

Lawsuits filed over school consolidation in Wise County

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WISE, Va. – The number of filed or likely lawsuits over school consolidation in Wise County is up to five.

A group opposed to consolidation, called Citizens for Equal and Accessible Student Education or CEASE, filed the first lawsuit Thursday. Their lawsuit claims that the Wise County School Board, in its decision to consolidate six high schools into three, acted “improperly, arbitrarily and capriciously.”

On the same day Kyle Fletcher, mayor of the town of St. Paul, said the town would likely file its own lawsuit to stop the school system from closing St. Paul High School.

On Monday, St. Paul attorney Frank Kilgore announced the filing of his lawsuit on behalf of the four anti-consolidation school board members on procedural issues.

Kilgore promised another lawsuit if school system employees “attempt to proceed with alleged plans to strip the three smaller high schools of essential operational hardware and infrastructure that would render them useless in the event the next school board majority votes to undo the CRAM plan in January.”

After Monday night’s budget public hearing, which was cancelled when only the four pro-consolidation board members – Ted Thompson, Nolan Kilgore, Mike Mullins and Phillip Bates – showed up, Superintendent Jeff Perry said there were indications of another suit, directed at the absent members.

He said various people in the community have asked for information on how to proceed with a recall of any school board members who habitually skip meetings.

Meanwhile, Perry said he’s proceeding with the plan to close the county’s three smaller high schools – Appalachia, Pound and St. Paul – and consolidate them into Powell Valley, J.J. Kelly and Coeburn respectively.

The so-called “cram plan,” follows the failure of several proposed plans to consolidate into new buildings, and months of fever-pitched debate in a longstanding controversy.

Both the school board and the Wise County Board of Supervisors, which controls allocation of local school funding, are split down the middle on the issue of consolidation, though the school board has a countywide tie-breaker.

The tie-breaker was chosen just days before a special election to fill a board vacancy, a special election that turned the board’s 5-3 pro-consolidation majority into a 4-4 split.

Some people in the county’s three smaller towns oppose consolidation because they fear the loss of their high schools will be the death knell for their communities, which emptied out decades ago with the loss of many coal industry jobs.

Those who favor high school consolidation say after decades of drastic enrollment declines it’s the only way the county can afford to properly educate its children and direct needed resources to elementary and middle school classrooms.

Both sides have expressed concern about the rundown state of the county's six high school buildings, none of which has seen substantial maintenance in more than a decade.

"The only direction I have is the consolidation of schools, and so we are moving forward with the consolidation of schools," Perry said. "I can only do what the board has told me to do, and so ... so we are proceeding with that one direction."

Perry said a failure to pass a budget for the 2011-12 fiscal year would have real consequences for employees who would not be paid and students who, unable to enroll in summer school classes to pick up a missing credit or two, would not graduate on time.

Even before Monday's no-show, a memo from Frank Kilgore said his clients – Betty Cornett, Rocky Cantrell, Mark Hutchinson and Jess Powers – propose delaying the consolidation plan for another year, until the voters have their say in November.

They have also called a special meeting of the school board for 6 p.m. Wednesday at the St. Paul Town Hall, to include several routine agenda items plus public comment and a board response.

At Monday's attempted special meeting, Vice-Chairman Nolan Kilgore said he doesn't know yet whether he'll be at Wednesday's meeting, explaining that he didn't see anything on the agenda that would qualify it for a special called meeting.

"I don't know about Wednesday yet," he said. "Wednesday has its own unique problems."

Perry said Monday's meeting was scheduled for that day because everyone could attend – and Wednesday's meeting was set knowing that not all board members can be present.

He said Monday's no-shows are an effort to disrupt the school board to avoid voting on certain issues. He also said the board has a regular meeting scheduled Monday, but to have another public hearing on the budget, the entire board would have to agree on a date – and wait at least 10 days.

Then, Perry said, the school board's budget request would go before the county Board of Supervisors, which also has a 4-4 split on consolidation.

The lawsuits also create a set of unique problems, not least of which is the fact that School Board Attorney Scott Mullins sees a conflict of interest in representing the board when its members are involved in lawsuits against one another.

He represents the board as an institution, he said, and must advise them as a whole on issues other than consolidation. And after representing the board for years, he said, he's likely to be called as a witness in court.

That leaves a divided board that might not be able to get a quorum for a meeting also, at least for now, without an attorney in the pending litigation.

With so many lawsuits being filed over so many specific issues, Perry said, it's likely consolidation will wind up in the courts in one way or another.

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