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IOWA STATE DEPARTMENT
OF PUBLIC INSTRUCTION

(Cite as I D.P.I. App. Dec. 270)

In re Robert B. Lindemeyer :
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 Robert B. Lindemeyer, Appellant :
 : DECISION
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 v. :
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 :
 Ames Community School District, :
 Appellee : [Admin. Doc. 452]

The above entitled matter was heard on August 28, 1978, before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. LeRoy Jensen, associate superintendent, administration; and A. John Martin, director, curriculum. Robert Lindemeyer presented his appeal and the Ames Community School District (hereinafter District) was represented by Attorney Edgar Bittle. The hearing was held pursuant to Chapter 290, The Code 1977, and Departmental Rules, Chapter 670--51, Iowa Administrative Code.

The Appellant appealed a decision of the District Board to terminate an "Alternative Program" for elementary 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.

In the fall of 1972, an elementary program known as the "Alternative Program" was begun for students in grades four through six. The program was developed to serve students with special needs, and was consistent with, but placed emphasis upon, the District philosophy regarding the development of the worth and self-esteem of the individual. Some of the special needs served have been talented and gifted, less severe learning problems, language problems and adjustment problems. In 1973, the Program was expanded to include first through third grade students, and a second teacher.

The Program utilized a variety of resources and emphasized an informal setting. The students grouped themselves by interest rather than age, and competition was minimized. Much of the learning was student-directed, and enrollment in the program was voluntary.

The existence of the Program was not without its problems. In May, 1974, the District Board considered whether the Program should be discontinued. It was decided that the Program would be continued subject to several recommendations. The general purposes of the recommendations appear to have been a tightening of administrative control and the implementation of an evaluation process. The Program was limited to 50 students.

At a District Board meeting in March, 1977, the Board discussed the possibility of eliminating the Program as an economy measure. After discussion by the Board and input from parents of students enrolled in the Program, no action regarding the Program was taken.

In March, 1978, several parents of students enrolled in the Program met with the District's Director of Elementary Education, James Seim. At the time, Mr. Seim apparently felt that the Program would not be discontinued. He assured the parents that they would be notified if Program continuation was jeopardized. There is disagreement in the record as to whether the notification would be to individual parents.

Subsequent to the March meeting, the District became involved in an unusual budget problem. There had been no settlement in collective bargaining negotiations with teachers by the end of the 1977-78 school year. The matter went to arbitration, and by the middle of June, the District was still without a finalized budget for the next school year.

In a letter dated June 16, 1978, the parents of students in the Program were notified that their children had been "tentatively" assigned to the Program for the 1978-79 school year. The letter indicated that planning was taking place and that definite placement would be verified by August 23.

At the June 21, 1978, District Board meeting, the Board president mentioned that she had heard a rumor that the Program would not have enough students for the 1978-79 school year to require more than one teacher. A discussion regarding the Program followed. Mr. Seim indicated to the Board that he had told some of the parents that there would be some warning before the Program was considered for a cut, or discontinuation, and one of the directors suggested that the matter be discussed further at the June 26, 1978, meeting of the Board.

An article appeared in the local newspaper on June 22 containing a story of the meeting, including the discussion regarding the possibility of eliminating or cutting the Program. The article specifically stated that the Board planned to discuss the Program at its June 26 meeting. Parents of many of the Program's students became aware of the upcoming discussion and gathered together at least once to organize opposition to cuts in the Program.

At the June 26 Board meeting, the primary topic of discussion was the "Skeleton" budget proposed for the 1978-79 school year. During those discussions, the cutting and elimination of the Alternative Program was discussed as a possible way to cut expenditures in order to balance the budget. Several parents of students in the Program spoke to the issue of cutting or eliminating the Program. Later in the meeting, a motion was made to eliminate the Program from the curriculum of the District. Additional discussion on the subject occurred before the motion was approved on a vote of four to three.

The Appellant appeared at the July 10 District Board meeting on behalf of some of the parents of students in the Program and offered a gift, conditional that the Program be continued for the 1978-79 school year, of \$3,000.00 to the District to offset some of the costs of the Program. The offer was rejected unanimously by the Board.

At the District Board meeting on July 17, there was considerable discussion about locating sources of revenue to fund the Alternative Program and other items cut from the budget. Several motions were made and discussed in this regard, but all failed to obtain a majority vote.

Mr. Seim testified that the District's limited open enrollment policy will allow the parents of the students leaving the Program the choice of eight elementary buildings to attend. While the educational opportunity presented by the eight schools is considered comparable by Mr. Seim, he testified that each had somewhat different learning environments and the students previously in the Program could chose to attend school in the building which would be best-suited to meet that individual student's needs. Several parents testifying indicated that the District staff has given considerable aid to them in finding the most appropriate assignment available. Meetings have been arranged with prospective teachers and principals, and visits to various elementary buildings have taken place. The District appears to be making an excellent effort to eliminate as many adjustment problems for the students as it can.

II.
Conclusions of Law

The Appellant, through his affidavit of appeal and oral argument at the hearing, did not challenge the legal authority of the District Board to make the decision challenged here. He openly recognized such authority on the part of the Board. See Section 279.11, The Code 1977. However, he contends that the decision was made capriciously, without prior notification to parents concerned, without discussion of the merits of the Program and without thought to the educational well-being of the children involved. We do not agree.

While we feel that important decisions, such as the elimination of the Program, should be given somewhat more consideration than the District Board chose to give it, we feel that under the circumstances, sufficient consideration was given and that the decision at issue here was not made capriciously. We think it is appropriate to note that most, if not all, of the parents' expressed concerns are merely speculative. There was no showing that the educational placement of any of the individual students previously in the Alternative Program will be inappropriate. From the record it appears that the District's Administrators have been exemplary in working with parents to find appropriate placement for their children. We are confident that the close monitoring of those students by parents, teachers and administrators, which obviously will result from these circumstances, will result in timely detection and correction of any actual problems, should they arise.


While there is disagreement in the record regarding an assurance that parents would be notified individually if the Program would be discontinued, we do not consider the issue to be of great significance. The local newspaper did carry the item in an article regarding the Board agenda a few days in advance of the meeting, and a great number of parents of students involved in the program, including the Appellant, did attend the meeting.

In conclusion, we find no sufficient basis on the Appellant's allegations to overturn the District Board decision in this matter.

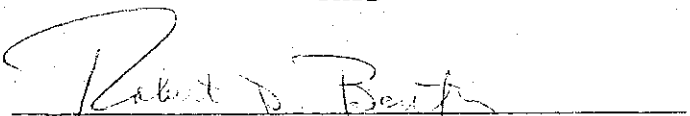
III.
Decision

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

September 15, 1978
DATE


JOHN E. VAN DER LINDEN, VICE-PRESIDENT
STATE BOARD OF PUBLIC INSTRUCTION

September 8, 1978
DATE


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