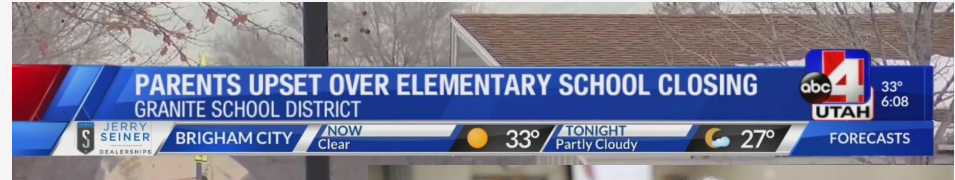


Alpine School District's Unlawful School Closure Process

Legislative Administrative Rules Review & General
Oversight Committee Presentation

Background



In December 13, 2018, Granite School District notified parents of their intention to close Oquirrh Hills Elem. **They voted 26 days later to close the school.**

State Senator Karen Mayne of West Valley:

"You don't tell the community with a handful of days (within a vote of whether to close a school). That's not how we do it...I hope [this legislation] helps prevent what happened in my community...It has caused a lot of backlash...The legislation was not clear or transparent of how to close a school, how to be transparent with the community...**It was so traumatic**...I think the district mishandled it not knowing the blowback that would happen."



What does the law say?

“Before closing a school or changing the boundaries of a school, a local school board shall:

- at least 120 days BEFORE APPROVING the school closure or school boundary change,
- **provide notice** to the following that the local school board is considering the closure or boundary change to:
 - A) parents of students enrolled in the school...
 - B) parents of students enrolled in **other schools**...that may be affected...
 - C) the governing council and the mayor of the municipality in which the school is located.”

Legal Process vs. Alpine's Process

Legal Process

1. Notification
2. 120 Days for Public Input
3. Approval
4. Implementation

Alpine's Process

1. Approval
2. Notification
3. Implementation and (?) Days of Tainted Public Input

November 29 ASD School Board Meeting

"I move that we approve a districtwide boundary adjustment study." (No mention of closures.) - Julie King

"It was my understanding that we only [started the 120 day notification] when there was an actual proposal." - Ada Wilson

December Notification Emails

After the initial review of the study, parents of schools that could be impacted by a boundary change or closure will receive additional information. Study outcomes may result in boundary changes impacting some schools for the 2023 school year, while others may take effect in 2024 or at a later date.

Notification did not indicate closures could happen in 2023:

- The email only indicated the possibility of boundary changes in 2023

Notification was too broad:

- By indicating that all schools were being studied, no specific school could be on notice of possible adjustments. (Law requires notice to “parents of students enrolled in the school”) or “parents of students enrolled in **other schools...that would be affected**” by a closure)

Feb. 14 Study Session

Study session comments indicate Board members did not believe the 120-day process had begun:

- “Is it the recommendation of the district leadership team to **announce** all of these at the same time...or **waiting the 120 days** on each one?”
- “[At the] **beginning of March we will start the specific boundary studies..involve the community and make some recommendations...**we need to start that process...so that that the hundre– uh, so that they [the public] would have sufficient time to give feedback and have hearings so that in April we can announce those decisions.”

February 28 Board Meeting

- “It’s the public’s first time to hear the results of our study.”
-Kimberly Bird
- This presentation was “so the public could become aware.”
-Shane Farnsworth
- “I would like to start the process of public input.”
-Mark Clement
- “I would invite our public to participate in a dialogue.”
-Ada Wilson
- “We will begin the process of notification.”
-Shane Farnsworth

Feb 28 “Approval to Close”

“I move that the Board of Education direct staff to **begin a formal process** in accordance with state statutory requirements of closing Sharon, Windsor, Valley View, Lindon, and Lehi elementary schools and implement the associated boundary and program changes to be effective in the 23-24 school year”



This was the approval that was supposed to happen after the 120 days, instead it was given the day before the public was even notified.

March 1 email notification and public input process

March 1 email was the first time specific schools were named as the law requires

March 1 was the first notification that closures were mentioned as a possibility for 2023

March 1 was also the first time the district provided detailed information about feedback mechanisms, public comment opportunities, district open houses, and the public hearing which was set for April 18.

Immediate Closure Implementation

Within days of the March 1 email, ASD began implementing closures at the affected schools through the following actions:

- Assigning administrators away from closing schools (Mar. 14)
- Encouraging teachers to seek employment elsewhere
- Stopping PTA/SCC elections
- Stopping TRUSTland fund allocations

At the March 28 Board meeting, Mark Clement acknowledged the board 'may have made a mistake" but it was "too late to turn back" as too much had been implemented to reverse course (even though the 120 days were not concluded).

Period of Chaos

- Board members indicated closures were a foregone conclusion, which tainted public input
- New plans created with no communication
- Public open houses with hundreds of parents but inconsistent answers, depending on who you asked
- New school added to plans as late as March 29
- Confusion on when the 120 days start (Brinkerhoff)
- 3 hours of comments at public hearing with no discussion
- Votes to “continue study” when even the board was unclear what that meant
- Voting to close some schools 2 days before year starts
- Voting to close other schools a full year from now without taking any further input

Unenforceability

When we realized the District was not following state law, we appealed to everyone we could think of:

- Utah State Board of Education
- USBE Complaint Hotline
- State & County Attorney Generals Offices
- State Auditor's Office
- State Ethics Commission
- city mayors and other officials, and
- many State legislators who represent families in the Alpine School District and who serve on the legislative education committee

But no one had jurisdiction to ensure Alpine School District was following the law. We were told the only way to enforce the law would be through a civil suit in the courts.

What we hope to accomplish today:

We hope a simple statement from legislators to ASD regarding their misapplication of the letter and spirit of the law could immediately encourage ASD to restart the legally defined process and ensure steps are taken in the proper order. This is a generational decision that all stakeholders deserve to get right.

A committee bill file is opened by either this committee or the Education Committee to address:

- Increased transparency
- Clearly defined expectations
- Accountability

Increased Transparency

- Stakeholder Committee
 - In legislation passed in 2022, a springboard school is required to establish a school improvement committee composed of the local school board member, principal, parents, teachers and administrators. There is value in a similar committee to discuss boundary changes and school closures. No stakeholder should be blindsided in this process.
- Notification to stakeholders
 - Clear timeline of the process and potential outcomes
 - Updates to stakeholders as the process is underway
 - Visible public notices at the schools, similar to what we see for public notices in land development.

Clearly Defined Expectations

- Notification plan with clear language outlining options on the table.
 - More prominent noticing to parents with more clearly stated goals
- Voting requirements
 - First vote is to create a boundary study committee for the specific schools subject to potential closures or adjustments
 - Second vote is to open 120 (or 180) day public comment period to affected stakeholders of a potential school closure
 - Third vote is at the completion of the public comment period to finalize the proposed changes
 - This vote is to be taken no later than October 15th of the year prior to the scheduled closure and affected boundary changes.

Accountability

- Utah needs increased accountability in our schools to our stakeholders.
- Potential options
 - Empower the AGO to enforce Utah code with LEA's
 - Create an Ombudsman office through the AGO to ensure state law is being upheld
- Regarding school closures, we need increased accountability in these specific areas;
 - LEA's should be accountable to constituents to respond to public comments and address concerns.
 - LEA's need to address closing schools that affect underserved populations
 - 20% of all ASD students impacted, about 40% of all ASD elementary students
 - Disproportionate number of socioeconomic disadvantaged, heritage speaking, recent immigrant, ethnic minority students being harmed (50% of DLI programs that serve native Spanish/Portuguese heritage speaking populations, 25% of Title I schools close, etc)