

IOWA STATE DEPARTMENT
OF PUBLIC INSTRUCTION

(Cite as I. D.P.I. App. Dec. 266)

In re Carolyn Page

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Carolyn Page, Appellant

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DECISION

v.

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:

Red Oak Community School District

Appellee

:

[Admin. Doc. 443]

The above entitled matter was heard on August 21, 1978, before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. Donald Cox; associate superintendent, instructional and professional education branch; and Dr. LeRoy Jensen, associate superintendent, administration. The Appellant was represented by Attorney Richard Davidson, and the Red Oak Community School District (hereinafter District) was represented by Attorney R. John Swanson. The hearing was held pursuant to Chapter 290, The Code 1977, and Departmental Rules, Chapter 670--51, Iowa Administrative Code. The holding of the hearing was delayed due to vacations of parties, attorneys and Hearing Panel members.

The Appellant appealed a decision of the District Board to reorganize the District's elementary attendance pattern.

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 issue of elementary grade organization is not new to the District, and we will attempt here to provide a brief chronological description of relevant events leading up to the decision at issue. The matter was a topic of consideration, at least as early as 1971. In that year, a Department of Public Instruction visitation team, including over two dozen professional educators, made recommendations at pages 10 and 11 of its "Summary Report." The Report suggested that the "neighborhood school" concept in existence at that time, be reevaluated with the possibility of reorganizing the elementary attendance centers so that grade levels could be homogenously grouped in separate buildings. The report was critical of the then existing organization which resulted in one section of each grade level being housed in each attendance center. The organizational pattern was criticized on the grounds that it did not allow for flexibility of teaching approaches and caused unnecessary duplication of materials and equipment.

The fact that the District's teachers and administrators considered and discussed the issue of elementary reorganization many times over the years is reflected in the January 14, 1975, Board minutes. According to those minutes, the elementary teaching staff had recommended a plan of organization for the elementary grades different from

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that which existed, and the Parent's Advisory Committee was interested in studying the advantages and disadvantages of reorganizing the elementary schools. The school administration requested permission from the Board to investigate and present a recommendation regarding the elementary organizational pattern. The Board placed the matter on the regular February meeting agenda for action, and at that meeting, voted to not grant approval to conduct the proposed elementary organization study. The Appellant, who was then on the Board, seconded the motion to not grant approval for the study and voted in support of the motion.

At the September 14, 1976, meeting, a patron of the District requested that the Board conduct a student population survey to determine whether a need existed to adjust elementary attendance center boundaries. The Board discussed the matter and stated that it would study the request and report back at the next regular meeting. The record is silent as to the results of the study.

During the October 12, 1976, meeting the Board was presented with the "Report of the Needs Assessment Committee." One of the specific recommendations of that Report was the clustering of children of closer age spans in the same buildings in order to make more efficient use of facilities, staff and equipment. There is no record of a discussion by the Board at that meeting; however, the Board minutes of December 23, 1976, indicate that the Board discussed boundary lines and centralization of the elementary grades.

The District Superintendent submitted proposed five-, ten- and fifteen-year planning projects at the February 14, 1977, meeting. One of the projects discussed at that meeting was the possible reorganization of grades. The reorganization project proposed to start planning for reorganization of the elementary and secondary grades in the fall of 1977 and complete the planning by the spring of 1978. The Board was asked by the Superintendent to consider the matter and give direction to the Administration.

At the March 14, 1977, meeting the planning proposal was tabled until a special meeting could be held on March 28 to review the plans. Over 20 patrons of the District attended the March 28 meeting to discuss reorganization of the grades and other planning proposals. One of the District's patrons testified at the hearing that the specific topic of one building per elementary grade was discussed during the March 28 meeting. No official action was taken during the three-hour discussion session.

Elementary enrollment and reorganization was also discussed at the May 16, 1977, meeting. The record contains no details of the discussion, but the next month, at a special meeting of the Board held on June 27, 1977, the Board discussed the possibility of reorganizing the elementary grades into only two attendance centers.

A "School Building Survey" conducted by the School Plant Facilities Unit of the Department of Public Instruction, dated July 13, 1977, was presented to the Board at its August 1, 1977, meeting. The Survey recommended a thorough review of the organizational structure of the District and recommended a single centrally-located elementary attendance center. The Survey was discussed at the September 12, 1977, meeting.

Nearly all of the foregoing developments were mentioned in articles appearing in the local newspaper.

On April 28, 1978, several of the District's administrators met to develop a plan to adjust elementary attendance center boundaries. Apparently, several factors precipitated the meeting. Among them was the fact that the District's elementary boundaries had been badly "gerrymandered" over the years to meet the preferences of numerous parents, and the assignment of attendance centers according to the residence of the

students had become a difficult problem. Another factor was that the Administrators had indicated that they would not return to the District the next year. Reorganization could be accomplished without the elimination of occupied teaching positions. A third factor was the situation of declining enrollment and a corresponding tightening of the operating budget.

Out of that meeting came a plan to reorganize the elementary grades. The plan proposed to house two kindergarten sections and all the first grade sections in the Inman building, two kindergarten sections and the second grade in the Webster building, third grade in the Jefferson building, fourth grade in the Bancroft building, and fifth and sixth grades in the Washington building. On May 2, 1978, the general elements of the plan and the justification for it were placed in a memorandum to the Board of Directors.

On or about May 4, the memorandum was sent to Board members with copies of the agenda for the May 8 meeting. On or about the same date, the local newspaper carried an article regarding the May 8 agenda and stated that the Board would consider a plan to reorganize the elementary grades. Several Board members were polled privately by interested parties and were told that a decision on the matter would not likely be made at the May 8 meeting.

Over 100 patrons of the District, including the Appellant, attended the May 8 meeting. About twenty persons spoke or asked questions regarding the proposed plan over a period of about one and one-half hours before the Board discussed and voted on the plan. A motion to adopt the plan was unanimously approved. While it is true that participation by patrons may have been hampered by lack of adequate copies of the proposal, there is nothing in the record to substantiate the Appellant's claim that patrons were not permitted to address the Board with their viewpoints.

The Appellant's claims of clandestine and illegal meetings at which the matters involved in the decision at issue here were discussed outside of public view were not substantiated by the evidence. Actions and reactions of the parties in subsequent developments were brought out at the hearing, but are not sufficiently relevant to the decision made on May 8, to necessitate a detailed discussion here.

II.

Conclusions of Law

The affidavit filed by the Appellant in this appeal is five pages in length and contains numerous alleged errors on the part of the District in reaching the decision at issue here. We feel that the allegations of the Appellant can be summarized in two statements of the issue: (1) whether the decision of May 8 was made after sufficient community input, see In re Norman Barker, et al., 1 D.P.I. App. Dec. 145; and (2) whether the decision was a wise one. The authority of the Board to make the decision was not at issue.

In regard to the latter of our restatement of the issues, we find that the Appellant has not sufficiently shown us that the District Board's decision to reorganize the District's elementary attendance pattern was not an appropriate decision. While the decision does have some negative aspects, such as anticipated increased transportation costs, it is a viable elementary organizational plan. We find that the apparent negative aspects of the decision are sufficiently balanced by the positive so that we do not feel inclined to overrule the District Board in its decision. We also note that in the presentation of evidence and argument at the hearing, the Appellant appeared to de-emphasize this issue and rely more heavily on the issue of sufficient consideration and community input.

The issue of whether the decision was made with sufficient community input is, in our estimation, a more difficult one. The State Board of Public Instruction ruled in In re Norman Barker that important decisions with District-wide implications, such as the decision at issue here, should be made only after adequate time for consideration and the opportunity for input from the community at large. While there are some elements of the timing of the decision and the lack of timely notice that cause us concern, we feel that on the whole, taking all factors into account, there was sufficient consideration on the part of the District Board and opportunity for community input. The record shows that the elementary organization had been a topic of community and Board consideration and discussion for many years. The record shows that a large number of community members were in attendance at the May 8 meeting and were given the opportunity to air their views on the proposed reorganization plan. While we are distressed by the fact that several Board members assured some community members that they did not feel that the issue would come to a vote on May 8, we must remember that Board members acting as individuals do not act for the Board. The Board members making such statements appear from the record to have been giving personal opinions and not making promises. In the absence of some indication of deceit on the part of board members involved to keep patrons uninformed, we are not inclined to find that the opinions of individual board members, regarding possible board action, inaccurate as they may be, are grounds for reversing school board decisions.

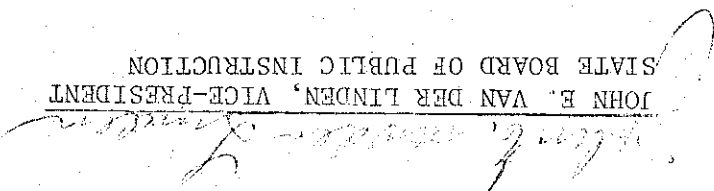
In conclusion, we have not been shown sufficient grounds for overruling the District Board decision at issue here. All objections and motions not previously ruled upon are hereby overruled.

III.
Decision

The decision of the Red Oak 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 12, 1978
DATE

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

