

IOWA STATE BOARD OF  
PUBLIC INSTRUCTION

(Cite as 3 D.P.I. App. Dec. 278)

In re Bryson Hendricks	:	
	:	
Bryson Hendricks, Appellant	:	
	:	DECISION
v.	:	
	:	
Clinton Community School Dis-	:	
trict, Appellee	:	[Admin. Doc. 721]

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The above entitled matter was heard on February 13, 1984, before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Mr. Gayle Obrecht, director, Administration and Finance Division; and Dr. Max Morrision, chief, ECIA Consolidation and Dissemination Section. The hearing was held pursuant to The Iowa Code Chapter 290, 1983, and Departmental Rules, Chapter 670--51, Iowa Administrative Code. The Appellant was represented by Attorney George Pillers, Jr. The Clinton Community School District (hereinafter District) was represented by Attorney Jerry Van Scoy.

The Appellant is appealing a decision of the District Board of Directors regarding the closing of the Gateway Middle School.

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.

The District, like many of Iowa's districts in recent years, has undergone a significant decrease in student enrollment and accompanying restricted revenue resources. District student enrollment has declined about 31% from its peak level in 1970, an average of about 180 students per year. Middle School enrollment has declined 509 students from its peak in the 1970-72 school years, and an expected drop of 65 students is anticipated between the current and next school years. In order to adjust to these changing economic times the District Board voted, at times previous to the issue before us, to close six elementary attendance centers and to restructure the high school from three to four grade levels. These moves toward more efficient operation were estimated by Dr. G. T. Schmunk, board president, to have resulted in about a \$2,000,000.00 savings to the District since they were taken.

In a memorandum to Board members dated December 3, 1982, which was available to the public and media, then Superintendent Dr. Marl Ramsey advised that continued declining enrollment would lead to additional staff reduction. He also mentioned that the closing of Gateway Middle School at the beginning of the 1984-85 school year would be considered. His

memorandum concluded, ". . . it seems like our work is never done in adjusting to our declining student enrollment." Various student enrollment and teaching staff data were provided the board regarding the three District middle schools.

In a December 15, 1982 memorandum to Board members, Dr. Ramsey reviewed the District's efforts to reduce costs on a proportionate basis to the decline in student population. Reduction of employees, including administrators over a five-year period, was nearly identical to enrollment decline on a percentage basis.

That same memorandum recognized the District's three middle schools as its most "inefficient operation." It stated that Gateway had been considered for closing when the lower grades were reorganized, but that the District yielded to the wishes of parents who preferred their children attend neighborhood schools. Dr. Ramsey noted that the middle school inefficiency had further increased and projected that the inefficiency would increase over time. Dr. Ramsey informed Board members that the District's administrative staff was considering two alternate plans for the future of the middle schools. One plan involved the redrawing of attendance boundary lines to better balance the attendance at the three middle schools, and the other plan involved the closing of Gateway Middle School as an attendance center and providing for all middle school students at Lyons and Washington Attendance Centers. Dr. Ramsey informed the Board that he planned to continue to study the alternatives and make a recommendation to the Board in November or December of 1983 to be effective in the fall of 1984. He explained the two alternatives in detail and provided supporting data. Several more memorandums to Board members and the administrative staff in December 1982 and January 1983, discussed aspects of the two middle school alternatives.

At the January 10, 1983 Board meeting, Superintendent Ramsey discussed with the Board the possibility of closing Gateway Middle School by the beginning of the 1984-85 school year. His discussion of the potential closing of Gateway was covered extensively by the news media. The record discloses no less than 11 written communications occurring between the January 10 Board meeting and the summer of 1983 from administrative staff members and between administrative staff and board members regarding the middle school issue.

In the summer of 1983, Dr. Ramsey left employment with the District and was replaced by Dr. Kirby Hall. During his job interviews and in gathering information about the District, Dr. Hall was informed about the middle school issue. Upon being appointed superintendent, Dr. Hall was advised to proceed with plans to resolve the middle school issue. He was instructed to make an independent review and analysis of the situation and not merely ratify the previous views of Dr. Ramsey. Dr. Hall, aided by other District administrators, undertook a detailed study over a period of several months of the District's enrollment and financial status.

By September of 1983, it became obvious that the District's financial situation was not improving. The Governor had ordered a 2.8% across-the-

board cut in the state budget, including state aid to schools. At the next Board meeting it was learned that state aid for the 1984-85 school year would be less than previously expected.

An interview concerning the District's enrollment and financial situation with Dr. Hall was carried in a local newspaper on October 1, 1983. The article indicated that Dr. Hall would make recommendations at the November Board meeting regarding ways for the District to resolve declining enrollment and budget decrease problems, including the possible closing of Gateway Middle School. The article stated that Dr. Hall planned to request Board action on his recommendations in December.

At the October 10, 1983 Board meeting, Dr. Hall discussed the continuing problem of restricted revenues and declining enrollment. He announced that he would recommend the adoption of one of three plans for a solution to the middle school economy issue at the November Board meeting. The three plans included maintaining the status quo, changing boundaries to better balance enrollment in the three middle school attendance centers, and the closing of Gateway Middle School.

In a memorandum to the Board dated November 11, 1983, Dr. Hall outlined the three options including a comparison of cost savings. He estimated that a three-school-balanced-enrollment plan would result in a net annual savings to the District of \$84,000.00, and the two-school model would result in an annual net savings of \$184,000.00. On a five-year projection, the three-school model would save the District \$420,000.00, and the two-school model would save the District \$920,000.00. At the November 14 Board meeting, Dr. Hall reviewed the three options with the Board and recommended the closing of Gateway. A question and answer session with members of the audience followed Dr. Hall's presentation. Meetings at the three middle schools were scheduled on the evenings of November 28, 29, and December 5 to obtain additional community input.

Between four and six Board members attended each of the three informal public meetings on the middle school issue. Each Board member attended at least one of the meetings. The meetings began with a presentation and discussion of the situation by Dr. Hall. His presentation was followed by a break for refreshments and then an hour to an hour and a half question-and-answer period. Board members in attendance did not participate directly, but were available to discuss the matter informally with those in attendance. Several hundred persons attended the three public meetings on the issue. Events surrounding the issue were covered extensively in the news media. School officials, especially Dr. Hall, discussed the issue at meetings of local community groups such as P.T.A.s and Rotary Club. On December 7, Dr. Hall participated in a local radio talk/call-in show on the issue.

At the December 12 Board meeting, with about 50 parents in attendance, the Board asked if anyone in the audience desired to comment on the middle school issue. One Gateway parent, speaking on behalf of the others present, spoke briefly in opposition to the closing of Gateway. There were no other comments from the audience. A motion made to close Gateway

Middle School at the end of the current school year was approved on a vote of six to one. There is nothing in the record to indicate that the decision had actually been made at any time previously.

The record indicates that the District was not facing a financial crisis, only an ever-tightening budget. Testimony indicated that the District could continue operating three middle schools for several more years, but would eventually be forced into a two-middle-school system. The Board apparently decided to attain better cost efficiency in the short run by closing a middle school now and using the savings to maintain and improve educational programs.

In addition to considering the three options regarding the middle schools, the Board considered other cost saving alternatives. The Board voted to approve a number of operational and maintenance cuts amounting to a savings of about \$118,000.00. It also considered the closing of the current administrative office and moving the office to Gateway. The Board determined that no meaningful cost savings would result.

Dr. David Reynolds, chairperson of the department of geography at the University of Iowa, presented interesting testimony regarding research he has conducted into conflict resolution issues in school closing situations. His testimony outlined the conflict which is created on the part of the public in a community which is alienated when it feels it is giving up a benefit, such as a neighborhood school, to the benefit of others. He concluded that schools are not perceived merely as brick and mortar, but are symbols of familiar and positive aspects of a community. Segments of the public become inflamed when they perceive that it is losing a school as a result of a decision imposed upon it rather than being included in the decision-making process. Dr. Reynolds emphasized the importance of taking the time and effort to involve the public prior to an administrative recommendation to close a school so that their perception is one of involvement rather than being the mere recipients of unpopular decision making.

We find Dr. Reynolds' research and conclusions very interesting and likely to be useful considerations for any school district contemplating important decision making. However, in terms of the facts and precedent before us, we do not find his testimony controlling on our deliberations.

## II.

### Conclusions of Law

The issue currently before us is not new to the State Board of Public Instruction. On numerous occasions during the last eight years, the State Board has been asked by citizens of local school districts to review local board decisions regarding the closing of attendance centers. The State Board has been reluctant to overturn those decisions. Some members of local boards are elected to the board on the second Tuesday of each September. In fulfilling their responsibilities they are duty-bound to represent the educational interests of their respective constituencies and the district as a whole. That is their ethical and sworn duty. The local

district board, with the aid and assistance of the school staff employed by it should be, and invariably is, in the best position to make the wisest decision regarding the closing of attendance centers.

The State Board, in being cognizant of this fact, has on only one occasion previously reversed a local school board decision to close an attendance center. That decision was entitled In re Norman Barker, 1 D.P.I. App. Dec. 145. In the Barker decision, the local district board hastily undertook to close an attendance center without adequate consideration to important planning aspects and without adequate community input. Those, then, have been the only bases upon which the State Board has thus far issued a ruling overturning a local school board decision to close an attendance center.

In the Barker decision, the State Board put forth a recommended procedural guideline for local boards to consider in making important decisions, such as the closing of attendance centers. Those guidelines were an aspect of consideration by the Iowa Supreme Court in Keeler v. Iowa State Board of Public Instruction, 331 N.W.2d 110 (Ia. 1983).

Our primary focus, as we perceive it, and as we have been directed by arguments of the parties, is to determine whether the District Board is in substantial compliance with the guidelines enumerated in Barker. It must be remembered that the Barker guidelines are merely that. They are not enforceable statutes or rules. They were devised not for the purpose of governing local decision-making, but for aiding in open and informed decision-making. It is in that context that we review the facts before us.

The Barker guidelines recommend the establishment of a time-line for the various steps present in the making of important decisions. While no formally board adopted time-line was established on the facts, it was clear from the record that District officials, the media, and the public were aware nearly a year in advance that a decision regarding the existing middle school structure, including the possible closing of Gateway, was being considered. Nearly from the beginning, and especially reinforced in October, 1983, is the obvious fact that school officials were looking to a December, 1983 decision to be effective for the 1984-85 school year.

Also desirable in important decision-making is an informed public. It is clear from the regular correspondence of Superintendents Ramsey and Hall, which was available to the media and public, discussion at regular Board meetings, presentations at public meetings, and the extensive media coverage in the record, that the community was informed of the impending decision. Public involvement was achieved through a series of informal meetings, through informal contacts, and through written communications.

The record establishes clearly that the District Board and administration carried out adequate research, study, and planning. If there is any shortcoming on the facts, it lies in the absence of citizen and group research and study. There were no citizen advisory groups utilized. (According to Dr. Reynolds' studies, this may explain, in part, why we have this appeal before us.)

The discussions surrounding the possible closing of Gateway were indeed open and frank and, apparently, occasionally heated. There is no issue on the facts of an absence of this Barker guideline.

The Barker guideline also recommended that the procedures and developments utilized in the making of important decisions be documented and the final decision be made in open public meeting. All of that is clearly disclosed on the record.

In conclusion, we find the District Board, while not in complete conformity with the Barker guidelines, was in substantial conformity with their terms. The actions of District officials with regard to the decision to close Gateway were in conformity with the spirit of open and frank information gathering envisioned in those guidelines. The Barker guidelines are merely recommendations and no more.

While it is obvious that a significant segment of the District's citizenry does not perceive the situation as we do, we can only hope that the suggestions of persons like Dr. Reynolds, who are interested in community conflict resolution, will be considered, refined, and implemented statewide by local school officials. Local school officials may be one hundred percent correct in the decisions they make, but their good work may go for naught when significant portions of the population do not perceive the situation in the same way.

What we have before us in this appeal is a conscientious school board and administration who perceive the importance of sound fiscal management in a time of ever-tightening school budgets. Since there is currently no fiscal emergency in the District, and the middle school status quo could have been maintained for one or two more years, we might be tempted, as the Appellant requests, to delay a decision on the closing of Gateway until the necessity is more obvious. But that is not our role in this appeal. When reasonable minds differ about the desirability of a school board decision, the State Board has declined to intervene. It is, after all, the local school officials who are responsible and accountable for the decisions they make. Who is to say that the next school year or the next will not be ones of catastrophic financial crisis for the public schools? Where would we and the persons who desire us to overturn the closing of the Gateway Attendance Center be then? We would be cozy and snug in the reality that while we had been partly responsible for compounding a financial crisis in the District, we would be safely on the sidelines watching District officials struggling with the reality of the problem. While the local voters may seek to take on that responsibility at the ballot box next and each succeeding September, we are not inclined to do so.

We find no evidence of Board actions taken in a capricious manner or actions not taken in the best interest of the District, the students, and the taxpayers of the District.

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

III.  
Decision

The decision of the Clinton Community School District Board of Directors rendered in this matter on December 12, 1983, is hereby affirmed. Appropriate costs under Chapter 290, if any, are hereby assigned to the Appellant.

4/12/84  
DATE

March 25, 1984

DATE

Lucas J. Dekoster  
LUCAS J. DEKOSTER, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION

Robert D. Benton  
ROBERT D. BENTON, Ed.D.  
STATE SUPERINTENDENT OF  
PUBLIC INSTRUCTION, AND  
PRESIDING OFFICER