



The Challenge



November 2005

Follow the bucks with Mingo's consolidation battle



Somewhere up this steep Red Jacket mountain is where Mingo's new consolidated school is to be built, a strip mine site lacking access roads, but near the proposed King Coal Highway and lots of land to be developed. It will create long bus rides of an hour or more each way for many students.

The courts have cleared the way for Mingo consolidation, although Charleston Attorney Jim Lees says he will take the battle to the Supreme Court.

"This particular case presents the West Virginia courts with the opportunity to define and clarify the precise powers of the State Board of Education in the operation of local school systems," said Lees.

Lees is firm in his belief that the Mingo take-over has been based on consolidation.

UNBRIDLED POWER RULES



Mike Carter

Mingo County school board member Mike Carter says "There are lots of dollar signs all over the place," regarding the state board's decision to close three community schools and build a consolidated high school in a remote area on Red Jacket mountain owned by a coal company.

Carter said since the state board declared a state of emergency and took over the Mingo system for the second time, there is no doubt in his mind it is over consolidation.

He admits the system does have problems, not unlike many other WV counties.

Carter is certain if you "Follow the money, the answers will come."

Closing three community high schools, all built in recent years, is based on "economies of scale," a model discounted by most school systems in the US.

"It's a model that is suppose to save taxpayers money," said Mingo school board president Bill Duty.

"It never has. Long bus rides and overhead goes up. Besides, every bit of research says kids do better in small community schools," he said.

A consolidation study done for the state's School Building Authority by Marshall University says "The sum of these findings suggests that school consolidation has not had a large positive or negative impact on school performance in West Virginia."



Bill Duty.

Duty has said the state board has used unbridled power to close community schools, using a "bloody hammer," a phrase later used against the state board by Gov. Joe Manchin, who has variously supported keeping community schools open.

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SCHOOL BOARDS HAVE LOST POWER

Despite numerous lawsuits, some based on the constitutional issue of state administrators overriding elected school boards, the courts have upheld the state's power.



Howard O'Cull

Howard O'Cull, executive director of the WV School Boards Association, says local school boards have lost their constitutional power after a series of laws were passed by the WV legislature.

Duty says the new \$17 million dollar school to be built on a strip-mine site formerly owned by Nicewonder Coal, requires miles of access roads to built up Red Jacket mountain. "The \$17 million price tag is just the beginning," he said.

Duty has protested the new school because the Mingo school board does not have a title, only the promise of a title. A judge recently ruled that the state can go ahead with construction without owning the property.

FOLLOW THE BUCKS

Nicewonder, who has said they will donate about 50-60 acres for the school site, has now sold their holdings for \$316 million to Alpha Natural Resources.

Steve Burton, president of the Affiliated Construction Trades Foundation of WV, filed a suit against the State of WV after they issued a \$100 million no-bid road contract for a section of the King Coal Highway near the proposed school.

Alpha, the new owner, while admitting they have no road building experience, says they are excited about getting in the road business where they own mineral rights.

Such projects relieves coal companies of numerous financial obligations, including reclamation.

Burton says federal law requires bidding except in case of emergency or extraordinary circumstances, a measure that has generally been enforced to prevent corruption.

Furthermore, no mining or environmental permits have been issued to Nicewonder, because of their deal to donate

land for the new school and to construct a section of the King Coal Highway.

They have mined up to three million tons of coal without a permit, with reserves estimated at 27 million. "This whole deal stinks," said ACT business manager Ronnie Burdette.

The King Coal Highway will eventually be built next to the proposed school. Adjacent landowners, many of them among the more wealthy Mingo County business community, have appeared at state board meetings supporting school consolidation.



Linda Martin

Challenge's Linda Martin says the school is part of an economic development plan for southern WV. "If you think its about the education of your children, think again," she said. "It is about land development and making money."



Dr. James Endicott

Dr. James Endicott angrily confronted a Mingo senior citizen who favors community schools, yelling "Where's your Brain? Where's Your Brain?"

Coal baron Buck Harless has financed pro-consolidation lawsuits for Mingo board members Dr. J. W. Endicott and Dee Kapourales.

HARD STANDING FOR ONE'S BELIEFS



Steve Paine

State superintendent of schools Steve Paine has launched a criminal investigation against Mingo's three board members who favor community schools.

Board member Mike Carter said "It's been hard standing for what I believe in my heart." Carter has had to spend thousands of dollars out-of-pocket to defend his stance, including a frivolous ethics charge brought against him by board member Dr. J. W. Endicott.

Former state policemen John Morrison employed by Paine made the request to the WV State Police. Charleston attorney Jim Lees said "It's pure harassment. It's outrageous for the state school board to conduct a criminal investigation of people they're in litigation with. We bring a lawsuit, we get investigated."

Challenge's Martin said "Is there no end to where these people will go to have their way?"

BLAMING ELECTED OFFICIALS

The state has blamed Mingo board members for failing to correct the problems.

Duty said he has found it hard to accept that Brenda Skibo was appointed by the state to fix the problems when they first took over the system, she has remained in charge when control was returned to the Mingo board, and she is still in charge after the more recent takeover.



Jim Lees

Jim Lees says the state has run over community schools like "a non-stop freight train...and by gosh they're going to consolidate. They're certainly not interested in the will of the people as represented by school board members."

Senate Majority Leader Truman Chafin (Democrat-Mingo), who has attempted to play both sides of the issue in his home county, said "A new school is the nicest place some students go," and downplayed the value of Distance Learning Centers.

Duty asked "To whom are these educational wizards responsible when they have faulted? They have the big bat."



Thomas Ramey

Thomas Ramey, a Challenge WV fellow, says there is good reason to "follow the bucks."

Ramey says one should consider that former state superintendents have disgraced their positions.

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One by giving a costly school computer contract to their girlfriend's company and lying on their resume, another stealing student loan money from their own bank and going to prison.

An assistant state superintendent

taking bribes and over spending flood money for the benefit of his buddy, and another superintendent, while not breaking the law, going work for an architectural firm after his retirement, a firm to which he issued contracts.

"Then there is the former House Education Chairman Jerry Mezzatesta, which is well-known to most West Virginians," said Ramey.

"Maybe the 'right thing' is who gets the bucks," he concluded.

Three Mingo schools slated to be closed



Community schools at Williamson, Matewan and Burch High School, all built in the 70s and 80s will be vacated when Mingo's new \$17 million consolidated school is built

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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