

IOWA STATE DEPARTMENT  
OF PUBLIC INSTRUCTION

In re Jerry Vestal, et al. :

Jerry Vestal, et al. :  
Appellants :Albia Community School District :  
Appellee :

DECISION

[Admin. Doc. 354]

The above entitled matter came for hearing on September 8, 1975. The matter was heard before a hearing panel consisting of Dr. Robert Benton, state superintendent and presiding officer; Dr. Donald Cox, associate superintendent, instruction and professional education; and A. John Martin, director of curriculum. The hearing was held pursuant to Chapter 290, The Code 1975, and Departmental Rules Chapter 670--51, Iowa Administrative Code. Keith Cash represented the Albia Community School District (hereinafter School District) and Gordon Allen of the Iowa Civil Liberties Union represented the Appellants.

I.  
Statement of Issues

On November 11, 1974, the Board of Directors of the School District made a decision to continue to combine the teaching of two elementary grade levels under one teacher at the Melrose elementary attendance center. The Appellants appealed the decision to George Starceovich, Monroe County Superintendent of Schools, under Chapter 290. Following a hearing on this matter the County Superintendent insisted, ". . . that feasibility studies be instigated . . . by an unbiased third party, namely the State Department of Public Instruction." While this directive was never transmitted to the Department, the Albia Community School District Board of Directors did request the Department of Public Instruction to conduct a study of the school system which was made by a staff visitation team on May 7-8, 1975. The report of this visit was made to the Albia Board of Education on May 30, 1975. The County Superintendent rendered his decision on June 27, 1975. The decision affirmed the previous decision of the School District Board of Directors. On July 28, 1975, the Appellants filed an appeal with the State Board of Public Instruction requesting the decision of the County Superintendent be overruled. The specific issues in this matter as stated in the affidavit of appeal are:

- (a) whether the children attending the Melrose attendance center are receiving an equal educational opportunity provided to other children of elementary age within the district. (b) whether the actions, both in the past and continuing, of the Board violate the duties of members of boards of directors of school corporations, as defined in the Code of Iowa, with specific reference to Chapter 277.28 and Chapter 279.8. (c) whether the actions, both in the past and continuing, of the Board violate the First,

Due to changes in organization, only the second and third grades (first and second in 1974-75 school year) at the Melrose attendance center are combined at the current time.

The record further shows the following Mean Grade Equivalent for students in grades four and five in the 1974-75 school year compared to the previous year as determined by the Stanford Achievement Test.

STANFORD ACHIEVEMENT TEST--MEAN GRADE EQUIVALENT

	11/73		9/74
Melrose			
Grade 3	3.4	Grade 4	3.6
Grade 4	3.9	Grade 5	5.0
Grant			
Grade 3	4.2	Grade 4	3.7
Grade 4	4.8	Grade 5	5.5
Jefferson			
Grade 3	3.7	Grade 4	3.9
Grade 4	4.8	Grade 5	5.4
Lovilia			
Grade 3	3.8	Grade 4	4.0
Grade 4	4.8	Grade 5	5.7
Washington			
Grade 3	3.7	Grade 4	4.0
Grade 4	4.3	Grade 5	5.3

The record also shows a comparison of two years academic growth for one class. The exact class was not identified. The district average showed an average annual growth of 1.02 while the various elementary attendance centers had the following average annual growth:

Melrose	1.02
Grant	1.04
Jefferson	.90
Lovilia	1.07
Washington	1.02

The following chart shows the average per pupil cost for students attending the elementary attendance centers and is based on the January 10, 1975 enrollments and the general fund expenditures for the period July 1, 1974, through April 1, 1975.

Accordingly, we find insufficient evidence to conclude: (a) that the children attending the Melrose attendance center are not receiving an educational opportunity equal to that provided other elementary-age children in the School District; (b) that the Board of Directors of the School District violated their duties as defined by the Code of Iowa; (c) that the actions of the Board of Directors violate the Iowa Constitution; or (d) that the actions of the Board of Directors violate the Constitution of the United States.

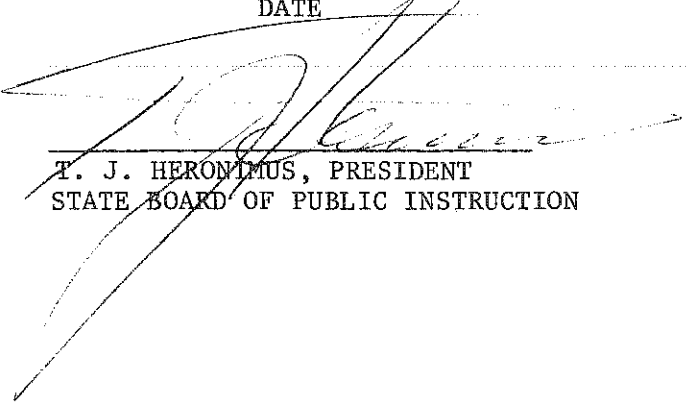
All objections of the parties not previously ruled upon are hereby overruled.

III.  
Decision

The decision of the Albia Community School District Board of Directors in this matter is hereby affirmed. Appropriate costs of this appeal are hereby assigned to the Appellants.

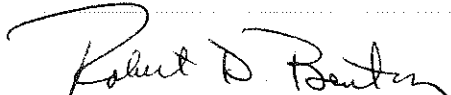
January 8, 1976

DATE

  
T. J. HERONIMUS, PRESIDENT  
STATE BOARD OF PUBLIC INSTRUCTION

December 29, 1975

DATE

  
ROBERT D. BENTON, Ed.D.  
STATE SUPERINTENDENT AND  
PRESIDING OFFICER