

**IOWA STATE BOARD
OF EDUCATION**
(Cite as 17 D.o.E. App. Dec. 208)

In re Gene Beary, et al. * :

Gene Beary, Susan Beary, :
David S. Beary, Calvin Chamberlin, :
Mark Ford, et al., :
Appellants, :

v. : DECISION

Albia Community School :
District, :
Appellee. :

[Admin. Doc. #4124]

The above-captioned matter was heard on July 12, 1999, in the Court Room of the Monroe County Court House, Albia, Iowa, before a hearing panel. The matter was continued for a second day of hearing that was held on July 13, 1999. The hearing panel was comprised of Mr. Jim Tyson, consultant, Bureau of Administration and School Improvement Services; Ms. Marcia Sandvold, consultant, Budgeting and Finance Team; and Ms. Ann Marie Brick, J.D., legal consultant and designated administrative law judge, presiding. The Appellants, Gene Beary, *et al.*, [hereinafter, “the parents”], were present and represented by Ms. Becky Knutsen and Mr. Dan Waters of the Davis Law Firm, Des Moines, Iowa. The Appellee, Albia Community School District [hereinafter, “the District Board”], was represented by Mr. Brian L. Gruhn and Mr. Bret Nitschke of the Gruhn Law Firm, Cedar Rapids, Iowa.

An evidentiary hearing was held pursuant to departmental rules found at 281 Iowa Administrative Code 6. Authority and jurisdiction for this appeal are found at Iowa Code section 290.1(1999).

Appellants filed an affidavit that seeks reversal of a March 9, 1999, decision of the Board of Directors [hereinafter, “the Board”] of the District to permanently close the Lovilia and Melrose buildings at the end of the 1998-1999 school year, “and transfer all

* This case was originally consolidated with the appeal brought by the parents of the Melrose attendance center, challenging the permanent closure of the Melrose school by the District Board. *In re Mary Feehan, et al.* was consolidated with the present appeal because both schools were closed as part of the same board action taken on March 9, 1999. On the morning of the hearing, Mr. Alfredo Parrish, counsel for the Melrose parents, objected to the consolidation and asked that the State Board refrain from exercising its jurisdiction over this matter until the resolution of Equity #EQEQ OO7880, pending in the District Court of Monroe County. Mr. Parrish’s request to sever *In re Mary Feehan, et al.* from the present appeal was granted. In addition, the State Board will take no further action to schedule or hear *In re Mary Feehan, et al.* until the equity action in Monroe County District Court is resolved, or until requested to do so by both Mr. Gruhn and Mr. Parrish.

functions and services performed at the Lovilia and Melrose buildings to other appropriate facilities in the District”.¹

The administrative law judge finds that she and the State Board of Education have jurisdiction over the parties and subject matter of the appeal before them.

I. FINDINGS OF FACT

The District provides educational services for the children of Albia and the surrounding Monroe County area. The District is headquartered in Albia, the county seat of Monroe County in south central Iowa, and Lovilia is located 9 miles north of Albia on Highway 5. The District is organized into elementary attendance centers in Lovilia, Melrose, and Albia, Iowa. Approximately 100 K-4 students attend the Lovilia elementary school. Between 11 and 25 students are Albia residents who are bused to Lovilia to balance the population among the elementary attendance centers. These children are selected through a lottery system. (Testimony, Superintendent David Sextro.) The middle school (5-8) and the high school (9-12) are located in Albia, Iowa.

This is an appeal of the decision of the District Board to *permanently* close the elementary school located in Lovilia. This is the second time that the Lovilia parents have appealed to the State Board of Education for relief from the actions of their District Board regarding the Lovilia attendance center. The first appeal reversed the District Board’s decision on December 4, 1998, to “temporarily move the Lovilia elementary students into a wing at the high school and cancel all present and future expenditures at the Lovilia Elementary School building”. The State Board found that the District had permanently closed the Lovilia Elementary School building in violation of the State Board’s *Barker Guidelines*. *In re Susan Beary, et al.*, 17 D.o.E. App. Dec. 1 (1999). By agreement and stipulation of the parties, all of the evidence admitted as part of the record of the first appeal is incorporated by reference in the present appeal. Consequently, those facts will not be repeated in this decision.

The present appeal involves the following issue:

- 1) Whether the Albia Community School District Board of Directors followed the guidelines set out by the Iowa State Board of Education in *In re Norman Barker*, 1 D.P.I. App. Dec. 145(1977), in voting to close the Lovilia attendance center on March 9, 1999?

¹ All references to the minutes of the various meetings are based on the documents admitted as “District Exhibit 1”.

The facts relevant to that determination comprise volumes of documents. There was a lot of evidence introduced over the full two days of hearings and much of it was disputed. It would serve no useful purpose to reiterate all of that evidence here. For the purpose of examining the District Board's process under the *Barker Guidelines*, the detailed minutes of the District Board's meetings held from December 14, 1998, through March 9, 1999, provide the most reliable and relevant record of the facts. These minutes were extremely detailed in terms of the actions and comments made by both the Board and the public and they were made available to the community through publication in the local newspaper. The Board minutes supplemented by the testimony at the hearing are the best evidence of the actions of the Albia School District Board following its December 4, 1998, decision to "temporarily" close the Lovilia Elementary School Building. The following provides a summary of the relevant Board activities:

December 14, 1998, Board meeting: Approximately 145 visitors attended this meeting. Seventeen people addressed the Board at the beginning of the meeting. Most of the visitors who signed in were from Lovilia. Pam Kurimski had a number of questions she read to the Board and she requested the Board to respond. Board President Wynn stated that the Board would not answer the questions at the meeting, but that the questions would be answered by the administration within two days and the answers would be published in a local newspaper. The Board referred the questions to the administration and they were answered within two days. The questions and answers were published in the newspaper, read over the radio, and mailed to the parents of all of the students attending the Lovilia building. There were 38 questions asked by Lovilia parents regarding the concerns they had surrounding the transfer of their children to the Albia High School.

The Board voted to give the administration the directive to brainstorm future alternatives and options for the District and its facilities and to present them at the Board Meeting on January 18, 1999.

There was a motion by Board member Raduechel, seconded by Fluegge, to "immediately cease all preparations to move the Lovilia students to the high school, replace the boiler at the Lovilia Elementary Building, and apply for any grant monies available to make other necessary repairs at the Lovilia center." This motion failed 4-3.

The minutes reflect that tensions ran high at the meeting. Several parting comments were made by visitors following the failure of the above-referenced motion. The minutes reflect that one citizen stated openly, "I will get you, Mary Wynn".

December 22, 1998: Susan Beary and other Lovilia parents filed their affidavit of appeal with the State Board of Education challenging the District Board's December 4, 1998, decision to "temporarily" close the Lovilia attendance center.

December 15, 1998, through January 15, 1999, Community Meetings: David Sextro, superintendent, began to “brainstorm future alternatives and options for the District” as directed by the Board during the December 14, 1998, meeting. Nine meetings were set by the Superintendent, who invited several Albia, Lovilia, and Melrose community members to attend. There were no public notices of the meetings posted. Invitations were verbally made to the community leaders who could invite others if they wished.

At the beginning of each meeting, the Superintendent announced “rules” that would guide the brainstorming process. These rules were:

- 1) Attendance;
- 2) No put-downs;
- 3) No idea is out of line;
- 4) No sidebars (only one person has the floor; recognized by the chair); and
- 5) No piggybacking of ideas.

Although it was made clear that all options would be accepted, there was to be no discussion about the December 4, 1998, decision to “temporarily” close the Lovilia attendance center.

Thirty-two options were developed as a result of these meetings. Five of the proposals contemplated reopening the Lovilia building; seven required the construction of a new building in Lovilia and twenty options resulted in the elimination of the Lovilia attendance center. Each option was written on a separate sheet of paper. The options were much broader than whether the Lovilia attendance center would remain open or be closed. The options concerned grade reorganization throughout the District, as well as remodeling options. They basically dealt with organizational changes to the District as a whole. On practically every option, it was noted whether or not the option would result in “ending the lottery”.²

The Board then scheduled a public hearing for January 25, 1999, to allow public input with respect to the proposals presented by the Superintendent. This was the same date as the scheduled State Board of Education appeal hearing.

² Approximately 100 K-4 students attend the Lovilia Elementary School. Between 11 and 25 students are Albia residents who are bused to Lovilia to balance the population among the elementary attendance centers. These children are selected through a “lottery” system. Historically, the lottery has been a major concern for the parents of Albia children who are subjected to the busing.

January 18, 1999, Board Meeting: Eighty-seven members of the public were in attendance. The thirty-two options developed as a result of the nine community meetings were presented at this Board meeting. Administrators randomly drew numbers to determine the order in which the proposals were presented to the Board and to the public. These proposals were presented while an overhead projector showed a cost sheet containing information regarding average costs for the 1998-99 school year. The cost sheet contained such things as the average cost of a secretary, the average cost of a bus route, and the average cost per teacher. There was also a three-year average utility cost for the Melrose and Lovilia buildings detailed. The purpose of the overhead was to enable Board members to estimate the cost savings of the various options.

Superintendent Sextro asked the Board to consider these options but not to vote until after public input had been received. He also requested that the 32 options be given to the newspaper with the request that they be printed in full. This was done.

Superintendent Sextro recommended that the Board schedule a public hearing on January 25, 1999, to receive public input regarding the 32 options. The superintendent also recommended that the Board reduce the number of options to 2 or 3 at the January 25, 1999, meeting and hold another public hearing on the 2 or 3 proposals chosen. After holding a hearing on the 2 or 3 remaining options, the superintendent recommended that the Board choose the one option they felt was the best alternative for the District. He then recommended the Board hold an additional public hearing on this option, prior to making a final decision. Superintendent Sextro asked the Board to set a goal of March 1, 1999, to make its final decision so the decision could be implemented by the administration for the 1999-2000 school year.

January 19, 1999: The District issued two requests for bid proposals (RFPs)— one for an internet server for E-mail and a web site, and the other for wiring and electronics to create a telecommunications network connecting the District's buildings. The request for proposals listed all of the District's attendance centers, except Lovilia and Melrose. The parents contend that the fact Lovilia and Melrose were omitted from the RFPs shows that by January, the District had already pre-determined that those buildings would be closed.

However, the District presented evidence through its technology coordinator that the Lovilia and Melrose attendance centers were not included in the RFP because they are not connected to the Albia buildings via a fiber optic network. As a result, the request for proposal would not be eligible for funding through the FCC's "Universal Service Fund" for schools. Microwave transmissions are not eligible under the FCC for preferential "e-rate" service. The District's evidence showed that without fiber connections, Melrose and Lovilia are not eligible for the grant. Additionally, the cost of laying fiber the nine miles between Albia and Lovilia is estimated to be \$180,000. The District's evidence concerning the criteria for the Universal Service Fund Grant was not rebutted by the Appellants.

January 25, 1999, Board Meeting: The Board received public comment from twenty-seven individuals. The individuals were limited to five minutes each but there was no evidence that any one requested a longer time to speak. The Board did not respond to any of the comments or questions raised by the visitors. Most of the visitors stated that they supported option 23. Option 23 would provide for a new K-4 (1-section) school building to be built in Lovilia and one new K-4 (1-section) school building to be built in Albia. Option 23 would leave the other Albia schools open but make Melrose attendance center a “magnet” school with small classes. Option 23 would end the lottery.

The Board acted on advice of counsel and rejected a petition for a school bond election, because it did not contain a sufficient number of valid signatures. A motion to accept the petition contrary to the advice of legal counsel failed by a vote of 4-3.

February 8, 1999, Board Meeting: Eighty-six members of the public attended this board meeting. The Board heard comments from thirteen individuals. The Board openly discussed the pros and cons of the 32 options. Each Board member discussed the advantages of their preferred option. After extensive discussion, there was a roll call vote to consider options #14, #23, #26, and #20 as the best choices. For the first time, the Board voted *unanimously* and *agreed* to narrow the 32 options down to these four.

Don Beary (brother of Bob Beary, Board member) presented the Board with a new petition for a bond election, containing 530 signatures, many more than the 255 signatures required by Code. Board President Wynn informed the Board that they would need to set a meeting within ten days to respond to the bond issue petition. She suggested a meeting on Tuesday, February 16, 1999, with another public hearing for input on the four proposals selected by the Board.

February 16, 1999, Board Meeting: Eighty members of the public attended this Board meeting, with extensive comment from twenty-one individuals. Most of the citizens who presented spoke in favor of Option #23 (new school in Lovilia). However, there were others who commented passionately in favor of Option #14. Option 14 provided for grades 7-12 at the Albia High School; grades 3-6 at the Middle School; grades 1-2 at Grant Elementary Building in Albia; and kindergarten at Kendall Elementary Building in Albia. In addition, Option #14 would end the lottery, close Lovilia and Melrose, reduce two secretaries and two kitchens and end three bus routes.³

³ Evidence adduced at the hearing showed that a \$250,000 freestanding “Mick Technology Building” was being donated by the Mick family, who are patrons of the District. Although the Mick Center is listed among the attributes of Option #14, it was clear from the evidence at the hearing that the Technology Center is independent of any particular option.

The Board acted on the bond petition and set the date for the bond election for September 14, 1999. That is also the date of the school board election which could change the balance of power on the Board. The bond election, if successful, would provide funds for a new, one-section K-4 elementary school in Lovilia and a new one-section K-4 elementary school in Albia.

February 23, 1999, Board Meeting: Prior to the Board meeting, Superintendent Sextro provided the Board with the following reports: the *Infrastructure Needs Study*, dated June 1995; *Future Schools Project*, dated September 1995; the *Facilities Committee Report*, dated January 1990; *Recommendations on Future School Facilities Paper*, by Susan Beary dated November 1995; a report from Willard Daggett entitled, “*What Needs to be Done in American Schools*”; the Kindergarten Lottery Committee minutes, dated 1994; a paper entitled, “*Defining Excellence in National Educational Goals*”; a Citizens’ Advisory Committee and Facilities/Finance Report, dated February 1997; the Facilities and Finance Committee’s *Final Report for 1996-97 School Year*; a review of the kindergarten lottery, dated December 1997; comments by Milt Wilson of the Department of Education to the Citizens’ Advisory Committee; the Citizens’ Advisory Committee *1995-96 Year-End Report*; and a letter from the Iowa Department of Labor, stating the Lovilia school boiler was not safe for operation.

Superintendent Sextro also presented and reviewed in detail previous school visitation reports from 1988, 1991, 1995 and 1997 prepared by various Department of Education consultants. These reports discussed in detail the District’s facilities and educational program and consistently cited concerns over the inefficiencies and inequalities associated with operating five separate elementary centers, the shortcomings of the Lovilia and Melrose buildings, and the need for the District to seriously consider building a five-section elementary building in Albia.

The superintendent further discussed the impact of House File 2272 and its test score reporting requirements in regard to the options being considered. In addition, elementary principal, Nancy Foust, discussed the advantages and disadvantages of having single-section buildings versus one multi-section building and the impact each environment had on teacher collaboration, looping, the Reading Recovery Program, special needs students, instructional strategies, student educational needs, and student success. (Testimony of Ms. Foust.)

Although the parents objected to the reports and studies on the grounds that they were “dated”, there was no evidence presented that any of the information contained in those reports had been substantially changed by subsequent circumstances. At the conclusion of the fairly lengthy presentation and public comment, the Board voted to narrow the four options down to one. The roll call vote on the motion to accept Option #14 (close Lovilia and Melrose) passed by a margin of 4-3. This was a vote to narrow the options under consideration; this was not a vote to implement that option.

Public hearings were set to discuss the final option on March 1 and March 8, respectively.

March 1, 1999, Special Board Meeting-Public Hearing on Option #14: One hundred seventeen members of the public attended the meeting. Thirteen spoke in open forum. President Wynn read Option #14 and opened up the floor for public input. She informed the visitors that this was a public hearing and that the Board was there to listen, not debate. The Board took no action at this meeting, but moved to schedule the second public hearing for March 8, 1999.

March 9, 1999⁴, Board Meeting: One hundred thirty-one members of the public attended this meeting and twenty-six individuals spoke to the Board. Many of those speaking urged the Board to accept the offer of the free boiler installation that had been made by the Sinclair family so that the Lovilia Center could be reopened.

After two hours of public comments, the Board heard from Superintendent Sextro. He reminded the Board that 65% of the people from Albia voted in favor of the last bond issue [1997], 96% of the people from Lovilia and 93% of the people from Melrose failed the bond issue. Option #14 does not require the passage of a bond issue. He reminded the Board that they have a petition before them that the communities will vote on in September. The issue will be whether to build a new elementary building in Lovilia and one in Albia. “The people will decide that issue.”

Curriculum Director Marlene Sprouse also addressed the Board. She discussed the effects of House File 2272 on the District. She stated that the issue has to do strictly with student learning and how the District can show what the students have learned. She believes that school improvement is affected by grade alignment. “The proposed grade realignment would provide the teachers more opportunities to practice their crafts and comment and provide feedback to each other on a daily basis.” She urged the Board to vote for Option #14 because it would enable teachers to work together to plan and meet the needs of children. They would be better able to collaborate and make decisions about whether the kids are progressing at a satisfactory rate compared to the baseline. Ms. Sprouse told the Board that the mentoring process for beginning teachers would also improve with the proposed plan.

After approximately three hours and fifteen minutes, the Board took a roll call vote on the motion to adopt Option #14. It passed 4-3.

April 7, 1999: Appellants filed an appeal to the Iowa State Board of Education challenging the District Board’s March 9, 1999, decision. The basis of the appeal was the District Board’s failure to follow the *Barker Guidelines*.

⁴ As a result of inclement weather, the second hearing was changed from March 8 to March 9, 1999.

April 8, 1999: The State Board rendered its decision on the first appeal. The decision reversed the District Board's motion of December 4, 1998, to "temporarily" close the Lovilia attendance center. The State Board found that the District Board had failed to follow the *Barker Guidelines* prior to its December 4th decision.

II. CONCLUSIONS OF LAW

The primary issue in this case is whether the Board's decision on March 9, 1999, to adopt Option #14 which closed the Lovilia and Melrose attendance centers, should be affirmed. Review of the Albia Board's decision in this case by the Iowa State Board of Education is *de novo*. *In re Debra Miller*, 13 D.o.E. App. Dec. 303(1996). The decision must be based upon the laws of the United States and Iowa, the regulations and policies of the Department of Education, and "shall be in the best interest of education". 281 Iowa Administrative Code 6.11(2). Essentially, the test is one of reasonableness. *In re Jesse Bachman*, 13 D.o.E. App. Dec. 363(1996).

No one disputes the authority of the Albia Board of Directors to determine the number of attendance centers a district shall have and where each child shall attend. The Iowa Code clearly states:

The board of directors shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law.

Iowa Code section 279.11(1999).

Whether the District Board exercised its authority in a reasonable manner is the question raised by this appeal. The reasonableness of the Board's action is measured by the seven-step procedure recommended for school closings by the State Board of Education. *In re Norman Barker*, 1 D.P.I. App. Dec. 145(1977). These seven steps constitute procedural due process for the public when "making decisions as important as the closing of an attendance center". 1 D.P.I. App. Dec. 145, 149.

The focus of this appeal is an examination of the process followed by the District Board after December 4, 1998, through its decision to close the Lovilia attendance center, which occurred on March 9, 1999.

The District contends that the decision made on March 9, 1999, to close the Lovilia attendance center should be affirmed because it was the product of a process that followed the *Barker Guidelines*. In contrast, the parents argue that the District Board's March 9th decision merely reaffirmed its earlier action taken on December 4, 1998, which improperly closed the Lovilia attendance center. The parents also assert that even if the District did follow the *Barker Guidelines* after the December 4th "temporary" closure was subsequently challenged by the parents and reversed by the State Board of Education, it was still not enough. They maintain that because the District Board reached the same outcome [the closing of Lovilia] on March 9, 1999, as it did on December 4, 1998, the process was obviously a sham.

At first blush the parents' arguments are certainly persuasive. If a school board is allowed to "temporarily" close an attendance center and hold perfunctory public hearings *after the fact* that would be a perversion of the due process requirements of the *Barker Guidelines*. It would not be fair if the majority of the Board failed to listen to public input with an open mind. It would not be fair to close the Lovilia School against the wishes of the geographic minority and deprive those students of the right to attend school in their neighborhood.

However, during the hearing on the second Lovilia appeal, it became apparent that, like all controversies, there are two sides to this one. The citizens of Lovilia really want to keep an elementary school in their town. If not the old building with the boiler replacement, then a new one-section K-4 school built with the proceeds of a bond issue. The evidence showed that the parents were as "closed-minded" to the Board majority's options as the Board majority was to theirs.

There was no evidence to indicate that the enrollment of the Lovilia students alone could support a new K-4 elementary school. For several years, a lottery has been necessary to fill the seats in Lovilia with students bused from Albia. There was no testimony from Albia parents regarding the relative fairness of having their students deprived of attending school in their own neighborhood because of the lottery. The evidence did show that the lottery has been an overwhelmingly unpopular option for the patrons of the City of Albia.

The real issue for the State Board of Education to consider is not whether both sides actually listened to each other's position. The real issue is whether they were given the *opportunity* to do so. That is what the *Barker Guidelines* stand for. The guidelines do not mandate that the District Board acquiesce to the wishes of those who are most vocal at the public hearings. As the State Board of Education said in another school closing appeal:

Appellant and her silent counterparts in the district believe the board owed them a greater “duty” to consider their views than it exhibited in this case. Translation: We (300+persons signed a petition opposing the change of attendance centers) are many. We told you we didn’t want you to do this and you did it anyway. Therefore, you failed to give adequate consideration to public opinion.

On the contrary, no one was denied an opportunity to present his or her views on the subject. There was an information meeting ... there were no less than four Board meetings at which Appellant and other residents spoke to the Board on this issue, and the meeting at which the decision was made lasted over three hours due to public comment. Appellant misconstrues the weight put on the right of public input. It does not imply that the Board must agree

In re Ilene Cadarr, 9 D.o.E. App. Dec. 11, 15(1991).

A school district board is comprised of “representatives” from the district it serves. At the present time, the majority of those representatives believe that Option #14 is the best course for the District as a whole. Whether or not that is true in this case, is not the subject of the State Board of Education’s review. The State Board’s review focuses on the *process* employed by the District, rather than the substance or merits of the decision. *Dunn v. Villisca Comm. Sch. Dist.*, 5 D.o.E. App. Dec. 31, 36(1982).

The *Barker Guidelines* provide the standards by which the reasonableness of the District Board’s process is measured. They comprise seven steps that should be followed before a district board votes to close an attendance center. The *Barker Guidelines* are as follows:

1. A timeline should be established in advance for the carrying out of procedures involved in making an important decision. All aspects of such a timeline would naturally focus upon the anticipated date that the Board of Directors would make its final decision in the matter.
2. All segments of the community in the school district should be informed that a particular important decision is under consideration by the Board of Directors.
3. The public should be involved in providing sufficient input into the study and planning involved in important decision making.

4. Sufficient research, study and planning should be carried out by the board and groups and individuals selected by the board. Such things as student enrollment statistics, transportation costs, financial gains and losses, program offerings, plant facilities, and staff assignment need to be considered.
5. There should be an open and frank public discussion of the facts and issues involved.
6. A proper record should be made of all the steps taken in the making of the decision.
7. The final decision must be made in an open, public meeting and a record be made thereof.

Barker at 149, 150.

The process is needed “to acclimate the public and implement [a school closing] decision”. *Merredith v. Council Bluffs Comm. Sch. Dist.*, 5 D.o.E. App. Dec. 25, 30 (1986). The purpose of going through the process is to avoid springing such an action on an unwilling, resisting public. *Id.* By involving parents and citizens, the district board may not win approval of their plan, but it may avoid a schism in the community. Contrary to the assertions of the parents that a district board might be encouraged to “temporarily” close a building and then go through a perfunctory *Barker* process, that does not appear to be an easier course for a district to take. In the present situation, Board members, as well as the superintendent and other administrators, have been subjected to a tremendous amount of stress during this decision-making process. Emotions have run high and there have been public threats to “get” certain Board members. The fact that four members of the Board can control the outcome of every debate is not a matter that can be changed by the State Board.

We agree with the parents that the outcome of both the December 4, 1998, and the March 9, 1999, decisions have basically the same impact on Lovilia. But, our focus is on the process used in making the decision, rather than on the decision itself. In that regard, there is no comparison between the Board’s activities resulting in the decisions on December 4, 1998, and March 9, 1999. We believe the evidence shows that all seven steps of the *Barker Guidelines* were fulfilled by the District Board. Because the process used was reasonable, the March 9, 1999, decision must be affirmed.

Any motions or objections not previously ruled on are hereby denied or overruled.

III.
DECISION

For the foregoing reasons, the decision of the Board of Directors of the Albia Community School District made on March 9, 1999, to permanently close the Lovilia Elementary School, is hereby recommended to be **affirmed**. Costs under Iowa Code chapter 290 are hereby assigned to the Appellants.

DATE

ANN MARIE BRICK, J.D.
ADMINISTRATIVE LAW JUDGE

It is so ordered.

DATE

CORINE HADLEY, PRESIDENT
STATE BOARD OF EDUCATION