

THE STATE BOARD  
OF PUBLIC INSTRUCTION

(Cite as 2 D.P.I. App. Dec. 296)

In re Dorothy I. Keeler, et al.	:	
	:	
Dorothy I. Keeler, et al., Appellants	:	DECISION
v.	:	
Marshalltown Community School District, Appellee	:	[Admin. Doc. 586]

The above entitled matter was heard before a hearing panel on May 14, May 26, and July 6, 1981. The Hearing Panel consisted of Dr. Robert D. Benton, state superintendent and presiding officer; Carol Bradley, chief, special education instructional services section; and Carl Miles, director, field services and supervision division. Attorney Donald Juhl represented the Appellants, and Attorneys Harry Drucker and Rex Ryden represented the Marshalltown Community School District (hereinafter District). The hearing was held pursuant to Chapter 290, The Code 1981, and Chapter 670-51, Iowa Administrative Code.

The Appellants are appealing a Decision of the District Board to close the District's elementary attendance center located at Albion, Iowa, effective with the beginning of the 1981-82 school year.

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 issues before this Hearing Panel are not new to the District. As early as 1979, the District Board voted to close the Norris elementary attendance center and began to plan strategy to deal with additional declining student enrollment and corresponding budget constraints. On November 26, 1979, at a regular meeting of the District Board, Superintendent Dr. Robert McFarland reminded the Board of a national as well as local trend in declining student enrollment and requested direction on establishing a citizens' advisory committee to study the problem of declining enrollment in the District. He told the Board that such a committee would be advisory only, and it would submit alternatives to the Board for consideration and appropriate action.

The Board established The Citizens' Advisory Committee made up of about 30 persons, including several District staff members. The Superintendent established a general timeline for finishing Committee work as September 1980 so that decisions related to potential closing of attendance centers could be made no later than December 1980.

The District Board approved appointments to the Advisory Committee on January 28, 1980. At that meeting, Dr. McFarland distributed copies of data information sheets to be used by members of the Advisory Committee for their review.

At its July 14, 1980, regular meeting, the District Board received written and oral reports on declining enrollment prepared by the Advisory Committee. Some of the recommendations of the Committee were to close Williams and Hansen elementary schools; give consideration to a change to a K-5, 6-9, 10-12 organizational structure; close Palmer elementary, if the reorganization is approved; and to keep the Albion attendance center open as long as possible. The Committee felt that the Albion attendance center should be maintained as long as enrollment was maintained at 140-150 students, but that continuing decline in enrollment should result in consideration being given to its closing. Enrollment at the Albion building in the fall of 1980 was 140 students, and the District's projected enrollment for the fall of 1981 was 127. The Albion attendance center is located in Albion, Iowa, a community of 700 to 800 persons located a few miles northwest of Marshalltown.

Input from the Advisory Committee report and other information was considered by the District Board's Education Committee in a series of public meetings it held between July and November 1980. At the November 24, 1980, regular Board meeting, the Education Committee recommended that the Williams building be closed in the fall of 1981, the Albion and Hansen buildings be closed in the fall of 1982, and the Palmer building be closed in the fall of 1983. Included in the recommendations was a proposal to change the District's organizational pattern to K-5, 6-9, 10-12 for the 1984-85 school year. In its written report, the Education Committee's rationale for the closing of the Albion attendance center in two years was a projected net support cost savings to the District of \$15,000 for 1982-83 and \$81,000 for 1983-84. It was anticipated that the District would have to buy two additional school buses as a result of the Albion closing.

On December 1, 1980, six of the District's seven Board members, at the request of the Albion PTA, met in Albion with about 300 persons. The meeting was conducted in a town meeting format. Questions were raised from the floor and concerns discussed.

At the December 8, 1980, regular Board meeting, Mrs. Mary Dooley, an Albion PTA officer and an active participant and witness in these proceedings, spoke at length on behalf of Albion residents regarding the proposed closing of the Albion attendance center. Mrs. Dooley presented the Board with petitions bearing the signatures of 293 persons requesting a delay in Board action to close the Albion attendance center. She also presented a list of fifty questions the Albion citizens felt should be answered by the Board.

The District Board voted to close the Williams attendance center at the close of the 1980-81 school year. However, the Board did not vote to close the other buildings, and several Board members indicated that the closing of Albion, Hansen, and Palmer attendance centers was still under consideration and that the Board would work with representative groups of parents from those schools regarding the proposed closings. The Board apparently decided to yield to the wishes of the Albion parents who wanted further study made.

At its regular meeting of January 26, 1981, the District Board heard reports from the principals of several of the District's schools, including Albion, regarding educational programs at their respective schools. Far more ominous for the patrons of the Albion attendance center, however, was the concluding report given by Dr. McFarland. Dr. McFarland reported to the Board on possible future financial problems for the District. His report indicated that a 4.6 percent decrease in state aid, resulting from Governor Robert Ray's budget cut, reduced the District's 1980-81 income by approximately \$312,000,

and action being considered by the legislature could reduce the District's anticipated budget growth by \$400,000 to \$500,000. This was especially difficult for the District because negotiations with employees which had been concluded were based upon previously anticipated growth in the District's budget. Dr. McFarland indicated that his previously projected 15-17 staff reductions for the 1981-82 school year could be increased to between 30-50.

In the weeks between the December 8, 1980, meeting and the January 28, 1981, meeting of the District's Education Committee, several District staff members gathered data and developed responses to the fifty questions presented by the Albion patrons. Board members contributed individually in the development of many of the responses.

On January 28, 1981, the District's Education Committee met with six to eight Albion residents in attendance. Written responses to the fifty questions presented at the December 8 Board meeting were distributed, and several were discussed. Dr. McFarland and Board member Floyd Harthun reviewed what they had learned from a meeting with members of the state legislature on the preceding day. The general thrust of the previous day's session was that the District would likely receive about one-half of the 1981-82 budget growth that had been previously anticipated. Dr. McFarland noted that the closing of the Albion attendance center might have to be accelerated as a result of budget cuts necessitated by a legislative change in school district budget growth.

Dr. McFarland reported what he had learned at the legislative session in more detail at the next Board meeting on February 9. He told the Board that on the basis of his knowledge at the time the District's authorized budget for 1981-82 would be approximately \$637,000 less than previously expected and that salary contract negotiations already completed would cost \$250,000 more than the new estimated budget growth. He outlined the \$102,500 in projected savings from six budgetary reductions previously approved by the Board, including the closing of Williams, and suggested 18 additional budgetary cuts, including the accelerated closing of the Albion attendance center at the end of the 1980-81 school year rather than at the end of the 1981-82 school year. Considerable Board discussion followed regarding, among other things, the possibility of closing Hansen and Palmer schools rather than Albion. Dr. McFarland recommended against closing Hansen or Palmer before Albion on the basis that Albion had far fewer students than the other two schools, and the Albion students could be more easily absorbed into the District's other schools. No decisions were made at that meeting regarding the recommendations. Following the meeting, several Board members met with Albion patrons informally and discussed the issue.

The Board agenda for the February 16, 1981, meeting indicated that a presentation would be made by Mary Dooley regarding the proposed Albion closing. At the February 16 meeting, Mrs. Dooley and Fran Harrison presented arguments on behalf of persons desiring that the Albion attendance center remain open. Included in the presentation was a list of alternative cost savings suggestions which included holding kindergarten full days on alternate days, eliminating the elementary swimming program, reducing all administrators' salaries, reducing non-conference athletic trips, converting five elementary schools from steam heat to hot water heat, and reducing custodial work hours.

On March 4, three Board members accepted an invitation from Albion residents to visit the community and the school. The Board members toured the school building and the community with residents of Albion and discussed the issues involved with the proposed closing of the Albion school.

On March 9, 1981, the District Board met in regular session with sixty to eighty patrons present to consider its 1981-82 school year budget. The agenda for the meeting did not specifically refer to the Albion school closing as an agenda item; it merely

referred to consideration of proposed budget cuts recommended by Dr. McFarland. The items were presented by Superintendent McFarland, each was considered individually, and tentative approval or disapproval was given with final action to be taken at the conclusion of all discussion on the items. At the time for consideration of the closing of Albion school, the Board President indicated several times that she thought the Board had adequately considered the issue and for a time attempted unsuccessfully to bring the issue to a vote. Considerable time was allowed for discussion after Mrs. Dooley's insistence that she and Mr. Crowin Keeler present arguments on behalf of those persons wishing Albion to remain open. The Board President requested that only issues regarding the Albion attendance center not previously considered by the Board be presented. After about 45 minutes of give-and-take discussion, the Albion school closing item was tentatively approved on a vote of 6 to 1. At the conclusion of consideration of all the individual items proposed as budget cuts, a motion was made and carried unanimously to approve all budget reductions reviewed individually. The items represented a total estimated savings to the District of \$762,860 for the 1981-82 school year. The District's estimated net annual cost savings from the closing of the Albion attendance center is now considered to be between \$200,000 and \$220,000.

At the March 23 meeting, the Board voted to not renew the contracts of 32 employees due to "declining enrollment and reduced funding."

Meetings of the Board, deliberations on budget cuts, and matters related to Albion residents' efforts to keep their school open were covered by the news media. Most witnesses called by both parties agreed that the District Board considered at one time or another most alternatives presented to it, and, with few exceptions, all information submitted to the Hearing Panel had previously been presented to the District Board.

## II.

### Conclusions of Law

The Appellants have been in good attendance through three days of hearings and have shown considerable effort, ability, diligence, and tenacity in their efforts to keep the Albion attendance center from being closed. The Hearing Panel has come to respect them for their efforts, but their best effort falls short of the mark. It is the clear legislative intent in this State to leave the designation of attendance centers to the discretion of locally elected school board directors. Such is the spirit and the law of local representative control over education. §§279.11, 274.1, and 297.1. The State Board of Public Instruction in exercising its appeal jurisdiction over decisions of this nature has taken upon itself the responsibility to diligently review the facts surrounding appeals of decisions to close elementary attendance centers, but in the absence of unusual circumstances, such as hastily made decisions without adequate consideration or public input, it will not disturb the local board's decision. The State Board has and will continue to support the legislative policy of local control in the determination of attendance centers. See *In re Norman Baker* 1 D.P.I. App. Dec. 145, 149. School boards should, and almost always do, make decisions with the welfare of the entire district in mind. Persons objecting to attendance center closings and other major decisions have at their disposal the ultimate of remedies in the form of school board elections on the second Tuesday of every September.

In comparing the "Affidavit" of appeal filed in this matter with the facts before us, we make the following findings:

- a. The relevancy of compliance with the state's open meeting laws found in Chapter 28A, as far as the State Board is concerned, goes only to the issue of opportunity for public knowledge and input regarding important issues before the Board. (Chapter 28A contains its own specific enforcement remedies.) Clearly, from the record, the Albion patrons were informed on the issues and were given opportunity for input on numerous occasions, both formally and informally. Albion was more than adequately represented by Mrs. Dooley and others at the March 9, 1981, meeting and at previous meetings. The give-and-take discussion between District Board members, administrators, and patrons at the March 9 meeting lasted a full forty-five minutes.
- b. Allegations of inadequate opportunity for input and dialogue with the Board are devoid of factual basis in the record. The patrons of the District and the citizens of Albion were given numerous opportunities to speak formally at meetings and informally with individual Board members at Board and Committee meetings and through the news media.
- c. While we are not convinced that Section 297.1 requires that a board of directors consider the statutory factors enumerated when closing an attendance center as opposed to establishing one, we feel that the District Board gave adequate consideration to those factors in making its decision at issue here. Considerable inquiry and attention was given to the geographic location of the respective school sites and the relative convenience of those sites. The District Board adequately considered the closing of other attendance centers, particularly Hansen and Palmer, before making its decision to close the Albion attendance center.
- d. Citizens' advisory committees are an important factor in gathering data and planning for a school district's future. But, as the name implies and as stated by Dr. McFarland at the time of its organization, the recommendations of the Citizens' Advisory Committee was merely "advisory," not mandatory. A delegation of greater than advisory responsibility would likely be an illegal delegation of authority. In addition, the recommendation to keep the Albion building open was conditioned upon a steady enrollment level of 140-150 students, and the enrollment level has subsequently declined.
- e. The District Board gave adequate consideration to alternative suggestions for budget cuts.
- f. While the impact on the community of the closing of the Albion attendance center is in dispute, it is clear that the District Board did consider that as a factor in its deliberations.
- g. Other allegations of abuse of discretion or improper conduct in the making of the decision at issue here have not been substantiated in law or in fact.

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

## III.

## Decision

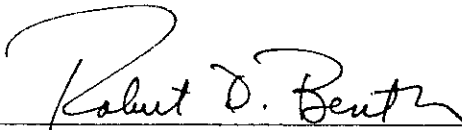
The decision of the Marshalltown Community School District Board of Directors in this matter is hereby affirmed. Appropriate costs under Chapter 290, if any, are hereby assigned to the Appellants.

July 14, 1981

DATE

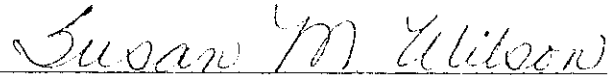
July 23, 1981

DATE



ROBERT D. BENTON, Ed.D.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
AND  
PRESIDING OFFICER



SUSAN M. WILSON, PRESIDENT

STATE BOARD OF PUBLIC INSTRUCTION