

IOWA STATE DEPARTMENT  
OF PUBLIC INSTRUCTION

(Cite as 1 D.P.I. App. Dec. 188)

|                              |   |                   |
|------------------------------|---|-------------------|
| In re Ronald Ray Crozier     | : |                   |
|                              | : |                   |
| Mr. & Mrs. Ralph Crozier     | : |                   |
| Appellants                   | : |                   |
|                              | : |                   |
| v.                           | : | DECISION          |
|                              | : |                   |
| Adair-Casey Community School | : |                   |
| District                     | : |                   |
| Appellee                     | : |                   |
|                              | : |                   |
|                              | : | [Admin. Doc. 420] |

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The above entitled matter came for hearing on March 28, 1978, beginning at approximately 10:00 a.m. The matter was heard before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Drexel Lange, associate superintendent, pupil personnel services branch; and Giles Smith, chief, guidance services. Attorney John Phillips represented the Adair-Casey Community School District (hereinafter District). Mr. & Mrs. Ralph Crozier were present and represented themselves.

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.

On December 7, 1977, Ronald Crozier, an eleven-year-old fifth grade student in the District was involved in a scuffle on the school bus. The scuffle resulted from Ron's failure to immediately return property which had been taken by one of Ron's friends from another student.

The next day, Ron was called into a meeting with Bill Wells, the elementary principal; Richard Shockey, the superintendent; and Ron's school bus driver. The driver complained that Ron's misbehavior on the bus was causing him sufficient distraction so as to affect the safety of all of the students on the bus. The driver complained that Ron had previously lit matches on the bus, thrown candy, been involved in several altercations with other students and hung "obscene pictures" out of the bus window. Ron did not, at that time, deny the allegations. Mr. Shockey warned Ron that riding the school bus is a privilege which could be taken away if he could not better control his behavior. However, the only disciplinary action taken was the assignment of Ron to a permanent seat on the bus. Mr. Wells thought that the disciplinary problem had been resolved at the meeting and that Ron had accepted responsibility for his actions.

Shortly after the meeting, Mr. Wells attempted to reach Mr. & Mrs. Crozier by telephone. When he was unable to do so, he drafted and sent a letter to inform them of the meeting with Ron. The letter briefly mentioned the various incidents of misbehavior discussed at the meeting.

The December 8 letter was the first indication the Croziers had received from school that Ron was having discipline problems. When they discussed the letter with Ron, he denied the accuracy of some of the allegations. He admitted lighting one match, but only one; being involved in scuffles, but denied starting them and admitted having the "obscene picture" but denied that it was obscene or that he was the student who had hung it out the bus window. He said that the picture was one of a statue taken from an art book which was not nude, but draped with cloth. Mr. Wells and Mr. Shockey admitted that they had not seen the picture, but had used the bus driver's language in calling it obscene. The administrators were more concerned with the hazard of students extending arms and hands out bus windows than whether the picture was obscene.

Mr. & Mrs. Crozier were concerned that the information contained in the letter would be placed in Ron's school records. They felt that much of the information was inaccurate and was likely to damage Ron's reputation if others were granted access to it. The December 8 letter was actually placed only in Mr. Wells' correspondence files, and was not intended by the school to become a part of Ron's student record.

The Croziers put their concerns in writing to Lynn Elgin, president of the District Board, in a letter dated January 3, 1978. They emphasized their concern that the December 8 letter would defame their son's character and hinder his future performance in the District's schools. The January letter made two specific requests, which read as follows:

1. The Board should order Mr. Wells to write a letter of retraction and apology which corrects his earlier letter. Copies of this letter should be filed with the correspondence filed in the Superintendent's office and all other school files where Mr. Wells' December 8, 1977 letter already appears.
2. A copy of this letter dated January 3, 1978, and written by us should be filed in all school files which already contain Mr. Wells' December 8, 1977 letter.

The Croziers met with the Board and discussed the matter at the Board's regular meeting on January 11. Following the discussion, the Board voted to deny the requests contained in the January 3 letter. The Croziers timely appealed the Board decision to the State Board of Public Instruction.

Superintendent Shockey testified that the only copy of the December 8 letter currently kept by the District has been placed in the School Board Secretary's correspondence file and that a copy of the Crozier's letter of January 3, 1978, has been placed with the December 8 letter in that file. Mr. Shockey testified that he had apologized several times to the Croziers for the misunderstanding caused by the letter, but not for its content. He emphasized to them that the letter was considered by the District to be an informative letter to the Croziers and not a letter upon which any disciplinary action was intended or one which was intended to defame Ron's character.

Mr. Elgin affirmed this view through his own testimony. He read into the record a prepared statement that he had taken with him to the January 11 meeting. He testified that he attempted to incorporate its contents into the Board discussion with the Croziers. In the statement he emphasized that it was unfortunate that the Croziers misinterpreted the letter and that no malice was intended on the part of school officials. The statement said, in part:

The school was merely attempting to relate to you that incidents have occurred on the bus which you, as parents, and the school could cooperatively resolve.

Mr. Elgin further testified that he felt the Board refused to apologize to the Croziers, because it felt that the letter was not of sufficient consequence to cause concern.

## II.

### Conclusions of Law

The appeal document submitted by the Appellants and the record do not disclose any issue of law raised in this appeal over which we may exercise jurisdiction. Rather, the basis of the appeal was discretionary action taken by the District Board of Directors to refuse the Crozier's request on January 11, 1978. After hearing the testimony and reviewing the record, we are of the opinion that the issues raised by the Croziers border on mootness.

Ron Crozier was accused of committing certain acts, some of which he now denies doing. The Crozier family felt that it had to raise objection to the accusations contained in the December 8 letter or let those allegations stand as fact. They have succeeded in raising a reasonable doubt as to the accuracy of some of the statements contained in the December letter; however, some of the statements, such as the lighting of a match on a bus and involvement in scuffles were founded in fact.

The second Crozier request presented to the Board of Directors was that a copy of the Crozier's rebuttal to the December 8 letter be filed in all school files which contain copies of the December 8 letter. The record shows that the District has, in fact, complied with this request.

The first Crozier request was that the Board order Mr. Wells to write a letter of retraction and apology. While expressly refusing to require an apology, the Board and school administration, through its actions, have substantially complied with the Crozier's request. The Superintendent and Board President publically expressed regret that the letter had created any misunderstanding. While the use of some language in the December 8 letter appears to be unfortunate, it does not appear that the letter was written with malice, and much of the problem raised by it has been mitigated by subsequent actions of the Board and Administration. While Mr. Wells admitted he would not use some of the same language if he were to again draft the letter, we do not feel there was sufficient harm intended or resulting to justify requiring Mr. Wells' apology to the Croziers.

All motions and objections not previously ruled upon are hereby overruled.

III.  
Decision

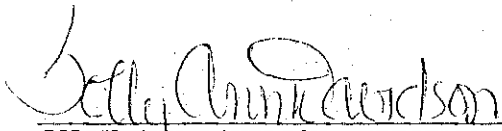
The decision of the Adair-Casey Community School District Board of Directors rendered on January 11, 1978, in this matter is hereby affirmed. Appropriate costs of this appeal, under Chapter 290 if any, are hereby assigned to the Appellants. It would be appropriate for the District to place a copy of this decision in its records along side the December 8 and January 3 letters for as long as those letters are retained by the District.

May 11, 1978

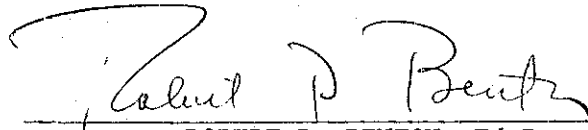
DATE

May 4, 1978

DATE



JOLLY ANN DAVIDSON, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION



ROBERT D. BENTON, Ed.D.  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION