

**DAVENPORT COMMUNITY SCHOOL DISTRICT**

Achievement Service Center

Jim Hester Board Room

1606 Brady Street

Davenport, IA 52803

**COMMITTEE OF THE WHOLE**

**MONDAY, FEBRUARY 6, 2017**

**5:30PM**

The Board of the Davenport Community School District in the Counties of Scott and Muscatine, State of Iowa, met on Monday, February 6, 2017 for their Committee of the Whole Meeting. The meeting was held at the Achievement Service Center, 1606 Brady St., Davenport, Iowa, in said District in the Jim Hester Board Room. President Johanson called the Regular Meeting to order at 5:30PM. Present: Directors: Johanson, Snyder, Hayes, Gosa, DeSalvo, Clewell and Mayfield.

**1.01 Solar Project**

Mr. Mike Maloney and Jon Muller from the ISFIS (Iowa School Finance Information Services) provided an update on the feasibility of the solar project. The primary issues are IRR (Internal Rate of Return), capacity to purchase, and non-financial considerations such as carbon footprint. He reviewed the bottom line implications of these and also indicated that the regulatory filing may impact timing of when the project could begin and the viability of the PPA (power purchase agreement). Mr. Muller said the bottom line is that a PPA will be considerably more expensive and have more financial risk than a purchase to own system and that a PPA will not enable the district to realize the benefits of solar in the general fund. He recommended rethinking energy efficiency projects and that projects that reduce usage should take priority before moving toward solar. He also provided a brief overview of the legislative updates that may make doing a solar project easier in the future. Attorney, Dick Davidson said he can't recommend doing a PPA now that they have more information. He said that the solar panels will probably get cheaper and more efficient as time goes by and also explained that the Letter of Intent approved by the board was completely non-binding and did not obligate the board in any way. There was a discussion about taking the "phase in" approach and that priority now is to implement energy efficiency measures in the remaining 31 buildings that need this. This will be a topic of discussion again in March.

**1.02 Consequences of Spending Reserve Funds**

President Johanson started by explaining the purpose of this discussion is to provide transparency regarding this issue and for the district and community to know what to expect and the possible consequences. Johanson read the following statements: He read the following quotes: *"During my student days I read Henry David Thoreau's essay On Civil Disobedience for the first time. Here, in this courageous New Englander's refusal to pay his taxes and his choice of jail rather than support a war that would spread slavery's territory into Mexico, I made my first contact with the theory of nonviolent resistance. Fascinated by the idea of refusing to cooperate with an evil system, I was so deeply moved that I reread the work several times. I became convinced that noncooperation with evil is as much a moral obligation as is cooperation with good. No other person has been more eloquent and passionate in getting this idea across than Henry David Thoreau. As a result of his writings and personal witness, we are the heirs of a legacy of creative protest. The teachings of Thoreau came*

*alive in our civil rights movement; indeed, they are more alive than ever before. Whether expressed in a sit-in at lunch counters, a freedom ride into Mississippi, a peaceful protest in Albany, Georgia, a bus boycott in Montgomery, Alabama, these are outgrowths of Thoreau's insistence that evil must be resisted and that no moral man can patiently adjust to injustice. — "The Autobiography of Martin Luther King, Jr." Johanson also quoted Thoreau "In a constitutional republic like the United States, people often think that the proper response to an unjust law is to try to use the political process to change the law, but to obey and respect the law until it is changed. But if the law is itself clearly unjust, and the lawmaking process is not designed to quickly obliterate such unjust laws, then [Thoreau says] the law deserves no respect and it should be broken...and that individuals should not permit governments to overrule or atrophy their consciences, and that they have a duty to avoid allowing such acquiescence to enable the government to make them the agents of injustice"*

Johanson continued by reading the following statement he had prepared:

For several years, we have talked with legislators about this issue, imploring them to change this unfair funding formula that discriminates against certain young people-students, in the state of Iowa, and favors others. Sometimes this discrimination occurs even just across the street. It has the appearance of a prejudice existing in our state law. Certainly, most people in the state would never want to intentionally discriminate like that. On March 9, 2015, Dr. Tate gave a speech in which he indicated that he intended to use reserves in a manner that would "break the law". Many of the following are direct quotes from Dr. Tate and others. They are perfect in their original presentation, and continue to be. Dr. Tate stated the following at the March 9<sup>th</sup>, 2017 Regular Meeting "...my personal responsibility as their leader to take action to assure that their district provides them with budget support equal to other students throughout the state. In other words, the state funding formula is explicit in valuing a Davenport student less than students in over 170 other districts, including, for example, Pleasant Valley and Bettendorf. How can this be right in any universe?" Our students are valued less than many others in the state. This unfair situation has evolved from the early 1970's when the state funding formula was enacted, and carries forward to the present day where the value placed on our students is \$175 less than the value for other students in districts which receive the highest per student rate in the state. In other words, the state funding formula is explicit in valuing a Davenport student less than students in over 170 other districts, including, for example, Pleasant Valley and Bettendorf. If Davenport students had the same per pupil value as the highest compensated districts in the state of Iowa, this year and next we would receive an additional \$3.2 million to spend on our students. I need to repeat that: Because Davenport students have less per pupil value in the state funding formula, we receive \$3.2 million less than equity would dictate. How is this fair? How is this equitable? How can we accept that our students have less funding value than students in PV or Bettendorf? It is hard for me to even conceive how a state government could have allowed this discriminatory practice to exist for so long. In the last five years, Davenport School District would have received an additional \$17,352,998 had we been getting the highest per pupil compensation. Instead, in the last five years, the district has had to reduce its budget by a total of \$17,272,791, almost the exact amount that we were denied by a system which discriminates against almost half the districts in the state. But I cannot with a clear conscience make reductions which will damage student achievement when the undervaluing of our students is institutionalized by the funding formula of the state. I want to prove to the students, parents, and employees of this district that they have equal value to any school district in the state. My plan is simple: To be relentless in pressuring the state to change the law so that Davenport students will receive the same per pupil dollars as the highest compensated districts in the state, and to push for immediate

*passage of a law which will let us spend cash reserves to increase our per pupil expenditures. When the district and our students have equal value in the state, we will be back on track for constituting an unspent balance and not overspending the authorized budget. We can't continue to reduce programs and expect that all our great ideas and intentions will turn the tide...I feel a personal obligation to provide this community with the best education system possible. We cannot do that without reasonable resources. We cannot accomplish our mission until our students are valued equally with all other students in this state. It is important to point out that we have \$29 million in cash reserves in the bank, and no additional levies are needed to accomplish my plan. We have the cash to pay for every program and position without increasing taxes. We just do not have state authorization to spend more because the formula undervalues our students. Everyone must understand that if our students were valued the same as the highest per pupil students in the state, if there were equality of funding, if all districts were treated the same, we would have \$3.2 million more to spend, and I would not have to break the law in order to support my district. In short, I care more about our students and their needs than I do about the state law in this case."*

Johanson continued his statement: The Superintendent is a great man, a compassionate person, an inspirational leader. His words and actions demonstrate the very essence of integrity and morality. All of us can learn valuable lessons in life and civics by understanding this very real, current-time example of how to live life and care for other people. We hope that ALL Iowans share the moral value of treating ALL people fairly, and especially treating our students fairly and equitably. Certainly there are many issues that need attention in the funding formula, but the size of the concern should not be an excuse to not correct ANY discrimination. The legislature has had over 40 years to correct this situation- it hasn't happened.

Dr. Tate's words, expressed almost 2 years ago, have resulted in actions that he predicted. So now we find ourselves in a time and situation where:

- 1) The superintendent has used reserves as he indicated he would
- 2) The Davenport district filed its actions to the DE
- 3) The davenport district met with the SBRC to ask for modified allowable growth
- 4) The SBRC unanimously denied the request
- 5) The DE has filed an ethics complaint against Dr. Tate with the BOEE
- 6) The BOEE has asked me to respond to the complaint
- 7) The superintendent has projected future years of using reserve funds to assist in funding our budget

The purpose of all of this is to set the background and history for a discussion about the upcoming consequences to the Superintendent and the Board; and acknowledging that that these consequences will affect our District, which are potentially very damaging. I want to also acknowledge that many people and organizations (like DE, BOEE, SBRC) involved in all of this have obligations to the law, and they will follow the law- no matter the consequences. This whole situation in no way indicts their actions. My sense is that the noose is tightening, and that these consequences become more and more likely unless meaningful legislation is enacted.

Without meaningful legislation, I believe the following are potential, and some are likely:

- 1) First- the Superintendent

- a. The superintendent will lose his license
  - b. The board will fire the superintendent, since:
    - i. The district needs a superintendent
    - ii. The law requires that a superintendent have a license to be a superintendent
- 2) Second- the board
- a. May be sued
  - b. The suit may result in legal action that ends with removal or impeachment of the whole board
  - c. There may be additional legal actions and fines against individual directors
  - d. The state may take over the board governing responsibilities

All of this may result in a district with no board and no superintendent. I believe that we have plenty of responsibilities right now. Hiring a new superintendent and guiding a special election for a completely new board are very challenging, time-consuming, and incredibly disruptive. I want to reiterate that this is really challenging, especially for legislators, and that we ALL should support and encourage them to accomplish this mission. I will be asking that the board start planning for these consequences soon, so that disruption and negative consequences for the district, and especially the students, are minimized. I believe that we have a duty to the constitution, as well as to the community, our teachers, administrators, and students to continue to strive for equality in our funding formula, along with the most important responsibility of providing the best education possible for our students. I think one of the worst days in my life would be firing a Great superintendent, and a great person and leader who should not be fired. HE IS SIMPLY DOING WHAT HE MUST. I thank the superintendent and board for their leadership in doing all of these. President Johanson thanked the board for listening to his prepared statement.

Director Snyder said he is completely on board. Director DeSalvo said she is proud to support and that Dr. Tate should be proud of what he has been willing to do for the students. She recognized it could cost him and the board quite a bit but that it is worth it. Director Hayes appreciates the bold step being taken by Dr. Tate and she completely supports him. Director Snyder also mentioned that this is not a new fight and that former board member, Patt Zamora, brought this to the forefront eight years ago. Former Director DeFauw was also involved. Director Clewell said he has been working on this for eight years and agreed that Patt Zamora was the one who originally found this discrepancy in funding. The Chamber of Commerce is also on board and supporting our efforts. He said that regarding the complaint of the Board Educational Examiners against Dr. Tate he thinks it is clear that that is not an issue of incompetence but a moral issue that Dr. Tate is taking a stand on. Director Mayfield said it is refreshing to see board members come together to correct an injustice and Director Gosa said this has gone on long enough and that something needs to get done by the legislature and that he stands behind Dr. Tate 100%. Dr. Tate said he hopes we can get this done, appreciates the board's support and believes there is no other option.

### **1.03 SBAR (Standards Based Assessment and Reporting)**

Ms. Corri Guy, Assistant Director of Curriculum & Instruction and several teachers provided a presentation on SBAR (Standards Based Assessment and Reporting). Ms. Guy explained this is a plan that will ensure that grading and reporting practices accurately reflect what students know and are able to do in accordance to the prioritized reporting standards. This system will be fully implemented by the 2020-2021 school year. Ms. Guy and other staff discussed the desired results of SBAR which include effectively supporting all learners, including special education, English

language learners, and talented and gifted students and providing a strong foundation for the MTSS (Multi-Tiered System of Support). They reviewed the SBRA action time line and showed a video of what this actually looks like in the classroom at Jefferson Elementary where it was introduced this year. Board members asked questions on how this relates to student achievement, the artistry of teaching, and grading guidelines.

**1.04 Community Meetings with the Board**

Mr. John Border, Community Education Project Manager gave the board an update on his progress in scheduling community conversations with the board and the public. These meetings will be an opportunity for the board to share their priorities and also get feedback from local citizens. The four possible locations for the meetings include United Neighbors, Fairmont Pines, One Eighty, and the Fluellin Center. Mr. Border met with the Agenda Committee and it was decided the first meeting would be at the Fluellin Center. Mr. Border has since met with the director of the center who has volunteered to facilitate the meeting and he discussed possible dates for the meeting.

The meeting adjourned at 9:05PM.

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Mary Correthers, Board Secretary/Treasurer