



The Challenge



June 2004

Mingo BOE approves school consolidation

Lame duck board approves consolidation plan just four days before the shift of power

With only seven days left until the end of its term, a lame-duck Mingo County Board of Education approved a county-wide school consolidation plan under intense public opposition.

Four members of the board — two of whom will be replaced on July 1 — voted to continue with their plans, despite their lame-duck status and a pending lawsuit in Mingo County Circuit Court.

The Mingo County BOE plans to consolidate all of the county's high

schools into two facilities.

During its June 22nd meeting, the board voted to close the involved schools, accept the portion of a \$20 million grant from the School Building Authority and approved architect's plans for the building.

Mingo County BOE members Johnny Fullen and Jerry Mounts will be replaced on July 1st. Fullen and Mounts were the two most vocal proponents of school consolidation in Mingo County.

During one BOE meeting, Fullen

defended his support for the consolidation plans, telling those in attendance that, if they were unhappy about the proposal, they could vote him out of office.

And that's exactly what Mingo County voters did in the May 11th primary election.

On July 1st Fullen and Mounts will be replaced by Bill Duty and Mitchell Chapman — two of the most vocal small schools advocates

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Ethics Commission dismisses cases against Mezzatesta

The West Virginia Ethics Commission has given the House of Delegates' education committee chairman a clean bill of ethical health.

The commission dismissed ethics complaints against Delegate Jerry Mezzatesta (D-Hampshire) during its June monthly meeting.

News of the dismissals caused outrage among West Virginia citizens and some public officials. Some are even calling for the abolition of the commission due to its ineffectiveness. Some believe the Legislature should pass a more stringent ethics law.

"The Ethics Commission is a joke," said Linda Martin, Challenge West Virginia coordinator. "If Mezzatesta's actions aren't unethical,

nothing is."

Mezzatesta continues to claim that he is not guilty of any wrongdoing.

"I have done nothing wrong," Mezzatesta proclaimed. "Thank God we do have some form of justice left in the United States."

After news of the dismissal broke, Mezzatesta distributed a press release, using equipment and letterhead belonging to the House of Delegates. A full time employee of the Legislature was listed as the contact person on the press release.

One of the two dismissed complaints accused Mezzatesta of unlawfully receiving two taxpayer-funded salaries at the same time.

The second complaint alleged

that Mezzatesta had violated the West Virginia Governmental Ethics Act by soliciting state funded grants for his full-time employer, the Hampshire County Board of Education.

Lew Brewer, executive director of the Ethics Commission said the commission examined the two complaints, but found, "no basis to proceed."

According to Brewer, the commission found no evidence that Mezzatesta solicited a state grant. Mezzatesta presented an affidavit from State Superintendent of Schools David Stewart to that effect.

Despite Mezzatesta's promises to the contrary, he worked to secure

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This 'n that from around the state

- The president of the West Virginia Education Association says that West Virginia could lose even more federal funding during the upcoming school year and force the state to foot the bill for compliance with the No Child Left Behind Act of 2001.

WVEA President Tom Lange says the Bush Administration's plan to cut education funding by \$1.5 billion, will have a huge adverse impact of public education in the Mountain State.

"All the calculations say we're going to be short by another \$9 million," Lange told The Dominion Post of Morgantown. "We were short almost \$80 million in No Child Left Behind this year in trying to implement those programs across the state."

Lange believes that No Child Left Behind Act standards are nearly impossible for all schools to meet.

"Under the No Child Left Behind Act guidelines, I don't think anyone around the country has been holding up," said Lange.

In order to make the No Child Left Behind Act serve its purposes, Lange said federal education officials must put much more money into the related programs and loosen some of the act's strict requirements.

"We've been working since the law was implemented to propose changes in the law and make it more flexible for states to be able to implement the programs," Lange said. "You want accountability — but not the way the federal government is doing it — and you have to fund it."

The State Attorney General is considering a lawsuit to challenge the act.

- A former superintendent of schools for Putnam and Logan counties just may run for a seat on the Putnam County Board of Education in 2006.

After 15 years as the superintendent of schools in Putnam County, Dr. Sam Sentelle announced his retirement in late May.

Sentelle, 62, announced his decision on May 17th, after a lengthy executive session meeting with the Putnam County Board of Education, saying that he did not wish his contract be renewed.

Before taking the superintendent's position in Putnam County, Sentelle was Superintendent of Schools in Logan County for five years. Prior to moving to West Virginia, Sentelle served as an assistant superintendent in Richmond, Virginia.

- The No Child Left Behind Act of 2001 is causing the Hardy County Board of Education to spend nearly



\$80,000 a year extra on busing eight students.

NCLB allows students in failing schools to be allowed to attend schools of their choice. A school must fail to meet the NCLB standards three times before students can take advantage of its "school choice" provisions.

In Hardy County, the BOE must pay a full-time bus driver to shuttle eight students from East Hardy Middle School to Moorefield Middle School — a distance of approximately 17 miles.

The Wood County BOE pays \$45,000 to transfer 43 students. In Raleigh County, 15 students transferred at a cost of \$39,080.

According to figures from the West Virginia Department of Education, the state's 55 counties are spending more than \$164,000 a year to transport 71 students to non-failing schools.

- A state-appointed county superintendent of schools has opted to remain in his position for at least another four years.

The State Board of Education has extended the employment contract of William "Bill" Grizzell until 2008.

Grizzell was appointed to the position in 2000 — shortly after the State Department of Education seized control of Lincoln County Schools.

Grizzell has spearheaded the state's effort to consolidate all of Lincoln County's high schools into one facility. A lawsuit challenging the plan was dismissed from court in May.

- The McDowell County Board of Education is starting to buy property to begin construction of new consolidated schools in that county. The plan entails the purchase of 21 parcels of land. Under a mandate from the West Virginia Legislature, the county board was forced to accept more than \$40 million from the U.S. Army Corps of Engineers to construct the schools. The local board, voted against the plan.

- West Virginia is not the only state in the midst of school consolidation battles. Citizens and school districts in the State of Arkansas have filed a lawsuit, seeking to stop a forced consolidation plan.

The first phase of the plan is to consolidate local school districts. The plaintiffs believe the plan discriminates against the poorer students in the state and is unconstitutional.

ETHICS

state funded grants for the Hampshire County school system.

Before Mezzatesta took the job as a "community specialist / grant writer," the Ethics Commission decided that Mezzatesta could take the position as long as he did not lobby the state of any grants.

Despite his grant writer status, records show that he has never applied for any federal or private grants for Hampshire County schools.

Since the complaint, "grant writer" has been dropped from Mezzatesta's official title.

"David Stewart writing an affi-

davit in support of Mezzatesta is shameful and a clear example of Mezzatesta using his power to protect himself," said Martin.

Over the past several months, stories of abuse of power and ethical lapses on the part of Mezzatesta have flooded the media.

The complaints dismissed by the Ethics Commission are just two of a large number of incidents recently revealed.

In another disturbing incident, Mezzatesta unilaterally ordered officials with the State Department of Education to ignore funding laws passed by the entire Legislature. The effect of this directive was to steer

public money from 11 counties, in favor of Hampshire County.

Over the past several months, Mezzatesta has been the subject of much adverse press.

Newspaper editorial pages around the state have called for some type of disciplinary action against the delegate.

An editorial in The Charleston Gazette said the dismissals added to the Ethics Commission's, "long record of doing little about smelly political conduct."

"It is time for legislative leadership to take a stand on Mezzatesta," said Martin.

MINGO

in the county.

Three other Mingo County residents are pursuing a lawsuit against the BOE, seeking to stop the consolidation plan. The plaintiffs in the pending lawsuit, Johnny Branch, Donnie Edwards and Bobbie Edwards, are asking that the BOE's consolidation plan be stopped due to a number of factors, including an apparent violation of the W.Va. Governmental Proceedings Act (the "Sunshine Law").

The lawsuit resulted from admissions made by BOE member Dee Kapourales during a May 24th meeting. During that meeting, Kapourales admitted that she held a private, "informational meeting" at her home. According to her, at least three board members and the county superintendent of schools attended the unannounced, private meeting.

In the mid-1990s, the W.Va. Supreme Court of appeals stopped a Fayette County consolidation plan under nearly identical circumstances.

The Mingo County lawsuit was filed shortly after the May 24th admissions.

After the plaintiffs filed a motion for a preliminary injunction, Mingo

County Circuit Judge Michael Thornsby set a hearing for June 8th. A preliminary injunction would have prohibited the BOE from furthering their consolidation plans.

At the hearing, a lawyer for the board asked Thornsby to recuse himself from the case, citing Thornsby's relationships with a number of the participants. The lawyer said there would be plenty of time to get a special judge because the board's next meeting wasn't scheduled until June 23rd.

Thornsby referred the request to the chief justice of the W.Va. Supreme Court of Appeals for the appointment of a new judge. Under Supreme Court rules, such requests are decided by the chief justice. Elliot Maynard is serving as the chief justice until December 31st. Maynard is a former circuit judge from Mingo County.

Maynard failed to act immediately on the request.

Maynard finally appointed Wayne County Circuit Judge Darrell Pratt to hear the case. That appointment, however, was not made until the day after the BOE voted on the closures.

Linda Martin, the statewide coordinator Challenge W.Va., expressed outrage at the board's action.

"This is a clear disregard of democracy," Martin said. "They were voted out and should be ashamed of their action. They obviously don't believe people have the right to decide what is best for themselves."

"It's amazing how far they will go to shove consolidation down people's throats," Martin observed.

New BOE members Duty and Chapman have promised to join current BOE member Mike Carter to form a three-to-two anti-consolidation majority.

With the change of power on July 1st, it is difficult to say how the situation will work out.

One outcome is the possibility that the lawsuit will become moot.

It may be possible for a newly constituted Mingo County BOE to rescind the action of the previous board.

If the State Board of Education approves the vote of the Mingo County BOE, before the new board acts, the situation will become much more complicated.

County boards of education must hold their first meetings on July 1. It's not yet clear whether consolidation will be a topic there.

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

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