

IOWA STATE BOARD OF
PUBLIC INSTRUCTION

(Cite as 3 D.P.I. App. Dec. 78)

In re Jane Deets	:	
	:	
Jane Deets, Appellant	:	DECISION
v.	:	
	:	
Mar-Mac Community School District, Appellee	:	[Admin. Doc. 651 & 663]

The above entitled matter was heard on August 19, 1982, before a hearing panel consisting of Dr. James Mitchell, deputy state superintendent and presiding officer; Mr. Gayle Obrecht, director, administration and finance division; and Ms. Sharon Slezak, chief, publications section. Dr. Mitchell served as the presiding officer pursuant to Section 257.22, The Code 1981. The Appellant was present and offered evidence and oral arguments on her own behalf. The Mar-Mac Community School District (hereinafter District) was represented by Attorney Louis Heims.

The Appellant appealed two decisions of the District Board of Directors: one regarding the change in an "eight-period floater" schedule to a seven-period schedule; and a subsequent decision modifying the effective date of the change. For the purpose of hearing and decision, the two appeals have been joined together without objection of the parties.

I.
Findings of Fact

The Hearing Panel finds that it and the State Board of Public Instruction have jurisdiction over the parties and subject matter.

For a number of years prior to the current issue before the Hearing Panel arising in the District, the District utilized a seven period a day schedule with an eighth period "floater" period for its secondary school classes. Under the "floater" system, a normal school day was divided into seven class periods of approximately equal length. On the first day of an eight-day series, a normal schedule of seven classes and study halls would be attended by the students. On the second day, the seventh period would be replaced by a "floater," an eighth class or study hall. The first six class periods on the second day would be unchanged from the first. On the third day of an eight-day cycle, the "floater" period would move to and replace the sixth period. The class schedule for periods one through five and seven would remain the same as they had for the first day of the eight-day cycle. On each successive day, the "floater" period would move to the next period in descending order so that by the eighth day, the "floater" would be first period. On the ninth successive day, the cycle would begin anew.

Under the "floater" system, each of the eight regular classes would meet seven times in eight days. This system clearly provided the advantage of allowing students the opportunity to schedule classes and study halls in eight different time frames

even though the school maintained only a seven-period day. Inclusion of the "floater" period in an eight-day cycle was apparently favored by some persons because it introduced variety into each school day.

The "floater" system was not without apparent disadvantages, however. Superintendent Thomas Tuttle had concerns with the floater schedule from the beginning of his tenure in the District at the beginning of the 1980-81 school year. By the time he had completed his first year as District Superintendent, Mr. Tuttle was ready to recommend to the District Board that the District abandon the eight-period "floater" schedule and utilize a more traditional seven-period schedule.

On August 19, 1981, Superintendent Tuttle presented his recommendation to the District Board. Both the Superintendent and Secondary School Principal James Paulson explained rationale favoring a change to a traditional seven-period day. Their remarks met considerable opposition and resistance from persons attending the meeting. The record shows that considerable discussion took place among the Board members, administrators and over 70 District patrons who were in attendance at the meeting. In the face of strong resistance shown by District patrons present at the meeting, and due to the fast approach of the new school year, the Superintendent withdrew his recommendation to change the secondary school schedule to a seven-period day, and the District Board took no action regarding the issue.

The issue of changing to a more traditional seven-period schedule again became an issue when it was placed on the agenda of the regular meeting of the District Board scheduled for March 10, 1981. After a lengthy discussion of the issue on that date, a committee of two Board members, the high school Principal and four teachers appointed by the Principal was established to review the issue and report its findings to the Board in April.

The Committee first met on April 21 to discuss the issue, but it did not achieve a consensus on an appropriate approach to the problem. It was thought by some committee members that a second meeting of the committee would be held later to conclude its deliberations, but a second meeting was never held.

At a special meeting of the Board held on April 23, 1982, the issue of the seven-period schedule was the only item on the agenda. Discussion of the issue, including presentations for and against the issue, lasted for about 45 minutes. A motion to adopt a seven-period schedule was approved by a vote of three to two. Following the vote, discussion of the issue continued briefly.

On May 18, 1982, the Appellant filed an appeal of the April 23 decision with the State Board of Public Instruction. She later requested a delay in proceedings before the State Board pending the outcome of new developments in the District.

Following the April 23 decision, problems of adjusting to the new seven-period schedule apparently arose. The issue was placed on the Board agenda for the June 9, 1982 meeting. After considerable discussion, a motion was made and carried by a vote of four to one which adopted a seven-period schedule for the District's middle school; a seven-period schedule for the ninth grade, discretionary with the Principal and dependent upon conflicts in scheduling; and the maintaining of the eight-period "floater" schedule for grades 10, 11 and 12 on a temporary basis. The eight-period "floater" for the upper grades is to be reviewed annually with the understanding that there will be a gradual phase-in of a traditional seven-period schedule. It is understood that one class a year will be changed over to the seven-period schedule over a period of three years.

The Appellant filed an appeal of the June 9 decision on July 9, 1982.

During the discussion and deliberation of the issue by the District Board, a number of arguments were raised in favor of the seven-period schedule over the eight-period "floater." While some of the points were mooted by subsequent independent Board actions, some remain as justification for District Board action.

One of the greatest concerns raised by proponents of the seven-period schedule was the point that although students under the eight-period "floater" schedule were able to attend greater numbers of classes, the actual time spent in each class was less. A student actually attended a regular class only seven times in each eight school days. Some persons credited this shortened class time for causing a decline in the District students' performance on standardized tests.

Another express concern with the eight-period "floater" schedule was the lack of efficient teacher utilization. With more offerings available under the schedule, class size was often small. In 1981-82, the District's high school provided 86 classes to its students. About 50 percent of the classes had less than 10 students, and 17 classes had five or less students.

The proponents of the seven-period day also pointed out that it will be less confusing to parents, students and staff than the eight-period "floater" schedule.

The District high school's current enrollment for the 1982-83 school year was estimated to be 108 students. Superintendent Tuttle testified that the total number of District course offerings would not be reduced as a result of the elimination of the eight-period "floater" schedule.

II.

Conclusions of Law

The Appellant has not challenged the legal authority of the District Board to make the decisions at issue here. It is well that she has not. Such decisions are clearly within the legal authority of the Board. See §§ 274.1, 279.1, 280.3 and 280.14, The Code 1981.

What the Appellant has challenged is the wisdom of decisions made by the District Board on two occasions with regard to the phasing out of an eight-period floater schedule and replacing it with a more traditional seven-period schedule. The Appellant would have the Hearing Panel find that such a change in class schedules is of sufficient detriment to her children and the other students in the District that the District Board should have its decision in this matter overruled. We are not inclined to do so.

It should be obvious from our preceding discussion of the facts, as it is from the record as a whole, that there are various positive and negative aspects of both systems of scheduling at issue here. The issue upon the facts before us is, therefore, a close one. In circumstances where the facts brought out at hearing do not clearly disclose that one side or the other has proven a substantially superior position, the State Board has normally upheld the judgment of the District Board. See *In re Michael Cooper*, 2 D.P.I. App. Dec. 308. The district board, after all, is elected to represent the interests of a district's citizens and only it can be held accountable to the citizens through the ballot box on the second Tuesday of each September.

It is obvious from the record that the Appellant's primary basis for concern over the District Board's change in scheduling is what she perceives will be a detriment to her own children in that they will have a lessened opportunity to take all of the courses in which they may wish to enroll. While we certainly do not fault the Appellant for defending what she feels is the best interest of her own children, we recognize that the District Board's responsibility is to all of the children in the District, and in the absence of a clear showing that the District Board has acted improperly or unwisely, we are not inclined to interfere with its best judgment. The Appellant has not shown us adequate justification for reversing the District Board's decision at issue here.

The Hearing Panel would like to note that the motion adopted by the District Board on June 9, 1982, contained a provision for annual review of the scheduling issue for the next three years. Such an annual review will afford the District Board the opportunity to again study and deliberate on the issue. The Board may even wish to re-establish the original study committee to aid in its annual review. However the Board determines to review the issue, the Hearing Panel is confident that the Board will continue to solicit and receive public input on the issue from interested District patrons.

At the outset of the hearing, the attorney for the District moved for dismissal of the appeal on the ground that the State Board is without jurisdiction to review discretionary decisions of local boards of directors. We disagree. We feel that the proper scope of review of appeals under Chapter 290 is contained in Section 290.3, where the statutory language states that following the hearing the State Board "shall make such decision as may be just and equitable." Support for this position is found in Kinzer v. Independent School District, 129 Ia. 441, 447, 105 N.W. 686 (1906); Security National Bank v. Bagley, 202 Ia. 701, 210 N.W. 947, 950 (1926). See also Templar v. School Township, 160 Ia. 398, 141 N.W. 1049; Hufferd v. Herrold, 189 Ia. 853, 179 N.W. 53; Kenney v. Howard, 133 Ia. 94, 110 N.W. 282; Vance v. Dist. Township, 23 Ia. 410; Query v. Higgins, 136 Ia. 573; and Griffith v. Red Oak Com. Sch. Dist., 167 N.W.2d 166.

All motions and objections not previously ruled upon are hereby overruled.

III.
Decision

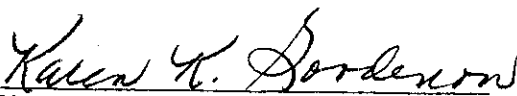
The decision of the Mar-Mac Community School District Board of Directors in this matter is hereby affirmed. Appropriate costs under Chapter 290, if any, are hereby assigned to the Appellant.


November 10, 1982

DATE

October 11, 1982

DATE


KAREN K. GOODENOW, PRESIDENT
STATE BOARD OF PUBLIC INSTRUCTION


JAMES E. MITCHELL
DEPUTY STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION
AND
PRESIDING OFFICER