



J. Michael Clára
Salt Lake City School Board
District Two

801-521-3223 • donMiguelSLC@gmail.com
974 S. 1400 W. • Salt Lake City • Utah • USA

15 July 2013

Mr. John Robson
% Fabian Attorney At Law
215 S. State St. Suite 1200
Salt Lake City, Utah, 84111

Re: Inequitable Distribution of Experienced Teachers

Dear Mr. Robson,

I am in receipt of your letter dated **July 1, 2013**, styled: OCR Case 08-13-1112. I apologize for my delay in getting back to you as I have been in and out of town the past two weeks.¹

I am a bit perplexed by your letter's introduction and your role as spokesman for the Board of Education. As you are aware, I am a member of the Board and I do not recall a meeting where we discussed or voted to appoint you a spokesperson on this matter.

Even more significant; you state the following in the conclusion of your letter:

"The Board hopes that there would be a resulting dialogue where you and a majority of the Board can consider any necessary changes to board policy."

This too was my 'hope' when I initially raised this issue in the **February 19, 2013**, school board meeting. When I received your letter, I was initially encouraged that we had now come full circle and the board was now prepared to act as a deliberative body and explore potential solutions to this issue.

¹ John Robson Letter -July 1, 2013

"Local school boards are the bedrock of our society, yet they are invisible to the public"

Señor Florez -Deseret News

Those 'hopes' were quickly dashed at the **July 9, 2013**, school board annual retreat. In response to another board members request for data on teacher turnover in Title I schools, the superintendent stated that this issue could not be discussed amongst the board members until OCR concluded its investigation. The board president also made it clear that she was not going to include this issue as one of the agenda items to be discussed in the coming 2013-2014 school year.²

Ironically, this was the reason she stated for not placing it on an agenda for this year; it's not an '*agenda priority*' she stated. The '*agenda priorities*' are determined by the board at the annual retreat, which we were at last week. So it appears that this is nothing more than a skillful bureaucratic shell game. It can't be discussed in a meeting because it was supposedly not on the agenda. It can't be put on a future agenda because it was not one of the items agreed upon at the 2012 board retreat. It could not be discussed as an agenda item in the 2013-2014 school year because it was not listed as an item in the 2013 board retreat..... and so it goes around and around.

I offer the following timeline by way of review:

On **February 19, 2013**, the board held a regularly scheduled public meeting. In that meeting I asked a question about the teacher distribution practice within the District. While my questions were partially answered that night, the superintendent cut off the discussion by declaring: *"this presentation is about student achievement not teacher evaluations"*.

Never mind that the PowerPoint slide that prompted me to ask the question was titled: Educational Data and Analysis and had a bullet point labeled: Student Growth with a subheading of: Teacher Effectiveness Report.

Before leaving that conversation fellow board member Doug Nelson intoned that low teacher effectiveness ratings were based on the fact that they were teaching English Language Learners.^{3 4 5}

On **February 20, 2013**, I sent a letter to our school board president, requesting that the issue of "Equitable Distribution of Experienced Teachers" be placed on an upcoming school board agenda.⁶

On **February 24, 2013**, the school board president replied that she would not place the issue on the agenda because it would require *"such a rapid realignment of agenda priorities"*. She also stated, *"We are sorry you feel we have not given appropriate weight to your immediate concerns."*

² Audio of School Board Meeting – July 9, 2013

³ Audio of School Board Meeting – February 19, 2013

⁴ Power Point Slide from School Board Meeting – February 19, 2013

⁵ Michael Clara letter to Board president – February 20, 2013

⁶ Michael Clara letter to Board member Doug Nelson – February 22, 2013

As a result of the superintendent and board president's attempts to block this issue from coming before the board of education I filed a complaint with the United States Department of Education's Office For Civil Rights (OCR) on **February 26, 2013**.^{7 8 9}

Even after filing the complaint with OCR, neither the superintendent nor the board president demonstrated a desire to address this issue. On the contrary, their response has been to put their time and energy into launching a public relations counter-offensive:¹⁰

On **February 26, 2013**, the superintendent and district public information officer Jason Olsen issued a media advisory with the following statement:

"We are disappointed that he feels the need to seek solutions by contacting federal officials in Denver instead of working collaboratively with the board of education and district... We believe that Mr. Clara's complaints can and should be addressed through established board protocol"

On **March 1, 2013**, the teachers were gathered at East High for a professional development day. I was told by several teachers that the superintendent welcomed all the teachers and said words to the effect *"I want to thank all you wonderful teachers for the great job that you do, I am sorry that one of our own has caused you pain and has made your profession look bad"*. Several of the teachers stood up and clapped.

I received several calls from teachers advising me that as a result of that introduction that the Salt Lake Teachers Association President coordinated with the superintendent to have speakers and teachers show up at the next Tuesday night board meeting and publicly condemn me for filing a complaint with OCR.

On **March 2, 2013**, the superintendent distributed a memo authored by the school district's assessment and evaluation director Jo Ellen Shaeffer in which she states that I am 'confused' and did not know the difference between an 'inexperienced' and 'ineffective' teacher. In a follow phone call to the director she could not point to a specific instance where I demonstrated 'confusion' on this matter other than to ask a clarifying question at the February 19, 2013 school board meeting. She did concede that a board member asking a question in a school board meeting does not constitute 'confusion'.¹¹

⁷ Deseret News: Are School Boards Too Insulated?

⁸ Salt Lake Tribune: Do West-side Salt Lake Kids Have Too Many Ineffective Teachers?

⁹ KSL: Salt Lake City School District Favors East Side, Says Board Member

¹⁰ School District Media Statement –February 26,2013

¹¹ Jo Ellen Shaeffer Memo – March 1, 2013

On March 5, 2013, at the School Board meeting, in violation of local, state and federal anti-harassment/retaliation statutes, I was subjected to adverse action by the UEA president and an executive board member of SLTA who publicly berated me for filing a complaint with OCR. The superintendent and board president allowed them to speak at the school board meeting, during the public portion part of the meeting in violation of the district's meeting guidelines.^{12 13}

Furthermore, the superintendent denied others the right to speak that were going to confirm the circumstances that caused me to file the complaint. In this meeting the Salt Lake Teacher's Association, executive board member characterized my actions in the following manner:

"This complaint to OCR by Mr. Clara equates to a child who didn't get his way and throws a tantrum and runs to tattletale with an, I'll show you attitude..."

On March 15, 2013, the school board leadership held a joint meeting with the city council leadership. One of the agenda items was as follows:¹⁴

- **School board's response to recent news articles: Communicating accountability and effectiveness measures to the community and media**

This is significant in that it demonstrates an interest in the public relations aspect of this issue as opposed to taking affirmative steps to rectify the current situation.

On July 9, 2013, in our school board retreat when the OCR issue was raised, our most senior (over a decade on the board) school board member Laurel Young once again demanded that the superintendent calculate the financial cost to the district in having to respond to the OCR complaint. I made the point that we should also calculate the cost of having 52% of our Hispanic students dropping out of high school.

In conclusion, I want to make the point that Hispanic students are the district's largest ethnic minority group. As I initially stated, I believe that the high turnover of elementary school teachers in our Title I schools has an adverse impact on students of color ability to complete high school.

As the dropout rate for ethnic minority students continues to rise; the superintendent and school board president's failure to act on this issue places them in a position to do nothing more than preside over a **school to prison pipeline** of ethnic minority students.

¹² KUTV: Angry Salt Lake Teachers Demand Apology From School Board Member

¹³ Salt Lake Tribune: Salt Lake Board Member Blasted For Calling Teachers Ineffective

¹⁴ Agenda: City Council/School Board Leadership Meeting – March 15, 2013

The notion that 'every student counts' has become nothing more than a slogan or a phrase that has no meaning or movement attached to it.

I do believe that the local school board has the power to change the face of education in our communities through positive and appropriate policymaking, equitable resources allocation and transparent accountability to students, parents, employees and the surrounding communities. The current bureaucratic culture within our district prevents any positive change from occurring.

I draw your attention to the media statement issued by the superintendent on February 26, 2013:

*"We are disappointed that he feels the need to seek solutions by contacting federal officials in Denver instead of working collaboratively with the board of education and district... **We believe that Mr. Clara's complaints can and should be addressed through established board protocol**"*

Based on the sequence of events that I have laid out in this letter, it becomes painfully obvious that the superintendent and board president have created somewhat of an administrative circular firing squad on this issue. Through a misapplication of policies they have ensured that this issue will never be addressed on the local level as long they are at the helm.

There is clearly no way to truly seek solutions to this problem "through established board protocol" nor has board president, Kristi Swett demonstrated a desire to "working collaboratively". If nothing else, the board president's actions in partnership with the superintendent demonstrates and underscores the reasons why I was and continue to be compelled to seek remedies through "federal officials in Denver".

Shalom,



J. Michael Clára
Board Member, District 2

Enclosures (12)

cc: Ms. Sandra Sanchez, Civil Rights Attorney –U.S. Department of Education, Office For Civil Rights
Mr. Aaron Romine, Regional Director – U.S. Department of Education, Office For Civil Rights
Senator Luz Robles – Utah State Senate, District 1
Representative Angela Romero - Utah House of Representatives, District 26
President Wayne Niederhauser – Utah State Senate
Speaker Rebecca D. Lockhart –Utah House of Representatives
Mayor Ralph Becker –Salt Lake City
Mr. Richard Gomez – Educational Equity Department -USOE
Ms. Freddie Cooper-CMAC Chair, USOE

