

5-6-13 Minutes

**DAVENPORT COMMUNITY SCHOOL DISTRICT  
ACHIEVEMENT SERVICE CENTER  
JIM HESTER BOARD ROOM  
1606 BRADY STREET  
DAVENPORT, IOWA**

**COMMITTEE OF THE WHOLE MEETING  
MAY 6, 2013**

The Board of the Davenport Community School District in the Counties of Scott and Muscatine, State of Iowa, met for the Committee of the Whole Meeting on Monday, May 6, 2013 pursuant to law. The meeting was held in the Jim Hester Board Room, Achievement Service Center, 1606 Brady Street Davenport, Iowa, in said District. President Johanson called the meeting to order at 5:30 PM.

On roll call the following board members were present: Directors: Ralph Johanson, Ken Krumwiede, Rich Clewell, Bill Sherwood, Larry Roberson, Nikki De Fauw and Patt Zamora. Superintendent Art Tate and other administrators were present.

**1. Diversity Plan**

Director De Fauw explained how the board asked the Policy Committee to review the existing diversity plan and discuss whether to make recommendations to modify the plan. De Fauw provided a brief history of how the plan came about. She indicated the policy committee invited retired staff to attend this meeting who could provide an overall history and evolution of the desegregation plan and current diversity plan. She stated that that all board members have had the opportunity to review the plan and the minutes provided from this policy committee meeting and stated she would prefer to begin with a general conversation about the diversity plan and then talk about the consensus of the committee.

Director Clewell expressed appreciation for the work of the policy committee and noted there seemed to be a lack of consensus on the issue of high school transfers according to the policy committee minutes. Director De Fauw related the policy committee was not trying to be that specific but was looking more comprehensively and whether it was effective in meeting the goal of impacting diversity in a positive way within the district. She explained the discussion of high school transfers and whether the policy allowed or disallowed movement of an A category student to an A category school and a B category student to a B category school was only discussed at the end of the conversation. De Fauw said the policy states it is permissible to move from A to B school and B to A but noted their conversation explored whether the concepts related to the diversity plan are concepts the policy committee supports, and is there a continued need to find ways to ensure diversity within the district, and explored whether the current plan meets those goals. Director Clewell referred to Dr. Tate's comment in the minutes he felt were very pertinent when he asked if the goal of the policy is eliminating isolation of disadvantaged students and is the board satisfied that the criteria that is currently being used in the diversity accomplishes this goal. The original desegregation was about racial equity and he expressed concern that we have moved away from the original intent of the desegregation plan. Clewell noted the concerns about open enrollment out of the district but said the board needs to go back and discuss whether or not the current diversity plan eliminates the isolation of disadvantaged students according to the current criteria. Director Sherwood stated the diversity plan was developed primarily to meet the needs the needs of the state and to control open enrollment. He stated the policy committee discussed how there was never any intent for this to be an internal mechanism for balancing schools. He said you have to look at the district as a whole and noted we are a poverty district with high rates of free and reduced lunches and questions whether balancing school according to this criteria improves student achievement. He said that using these criteria is not supported by research. Sherwood explained what is supported by research and

impacts student achievement is the amount of resources available in schools. He said he is more concerned about balancing resources which requires a bigger conversation. In high poverty districts the research shows that magnet schools are successful and thinks we are rushing things due to the pressure created about boundaries. He expressed his concern about Dr. Tate's interpretation of the policy and the conflict he had with Tom Wagner regarding high school transfers. He understands that if the policy is modified it will need to go back to the Department of Education for approval, but he does not want to stop transfers among the high schools. He said the high schools are already balanced. Director Krumwiede asked whether the diversity plan actually limits open enrollment. President Johanson responded that the background information on the diversity plan relative to the desegregation plan is accurate and the diversity plan has not typically been applied to boundary discussions. There is a real urgency in that the diversity plan has only been applied to open enrollment requests out of district and not to internal requests. The attorney, Wendy Myers, came to the board on two occasions to explain the requirements. He stated his understanding according to what she presented is we are required to have an internal diversity plan if we apply the diversity plan to out of district requests. Director Krumwiede asked if we have an issue with diversity in the high schools and President Johanson stated he believes we do. Director De Fauw said this conversation is putting the cart before the horse and thinks the board needs a larger conversation about whether the diversity plan has a positive benefit for the district and students. De Fauw agreed with Sherwood that the desegregation plan was intended to balance the schools internally and was not an external plan until the state required us to allow open transfer between districts. She expressed the plan has been successful at doing its job all this time. Sherwood stated many districts implemented these policies at the time the court said race could no longer be used as criteria, but six districts in Iowa retained their policies because they wanted to control the flow of students in and out of their districts. He stated this would be a first time for the district to use this plan internally, a positive impact has not been demonstrated and said he thinks the high schools are already balanced. Director Roberson said that open enrollment within the high schools is disturbing, commenting that he feels it isn't right to have open enrollment just for the high schools, so if we want open enrollment have open enrollment for all the schools. He said Dr. Tate needs to be able to plan accordingly and thinks the plan he presented was a good one. President Johanson said we have a diversity plan and the board members need to figure out if we support it. He noted again that if the board decides to modify the plan it will have to be submitted to the Department of Education for approval and also stated that if the board is going to adhere to the legal requirements of the plan it is necessary to have an internal diversity plan as well. He asked board members for feedback regarding the diversity plan.

Director Sherwood said he wants to see the diversity plan modified. Director Zamora stated this has been discussed many times and said we have to keep the diversity plan and to leave it alone because we have worked hard to get it where it is. She said it is important that we have a diversity plan and whatever we do someone will be unhappy. Director Roberson said he would keep the current diversity plan as it is. Director Krumwiede stated he still has lots of questions about the diversity and how it will impact all students and is still not clear on open enrollment at the high schools and the boundary changes in general. He also said there has been a lack of communication to the people who live in those areas being affected. He said he is not ready to vote in one or two meetings on this issue saying he prefers more information and more discussion. He said Wendy told us the plan can be modified and as far as it being successful we don't know because it hasn't been implemented yet at all levels. Director Clewell said we need a diversity plan, but he questions the criteria that are being used to determine and define diversity. He agrees with using Socio-Economic Status (SES) as a criteria, but disagrees with using student performance on standardized tests. He said there are more appropriate criteria that can be used. Clewell would like to see the diversity plan modified and he has no qualms with resubmitting to the Department of Education. He said race is vitally important to integration, but stated standardized tests has no place in a criteria for determining where students are placed. Director De Fauw noted comments made during the policy meeting regarding determination of criteria and why those two variables were chosen. She noted the committee at that time looked seriously at including race as a criteria, but had misgivings because ultimately race would become a factor for some students in the placement scenario and there was no way to ensure that wouldn't occur. She stated that SES and standardized tests scores most closely mirrored the impact and affect the desegregation plan was having and there was not a significant change

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in the ratios using the current criteria. Tom Wagner did state at the policy meeting that the diversity plan was a direct correlant of the desegregation plan. Director Clewell said he disagrees with Tom and believes the departure is radical. Director De Fauw wants to keep the current diversity plan and voiced a concern about the plan being modified and the Department of Education questioning whether we still need a plan at all and asked if we are willing to run that risk knowing the implications for our district and student population. Director Sherwood noted there is research that indicates having the presence of high achieving kids in the same classroom with lower achieving kids helps boost the scores of the lower achieving kids, but there are problems that can surface. He also noted there has been a lot of research since the diversity plan was created and encouraged the board to step back and revisit the research and how it is being applied around the country. He questions whether the current plan really changes the balance in a high poverty districts such as Davenport and said it takes more expertise than what we have at this table to create an effective diversity plan. Director Roberson expressed concerns about conversations that are framed and discussed in a way that kids of color or kids where English is not the primary language cannot learn. He doesn't think race needs to be a part of the plan and the board should have the expectation that all kids will do well and that schools are set up so kids will do well. He said poverty has no color and asked what if we believed all kids can learn and demand that parents become a part of the process. We do need a diversity plan and agrees with Director Clewell that we do not live in a color blind society, but the board needs to take race out of the equation when talking about how we educate kids.

President Johanson stated there is no consensus on this topic. He strongly supports the current diversity plan for a number of reasons. It took a lot of work by many very smart and qualified people to create this plan. He stated it was based on the desegregation plan and it was a radical change to take out race. He noted he voted no on the plan when it came up for a vote but clarified his reason was because of the timing and the board approved the plan and he supports the plan. To suggest to the board that we need further discussion, he can agree with, but also noted there is a sense of urgency in addressing the plan in and of itself separate from applying it to boundary discussions. Johanson remarked the board's responsibility is governance and we are the policy makers. We can ask for additional input and advice, but stated he would never consider relinquishing that responsibility and authority to someone considered to be more of an expert. President Johanson asked De Fauw if she had enough information to proceed. Director De Fauw noted that at the last policy meeting there was consensus that we were prepared to bring the policy forward without recommended changes and asked other members of the committee if that was also their understanding. Director Sherwood said if Tom Wagner's interpretation of the application to the high schools stood then he was willing to accept it, but if it was going to be challenged then he would have a problem with it. De Fauw said she remembers saying the Dr. Tate and current administration have a different interpretation than Tom Wagner. Dr. Tate said that Tom said it doesn't say you can't and he says it doesn't say you can and Tate suggested asking the lawyer for clarification. De Fauw said she has no problem with conferring with legal counsel regarding interpretation of the language, but she does not want this policy to circumvent a conversation and a vote at the board table as to whether or not this board support open transfers between schools. She wants this to be a vote at the board table. Director Clewell asked how the policy committee would proceed. De Fauw said they would confer with the attorney, bring the diversity plan back to policy committee for continued conversation and make recommendations based on this feedback. Director De Fauw said she clearly heard four board members support the policy as it is written. Director Krumwiede asked for clarification on her statement. De Fauw said she heard Dr. Tate say we should seek legal counsel as to how to interpret the implication of the policy language that relates to whether or not a category A student can transfer to an A school and whether a category B student can transfer to a B school. The plan states that A can move to B and B can move to A, but doesn't address the other scenario. If the legal opinion says the policy doesn't prohibit movement between A to A and B to B that would make the open transfer conversation moot because the diversity plan would allow for it. She clarified that she doesn't want this policy or plan to determine whether we have open transfer between our buildings and this is what she wants to bring forward for a vote and conversation. Director Clewell noted an article in the Quad City Times on ITBS scores for schools in our district and surrounding districts and he wishes they would have focused on growth instead. He stated this is an issue of leadership for board, and we are continuing to do what the federal

government has done in using test scores as a way to integrate schools and this practice penalizes children and would like the policy committee to take this into consideration. President Johanson asked board members for feedback on developing a plan to address transfers within the district and what are your thoughts on applying something like the diversity plan to the boundaries as Dr. Tate has presented. Director Sherwood said there are thirty districts nationally that use boundaries for socio-economic balance, but this is a difficult process. He would prefer a more dynamic plan and mentioned the benefit of charter or magnet schools. Director Clewell said we need an internal plan and what we need is an open enrollment plan for out of district but the government won't allow us to do that, so because of restrictions placed on us by the federal government we need to have the diversity plan serve the purposes of internal control. Director Roberson said we have to have a diversity plan because it is very difficult to tell parents who want to open enroll out of the district that you can't because of the diversity plan, but then internally we have no controls, so we should have the same one for both internal and external. Director Krumwiede said we have to have a diversity plan but noted that when this plan was adopted the thinking was in terms of external not internal and there was a rush to get it done. He thinks we need a plan for both but wants to see the diversity plan modified.

## **2. Credit Union at West High School**

Principal, Mike Lawler introduced teachers, Steve Verdon and Meredith Tangen, and Lois Scott, Branch Manager at DuTrac Community Credit Union and Jason Norton VP at DuTrac who have worked together on this career technical project that involves dual credit as well as real life experience. Steve explained the project will create a student run credit union at West High School and discussed the need for such a project. They will be meeting the standard benchmarks and standards and explained how this helps create a generation of savers. This will teach student financial literacy by bringing a credit union into West High School and teach a college level classes and create a co-op opportunity. Lois has been coming to the high school for two years providing education in financial literacy, and the credit union will be providing free resources for the teachers. Their goal is a full service, not for profit and student run credit union. They want to open by August 1<sup>st</sup>. Jason shared that DuTrac has a long tradition of working with students and provided a brief history of the school projects they are involved in. Director Zamora asked about the auditing process that would be used. Jason said it would operate just like a regular DuTrac branch with internal and external audits, cameras, double counting of cash. They will start with savings and checking accounts only. Zamora asked about parents being responsible for student overdrafts. Jason said they will inform the parents their child is enrolled in the credit union but the same guidelines will apply. Director Sherwood said he is big fan of student run businesses but expressed a concern about customer grooming and suggested doing an RFP so we do not show favoritism. Jason said they are there for educational purposes only. Director Krumwiede applauded their efforts and asked how they arrived at using a credit union vs. a bank and DuTrac's involvement in other schools. Director Clewell and Roberson also thanked them for time and effort expressing this is a great idea. President Johanson remarked they have put a lot of resources and work into the project and believes the administration has a manual to help vet the organization without going out for an RFP.

## **3. Bonding and Building Projects**

Dr. Tate clarified they are not asking the board to approve a plan for moving projects or bonding but only exploring available options. Scott explained how the timeline of projects would be affected by a 20 million bond issuance and explained some of the positive benefits to schools, District of Distinction projects, and the installation of cameras. Marsha explained they could also do inter-fund borrowing in the district. They could borrow from the self-insurance and general fund without having to issue bonds. The district would have to pay the funds back at the going interest rate which currently is .5%. Director Zamora asked if we would need those funds in the interim. Marsha said the payback period could not go any longer than 2019 and since we have money in both funds we

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could set the tolerance level. Director Sherwood referred to information he received about state code allowing us to back fill the sequestration deficit and inquired about this option to minimize staff cuts. Marsha said if you are speaking of personnel then she would not recommend this because we would be using general funds for an ongoing commitment and also would not have spending authority tied to these funds. Director Roberson remarked that inter-fund borrowing sounds like a good idea. President Johanson asked about the timeframe and Marsha noted the board could bond earlier but the presenter at the last meeting mentioned next spring. Marsha noted the savings would be approximately 1.5 million savings from bonding so the savings for inter-fund borrowing would be at least this much or more. Director Zamora asked if borrowing 20 million from the self-insurance fund would still leave an adequate amount and Marsha responded it would. Director Clewell asked for the down side of borrowing from ourselves. If we borrowed from the general fund we would have to be careful about having money to operate if the state cut funding, but if this happened we would borrow from another fund. The self-insurance fund is stable. If the state did something with the local option sales tax fund this could present a problem, but as mentioned at the last meeting, then almost every school in the state would be face the same problem. Dr. Tate asked if this would increase the pool and auditorium timeline and Scott replied it would not because this project is on a general construction timeline. Director Sherwood asked if this could be done whenever we want and Marsha said yes. Krumwiede asked about other projects such as Truman and Scott explained it would be projects for 2014-15 and beyond that would be affected by bonding.

### **4. Lincoln Sprinkler System**

Dr. Tate explained how Lincoln now being classified a multi-use building, requires a sprinkler system and asked Scott Martin to review the costs. Dr. Tate recommended doing the whole building. Scott explained Head Start, who will be using many of the classrooms, got estimates from a local company for the first floor and the gym and it was \$75,000. This estimate does not include the auditorium, front office, 2<sup>nd</sup> floor, 3<sup>rd</sup> floor, or the basement. The best estimate for doing the entire building was between \$150,000 and \$200,000 which would come from PPEL funds. He explained that completing the entire building would give the district more flexibility and is a requirement for having Head Start or a youth agency. Dr. Tate said they also have organizations such as the NAACP want to use the auditorium and gym and installing a system throughout the entire building and reiterated this would provide more flexibility.

### **5. Expulsion Alternatives**

Dr. Leslie O'Melia referenced material provided in the board packet outlining alternative options to expulsion. She reviewed the list which included Interim Alternative Education Setting (IAES); Home Instruction which they want to use sparingly as it can be an option that is misused; Change of building from home building to different building; and Competent Private Instruction (CPI). O'Melia shared statistics with the board that so far this they have had 76 pre-expulsions hearings and 125 disciplinary hearings. The pre-expulsion hearings are for egregious acts such as bringing a weapon to school, assaults on staff and/or students. Out of the 76 pre-expulsion hearings the board has been 5 to be considered for expulsion. She emphasized that while the board may be looking at alternatives to expulsion and recognizing that no one wants to expel a student, but by the time it gets to the board many alternative has already been explored. Occasionally student are sent to Whittenmyer and stated they practice due diligence and exhaust all possible options before recommending expulsion to the board. Typically, what are sent to the board are egregious acts that are serious in nature and to do less would be irresponsible. In the case of expelling students the board has taken advantages of expulsion with or with services but it is done a case by case basis. Director Clewell noted that having this information helps him understand what is done before it comes to the board and steps that are taken to look for alternatives. Director Sherwood expressed concerns the students are not provided an advocate on the Administrative Council which he believes leads to a power imbalance. He recommends that someone from counseling or some type of advocate be appointed to represent the

interest of the students and many times there is someone from the building that could fill that role. Sherwood mentioned the recent situation with a student having a BB gun which was stupid on the student's part but Sherwood questioned whether that really deserved one year expulsion and recommended the Administrative Council look seriously at making sure the student always has an advocate. Director Roberson stated he takes having guns, knives, and student assaults very seriously. He is concerned about guns or look-a-like guns and stated there should be consequences, but also noted previous concerns about due process. Dr. O'Melia reiterated they follow all legal processes. President Johanson said the legal process is something he has been looking at as well. His understanding is that the legislature believes it is more important to follow its rules than anything else that might be considered more reasonable. He noted his respect for the work the administration is doing on this and it is doing a great job in getting it down to a few people. With respect to process and trying to get additional people involved would be difficult. He is in favor of keeping the current process and he doesn't want to tell the administration how to handle its hearings. Director Zamora stated that many of the people she sees in her criminal practice are people who did not receive consequence and she believes that coddling them or finding excuses is not the answer and she likes the current process and if you bring a gun or drugs to school you need to pay for it with consequences. Dr. O'Melia said that prior even to the disciplinary hearings there have been lots of interventions at the school level, generally speaking, and safety in the schools is paramount.

The meeting was adjourned by President Johanson at 7:28 p.m.

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Mary Correthers, Recording Secretary