

1002-E01513-5/82

IOWA STATE BOARD OF
PUBLIC INSTRUCTION

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

In re Sarah Belcastro	:	
	:	
Frank Belcastro, Appellant	:	DECISION
v.	:	
	:	
Dubuque Community School District, Appellee	:	[Admin. Doc. 615]

The above entitled matter was heard on February 19, 1982, before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Mr. Larry Bartlett, administrative consultant; and Mr. A. John Martin, director, instruction and curriculum division. The hearing was held pursuant to Chapter 290, The Code 1981, and Departmental Rules, Chapter 670--51, Iowa Administrative Code. The Appellant was present and represented himself. The Dubuque Community School District (hereinafter District) was represented by Attorney Allan Carew.

Frank Belcastro appealed a decision of the District Board of Directors denying his daughter and any other similarly-situated seventh and eighth grade student, algebra as independent study and waiver of the completion of the seventh and eighth grade mathematics courses.

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.

Sarah Marie Belcastro is a seventh grade student in the District who exhibits a high ability level in mathematics. By the end of third grade, she had a strong background in areas normally taught in seventh and eighth grade mathematics. Her fourth grade teacher and principal agreed to permit her to begin working on algebra concepts in the second half of her fourth grade year in place of her regular mathematics program. Rather than attend the regular class, she reported to the school's learning center where she worked independently on assignments provided by her father.

Sarah Marie continued her independent study of algebra into the early months of fifth grade. In December of that year, after evaluation and observation, it was determined that Sarah Marie should be promoted to the sixth grade. Largely, for purposes of socialization, it was agreed that she would forego her independent study of algebra and join her sixth grade classmates for the entire curriculum. At the time, Sarah Marie had successfully completed about one-half of the material in her Scott Foresman algebra textbook.

In the fall of 1981, Sarah Marie entered the seventh grade at Washington Junior High and was placed in the school's top level of the four available mathematics programs for seventh grade students. On September 15, 1981, her father met with Gary Reid, Sarah Marie's mathematics teacher and Washington's mathematics department chairperson, and

requested that Sarah Marie be allowed to continue her independent study in algebra and be excused from completing the regular seventh grade mathematics program. Dr. Belcastro was informed that the matter would be taken up by a committee under the District's review procedure, which included Mr. Reid, Mr. LaVerne Benz, principal, and Mr. Don Kistler, counselor. Dr. Belcastro was subsequently informed that his request was denied.

On October 13, Dr. Belcastro met with the committee which had reviewed his request. He was informed that Sarah Marie could continue her independent study of algebra, but that she would not be excused from attendance in the seventh grade mathematics class. Dr. Belcastro asked the committee to support its recommendation with evidence but did not receive what he perceived as a satisfactory response. There were no current test scores available for Sarah Marie at the time. A written report of the review committee's decision gave the following reason for its decision: there was insufficient time to judge the benefits of Sarah Marie's seventh grade enrichment mathematics program; skipping the seventh grade mathematics program would cause "gaps" in her mathematics preparation; and her need for social interaction with peers due in part to her being younger than the rest of the seventh grade students. The report concluded that the committee's recommendation could be reviewed at the beginning of the eighth grade.

Under District policy and practice, Dr. Belcastro appealed the committee's decision to Dr. Arden Johnston, District director of secondary education. They met on October 14 to discuss the matter. They agreed to have Sarah Marie complete several standardized mathematics tests. Dr. Belcastro rejected two of the tests offered by the District as being too easy and inadequate. He did agree to the "Houghton-Mifflin Content Evaluation Test" being administered. The Houghton-Mifflin test was given to Sarah Marie's entire class. Without Dr. Belcastro's express knowledge, Sarah Marie was also given the "Iowa Algebra Aptitude Test." This test is used to predict success in algebra.

Dr. Belcastro and Dr. Johnston again met on November 11 to discuss the test results. In the Houghton-Mifflin test Sarah Marie scored at the 99th percentile. On the Iowa Algebra Aptitude test she scored in the 99th percentile on the national norm and in the 96th percentile on the state norm. Dr. Johnston told Dr. Belcastro that he had spent considerable time interviewing the various persons involved, had studied the situation and would support the review team's recommendation. Dr. Johnston insisted that if independent study in algebra was to be offered, a teacher would need to be responsible for Sarah Marie's independent study. Dr. Belcastro holds a doctorate degree and is an instructor in education at a university in the community. He indicated to Dr. Johnston that he held teaching certificates in two other states and was qualified to teach Sarah Marie. Dr. Johnston responded that the matter would be considered. Dr. Belcastro received a letter from Dr. Johnston dated November 13, in which Dr. Johnston sustained the decision of the Washington review committee that Sarah Marie remain in her seventh grade mathematics class. No mention was made in the letter regarding his request that she take algebra as independent study. Dr. Johnston's letter explained his method of investigation and listed six factual findings from which he developed five rationale for his decision to affirm the review committee. Those five rationale clearly indicate Dr. Johnston's feelings that Sarah Marie would best be benefited academically and socially in her current placement.

In a letter dated November 23, Dr. Belcastro appealed Dr. Johnston's decision to District Superintendent, Dr. Howard Pigg. In a letter dated December 3, Dr. Pigg affirmed the previous decisions made by the District staff regarding Sarah Marie's taking seventh grade mathematics. His letter gave numerous reasons for his decision, including the high quality of the program in which Sarah Marie was enrolled, incorporation of both acceleration and enrichment in the program, the desirability of interaction of high functioning students which class time allows and the lack of precedent for waiver of the seventh grade mathematics requirement.

In a letter dated December 7, Dr. Belcastro informed the members of the District Board of Directors of Dr. Pigg's decision and notified them that he was planning to appeal the matter to the Board. The matter was placed on the Board's December 14 agenda. Dr. Belcastro is a member of the District's Board of Directors.

In the early portion of the December 14 meeting, Dr. Belcastro addressed the Board as "the parent of Sarah Marie Belcastro." He outlined the history and circumstance of the issue. Later in the meeting, Dr. Belcastro moved that Sarah Marie and any other seventh and eighth grade mathematics student wanting to take algebra be allowed to do so under independent study without having to also take seventh or eighth grade mathematics. The motion was seconded and considerable discussion was engaged in by the Board. By a vote of one to six, the motion failed to carry.

It was not contested that Sarah Marie is a gifted student. In all categories of the "Iowa Tests of Basic Skills" taken for the preceding four years, she has scored in excess of the 90th percentile with the 99th percentile being the most common score. Her fall, 1981 percentiles in the math concepts category was 99, math problems 99, computation 98, and math total 99. Her composite percentile was also 99. She also scored at the 99th percentile in the "Cognitive Abilities Test."

The District is currently allowing an eighth grade student to engage in some independent study. When he attains an established minimum score in his eighth grade mathematics unit pre-tests, he is excused from class for the duration of the unit and engages in independent study in algebra. When he fails to score the established minimum on a unit pre-test, he remains in the class for instruction in that unit. Apparently one other eighth grade student has previously been allowed to study algebra independently.

In testimony, Gary Reid stated that he felt Sarah Marie could succeed in some math areas in independent study but would not obtain a solid background in math concepts. He stated that she is emotionally normal, but needs improvement in working with peers. She occasionally moves around the class during class time bothering the other students and received a grade of "3" in citizenship while most of the others in her class received higher grades.

Don Kistler testified that Sarah Marie is adjusting well to seventh grade work and making progress, but that he did not consider her of normal sociability. He felt that Sarah Marie relates to other students in an immature basis.

Washington Principal LaVerne Benz testified that he had no objection to Sarah Marie taking algebra in independent study so long as she also participated in the enriched seventh grade mathematics program. He stated that other students in the enriched mathematics program are of comparable or higher ability.

Barbara Schoenauer, the District's elementary curriculum coordinator for mathematics and health was closely involved with Sarah Marie's accelerated jump from fifth to sixth grade in the fall of 1980. Ms. Schoenauer testified that Sarah Marie told her at that time she didn't like the algebra book she was working in and was having difficulty with some of the algebra concepts. Sarah Marie didn't appear to have an in-depth understanding and had a difficult time staying on task in her independent study circumstance. Ms. Schoenauer has continued to review Sarah Marie's progress in her program and testified that she felt the current placement is best for Sarah Marie. She felt that Sarah Marie would benefit from the enriched program's expansion of mathematics concepts. Ms. Schoenauer testified that Sarah Marie recently told her she loved math and her favorite seventh grade class was Mr. Reid's math class.

The District has regularly reviewed its mathematics program sequence and has taken action to strengthen it. The mathematics program at Washington Junior High is a good quality program for implementing the District's general policy of enrichment rather than accelerated programming in mathematics. Enrichment programs tend to broaden learning experiences at the same instructional level while acceleration provides advanced learning experiences without regard to chronological grade levels.

Dr. Belcastro stated in testimony that his request for independent study in algebra for his daughter was prompted by her complaint regarding the homework which she was assigned in her mathematics class. She apparently felt much of the work was not challenging and a waste of time. She has a high regard for Mr. Reid and wanted to remain in his class, but she did not think it necessary that she complete the same homework the other students completed.

II. Conclusions of Law

The issue involved in this appeal appears to be unique and without precedent in previous State Board hearings. Here we have a concerned parent with considerable knowledge and background in the area of mathematics curriculum challenging decisions of teachers, administrators and District Board members regarding his daughter's mathematics program. The Appellant in this matter asks us to overrule a District Board decision affirming teacher and administrator decisions on the basis of a difference of opinion and unsubstantiated allegations of discrimination and unprofessional conduct on the part of District professional staff members. We are not inclined to do so.

The center of the controversy appears to be the issue of exclusivity of an accelerated or an enriched mathematics program for Sarah Marie. Her father claims that there is a high degree of probability of Sarah Marie's success in algebra. The District does not contest that point. Her father also claims that her current enriched seventh grade mathematics program is repetitious and not necessary for bright students of his daughter's caliber. Here the District does not agree. What the District offers its mathematics students at Washington Junior High exceeds any legal minimum known to us. See Section 257.25(4), The Code 1981. The District has spent many years evaluating and improving its mathematics program and has attempted to provide what it feels is the best for its students. Even with a good quality program, the District has previously seen fit to take the individual needs of at least two students into account and provide them with additional individualized programming in mathematics. Many of the same educators involved in the previously allowed special programming have been involved in consideration of the Appellant's request for special programming for Sarah Marie. The record very clearly shows that the educators involved approached the issue with great consideration and deliberation. Taking Sarah Marie's individualized needs into account, they have determined that even though she can benefit from the accelerated study of algebra, she can also benefit academically and socially from continued attendance in her current enriched mathematics program.

Were this a circumstance where Sarah Marie showed signs of being bored, distracted or lethargic in her current mathematics program, we may have had a more difficult time dismissing some of the Appellant's arguments. However, what we find here is exactly the opposite. Except for a comment made to her father that she didn't like having to do all of the seventh grade mathematics written work, we have no indication that she is being harmed in any way by being continued in the class. In fact, the teacher is greatly admired by her and the class is her favorite. We have been shown no detriment to her by way of her continuing in her current placement.

Since the parties to this appeal are in general agreement as to Sarah Marie's potential for success in independent study in algebra, it would seem that some compromise on that aspect of the issue remains possible. Certainly the record reflects that the entire matter will be reviewed in consideration of Sarah Marie's eighth grade mathematics program.

The Appellant has alleged that his daughter was discriminated against when other students were allowed to take algebra as independent study, but she was not. Insofar as almost every decision results in distinguishing differences and perceiving distinctions, we agree that Sarah Marie was discriminated against. However, not all discrimination resulting from decision-making is illegal or improper.

The Appellant has also alleged that the educators involved in the decision did not act in a manner befitting professional educators because they did not substantiate their decision with facts or reasoning. While we agree with the Appellant that professional educators should be held accountable for their professional decisions and be able to provide rationale for those decisions, we have not been shown that the District's educators have not done so in this matter. At every level at which the decision regarding Sarah Marie's mathematics program was made or reviewed, the educators involved verbalized their rationale. Because the Appellant did not agree, their rationale apparently fell on deaf ears. Merely because one person does not agree with another person's professional rationale does not mean that they do not have any. That is what appears to be the situation here.

Other allegations of the Appellant have not been substantiated on the record.

The District alleged that the State Board does not have jurisdiction to make rulings in regard to a local school board of director's decision on matters of local curriculum policy. We, of course, do not agree. Section 290.1 spells out the jurisdiction of the State Board over local school board decisions. The relevant portion of that Section reads as follows:

290.1 Appeal to state board. Any person aggrieved by any decision or order of the board of directors of any school corporation in a matter of law or fact may, within thirty days after the rendition of such decision or the making of such order, appeal therefrom to the state board of public instruction; . . . [emphasis added]

Case law is replete with the explanation that local school board decisions on discretionary matters may be reviewed only through appeals to the State Board. See Security National Bank v. Bagley, 202 Ia. 701, 210 N.W. 947 (1926); Riecks v. Independent School Dist., 219 Ia. 101, 257 N.W. 546 (1935); and Board of Directors v. Green, 259 Ia. 1260, 147 N.W.2d 854 (1967).

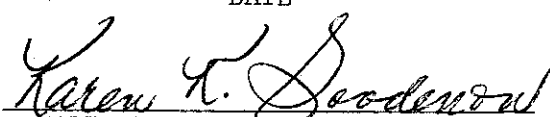
All motions and objections not previously ruled upon are hereby overruled.

III. Decision

The decision of the Dubuque 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.

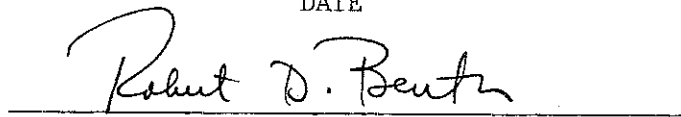
May 14, 1982

DATE


KAREN K. GOODENOW, PRESIDENT
STATE BOARD OF PUBLIC INSTRUCTION

April 2, 1982

DATE


ROBERT D. BENTON, Ed.D., STATE SUPERIN-
TENDENT AND PRESIDING OFFICER