

IOWA STATE BOARD OF
PUBLIC INSTRUCTION

(Cite as 2 D.P.I. App. Dec. 358)

In re Michael Cooper	:	
	:	
Michael Cooper, Appellant	:	DECISION
v.	:	
	:	
Tripoli Community School District, Appellee	:	[Admin. Doc. 609]

The above entitled matter was heard on November 18, 1981, before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Mr. David Bechtel, administrative assistant; and Mr. Dwight Carlson, director, school transportation and safety education 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 by Attorney R. James Sheerer, and the Tripoli Community School District (hereinafter District) was represented by Attorney Gaylen Hassman.

Mike Cooper appealed a decision of the District Board of Directors to change the existing kindergarten schedule of half-day, every-day-class meetings to one where the kindergarten meets half-day, every day only until the Thanksgiving recess and then it meets all-day, alternate days except Fridays which is a split half-day program for all kindergarten students.

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.

On February 20, 1981, the District Board met in a special meeting to consider a number of issues, including the reduction of expenditures for the 1981-82 school year in the amount of about \$50,000.00. Approximately \$6,000.00 of that amount was a projected savings to the District from changing the kindergarten program from the existing half-day, every-day-class meetings to full-day, alternate-day meetings. Data presented to the Board summarized the kindergarten schedules and experiences in over thirty other school districts. No action regarding a change in kindergarten scheduling was taken at that meeting.

Mike Cooper, a patron of the District with three children, ages 4, 5 and 12, first became aware in early March, 1981, that the District was considering a change in its kindergarten program. He contacted a District kindergarten teacher and discussed the matter. Based on his experiences with his oldest child, and his perception that it was desirable to have the continuity of an every-day program, Mr. Cooper decided to oppose the change in kindergarten scheduling. Both he and the kindergarten teacher attended a regular District Board meeting

on April 13, 1981, with other interested parents, and spoke in opposition to a change. Several other parents in attendance also voiced their concerns. The matter was tabled by the Board.

The matter was placed again on the agenda for the May 11, 1981, Board meeting. A motion was made to change the kindergarten schedule for the 1981-82 school year to half-day, every day, only until Thanksgiving vacation. Beginning on November 30, kindergarten would be scheduled to meet full-days, every other day, except Fridays, which would be alternated. The motion carried.

In subsequent months, Mr. Cooper gathered information and data on kindergarten scheduling, discussed the matter with other parents and educators and ran unsuccessfully for the District Board. He and other parents concerned about the possible ramifications of the kindergarten schedule change met with the District Board at its regular meeting on October 12, 1981, to discuss the matter further. Several persons present spoke in favor of the full-day, alternate-day schedule and some spoke in opposition. A primary concern which some of the parents expressed was the lack of continuity an every-other-day schedule would have. They complained that, every other week, a kindergarten student having class on Monday and Wednesday would not have class until the next Monday, a period of four days. The same four-day lapse would also occur every other week for students in the Tuesday and Thursday classes. It was suggested during the meeting that Fridays be split in half with each group of students meeting one-half day rather than alternating Fridays on a full-day basis. After considerable discussion, it was determined that the superintendent, the elementary principal and a kindergarten teacher should consider the matter and report back to the Board with a recommendation at the October 19, 1981 meeting.

The Committee of school staff members submitted a written recommendation that the then existing kindergarten schedule be continued with some modification. In order to eliminate the four-day attendance gap created by alternate-Friday attendance, the Committee recommended that Fridays be scheduled as half-day sessions for all kindergarten students. Other minor adjustments to the kindergarten program not directly relevant to this appeal were also recommended. A motion was made to adopt the "plan as proposed by the administration team." The motion carried. The Hearing Panel concluded from a review of the October 19 Board minutes and the written recommendation of the staff team that the Board effectively readopted its alternate-day kindergarten schedule with modifications.

The results of several informal surveys of parents of kindergarten children were inconclusive regarding the expressed desire to those most directly affected. In 1980, the families of 19 kindergarten students preferred half-day, every-day programs and 17 preferred all-day, alternating-day programs. A survey of the 34 families with children currently in kindergarten showed 17 favored half-day, every day; 14 favored all-day, every-other-day and three were undecided. Another informal survey of parents with children between the ages of 0 and 5, conducted by the Appellant and his supporters, showed 44 families favoring a half-day, every-day kindergarten schedule; 33 favoring a full-day, every-other-day and 13 undecided.

In testimony before the Hearing Panel, Mr. Cooper acknowledged that educational research on the subject was inconclusive as to whether one kindergarten schedule was better than the other. He expressed his concern, however, for the change by analogizing the half-day, every-day kindergarten schedule to farm equipment by concluding, "If it's not broken, don't fix it." He did state he felt the May 11 scheduling decision was improved by the October 19 modifications.

Mr. Cooper spent a considerable amount of time and effort researching the District's financial records. In light of the expressed financial reason for the change in kindergarten scheduling, he found that he disagreed with some of the District's priorities for its expenditures. He specifically expressed concern with expenditures for remodeling the superintendent's home and the purchase of a copy machine, a micro-computer, a steam cleaner and two welders. He testified he did not think the school officials acted in bad faith, only that they had exercised poor judgment.

Tom Stinard, a research and evaluation consultant at Grant Wood Area Education Agency, testified regarding his study and evaluation of the competing issues on kindergarten scheduling. He said his findings indicated that the educational research in the area was inconclusive as to which of the two kindergarten scheduling programs was better. He stated existing research did not find the all-day, alternate-day scheduling to be detrimental to students. He emphasized that neither method of scheduling was found to be superior to the other. A written report by Dr. Stinard on the research in the area was introduced into the record. A summary of his findings can be fairly stated as follows: "The aggregated findings reveal essentially no difference in the socio-emotional adjustment between schedules. As a group, the results indicate a slight edge, favoring full-day, alternate-day in achievement, but neither schedule was clearly superior."

District Superintendent Robert Eastman, in his first year as Superintendent in the District, testified that he had prior personal experience with all-day, alternate-day-kindergarten scheduling in the district where he had previously held the position of Superintendent and that in his opinion, the program there had been successful.

Superintendent Eastman, the District's elementary principal and two Board members testified they had received no negative comments regarding the operation of the kindergarten program under the changed scheduling. They reported they had received positive contacts from parents and that the kindergarten teacher, previously doubtful about the change, now supported the current schedule.

The testimony of Dr. Mary Aldridge, professor of early childhood education at the University of Northern Iowa, submitted by deposition, indicated her personal preference for a kindergarten schedule which meets every day. She felt continuity was an important element of education in the early years. She did state, however, the existing educational research in the area does not show any significant differences between half-day, every day; and all-day, every-other-day kindergarten schedules. She stated that, in her opinion, beginning the year with a half-day every-day schedule and then changing to an all-day, every-other-day schedule was preferable to having the latter scheduled all year. Both Dr. Aldridge and Dr. Stinard stated the only discernable trend in kindergarten scheduling in Iowa was toward a full-day, alternate-day program.

II.

Conclusions of Law

The Appellant in this matter asks the State Board of Public Instruction to overturn the District Board decision on the basis that the decision to change the District's half-day, every-day-kindergarten schedule to a modified all-day, alternate-day schedule was "erroneous, unwise and not made in the best interest of either the parents or the children." We are not inclined to do so.

We must deny the Appellant's request to overturn the District Board's decision regarding kindergarten scheduling simply because he has not proven his allegation that the change will result in "detrimental effects upon the education, learning and skills of the kindergarten students." Whatever reservations many educators, including the District's kindergarten teacher, Dr. Aldridge, and even Hearing Panel members, may have toward a change in kindergarten scheduling from half-day, every day to an all-day, alternate-day schedule, modified or not, the educational research and experience of schools who have attempted the change have not substantiated fears of detriment to students. Had the Appellant been able to establish even a remote likelihood of harm to the District's kindergarten students, this Hearing Panel would have strongly considered an opposite result in this appeal. But, as it is, the record shows only unsubstantiated concerns regarding potential harm to the District's kindergarten students. Since the burden of proof in these types of appeals is normally on the person bringing the appeal, and the Appellant has failed to show the detriment he has alleged, we find we must sustain the District Board's decision in this matter. See *In re Douglas B.*, 1 D.P.I. App. Dec. 274.

The Appellant obviously spent a considerable amount of time reviewing the District's financial records in an effort to show that the Board's decision was not actually necessitated on grounds of financial exigency. His efforts in that area have been to no avail. This Hearing Panel does not feel that an objective review of a school board's subjective financial decisions is appropriate in most circumstances when there is no evidence of illegal acts or improper use of discretion. Contrary to the Appellant's stated opinion, we feel that on the issue before us, reasonable persons may differ in their opinions, including those on discretionary spending decisions. In the absence of good reason to the contrary, we are not inclined to second-guess a school board's establishment of financial priorities, and no good reason to do so was shown to us in this appeal.

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

III.
Decision

The decision of the Tripoli 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.

February 11, 1982

DATE



KAREN K. GOODENOW, PRESIDENT
STATE BOARD OF PUBLIC INSTRUCTION

February 4, 1982

DATE



ROBERT D. BENTON, Ed.D.
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION