



The Challenge



April 2005

"Bloody hammer" slowed by Kanawha ruling



Kanawha Judge Paul Zakaib continues stay on Mingo school case, following attorney Jim Lees request.

The "bloody hammer" of school consolidation came before a Kanawha County court again on May 2nd. It was put away, at least until July, with Judge Paul Zakaib refusing to lift a stay on the state's mandate to build a consolidated school in Mingo County.



Charleston attorney Jim Lees (left) representing three Mingo board members and other citizens, told the court it is illegal to move ahead with construction on a piece of property the school board does not own.

During the hearing, Judge Zakaib raised the question about state officials negating the constitutional power of an elected school board, which is supposed to represent the will of Mingo County citizens.

Gov. Joe Manchin, who favors preserving community schools, has said "I will make sure we are not using the bloody hammer of the pocketbook of the School Building Authority" to force consolidation.

Following the hearing, Mingo Board President Bill Duty said "I commend the judge for doing what he did. Who among you would move ahead when you don't own the land?"

State board Vice President Lowell

Johnson said he was saddened by Zakaib's ruling. "These kids need a school," he said.

Now, the State Board of Education is taking the case to the Supreme Court.



Consolidation proponent Dr. James Endicott (left) angrily points finger at a Mingo senior saying "Where's your brain? Where's your brain?" Board President Bill Duty (right) said "Who would build on land you don't own?"



Retiring state school superintendent Dr. David Stewart (left) appeared disengaged in the courtroom battle. Mingo school board member and coal miner, Mike Carter (right) has run up \$16,000 in legal fees following frivolous ethics charges brought by Dr. Endicott.



"I'm frustrated. I'm mad. I'm tired of the lies and the manipulation," said Dee Kapourales, a Mingo County board member who supports the consolidated school.

Dr. James Endicott, a board member favoring consolidation, angrily confronted a Mingo senior citizen outside the courtroom, shaking his finger and asking "Where are your brains? Where are your brains?"

Dr. Endicott filed a frivolous ethics

charge against board member Mike Carter, who opposes the consolidation project. The charge has cost Carter nearly \$16,000 in fees from his own pocket. Carter, a coal miner, said "This consolidation deal is not about educating our kids. It is about big buildings and long bus rides."

Carter said "If anyone thinks this is about saving the taxpayers money, they're crazy."

Retiring State Superintendent of Schools David Stewart declined to comment following the hearing, although he maintains school consolidation has been good for West Virginia students.

Lees argued that his clients could be held financially liable if the coal company backs out of the real estate agreement. He said he was unsuccessful in getting the coal company donating the land to respond to inquiries, "much less to appear and give testimony."

Lees said he wants to know if the State Board of Education exceeded its authority when it seized control of Mingo County schools.

Kelli Talbott, Deputy Attorney General, argued that the delay will bring "irreparable harm to the state" if the project does not move ahead by May, stating the proposed site would not be available until 2007. She cited work the company wants to do now on the proposed site.

The State Board of Education, taking over the Mingo system for a second time, has ordered Williamson, Burch and Matewan high schools closed with the building of a new consolidated high school on Red Jacket Mountain.

The schools were constructed during the 1970s and 1980s.

Currently, there is no access road to the proposed school, a distance of ten miles from a state highway. The school is linked to the construction of the King

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Visit Challenge West Virginia at www.challengewv.org

Surely, there is value in the small



The conference was attended by dedicated rural schools advocates

During the National Rural Education Working Group Conference in Charleston WV this April, it was apparent that those attending, from one end of America to the other, wanted to talk about simple things, valued things.

There were workshops, meetings and caucuses, but there was much more.

Thornton Wilder's "Our Town" reminds us that rural people think a lot about their families, the universe, the eternal. They can see the starry sky, the milky-way and beyond.

They can see each other.

Urban people, so it seems, are forced to think more about themselves, living in faceless cities geared to rapid-transit lives. We don't hold that against them.



Challenge WV members presented a workshop at the annual conference.

Conference folks talked about their kids, their villages and towns, their neighbors, and the essence of community life - a place called home, connected.

They talked of their fear that the world is spiraling away from such a place, their four-year-old children facing long bus rides of one-and-one-half hours each way, traveling to humongous costly cookie-cutter buildings, far removed from community.

In West Virginia, Sen. Brooks McCabe, a real estate developer wants "economies of scale" applied to rural government, saying the state must become more "globalized." He likes that word.

When community or county govern-

ments default or are eliminated, their school system goes with it. Bigger is better, more efficient, cost saving, the power brokers say. Those antiquated systems are hold-overs to horse and buggy days. Unworthy.

But, surely there is value in the small.

With fewer people spiritually connected to their place of origin, it may be easier to give up roots, community, and connectedness. The census folks say the average family is moving and changing job sites about every five years.

In this maddening environment, rural schools advocates hold close to the values of home and community, while many politicians give lip service.

They know what works best for public education.

They know what works best for their children.

They know that political and corporate power often takes away from the smaller.

They know that their fight is worthwhile.

They seek to breathe life into our schools and communities, holding them close to their bosoms, like some clutch to diamonds and pearls.

That was what the conference was about.

Power and big bucks underscore school consolidation



Linda Martin of Challenge WV tells Mingo board member and consolidation supporter Dr. James Endicott (left) "I know you're a smart man. Why do you ignore all the research that community schools educate kids much better?" Mingo Board president Bill Duty (center) looks on.

It has been over a year since House Education Chairman Jerry Mezzatesta became outraged with Linda Martin, coordinator of Challenge WV, while she was testifying before his committee.

Mezzatesta, often described as "brash, ego-driven and arrogant," called Challenge WV's busing bill "bogus." The no cost busing bill would have slowed wholesale consolidation of West Virginia schools and eliminated future long bus rides.

When Mezzatesta refused to allow the committee to vote on the busing bill, the diminutive Martin said, "Voters will remember you on election day."

Further angered, he told Martin it wouldn't be her vote that would put him out of office. He then called capitol security, saying that Martin had threatened him.

Twenty-one Challenge WV fellows continued to give testimony about children who have long bus rides and the dozens of studies that say children perform better in small community schools.

Martin was not arrested.

Since then, Mezzatesta has been charged with numerous offenses, was removed as chairman of the powerful education committee, and has been voted out of the legislature.

Now, Mezzatesta has been indicted by a grand jury in Hampshire County on a charge of false swearing under oath. He has also been fired from his school board job.

After the State Ethics Commission found no wrongdoing regarding his double-dipping, the commission changed its mind, and the legislature has even

revamped the agency.

Martin has continued to challenge bogus statistics provided by state education officials regarding long bus rides, and questioning the unfairness of House Finance Chairman Harold Michael, who killed the busing bill during the last legislative session..

The busing bill, introduced by Gov. Joe Manchin and widely-supported by legislators, would have effectively put an end to wholesale consolidation of WV schools.

"West Virginian's have been getting madder and madder over rough-shod decisions of state education officials," said Martin, and even more outraged by legislators who sack public funds."

Martin said Chairman Michael has been funneling millions of dollars to his home county like a "drunken sailor." The house leadership has been giving him personal discretion on millions of education dollars. Even State Superintendent David Stewart went on record, saying he had no idea how Michael's education money was to be used.

See Power and big bucks...on Page 3

State's judgment called into question

In what seems to be a reversal, State Superintendent of Schools Dave Stewart has advised Lincoln County schools there is a problem with the county's comprehensive plan, indicating it could result in the financial destruction of the school system.

The state board has mandated school consolidation in Lincoln County, in some areas creating bus rides of one-and-one-half hours one-way.

School board president Carol Smith said she is encouraged that Stewart wants the plan reviewed and agrees that the state-mandated plan will likely "bankrupt" the county school system.

The state's consolidation plan actually

increases footage, in a time when student enrollment is going down.

The Lincoln Journal said "The Lincoln plan has been a disaster from the first day. It will cost more money and lose students to neighboring Kanawha and Logan counties."

Since the state takeover, the Journal asked "Why did it take four years to figure out why adding footage ... will increase the costs?"

A turning point in the consolidation battle occurred when a State School Board member during a public hearing, responded to a parent from rural Lincoln County who was concerned about her child's bus ride of nearly one-and-one-

half hours. The state official said "Well, I guess you'll just have to move closer to the school."

The Lincoln plan currently calls for the consolidation of four Lincoln schools into a new \$35-\$50 million dollar high school at Hamlin.

State-appointed superintendent William Grizzell admitted "There is no question it is a problem ... the long-range projection for the rest of the plan (beyond the new Hamlin school) is poor."

Meanwhile, local officials are holding public meetings to look at alternatives to keep some students in community schools.

Mezzatesta indicted and fired

Three days after Jerry Mezzatesta was indicted on a charge of lying under oath, he was fired by the Hampshire County Board of Education.

The indictment is related to statements he allegedly made and gave in a sworn affidavit. Those statements said that he had never solicited any grants for the Hampshire County Board of Education, for which he worked.

Those grants, which were to have been used by the Hampshire school system, are also under investigation by federal officials and others. Some educational grant money went to fire departments in the county.

Following a long silence and some official muzzling in public meetings, the Hampshire County Board of Education fired him after a marathon executive session.

The board voted unanimously for his removal.

Mezzatesta has refused to pay a fine issued against him by the State Ethics Commission, and other allegations are

being investigated by federal officials.

The State Board of Education has stopped short of taking over the Hampshire system, ordering them to return \$35,000 in grant funds.

The money was supposed to have been used for a sheltered workshop, but some of it went to seven fire departments.



Currently, Mezzatesta's next door neighbor, Del. Harold Michael (Democrat) of Hardy County (pictured left) is under scrutiny for funneling millions of education and taxpayer dollars to his district, using the powerful chairmanship of the House Finance Committee. (See earlier Challenge story.)

Michael reportedly supported the closure of the Circleville School in Pendleton County, creating a troublesome bus ride over the mountains to Franklin. The school site is now the Harold Michael Community Center.

After Michael said he would never

apologize for bringing home the bacon to his county, Challenge WV fellow, Thomas Ramey said "It rings like a repeat performance, referring to Mezzatesta, at least in unfairness."

Power and big bucks

Continued from page 2.

Michael said he makes no apology for "bringing home the bacon." Challenge WV fellow Thomas Ramey asked "Whatever happened to fairness in spending taxpayer money? He is the entire state's finance chairman, not just Hardy County's."

Michael is being supported by Speaker Bob Kiss, who told the media that good politicians help their constituents.

Kiss said Michael has done nothing unethical or illegal.

Kiss made the same defense for Jerry Mezzatesta.

Bloody hammer

Continued from page 1.

Coal Highway, a project whose completion day is uncertain and is touted to bring development opportunities to the mountaintop mining site.

The School Building Authority has said they will give the county \$18 million to build the school, which could cost between \$60 and \$70 million, including

construction, site preparation and roads.

The Mingo board has been given agreements or letters of intent from Poca-hontas Coal Company and Nicewonder Contracting to donate about 60 acres of stripped mining land, after the coal has been extracted.

The state board also cited a recent audit

by the state Office of Education Performance Audits that found "extraordinary circumstances" in curriculum, facilities, finance, leadership and compliance in Mingo County, although the system is still under the management of the state's appointed superintendent Brenda Skibo.

Zakaib is scheduling a hearing on the case for July 7 and 8.

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 the Mountain State 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 of Charleston, WV
600 Shrewsbury Street
Charleston, WV 25301-1211

Non-profit Organization
US Postage Paid
Permit No. 2673
Charleston, WV 25301

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Challenge West Virginia County Contacts

Boone County

Nina Ball
(304) 369-5339

Braxton County

Sue Clifton
(304) 765-2994

Calhoun County

Dianne Weaver
(304) 354-6183
dianne@hurherald.com

Clay County

Marge Bragg
(304) 286-2655
ijram98@hotmail.com

Fayette County

Carolyn Arritt
(304) 484-7919
Carritt-McCune@citynet.net

Greenbrier County

Carla Persinger
(304) 392-9842
cpersinger@frontier.net

Harrison County

Paul Hamrick
(304) 622-5664
LITCCHC@aol.com

Jefferson County

Paul Burke
(304) 876-2227
NumbersInstitute@juno.com

Lincoln County

Thomas Ramey
(304) 855-3930
tprameyvw@hotmail.com

Logan County

Craig Manns
(304) 855-4925
cmwv2001@yahoo.com

Marshall County

Frank Longwell
(304) 232-1093

Mason County

Darrell Hagley
(304) 743-9451
DEHagley@WMCconnect.com

McDowell County

Marsha Timpson
(304) 875-3418
marshatimpson@hotmail.com

Mineral County

Brenda Stonebraker
(304) 446-5429
bstonebraker@hotmail.com

Mingo County

Mike Carter
(304) 426-4226
hiech@hotmail.com

Monongalia County

Jon Frist
(304) 292-9599
jon.frist@us.army.mil

Morgan County

Andy Andryshak
(304) 947-5664
andy.peace@frontiernet.net

Nicholas County

Robin Kelly
(304) 649-5932
RocknBirdy@hotmail.com

Preston County

Jana Freeman
(304) 735-3411
Janaf11@hotmail.com

Putnam County

Tim McCoy
(304) 586-9823
timothy.mccoy@pb.com

Raleigh County

Lorelei Scarbro
(304) 854-1016
candlelight29@aol.com

Ritchie County

Patty Deak
(304) 869-3462
pdeak@dot.state.wv.us

Roane County

Eric Rogers
(304) 655-7134
rpeskid98@yahoo.com

Webster County

Cindy Miller
(304) 493-6369
KCACMiller@juno.com

Challenge WV Coordinator

Linda Martin
(304) 744-5916
LBM94@aol.com

Send comments or articles for "The Challenge"

Contact Editor Bob Weaver
HC 65, Box 120
Mt. Zion WV 26151
email dianne@hurherald.com
fax 304-354-6183