

IOWA STATE DEPARTMENT
OF PUBLIC INSTRUCTION

(Cite as I D.P.I. App. Dec. 239)

In re James Pettitt	:	
	:	
James Pettitt, Wendell Maakestad	:	
Appellants	:	
	:	DECISION
v.	:	
	:	
Cedar Rapids Community School District	:	
Appellee	:	[Admin. Doc. 431]

The above entitled matter was heard on May 25, 1978, before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. Donald Cox, associate superintendent, instruction and professional education branch; and Carl Miles, director, supervision division. Dr. Marvin Maire, superintendent of the Cedar Rapids Community School District (hereinafter District) appeared on behalf of the District, and Geri Pettitt served as the spokesperson for the Appellants. The hearing was held pursuant to Chapter 290, The Code 1977, and Departmental Rules, Chapter 670--51, Iowa Administrative Code.

I.
Findings of Fact

The Hearing Panel finds that it and the State Board of Public Instruction have jurisdiction over the parties and the subject matter.

At its regular March 13, 1978, meeting the District Board of Directors (hereinafter Board) voted five to two to close the Eisenhower Elementary School as the attendance center for kindergarten through sixth grade and to reassign students to other elementary attendance centers. The Appellants made a timely appeal of the Board decision to the State Board of Public Instruction.

In 1975, a study of facility utilization was conducted which showed that Eisenhower was one of five schools with an enrollment of less than 300. The Board President testified that since the 1975 study, there have been annual reevaluations of the enrollment situation to determine whether Eisenhower would remain open.

The record is quite clear on the recent background of the dispute. At its May 23, 1977, meeting the District Board gave support to another school facilities study. The study was recommended by the school administration as a planning tool to meet the combined problems of declining school enrollment and constraints on school budgets. (Five attendance centers in the District have been closed during the past three years.) The study was designed to involve a broad cross section of persons from the community. The composition of the proposed Task Force to complete the study included one parent repre-

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sentative from each elementary and secondary school attendance area appointed or elected by the local P.T.A., four district residents appointed by the District Board and four nonadministrative certificated staff members appointed by the Superintendent.

At the June 27, 1977, meeting the District Board reviewed the proposed Task Force structure and committee assignments. Again, Board support for the proposed study was shown, and the organizational meeting of the Task Force was scheduled for July 20. At the July 11, 1977, District Board meeting it was decided that Board members would not be formally assigned to the Task Force committee, but would have the privilege of attending meetings as observers.

The Task Force worked primarily through a steering committee and a number of subcommittees. The steering committee consisted of the Task Force chairperson and the chairperson of the subcommittees as designated by the Board. District administrators served as exofficio members of the steering committee and of each subcommittee.

The Task Force was directed to study several major components and develop and present conclusions or recommendations to the Board after appropriate community and school staff review. The major study components were: A) enrollment trends and projections; B) school attendance areas, distribution of students, and boundaries; C) inventory of available school facilities; D) transportation requirements; E) alternative forms of school organization; F) special program considerations; and G) budgeting implications.

A time-line was established for the work of the Task Force. Between June, 1977, and February, 1978, the Task Force was to be organized, complete background work, meet regularly, make progress reports to the Board, obtain community reactions to the preliminary conclusions and recommendations and make a final report to the Board. According to the time-line, the Board was to take final action on February 27, 1978. (Final action actually took place two weeks later on March 13, 1978.)

On October 10, 1977, Robert Kasimar, chairperson of the Task Force, presented the Board with a brief progress report. The preliminary report of the Task Force was presented to the Board on December 12, 1977, and the steering committee and school staff entertained Board questions regarding the report content. Four public discussion sessions (hearings), including one at Eisenhower school, were established through Board action.

The preliminary report recommended the closing of the Eisenhower school as a K-6 attendance center at the end of the current school year and the reassignment of students to other schools. Eisenhower currently has the smallest enrollment of the District's elementary schools, and a decline in enrollment is expected to continue. Enrollment at Eisenhower was 310 in 1970; 290 in 1975, and 204 in April, 1978. District projections showed an enrollment of 158 for next year with a leveling off of the decline at about 130 students in about four years. The report also recommended that Eisenhower be utilized as a center for programs for students with special needs. Minutes of the Task Force meetings show that it considered several alternatives to the recommendation of the closing of Eisenhower, including the major alternatives proposed by the people opposing the closure. (The Appellants primarily contend that Eisenhower should be kept open as an overflow school for other northeast Cedar Rapids attendance centers.)

A summary of each of the four public discussions, including the one held at Eisenhower, was drafted for Task Force and Board consideration. At its January 23, 1978, meeting the District Board agreed to receive the full report of the Task Force and the reaction of the District's Administration on February 14 and to hold a hearing on the two on February 27. It was planned to use the March 13 Board meeting as a continuation of the hearing, if necessary, and for final action.

On February 14, 1978, the final report of the Task Force and the Administrative reactions to the Task Force report were received by the Board. While some changes had been made from the preliminary report as a result of the community input, the recommendations regarding Eisenhower were basically unchanged in the final report. The Administration generally endorsed the recommendations regarding Eisenhower.

On February 27, the previously announced public hearing on the Task Force report was held. Patrons of the District were given an opportunity to present their views and many did. At least nine persons spoke presenting information regarding the recommended closing of Eisenhower, and others presented written material. The hearing was continued until the March 13 regular Board meeting, and opponents to the closing of Eisenhower were given the opportunity to furnish more information.

Through presentation of information and questions raised at these Board meetings, the persons opposing the closing of Eisenhower attempted to correct what they felt was inaccurate information before the Board. They also brought before the Board matters which they felt had not been sufficiently addressed by the Task Force or Administration. Persons opposing the closing of Eisenhower had a full opportunity to make the Board aware of their concerns.

The Task Force had eight meetings, and the subcommittees had additional meetings. There was extensive news media coverage of the Task Force activities and the proposed closing of Eisenhower. School publications also carried items regarding the Task Force and the proposed closing.

No use for the building is now planned for next year.

II.

Conclusions of Law

The Appellants have not challenged the legality of actions of the District Board in this matter. Legal authority for such decisions is found in Sections 279.11 and 274.1, The Code 1977. Neither is there any complaint by the Appellants that the Board did not give them full opportunity to present their side of the issue. The sum and substance of the appeal are found in the second paragraph of the appeal document. Here follow the terms of that paragraph:

We, the undersigned, representing the Eisenhower Parents Committee, request an appeal of that decision on the grounds that equal consideration was not given to the information presented for keeping Eisenhower open and that for closing it. We maintain the Board relied heavily on the Cedar Rapids School System Administration's input which we consider to have been incomplete.

In summary, the Appellants contend that the District Board relied too heavily upon the District's Administrative staff input into this decision and did not sufficiently consider information from other sources, including themselves. While the record contains much of the information which was presented to the Board, there was little, if any, evidence submitted to substantiate the Appellant's claim that unequal consideration was given the information presented to it. Even if the Appellants were able to show unequal consideration on the part of the Board, we are not certain in the circumstances presented here that such unequal consideration is necessarily inappropriate. If a board of directors of a district has come to respect and trust information provided by the school administration, or for that matter any other group in the community, it is only reasonable that

it would rely more heavily on that information as opposed to information presented by others. We are not willing to tell a school board to whom it is to give deference in disputes of either fact or emotion.

The extent of previous State Board of Public Instruction involvement in disputes of this nature, has been only to insure that a board making an important decision, such as the closing of an attendance center, receive appropriate community input. See In re Norman Barker, 1 D.P.I. App. Dec. 145. In the matter currently before us, considerable community input was available to the Board through the Task Force and through the holding of its own public hearing. We feel that the Board was as fully appraised of the facts as can reasonably be expected in such situations.

The vote by the Board on the issue of closing Eisenhower School was not a unanimous one. We can, therefore, conclude that this was an issue on which reasonable persons could differ. Since the Board was fully appraised of the facts, we are very reluctant to overrule the Board in its decision. We have, in conclusion, not been shown sufficient reason for overruling the District Board in this matter.

III.
Decision


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

July 13, 1978

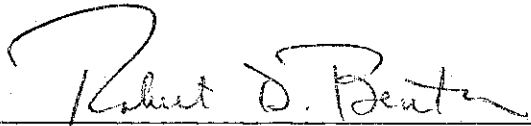
DATE

July 5, 1978

DATE



JOLLY ANN DAVIDSON, PRESIDENT
STATE BOARD OF PUBLIC INSTRUCTION



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