

IOWA STATE DEPARTMENT  
OF PUBLIC INSTRUCTION

(Cite as 2 D.P.I. App. Dec. 104)

In re Rebecca Dudley	:	
	:	
	:	
Rebecca Dudley, et al., Appellants	:	DECISION
	:	
v.	:	
	:	
Oelwein Community School District, Appellee	:	[Admin. Doc. 527]

The above entitled matter was heard on March 6, 1980, by a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. Donald Cox, associate superintendent, instruction and professional education branch; and Mr. David Bechtel, administrative assistant. The hearing was held pursuant to Chapter 290, The Code 1979, and Departmental Rules Chapter 670--51, Iowa Administrative Code. Attorney Robert Malloy represented the Appellants, and Superintendent Eldon Pyle represented the Oelwein Community School District (hereinafter District).

The Appellants appealed a decision of the District Board of Directors to close an elementary attendance center in the District.

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.

During the summer months of 1979, District Board of Directors' members directed District Superintendent Eldon Pyle to begin planning for the closing of an elementary attendance center. Apparently, they felt that the District could not economically continue to support its five attendance centers. In the summer and fall months of 1979, the District's administrators gathered data and studied the situation.

The record indicates that this was not the first such review of elementary facility utilization in the District. During the 1974-75 school year a citizens' Advisory Committee comprised of 25 individuals representing various segments of the Oelwein School community was directed, in part, to advise the District Board on long-range plans of building and site utilization. The Advisory Committee gave consideration to declining enrollment, financial data and data regarding facility utilization. One of the Advisory Committee's recommendations was to phase out the elementary attendance center located at Hazelton, Iowa, and utilize the Stanley, Iowa, attendance center for grades five and six for the entire District.

On August 8, 1977, a feasibility study, prepared at the District Board's request by Dr. Wayne P. Truesdell, was presented to the District Board. After detailed study, Dr. Truesdell concluded, in regard to elementary attendance centers, that the need did not exist for the continued operation of both the Stanley and Hazelton attendance centers. He did not recommend the closing of one over the closing of the other, but he did outline for the District Board the strengths and weaknesses of each center in relation to the District's education program.

About six months later, on February 13, 1978, the District Board was presented with a report from a second citizens' Advisory Committee. The report was entitled, "Student Enrollment and School Facilities--Future Planning." The Committee was made up of about thirty patrons of the District and again studied in some detail the District's financial and enrollment statistics and made recommendations for District Board action. The second Advisory Committee, like the first, recommended that the Hazelton building be phased out and the Stanley building be continued as an elementary attendance center. Advantages and disadvantages of such a move were outlined by the Committee. The second Advisory Committee report and the Truesdell report both noted that whichever building was closed first, the second would also have to be closed a few years later.

The second Advisory Committee recommendation that the Hazelton Center be closed and the Stanley Center be more fully utilized was supported by the District's Administrative Team in recommendations to the Board of Directors on March 13, 1978. Two weeks later, on March 27, the District Board met to consider the Administration's recommendation. The meeting was held in the Junior High School building auditorium in order to accommodate the large crowd present. Persons present were given an opportunity to make presentations to the District Board. A motion was placed before the District Board to close the Hazelton Attendance Center at the end of the 1977-78 school year. After discussion on the part of the District Board members, the motion failed to carry by a vote of three to four.

A second motion to close the Hazelton Center was again before the District Board at its May 8, 1978 meeting. Again it failed to carry by a vote of three to four. The Board then voted to hold a referendum among the District's eligible voters on the question of closing the Hazelton Center. The result was that 1,114 of those participating were in favor of closing the Hazelton Center and 1,988 were opposed.

On April 10, 1979, J. R. Henderson, then regional consultant with the Department of Public Instruction, issued a school visit report. In addition to several other comments in the report, Mr. Henderson stated, "I would recommend taking a look at closing the building at Hazelton and assigning the students to other buildings." In testimony at the hearing, Mr. Henderson emphasized that his remark was meant merely as a suggestion to review the situation.

With all of the foregoing recent history on the issue likely in their minds, it is understandable that the current Administrative Team and the District Board members mutually agreed that a specific recommendation from the Team was not desirable. Instead, the Administrative Team placed three options for consideration before the District Board at its October 22, 1979 meeting. They were as follows:

1. Close the Stanley Center in May, 1980, and transport the Stanley students to Oelwein.
2. Close the Hazelton Center in May, 1980, and transport the Hazelton students to Oelwein.

3. Close the Hazelton Center in May, 1980, and transport the students to the Stanley Center.

In any event, close the remaining building in May, 1984.

A time line for proceeding to a District Board decision was established at the October 22 meeting. Information pertaining to staff reduction, transportation costs, district class size and building utilization costs was to be presented to the District Board at the November 12 meeting. The public would be given an opportunity to express its concerns at the November 26 meeting and a possible District Board vote could be taken as early as the December 10 meeting.

The Board of Directors discussed at the November 12 meeting the procedure leading up to its likely December 10 decision and established ground rules for the public meeting scheduled for November 26. Seventeen people later requested and received an opportunity to make presentations at the November 26 public meeting.

After discussion and questions addressed to the District's Administrative Team at the December 10, 1979 Board meeting, a motion was made to close the Stanley Attendance Center at the close of the 1979-80 school year and transport the Stanley students to Wings Park Elementary School in Oelwein. The motion carried by a vote of four to three.

There was nothing in the record to indicate that there is any appreciable difference in the quality of educational programs provided at the Stanley and Wings Park attendance centers. Neither was there anything more than speculation regarding a prospective bond issue for the purpose of building a new facility at some future date.

## II. Conclusions of Law

The Appellants base their appeal on several grounds. Summarized, they challenge the District Board's December 10 decision because the Board did not follow previous reports and recommendations made to it; it is not practical to close a permanent building while temporary buildings remain in use at another site; the District's patrons will be faced with a future bond issue to build a new school; and the quality of education of their children will suffer.

Upon review of the record before us, we conclude that we cannot agree with the Appellant's position. While it is true that the decision of the District Board of Directors on December 10 was contrary to several previous recommendations made to it, we have not been shown that the District Board's decision is without reason or so clearly wrong that we feel it appropriate for outside intervention. On the contrary, the competing facts surrounding the circumstances before us appear to be sufficiently divided to make the District Board decision a particularly difficult one. It must be remembered that in addition to the previous recommendations, the Board had before it the underlying facts of those recommendations and other circumstances, not the least of which was the 1978 voter referendum on the closing of the Hazelton Center. The Board had sufficient data, public input and discussion to make an informed decision contrary to the previous recommendations. Additionally, the Board should not be considered in any way, shape, or form bound in its decision making by previous recommendations.

We have not been shown that the decision on appeal will cause any unfair economic, educational or other distress upon the patrons of the District, and we certainly have not been shown that the decision of the District Board of Directors was arbitrary, capricious or beyond its lawful authority. See §§274.1 and 279.11, The Code 1979.

III.  
Decision

The decision of the Oelwein 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.

April 18, 1980  
DATE

*Susan M. Wilson*  
SUSAN M. WILSON, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION

April 10, 1980  
DATE

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