, and Carter's staff delivered the sorted collections to the Northern, Central and Southern campuses.

Although there were ample items for filling book bags and grade-specific boxes, a few supplies remained, Carter said. Boxes of crayons, for example, could not be easily stored so they were returned to Wal-Mart for credit toward next year's push.

A few other extras were boxed up and given to other local schools including Community Christian School, Shenandoah Valley Academy and Valley Baptist Church School.

"My staff debated providing the private schools with items, but some of the things we just couldn't store and children there also could use these supplies," Carter said. "We took just a few boxes to each of those schools."

Schools remain in CIP

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ditions improved.

Since then, school officials said the schools would be built in 2011 and 2013, dates settled on after the school board spent \$2.6 million on land. A year ago, construction was suggested for 2012 and 2014.

Last week, those projections changed again. School Superintendent Keith Rowland told the board that the school projects would again be put off. In the CIP summary for five years, the elementary schools are designated "urgent," based on references to "increasing student enrollment."

In April, Rowland told supervisors during budget talks, "We are not anywhere close to building a school."

This week, Rowland reiterated that statement. Questioned about the delay shown in the CIP, he said it's a matter of money and student numbers.

"We are making the suggestion due to the state of the economy," said Rowland. "I am pretty sure we would have a very difficult time garnering much support for a construction project of this magnitude at this time. We will continue to push it back until we feel that either the growth in student population is such that we are unable to house our students (or) the economy stabilizes so that a construction project would be supported by the governing bodies."

Three years ago, 6,129 pupils were enrolled in Shenandoah County Public Schools. When school ended this year enrollment was around 6,100. A further decline would not be surprising.

Schools fail test for AYP

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a Virginia public school. Accreditation, say state officials, also may reflect a school's success in preparing students for SOL testing retakes.

Ashby Lee, a school that had twice previously failed to achieve AYP, was the only elementary to reach the mark this time. Sandy Hook and W.W. Robinson have now failed to reach AYP three consecutive years.

Signal Knob Middle School attained AYP while the other two middle schools, Peter Muhlenberg and North Fork, did not. PMMS had made AYP two consecutive years. North Fork recorded AYP two years ago but not last year.

Central High, Stonewall Jackson High School and Strasburg High School have achieved AYP three consecutive years.

4-H news

Six Shenandoah County 4-H'ers recently traveled to Rogers, AR to compete in the 45th Annual Daisy National BB Gun Championship Match. Perry Bookmyer, 15 and Abigail Morrison, 15, of Woodstock, Jordan DiPaola, 15, Taylor DiPaola, 11, Stewart Himebright, 11, and Michelle Himebright, 10, of Strasburg represented Virginia 4-H and the Little North Mountain 4-H Shooting Education Team. The team placed 25th in the nation.

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