



The Challenge



July 2004

State BOE ignores pleas from Mingo BOE

Despite a plea to the contrary by the president of the Mingo County Board of Education, the West Virginia Board of Education voted to approve a massive school consolidation plan, which was pushed through by a lame duck board just days before a July 1st shift of power.

During its July 15 meeting, the WVBOE voted unanimously to approve the consolidation of three Mingo County high schools and the closures of several other county schools.

Newly elected Mingo County

BOE President Bill Duty appeared at the state BOE meeting as an authorized representative of the Mingo County BOE. Duty asked the members of the WVBOE to pull the item from its meeting agenda so that the newly elected majority could have time to review and study the current plan.

Despite Duty's appearance at the meeting, members of the state BOE approved the plan with no discussion.

Just days before leaving office, the lame duck Mingo County BOE

voted to approve the plan, which calls for the consolidation of Williamson, Burch and Matewan high schools. The plan calls for the new school to be constructed on an old surface mine site.

The West Virginia School Building Authority has promised Mingo County \$23 million over the next three years for construction of the new school. The SBA recently approved an immediate grant of \$6 million to "get the ball rolling."

Proponents of small schools took
See Mingo on Page 3

Mezzatesta mess continues with no end in sight

County boards of education from around the state are joining with community groups and regular citizens in calling for the removal of House of Delegates Member Jerry Mezzatesta (D-Hampshire) from his post as chairman of the House Education Committee.

In a letter to Speaker of the House Bob Kiss (D-Raleigh) the Monroe County Board of Education said that Mezzatesta's recent behavior is an "embarrassment to the State of West Virginia."

The Monroe board further characterizes Mezzatesta's conduct as "misrepresentations, bullying behavior and retribution against those who do not cater to his ideas or shenanigans."

Monroe County BOE President

Ed Pell also has made public comments on the situation.

"It's going to be irresponsible on Mr. Kiss' part if he doesn't replace him," said Pell. "There need to be consequences for Mezzatesta's actions."

The Braxton County Board of Education has likewise sent a letter to Kiss demanding that Mezzatesta be removed from the chairman's position.

In another development in the case, affidavits filed with the West Virginia Ethics Commission by Superintendent of Schools David Stewart, Hampshire County Superintendent David Friend and Mezzatesta himself contradict other newly discovered documents.

The three swore that Mezzatesta

had never solicited grant money from the state for the Hampshire County BOE, Mezzatesta's full time employer.

The Ethics Commission based its dismissal decision on those three affidavits. The contradictory documents were not discovered until after the commission dismissed the complaints.

One document is a letter from Stewart to Mezzatesta "confirming" a telephone discussion they had concerning funding to the Hampshire County BOE.

Kanawha County Prosecuting Attorney Michael Clifford has reportedly launched a criminal investigation into the affidavits to

See Ethics on Page 3

Visit Challenge West Virginia at www.challengewv.org

ETHICS

determine whether their authors committed false swearing.

When the Ethics Commission announced its decision to drop the complaints, Mezzatesta distributed a press release to media outlets around the state claiming that the commis-

MINGO

control of the Mingo County BOE during the 2004 Primary Election. Duty and Mitchell Chapman defeated incumbent board members Johnny Fullen and Jerry Mounts. Mounts and Fullen were strong supporters of the consolidation plan. Challenge West Virginia Fellow Mike Carter has joined with Duty and Chapman to form a small schools supporting majority.

Although they are newly elected, neither Duty nor Chapman are new to the Mingo County school system. Duty is a retired treasurer for Mingo County Schools while Chapman is a former Mingo County assistant superintendent.

In his plea for the state BOE to pull the plug on the plan, Duty reasoned that he and Chapman needed more time to review the plans so that they can make an informed decision.

"We need time to study and analyze the multi-generational impact that the consolidation plan may have on our students and our small communities," Duty told the state board.

At a meeting of the Mingo County BOE, held the night before the state board meeting, the county board voted to freeze all activity related to the school closure and consolidation plans.

The new Mingo County BOE has a number of options at this point. One such option is to return the \$6 million grant to the SBA and refuse to accept the remainder of the money. In 1996 the Mason County BOE did just that and stopped a new

sion's action had vindicated him.

Despite the fact that he was and is being accused of various abuses of power, the press release was written on publicly funded House of Delegates letterhead and sent over publicly funded House of Delegates telephone lines. The press release

consolidated county high school.

SBA Executive Director Clacy Williams has hinted that, if the new Mingo County BOE returns the money to the SBA, it will run the risk of getting any future grant applications rejected outright.

"The only thing Mingo County can do right now with the grant they've got is to build a high school," Williams said. "If they don't want to do that and they want to run the risk of not getting money to do something else some time in the future, then they can return the money."

Even more threatening than Williams' statement is the possibility that the state BOE may, once again, take control of the Mingo County school system, specifically to push the consolidation plan through.

The state took control of Mingo County schools in 1998. Control was only recently returned to the county BOE. Recent amendments to state education law have made it relatively easy for the state to intervene in the affairs of county boards of education.

According to a publication by the West Virginia School Boards Association, State Superintendent of Schools David Stewart told members of the state BOE that he is "watching" the ramifications of the primary election that shifted the position of the Mingo BOE.

Since July 1, meetings of the Mingo County BOE have become quite heated at times with Duty, Chapman and Carter on one side and board members Dee Kapourales

even directed further press inquiries into the matter to Stacey Ruckle, the communications director for the House of Delegates. The House finance chairman followed suit by sending a "guest column" in support of Mezzatesta to newspapers around the state in the same manner.

and J.W. Endicott on the minority side.

On several occasions, Endicott has publicly complained against actions which were approved by a majority of the board.

Endicott has gone so far as to file a complaint against Carter with the West Virginia Ethics Commission.

Endicott's complaint maintains that, before the new majority on the board, it was improper for Carter to vote on the school consolidation issues because his wife is a teacher at one of the affected schools.

The Ethics Commission has scheduled a hearing on Endicott's complaint, but many believe that it is unlikely that the commission can take any action against Carter, due to stringent personnel laws that allow more senior teachers to move to other schools when their schools are closed.

Despite the state board's July 15th vote, as far as Duty is concerned, consolidation in Mingo County is on hold until further notice.

"We voted to freeze the plan so that we can have more time to look at it from the board members' perspective," Duty said.

Challenge WV Coordinator Linda Martin has been deeply involved in the Mingo County controversy and is very concerned over the possible ramifications from the state BOE meeting. "Our democracy is at stake in the Mingo County school situation," Martin said. "Local schools have been the cornerstone of the democratic process. We cannot allow the state to continue to disenfranchise West Virginia citizens."

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

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

This 'n that from around the state

- Despite promises to the contrary, the West Virginia Department of Education has failed to implement a system to collect data on student bus ride times. Two years ago, state Superintendent of Schools David Stewart announced that the department would be setting up a system to track the amount of time that West Virginia students spend on buses each day. The promise came in response to a number of Challenge West Virginia publications on the issue and a series of long bus ride stories published in *The Charleston Gazette*. A spokesperson for the West Virginia Department of Education said the system has not been implemented because the department has been “overwhelmed” by the requirements of the No Child Left Behind Act of 2001. State Department of Education Transportation Director Wayne Clutter says the agency hasn’t forgotten about the promise. “We’ll keep plugging away at it,” he said. “One day we’ll get reliable data.”



- During its July meeting, the West Virginia Board of Education elected new officers. Barbara Fish was named president, while Lowell Johnson was elected vice-president and Priscilla Haden was voted in as board secretary. Fish was appointed to the board in 2000. Haden took office in February 2003 and Johnson has only been on the board for six months.

- The West Virginia Board of Education has refused to grant salary increases to directors of the state’s regional educational service agencies. For the 2004-2005 fiscal year, the Legislature has cut funding for the RESA agencies by more than \$300,000. Currently, the maximum salary for a RESA director is \$100,500 — the same salary as an assistant state superintendent of schools. The minimum salary is set at \$75,000. Despite the minimum and maximum salaries, the state’s eight RESA directors paid between \$77,000 and \$87,670 per year.

- After backing away from a plan to change school attendance areas in Putnam County, that county’s board of education has agreed to pay the legal bills of two parents who sued to stop the redistricting. Randy and Delores Tucker filed a lawsuit in Putnam County Circuit Court seeking to stop a plan to move approximately 60 Winfield students to Buffalo Elementary, George Washington Middle School and Buffalo High School. The Putnam County board will pay \$5,000 in legal fees to settle the lawsuit.

- After amendments to state education law in 2002, sev-

eral more counties have met the 180-day school year requirement. During the school year 2003-2004, 18 of the state’s 55 counties met the requirement. During 2002-2003 only two counties — Lincoln and Kanawha — were up to par. The counties which are currently in compliance with the mandate include Barbour, Boone, Cabell, Clay, Jackson, Kanawha, Logan, Marshall, Mason, Monongalia, Ohio, Putnam, Randolph, Roane, Wayne, Wetzel, Wood and Wyoming.

- Once again, county boards of education located in southern West Virginia have been hit with high workers’ compensation premiums. A provision of state education law allows extra funding to county school systems that pay higher than average workers’ comp premiums. During 2003-2004 the amount of \$878,000 was allocated to those counties. The largest chunk, \$163,000 went to Mingo County. Fayette County got the second highest amount at \$161,000 with Logan County receiving \$155,000 followed by Raleigh County at \$105,000; Wyoming County at \$89,000; McDowell County at \$78,000 and Lincoln County \$54,000. Workers’ comp premiums are based on payroll and claims history. The average county board of education pays \$1.35 per \$100 in payroll. The rate charged to Logan County is \$3.47. Wyoming County’s rate is \$2.99 and Mingo County pays \$2.59 per \$100 of payroll.

- The West Virginia Board of Education is seeking public comment on a policy which would provide a mechanism for college graduates without education degrees to become certified to teach certain classes. A second policy open for public comment has to do with the way school systems and schools are inspected and accredited by the state. During the past session of the Legislature, school accreditation laws were “watered down” and the new policy makes changes in accordance to the new statutes. Both policies are available on the department’s website at <http://wvde.state.wv.us>.

- State Superintendent of Schools David Stewart has issued a “Superintendent’s Interpretation” on the question of whether the confederate flag should be allowed in public schools. Stewart issued the interpretation at the request of the West Virginia branch of the NAACP. In the interpretation document, Stewart’s wrote, “I do believe that such action (displaying the flag at school) is subject to redress should a racial harassment complaint be received or should the activity cause a disruption.”

