



# The Challenge



August 2004

## Lincoln residents appeal case to WVSCA

A Kanawha County circuit judge's decision to dismiss a school consolidation lawsuit arising from Lincoln County has been appealed to the West Virginia Supreme Court of Appeals.

The lawsuit was filed last year by a group of Lincoln County parents, seeking to stop the consolidation of the county's four high schools into one.

Earlier this year, Kanawha County Circuit Judge Charles King dismissed the lawsuit and allowed construction of the new school to begin.

The Lincoln County plan calls for the consolidation of Duval, Hamlin, Harts and Guyan Valley high schools. Students in the Harts area

would be given the opportunity to attend a new high school located in the Logan County community of Chapmanville.

The plan was developed shortly after the West Virginia Department of Education seized control of the county's school system in 2000.

The parents believe that the consolidation will adversely impact their children's education by causing bus rides of up to two hours for some students, among other serious problems.

Challenge West Virginia is working hard to help the Lincoln County residents in their fight. Challenge facilitated a small schools conference in Lincoln County in late July.

Challenge brought in representatives of the Rural School & Community Trust and the Ford Foundation to work with the Lincoln County organization. The Rural School & Community Trust is working primarily in Nebraska, Mississippi, Vermont and West Virginia at this time and is a strong advocate for small community-based schools.

The State Supreme Court is expected to decide whether to hear the appeal after it returns from its summer recess in mid-September.

If the court accepts the appeal, the parties will be allowed to file briefs on the legal issues presented in the appeal and take part in oral arguments before the court.

## Mezzatesta booted from education committee chair

Embattled House of Delegates member Jerry Mezzatesta (D-Hampshire County) has been removed from the chairmanship of the House Committee on Education after county school boards and community groups from around the state brought pressure to bear upon House Speaker Bob Kiss (D-Raleigh).

In addition to Mezzatesta's removal, the West Virginia Ethics Commission has reopened its investigation of the delegate's conduct on a number of issues including allegations that he manufactured back dated documents to support his

claims of innocence. The Mezzatesta case marks the first time that the commission has ever reopened an investigation that it previously dismissed.

The Kanawha County Prosecuting Attorney's office is also investigating the matter and the Legislature is conducting an internal investigation.

Specifically, evidence has been uncovered which shows that Mezzatesta may have fabricated a letter to State Superintendent of Schools David Stewart in order to get himself out of "hot water."

Two versions of the same letter

have been uncovered in the investigations. The text of both letters match exactly, however, they both have different dates and are printed on different stationary. One type of stationary didn't even exist on the purported date it was written.

The letters can be viewed on the Internet site of a new community group called West Virginia Wants to Know. The group's website is located at [www.wvwantstoknow.com](http://www.wvwantstoknow.com).

Legislative investigators seized the hard disk drives from a number of computers used by staff members

See Ethics on Page 3

Visit Challenge West Virginia at [www.challengewv.org](http://www.challengewv.org)

# This 'n that from around the state

• In an unusual turn of events, Hampshire County Superintendent of Schools and staunch Jerry Mezzatesta supporter David Friend sent a letter to the founders of a community action group called West Virginia Wants to Know, requesting the group's financial records under the West Virginia Freedom of Information Act. The only problem with Friend's letter is that the Freedom of Information Act is only applicable to governmental bodies and not private associations, groups or companies. West Virginia Wants to Know has been instrumental in bringing the Jerry Mezzatesta scandal into the limelight. Friend has defended Mezzatesta from the scandal's beginning. Friends' defense of Mezzatesta included making an affidavit which is reported to be the subject of a false swearing investigation by the Kanawha County Prosecuting Attorney's office. The group's co-founders, Tifney Terry and Wanda Carney say that, although they are under no legal obligation to do so, they will provide the requested information to Friend.



• Parent volunteers in Kanawha County are being required to pay the Kanawha County Board of Education \$55 and be fingerprinted before they can help out at their children's schools. Additionally, anyone who plans to volunteer more than five hours per week will have to submit to a tuberculosis test. The fee is purportedly to pay the costs associated with criminal background checks on parents. Of the \$55 total fee, \$20 is for a background check by the West Virginia State Police and \$35 is for a background check by the Federal Bureau of Investigation. Parents were not notified about the new policy until the start of this school year. Kanawha administrators say the policy was developed after a parent volunteer at Herbert Hoover High School had sexual contact with a student. However, there is no indication that a criminal background check would have "red flagged" the volunteer. After great pressure from parents, the Kanawha County board is expected to revisit the policy at its next meeting.

• Approximately one half of the annual standardized tests administered last year to students in Wyoming County were destroyed by the testing company without ever being graded. Out of the 2,096 tests sent in for scoring, 1,070 were destroyed. The testing company, CTB/McGraw Hill, says the destruction was a result of a mistake.

• School administrators in Lincoln and McDowell coun-

ties reported to the West Virginia Board of Education this month that both school systems are steadily improving. The State Department of Education took control of Lincoln County schools in 2000 and McDowell County schools in 2001. Each time officials from those counties report to the state board, they say things are improving. The superintendents of schools in both counties were hired by the state board without any consultation with the local boards.

• Also in McDowell County, plans are in the works for a community health center at Mt. View High School. The Tug River Health Association plans to staff the facility with a physician, a nurse and a dental hygienist. Students will be able to receive health screenings, eye exams and dental care. The project is expected to cost approximately \$294,000 and will be funded with a grant from the State of West Virginia.

• A school facilities controversy is erupting in Marshall County. A coal company there, Consol Energy, Inc., has made an offer to purchase property from the Marshall County Board of Education. The 10-acre parcel of land is located adjacent to Sherrard Junior High School. The mining company wants to construct an air ventilation shaft on the property. The company says the shaft will also consist of a conveyor belt for moving coal from an underground mine to the Ohio River. Opponents of the plan believe that noise from the shaft's operation will disturb the school's students. The opponents have also voiced concerns over the potential for air pollution. Consol is also seeking permission from the Marshall County board to begin a longwall mining operation underneath Sand Hill Elementary School. The company has offered the board an "inconvenience fee" to cover the costs of busing Sand Hill students to another school in the county when mining begins. The fee will also purportedly cover the costs of erecting temporary structures at the other school to house Sand Hill students for at least one school year. The company says it wants to mine 650,000 tons of coal under the school and expects revenues of approximately \$20 million from the operation. The longwall operation could cause the school building to "drop" approximately 32 inches and could cause major structural damage. It is not clear whether the company will agree to construct another school if that happens.

• The Putnam County Board of Education is planning to buy land near Buffalo Grade School for \$74,000, but school officials say they have no expansion plans.

# ETHICS

---

of the House Education Committee. In an August 10th press release, House Communications Director Stacey Ruckle insisted that the hard drives were not “seized” by investigators, but were given up voluntarily.

Ruckle’s state-funded press release is not the first attempt by legislative officials to defend Mezzatesta.

Speaker Kiss and House Finance Committee Chairman Harold Michael have both issued press releases in Mezzatesta’s defense.

Since the beginning of the controversy, Kiss has steadfastly maintained his support for Mezzatesta, however, Kiss buckled under pressure from county commissions and county boards of education across West Virginia.

In each county where a public body considered a resolution against Mezzatesta, the proposal was approved, with the sole exception of

the Fayette County Board of Education.

In that case, Fayette BOE member and Challenge West Virginia Fellow Carolyn Arritt moved for the passage of the anti-Mezzatesta resolution.

Arritt’s resolution met stiff resistance from the “powers that be” in Fayette County.

The president of the BOE and the superintendent of schools both spoke against it prior to the vote. The superintendent told the board that they were supposed to remain non-partisan and she believed this to be a partisan issue.

Arritt explained that she was not too concerned over the multiple inquiries into the situation. She said she believed that a new person needed to be placed in the chairmanship of the House Education Committee, and that committee has everything to do with the operations of county boards of education and the jobs performed by county BOE members.

BOE member Patricia Spangler

supported Arritt in her argument.

Arritt told the board a story about a recent encounter with Mezzatesta that she had. Arritt said she had made multiple attempts to speak to Mezzatesta, but he invariably refused to give her an opportunity.

Arritt also said she had watched Mezzatesta’s actions over the past few years and has seen firsthand that if a proposal is not made by, or strongly supported by Mezzatesta, he makes certain that it dies in his committee.

“He is simply not allowing democracy to work in his committee,” Arritt said.

Spangler insisted that, regardless of the outcome of any investigation, Mezzatesta, “may not be the best person to be in the education post.”

She also told the board that, “[Mezzatesta] is running the show with an iron hand.”

The proposal was ultimately defeated.

There has been no word on any timetables for the investigations.

## Thirty-eight schools fail to meet 'No Child Left Behind' standards

Under the provisions of the No Child Left Behind Act of 2001, approximately one third of all West Virginia schools have been identified as failing to meet standards.

For the 2003-2004 school year, 204 schools have been branded as low performing and 38 must allow students to transfer elsewhere. Those schools are:

- Potomac Intermediate — Berkeley
- Mill Creek Intermediate — Berkeley
- Enslow Middle — Cabell
- West Middle — Cabell
- Clay County Middle — Clay
- Doddridge County Middle — Doddridge
- Petersburg Elementary — Grant
- Lewisburg Elementary — Greenbrier
- White Sulphur Elementary — Greenbrier
- East Hardy Early Middle — Hardy
- Moorefield Middle — Hardy
- Big Elm Elementary — Harrison
- Nutter Fort Intermediate — Harrison
- Ripley Elementary — Jackson
- Cedar Grove Community — Kanawha
- George C. Weimer — Kanawha
- West Hamlin Elementary — Lincoln
- Beale Elementary — Mason
- Oakvale School — Mercer
- Riverside Elementary — Monongalia
- Mount View Elementary Middle — Monroe
- Bartley Elementary — McDowell
- Birch River Elementary — Nicholas
- Cherry River Elementary — Nicholas
- Pleasants County Middle — Pleasants
- Greenbank Elementary-Middle — Pocahontas
- Rowlesburg School — Preston
- Terra Alta East Preston — Preston
- Fairdale Elementary — Raleigh
- Spencer Middle — Roane
- Summers Middle — Summers
- Fort Gay Middle — Wayne
- Wayne Middle — Wayne
- Short Line School — Wetzel
- Jefferson Elementary — Wood
- Franklin Elementary — Wood
- Van Devender Junior High — Wood

## 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 Governor House of Charleston, WV

600 Shrewsbury Street  
Charleston, WV 25301-1211

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

# We Support Small Schools!

## Challenge West Virginia County Contacts

### 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

### 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

Chris Stratton  
(304) 752-9348  
cstratton@loganbanner.com

### Marshall County

Frank Longwell  
(304) 232-1093

### Mason County

Bill Reedel  
(304) 675-2067  
rr9546@dragonbbs.com

### McDowell County

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

### Mingo County

Mike Carter  
(304) 426-4226  
hiecc@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

### At-Large

Bob Henry Baber  
(304) 846-6644  
wvpoet@richwoodwv.com

### Challenge WV

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

Send comments or questions  
about *The Challenge* to cstratton@loganbanner.com