

IOWA STATE DEPARTMENT  
OF PUBLIC INSTRUCTION

(Cite as I D.P.I. App. Dec. 227)

In re Karen Thovson :

Karen Thovson, et al.  
Appellants :

v. :

Allison-Bristow Community School  
District  
Appellee :

DECISION

[Admin. Doc. 434]

The above entitled matter was heard on June 20, 1978, by a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. LeRoy Jensen, associate superintendent, administration; and Carl Miles, director, supervision division. The Appellants were represented by Attorney Raymond Drew, and the Allison-Bristow Community School District (hereinafter District) was represented by Attorney Gary Boveia. The hearing was held pursuant to Chapter 290, The Code 1977, and Departmental Rules, Chapter 670--51, Iowa Administrative Code.

On March 21, 1978, the District Board of Directors (hereinafter Board) voted to close its junior high attendance center in Bristow and house all of the District's students in Allison. The Appellants made a timely appeal of that decision to the State Board of Public Instruction.

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.

About twenty years ago, the Allison and the Bristow school districts reorganized to form the current District. Due to declining enrollment and changing times, generally, the elementary-age students and the senior high school students came to be housed at the Allison campus and the junior high school students in the Bristow attendance center.

In the late 1960s, Dr. Howard Knuston, dean, College of Education at the University of Northern Iowa, completed a comprehensive study of the District and made recommendations to the District Board. He recommended several alternatives to the Board, the first two of which recommended the abandonment of the Bristow attendance center. In about 1969, a bond issue was presented to voters which provided for the housing of all students at the Allison center. Had the issue been passed by the voters, the Bristow center would have been closed. There was much discussion in the District about that possibility at that time.

After the bond issue failed, several relocatable classrooms were located at the Allison center and are currently used primarily to house high school classes. The Bristow center was modified to comply with state fire marshal regulations.

In April, 1976, the Department of Public Instruction, at the invitation of the District, conducted an extensive team evaluation. The team consisted of about 13 members of the Department's staff and about 17 members from other Iowa school districts and the University of Northern Iowa. The 71-page report contained no less than ten facility and program shortcomings related to the maintenance of the junior high school in the Bristow center. The Department Team Evaluation Report was published in the local newspaper in its entirety over a period of several weeks in the fall of 1976.

In October, 1976, the District Board appointed a nine-member Advisory Committee to study the facility situation and report back to it with recommendations. There were ten persons on the committee with one being a resident of Bristow and two or three others residing in the rural area near Bristow.

The Advisory Committee acquired an engineering consulting firm to study the Bristow center. The consulting firm concluded that the external portion of the 1914 building was in good repair, but that internal portions would need extensive repair work, costing about \$30 a square foot. The Advisory Committee also worked closely with the District's elementary and secondary principals to discuss alternative plans and locations.

On January 9, 1977, with all ten members present, the Advisory Committee voted unanimously to recommend the closing of the Bristow attendance center. The minutes of that meeting show the reasons to be:

. . . cost of transportation, staff utilization, operating costs, adaptability of facility, availability of exploratory courses, educational environment, feasibility and cost of renovation and repair, and undesirability of the facility in attracting desirable staff.

Those minutes also show that other alternatives were considered, including a reorganization with a neighboring district.

The Advisory Committee report was given to the Board on March 11, 1977, and the local newspaper carried an account of the report, including the recommendation to close the Bristow center. At least two former District Board Members served on the Advisory Committee, and they testified that the Board had considered the possibility of closing the Bristow attendance center numerous times between 1968 and 1976.

In the fall of 1977, it was discovered that the District's budget had been inadvertently overspent due to an error involving area education agency pass-through funds. The result was that the current year's budget would be lowered by the amount of the over-expenditure. The superintendent and principals began reviewing the budget even more closely than in the past to find where savings could be made. They concluded that a savings of about \$20,000 would be made by the closing of the Bristow center. Previous considerations of closing Bristow had not gotten very far due to overcrowded conditions at the Allison campus. However, declining enrollment, especially at the elementary level, meant that classroom space would be available for the 1978-79 school year.

At the February 13, 1978, District Board meeting, Superintendent Dean Uhlenhopp presented cost estimates regarding the closing of the Bristow center. The matter was discussed and tabled until a future meeting. The matter came up at a special Board

meeting on March 6, but was tabled until the regular Board meeting. At the regular Board meeting on March 13, the issue of closing the Bristow center was tabled until a special meeting could be held to discuss the matter. The special meeting was scheduled for March 21 and was, in part, for the express purpose of discussing the closing of the Bristow center.

The next issue of the local newspaper carried a story regarding the consideration to close the attendance center under the heading "School Board Discusses Closing Bristow Center." The article carried an express invitation for the public to attend and "express their view and concerns." The Appellants contend that because they did not receive the newspaper until four days before the scheduled meeting, that they did not have sufficient time to adequately organize their opposition to the closing.

The March 21 meeting occurred as scheduled with over 100 persons in attendance. Many persons, including some of the Appellants, their attorney and Advisory Committee members, spoke at the hearing. All persons who desired to speak had the opportunity to do so. A Board motion to close the Bristow center carried.

At the April Board meeting, the Appellants presented a list of two dozen questions to the Board for its response. The Board declined to respond at that time, but promised that a response would be forthcoming. A short time later, Waterloo and local newspapers carried the Board's responses in full.

II.  
Conclusions of Law

In summary, the Appellants' contentions are that the District Board's decision to close the Bristow attendance center should be overturned for the following reasons: the decision was arbitrary and capricious; not in the best interests of the District; made without adequate notice to citizens; lacking in consideration of actual facilities and that the Board refused to answer questions at its April meeting. We do not agree with any of these contentions.

The current District Board, previous Boards and the patrons of the District had been considering the possibility of closing the Bristow center for at least ten years. The Advisory Committee recommendation to close the center was made more than a year before the actual action took place. Patrons of the District were given an opportunity to fully express their views. We find that the decision of the Board in this matter was made after considerable deliberation and was not arbitrary and capricious.

While four-days notice in the newspaper may be insufficient notice to the public in some circumstances, the facts presented here do not lead us to that conclusion. The issue had been presented districtwide for several years and had been tabled at three successive Board meetings. The possibility of action to close the Bristow center could hardly have come as a surprise to most persons in the District.

The Board's refusal to answer questions at the April meeting is not directly relevant here because it occurred subsequent to the action appealed. Nevertheless, we do not feel that in most circumstances it is unreasonable for Boards to deliberate and consider answers to two dozen questions requiring detailed answers.

Other allegations of Appellants are adequately refuted in the record. We have been shown no reason to overrule the Board in this matter.

III.  
Decision

The Decision of the Allison-Bristow 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 13, 1978

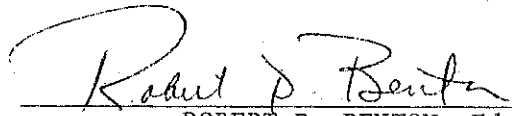
DATE



JOLLY ANN DAVIDSON, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION

July 5, 1978

DATE



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