



# The Challenge



May 2005

## Challenge planning visions for future



Challenge WV continues to grow as an advocacy group for community schools and small communities. "It is truly a grassroots organization that continues to grow around the state," said coordinator Linda Martin. "Our fellows take the issues to the people, then to political leaders," she said.

The group is now in a planning process on how to be more effective in the years to come. "We're going to be around, speaking out for those who need a strong voice," Martin said.

Challenge has fought against school consolidation and long school bus rides, with members handing out flyers, challenging local school boards, having fundraisers and appearing on statewide radio and TV.

The issues are now well-known by West Virginians, but Martin often reflects on the work. "It takes time, sometime years, and a big investment of energy by our fellows, who are passionate about our children and how they receive an education," she said.

"Real reformers can't be like morning glories. We are growing into fine old oaks ourselves," she said.

## State Board loses appeal in Mingo consolidation, Lincoln's case a "tragic affair"

The "bloody hammer" of school consolidation has been slowed in Mingo County.

The West Virginia Supreme Court has refused to consider a state Board of Education appeal of circuit judge Paul Zakaib's ruling that delayed construction of Mingo County's proposed consolidated high school.

The case will continue before Zakaib in Charleston on July 7-8.

Zakaib refused to lift a stay which prevents the state Board of Education from entering into real estate deals with coal companies for a strip site yet to be owned by the Mingo school board.

"Who would move forward constructing a building on a site they do not own?" asked Mingo board president Bill Duty. The coal operation is still extracting coal from the site, located in a rural area of Mingo County about ten miles from the nearest highway.

The property at Red Jacket is atop a 60-acre mine site which will eventually be next to the proposed King Coal Highway.

Duty said the state indicated all was fine with the Mingo system, but after the county school board declined to go along with the state's consolidation plan, a new audit found dozens of deficiencies.

The state declared a state of emergency and seized control of the

county's schools, after the board refused to close three high schools.

The takeover, the second in less than a decade, stripped the local board of nearly all decision-making powers.

While a state audit said Mingo schools are in crisis, the state retained their own superintendent, Brenda Skibo, who has been administrating the the system.

Duty and members Mitchell Chapman and Michael Carter claim they were denied their right to fulfill their duties as elected officials.

Carter is facing a \$16,000 legal bill for a frivolous ethics complaint brought against him by board member Dr. James Endicott, although the Ethics Commission ruled against Endicott.

Charleston lawyer Jim Lees, who represents Duty, Chapman, Carter and two residents in the case, said, "We're still on track to get to the heart and soul of this case, and that is the state school board's ability to send duly elected officials notice they can't perform the duty of their office."

Meanwhile, a constitutional challenge in Lincoln County of the state board's authority over elected officials is still on the burner.

Now retired state superintendent of schools Dave Stewart advised the **See State Board...** on Page 3.

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

# Bacon getters love the pig, hard-sell challenging unfairness

Making a case for unfairness is a hard sell in politics.

The West Virginia legislature is valiantly defending their Budget Digest before the West Virginia Supreme Court, a political pork system that helps incumbents stay in office.

The WV Supreme Court maintains that the distribution of large sums of money determined by a few politicians behind closed doors is a violation of constitutional government.

"What the public sees is that a small group of legislators can direct the expenditures of \$35 million, and make it stick," said Chief Justice Joseph Albright.

"I think the whole Budget Digest process stinks," said Justice Robin Davis.

There is gross unfairness in the distribution of pork through the Budget Digest, the Governor's Contin-

gency Fund (once used only for state emergencies) and loopholes with discretionary money.

Powerful senators and delegates get the lion's share for their districts.

The issues, not unlike those associated with community schools, center on equity.

House Speaker Bob Kiss (Democrat-Raleigh) has defended House Finance Chairman Harold Michael (Democrat-Hardy) for funneling millions of dollars to his rural county.

Kiss says that's what members do when they have tenure. They're supposed to bring home the bacon to their district.

"King" Michael has funded everything from a Moorefield cemetery to creating the Eastern Community College, which has few students and was established when the state was looking at closing colleges.

Michael has his name every-



Del. Harold Michael  
(D-Hardy County)

where.

"Just like Bob Byrd," says Kiss. It's on street signs, plaques, schools, playgrounds and community buildings.

Most West Virginia counties get a peanut compared to Michael's district, based on population.

Kiss says Michael has done nothing illegal or unethical, a statement he made last year about debunked Delegate Jerry Mezzatesta.

House of Delegates Majority Leader Rick Staton says lawyers representing lawmakers are making a clear case with the court about the Budget Digest, based on the separation of powers.

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## State Board hand-slaps Hampshire, Mingo still dead-center in consolidation battle

Hampshire County is getting "hand-slapped" by the state over dozens of problems that placed the school system in disarray.

The list of infractions given by the state board far exceed mismanagement and not meeting performance audits.

They were downright illegal.

But the county is not facing mandated school consolidation like Mingo, which could be an explanation for gentler treatment.

Another political reason could be former Hampshire school system employee and house education chair Jerry Mezzatesta, was a strong supporter of the School Building Authority and school consolidation.

He was widely supported by leg-

islative leaders and state school officials, prior to his downfall.

Hampshire County school administrators have been ordered to return nearly half of a \$75,000 state grant that Mezzatesta solicited.

Mezzatesta was found guilty on several counts, removed from his chairmanship, lost a re-election bid and was eventually fired from his job with Hampshire Schools.

Citizens for Quality Education in Hampshire have been removing Superintendent David Friend and the three board members they claim abused their positions and should be replaced.

Mezzatesta has declined to pay his Ethics Commission fine, and the commission has obtained a judgment

for the fee.

He still faces numerous problems, with several investigations still underway.

Mezzatesta diverted education money to volunteer fire departments and a library in Hampshire County. The money was initially intended for a sheltered workshop that served some Hampshire County special education students.

Tom Lange, president of the West Virginia Education Association, said state board members should have acted immediately to clean up Hampshire's "mess."

"They took over Mingo County in six weeks," Lange said, questioning the state's non-action on Hampshire.

See Mingo... on Page 3.

# "Pork Chop" dies before sentencing in money scandal

Charleston businessman Phillip "Pork Chop" Booth, 55, has died of an apparent heart attack.

Booth was to be sentenced in August on federal charges, after pleading guilty to fraud and other charges linked to a contract he obtained with the State Department of Education, misusing funds for the replacement of equipment in flooded McDowell County

schools.

He was facing up to 15 years in prison.

Booth used his influence with Assistant State Schools Superintendent G. A. McClung to get the contracts, essentially using bribes and over-delivering equipment that was not needed. He gave Booth cash and gifts for favors.

Associates of Booth said he was

"a businessman with a showmanship. You just couldn't help but like."

McClung has been charged and plead guilty of related crimes.

McClung was once appointed superintendent of schools for McDowell County, after the state school board took over the schools, saying the system was not operating efficiently.

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## State Board

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Lincoln County school board that the state's \$50 million plan for the construction of a consolidated high school in Hamlin will likely bankrupt the system.

The school is now being built in a swampy area where the access road floods, following the eviction of an elderly, invalid landowner to obtain the site.

It may well be the most expensive school ever built in America, related to cost per student.

While closure hearings continue, other hearings are being conducted around the county to consider keeping some of the schools open,

according to board president Carol Smith.

"One doesn't know what to make of this. It's certainly not common sense," said Smith.

Challenge WV fellow Thomas Ramey of Lincoln County said "It is a tragic affair, the state taking over our system to provide better management, at the same time sinking us, deeper and deeper," citing the state's obsession for wholesale consolidation.

In Lincoln's case, creating long bus rides from rural areas of the county and forcing students to attend school in other counties.

## Bacon

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Michael's millions has included educational accounts over which only he has control. Even former State Superintendent of Schools Dave Stewart said he had no idea about Michael's education funds.

Challenge WV, interviewing dozens of Hardy County citizens regarding the work of Del. Michael, without exception, said "Leave the man alone, he helps us.

"When we get stuck for money, we call Harold," said a Hardy County educator.

When confronted about unfairness, suggesting that dozens of counties receive the short end of the stick, there was little concern.

Bacon recipients love the gift pig.

Mentioning that Del. Michael is the Finance Chairman for all West Virginians, they were generally unresponsive.

Rural counties, unfortunately, depend on a few dollars from the digest to sustain basic services.

House Speaker Bob Kiss says that is just the way it works. Tenure and power bring the pork home.

He said that's what a good representative does - "Work for their district."

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## Mingo

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"The pressure up there is unbearable. They need to act. They need to act now," stating that Hampshire's problems exceed those of Mingo.

They have not.

"They're (State Board of Education) using every reason they can to force consolidation on Mingo," said Linda Martin, who heads Challenge WV. "Clearly, the numbers showed Mingo County was improving academically."

In 2002 the state said the once-troubled Mingo district had turned into a "high-quality" education system under the state's watch.

Former state school board President Howard Persinger, a Mingo County native, described the improvements as "significant." Test scores were up and teachers were "on task."

Mingo is still dead-center in one of the state's biggest consolidation fights.

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

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