



# The Challenge



April 2003

## McDowell citizens lose in court

A Kanawha County Circuit Judge has denied a request, by McDowell County residents, for an injunction against the State Department of Education, which would have enjoined the implementation of a massive school consolidation plan for that county.

On April 15, 2003, Circuit Judge Jennifer Bailey Walker issued the decision denying the groups' motion.

During its April 18, 2003, meeting, the State BOE voted to approve the closure plan, despite massive protests from those in attendance.

"We're majorly disappointed," Challenge West Virginia Director Linda Martin told The Charleston Gazette upon learning of the decision. "Do people in communities now have no rights with regard to their schools and what happens with their children?"

Town of War Mayor Tom Hatcher, a plaintiff in the lawsuit said the decision marked, "a sad day in McDowell County."

Once the State Board of Education seized control of the school system in 2001, state-appointed county Superintendent of Schools Dr. Mark Manchin, developed a consolidation plan for the county, which includes the consolidation of Big Creek High School, in War, and Iaeger High School, into a \$41 million plus school. Manchin, who bypasses the McDowell County Board of

Education and reports directly to the State Superintendent of Schools, has already closed Northfork Middle School and has announced plans to close Welch Middle School and Panther Elementary School.

The groups involved in the fight include Tops in Education and Big Creek People in Action.

During a February meeting of the State BOE, the groups appeared and presented the board with their written plan for McDowell County Schools. The plan, entitled "The People's Plan for Excellence" did not avoid

school consolidation. In fact, the plan called for the closure of 12 county schools.

The citizen's plan was presented in the format, which the State Department of Education and the School Building Authority require for Comprehensive Educational Facilities Plans.

The plan was sparked, in part, by the manner in which Manchin made his school closure plan, without any consultation with the community.

The groups may now appeal to the West Virginia Supreme Court of Appeals.



Challenge West Virginia, in cooperation with the Christian Appalachian Project and the Mountaineer Food Bank, recently distributed 32,000 pounds of books, worth an estimated \$250,000, to schools in Clay, Harrison, Webster, Preston, Nicholas, McDowell, Ritchie, Randolph, Fayette and Braxton counties. Book publishers included such names as National Geographic, Hyperion Books for Children and Disney Press. Challenge West Virginia Fellows Marge Bragg and Henry Baber coordinated the recent give-away. Pictured above is a scene from the event.

# This 'n that from around the state

- At least 15 county boards of education are protesting a large water rate increase proposal by West Virginia American Water. The company has asked the West Virginia Public Service Commission to approve a rate increase of 16.4 percent. The increase is calculated to bring an extra \$15.5 million per year into the coffers of West Virginia American Water. Among the county boards that have filed protests against the rate increase are Kanawha, Putnam, Mason, Webster, Roane, Cabell, Summers, Boone, Braxton and Lincoln counties. The Kanawha BOE has estimated that, if approved, the rate increase would cost it at least an extra \$86,000 per year. Putnam County estimates an increased cost of at least \$16,000 annually. West Virginia American Water serves customers in 18 West Virginia counties and is one of the largest utility companies in state history.



- The State of West Virginia has decided to reimburse the McDowell County BOE \$447,600, which it lost in a furniture purchase deal following the summer 2001 flooding that devastated the county. Former West Virginia Assistant Superintendent of Schools G.A. McClung allegedly arranged a deal with a long-time friend, Phillip "Pork Chop" Booth, in which the McDowell County BOE paid a total of \$2.3 million for the replacement of furniture, a significant amount of which wasn't even damaged by the floods. McDowell County reportedly paid up to four times more than it would have had to pay to get comparable furniture from a state purchasing contract. The men allegedly took advantage of the emergency suspension of bidding laws following the flood. McClung resigned from the Department of Education in November 2002, after reporters for The Charleston Gazette uncovered the deal.

- In response to the "Pork Chop" furniture deal, the West Virginia Department of Education is in the process of implementing stringent rules for emergency purchasing procedures. Among the new rules being implemented is a requirement that the State Superintendent of Schools personally approve any emergency purchases worth more than \$100,000. Any purchases of \$1,000 to \$5,000, made from a source other than one on a statewide contract, must be made with the consideration of at least three competitive bids. Any bids worth more than \$5,000 must be submitted by the bidder in writing. The new rule also includes a number of ethical standards.

- During its March 31, 2003, meeting, the West Virginia School Building Authority awarded more than \$60 million to county boards of education for school construction and improvements. Among the awards are another \$9 million for a new \$30 million consolidated high school in Lincoln County, \$3.9 million for a new middle school in Marion County, \$3 million for renovations at Mount View High School in McDowell County, \$6.1 million for renovations at the Buckhannon-

Upshur High School in Upshur County, \$500,000 for a proposed new high school in Doddridge County and \$500,000 for a distance learning center at Braxton County High School. The grants for Doddridge and Braxton counties are both contingent upon the passage of local bond issues.

- The Mingo County Board of Education is contemplating filing lawsuits against a number of parents who, school officials say, owe nearly \$41,000 for their children's breakfasts and lunches. Like most other West Virginia counties, Mingo now requires students to charge instead of carrying lunch money each day.

- The Kanawha County BOE has abandoned plans to consolidate Marmet and Chesapeake elementary schools. The decision is the result of the School Building Authority's denial of a request for a \$5.5 million grant to fund construction of the school.

- Ten West Virginia school systems have received a "What Parents Want" award from an education consulting firm called School Match. The counties receiving awards are Brooke, Cabell, Harrison, Jefferson, Kanawha, Marion, Monongalia, Ohio, Putnam and Wood.

- The School Building Authority is opposing the Preston County Comprehensive Educational Facilities Plan, because, according to the SBA, the county already has too many K-8 schools. A Preston County community group is working on plans for another such school in the county. Some residents believe the SBA would like to have only one grade school to serve the entire county.

- Federal education officials have approved West Virginia's education accountability plan under the "No Child Left Behind Act". Many supporters of small community schools are concerned that students may be bused long distances if their schools fail to meet standards.

## Group fights Marsh Fork closure

A Raleigh County citizens' group has renewed its court battle to keep Marsh Fork High School open.

The group, Citizens Preserving Marsh Fork and Clear Fork Communities, is suing the Raleigh County Board of Education, alleging that the board in reaching its decision to close the school violated state laws and regulations.

In April 2002, Raleigh County Circuit Judge Harry L. Kirkpatrick, II, issued an injunction against the BOE, which enjoined them from closing the school. Judge Kirkpatrick found that the board's closure documents was legally insufficient and the public hearing was held in violation of the West Virginia Open Governmental Proceedings Act

(the "Sunshine Law"). Kirkpatrick ruled that Marsh Fork could not be closed due to the effect of the insufficiencies.

After the injunction was issued, the Raleigh BOE appointed a committee to revise the closure documents. In December 2002, based upon the revised documents, the board again voted to close the school. A second public hearing was not held.

The group believes that, even after the revisions, the closure document remains inadequate.

The flaws in the closure plan include the omission of demographics data and enrollment numbers, among other things, which state law and policies require.

"It's just amazing, but the board of education just will not do the process right," said the group's

attorney, Barry Bruce, during an interview with The Beckley Register Herald.

During the 2003 session of the West Virginia Legislature, House Speaker Bob Kiss offered to allocate \$250,000 in the state budget to the Raleigh BOE specifically to help in paying the costs associated with continued operation of the school. The BOE rejected Kiss' offer.

The board maintains that closure will save it \$495,000 per year, but the group believes that figure to be flawed because the board failed to consider such factors as the cost of removing asbestos from the building.

## Taylor County bond levy passes

Taylor County voters have approved a bond levy in the amount of \$10.9 million.

The Taylor levy proposal is the first to pass in West Virginia in quite some time.

In recent months, bond levies in Logan, Putnam, Grant and Lewis counties have failed.

In Putnam County, a \$20 million bond proposal was defeated last November.

Logan County voters defeated a \$6.5 million bond levy in February. That levy would have contributed \$5.5 million to match a proposed \$14 million grant from the West Virginia School Building Authority for use in building a new consolidated high school for students from Harts in Lincoln County and Chapmanville in Logan County.

The Logan County bond proposal would have used the remain-

ing \$1 million for upgrades at county athletic fields and the installation of new air conditioning systems and new computer labs in several grade schools.

The Lewis County levy was worth \$3.9 million.

The bond levy proposal in Grant County lost by a mere 15-vote margin. That levy would have been worth \$2.49 million.

Monongalia County is hoping to pass a \$50 million bond levy during an election, which is currently scheduled for October 4, 2003. The Monongalia County levy includes plans for a new Cass Elementary School, a new Westside Elementary School and a new University High School in Morgantown.

If the Monongalia County levy passes, \$25 million will be used for the University High School construction, \$7.5 will go

to Cass Elementary School and \$5 million will go to match a \$2.5 million SBA grant for the construction of Westside.

The Monongalia County BOE is working hard to pass the levy. Several open forums are being held in the county in hopes of gaining community support.

Since 1938, Monongalia County voters have passed only four out of 10 bond proposals.

The Taylor County levy will contribute a little more than \$3 million to a proposed SBA grant in the amount of \$2.75 million for the construction of a new consolidated grade school, which is planned to combine Hepzibah and Pruntytown grade schools into one new school building.

# The Challenge

The Challenge is published monthly by Challenge West Virginia, a statewide organization committed to maintaining and improving small community schools.

Challenge West Virginia's goal is to reform education in West Virginia so that citizens have a voice in policy decisions and every child has the opportunity to receive a first-class education and the promise of a bright future.



# Challenge West Virginia

*A program of Covenant House, Charleston, WV*

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