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July 1, 2013

J. Michael Clára  
974 South 1400 West  
Salt Lake City, UT 84104

**Re: OCR Case Number 08-13-1112**

Dear Mr. Clára:

The Board of Education of Salt Lake City School District ("Board") has requested that I write to you in an attempt to understand concerns you have regarding teacher assignment among schools in the District.

The Board understands that on or about February 26, 2013 you sent a letter ("Complaint") to the United States Department of Education's Office of Civil Rights ("OCR") about the District's alleged "pattern and practice that allows for the inequitable distribution of experienced teachers." Although neither you nor OCR provided a copy of the Complaint to the District, a local reporter provided a letter to the District that the reporter purported to be the Complaint. In addition, OCR has informed the District that it has opened a case, Case Number 08-13-1112, based on your Complaint. OCR has also requested that the District supply certain information related to your Complaint. The District has provided the requested information to OCR.

There are many statements in the Complaint with which the Board and the District disagree. It is not, however, the purpose of this letter to formally respond to the allegations of the Complaint. Rather, the purpose of this letter is to determine whether you are interested in communicating specific actions that you believe the Board and District should take to address your concerns about teacher assignments in the District.

The Complaint raises a number of related issues including the following:

- The District "has in place a pattern and practice that allows for the inequitable distribution of experienced teacher. This longstanding policy has had an adverse effect on the education outcomes of students of color within my district."
- "[T]he highest concentration of the least experienced teacher are employed in the schools with the highest number of student of color, which is on the city's westside. Westside schools also face the highest rate of teacher turnover in comparison to that of eastside schools."



Michael Clára

July 1, 2013

Page 2

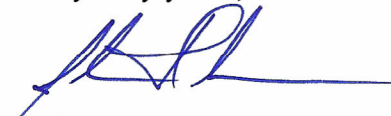
- “These disparities result in large part from the district’s current teacher assignment system. The effect of this system is that, over time, inexperienced teachers are allowed to amass in westside schools at the expense of student achievement.”
- “Over the years, the superintendent and my predecessors have produced and sustained a caste system of public education that allocates educational opportunities based on wealth and privilege, rather than on student or community needs.”

The Board would like to know what specific actions should be taken including what specific policies should be adopted that would address your concerns. If you will provide that information to me the Board can respond. 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.

I have informed OCR that I intended to contact you about attempting to come to an understanding of your concerns and be able to consider any appropriate resolutions. OCR informed me that if the parties resolved the matter in a manner that addressed any alleged systemic concerns identified by OCR, then OCR would terminate its investigation. OCR also asked that I remind you that you are welcome to and may want to call OCR regarding this letter.

Please call if you have any questions regarding the contents of this letter. I look forward to your response.

Very truly yours,



John E. S. Robson





## 1. Educational Data and Analysis

**2012-13 Goal #3:** Continue the high level of collection, maintenance, and analysis of pertinent data. Increase the facilitation of timely feedback to stakeholders related to academic instruction that promotes student achievement.

**The Following Data Products were improved and disseminated to schools in a timely manner:**

- ❖ **Fall Data Review**
  - Current and reflective data for teachers
- ❖ **CAR Reports**
- ❖ **Student Growth**
  - Teacher Effectiveness Reports
  - Recognition Program
- ❖ **Attendance Tracking Tools**
  - Allow schools to look beyond average daily attendance and track students who are chronically absent
- ❖ **UTIPS Reports**

Teacher Specialists:  
Aubree Gardner  
Claudia Mahon-Reynolds



J. Michael Clára  
Salt Lake City School Board  
District Two

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20 February 2013

Kristi Swett, President  
Salt Lake City School District, Board  
2256 South King Street  
Salt Lake City, UT 84109

COPY FOR YOUR  
INFORMATION

Re: Disparities in Teacher Staffing

Dear President Swett,

In accordance with board policy B-2 which states in part: *"Any board member may request that a topic be placed on an upcoming meeting agenda by contacting the board president or vice president"*. Accordingly, I am requesting that the issue: **"Equitable Distribution of Experienced Teachers"** be placed on the school board agenda within the next two meetings.

The serious disparity with west-side students' access to experienced teachers is alarming. I am interested in learning why this situation was allowed to flourish and what steps we can take to rectify it.

When I raised this question in Tuesday night's board meeting, it was met with an emotional rejoinder by one board member, and a retort of denial from the board vice president and superintendent in the form of 'let's move on'.

I submit that it is counterproductive for board members to malign students from my neighborhood with labels that communicate and foster low expectations. I believe that when a board member voices an attitude of low expectations, it can produce a negative self-fulfilling prophecy throughout the entire district. A student's consistent exposure to low expectations can lead to the erosion of self-confidence, motivation, and academic success.

I echo the sentiments of Dr. <sup>Marriot</sup> Shaeffer, when she stated in Tuesday night's meeting: "We need to do something to turn around that pattern that you can see".

Current analysis of our district's pattern confirms that the schools with the highest concentration of at-risk students in poverty are the least likely to be staffed by experienced, well-qualified teachers. At-risk students in poverty within our district are also more likely to attend schools with higher teacher turnover.

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

Señor Florez -Deseret News

A school's capacity to maintain a stable faculty and build a coherent instructional program is essential.

Why is it, that in our district, the higher the ethnic minority student population of the school, the higher the teacher turnover?

What is the principal's role in teacher turnover rates?

What part does the current teacher assignment system in our district contribute to this disparity?

These are all questions that I wanted to ask on Tuesday night but was denied.

In conclusion, the current situation is contrary to the 2010-2015 Student Achievement Plan that you signed off on and that is emblazoned in the superintendent's office and in our boardroom:

### **Equity and Advocacy**

*District-wide practices, programs, policies, and procedures to **provide all students with rigorous curriculum, safe learning environments, differentiated educational opportunities, and the resources necessary to achieve comparably high outcomes. Equity requires that educators develop skills, knowledge, and beliefs necessary to meet the needs of every student, with an emphasis on students of color, English learners, students in poverty, and students with disabilities.***

I would request that this item be placed on the school board agenda within the next two meetings and in advance of teacher negotiations so that any board decisions to correct this imbalance can be reflected in the teacher's contract: Written Agreement.

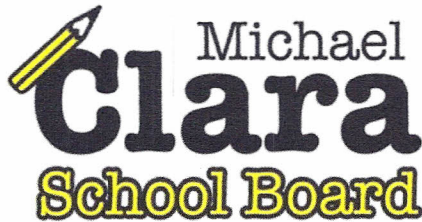
Shalom,



J. Michael Clára  
Board Member, District 2

cc: Salt Lake Teachers Association





**J. Michael Clára**

Salt Lake City School Board

District Two

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974 S. 1400 W. • Salt Lake City • Utah • USA

22 February 2013

Mr. Douglas Nelson  
174 North F Street  
Salt Lake City, UT 84103

**FILE COPY**

**Re: English Language Learners**

Dear Dr. Nelson,

I am writing to share with you my thoughts about the comment you made at last Tuesday nights school board meeting about students that were not native speakers of English.

My experience and conclusions about students with English as a second language is a little different from yours. I currently have neighbors from Mexico, Africa and Bosnia with children that are either attending the Salt Lake Community College or the University of Utah. All of these children arrived in this country not speaking English, yet they are now in college.

Earlier this week, I attended an SCC meeting here in my neighborhood and the principal told the parents that the English Language Learners were actually outpacing the native English speakers in several subjects.

Last month, I was at another Elementary School and had the pleasure of meeting Dr. Javius who the district has hired as a consultant. I have since read a number of his publications. In speaking to educators he says: *"We underestimate students when they come to us with skills and experiences that differ from the ones we expected and we conclude they're incapable of complex work"*

This letter is not intended to correct you, or admonish you. I am merely letting you know that I do not share your point of view about English Language Learners. I do however, believe that we should be careful not to attach labels to children that communicate and foster low expectations.

Shalom,

J. Michael Clára  
Board Member, District 2

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

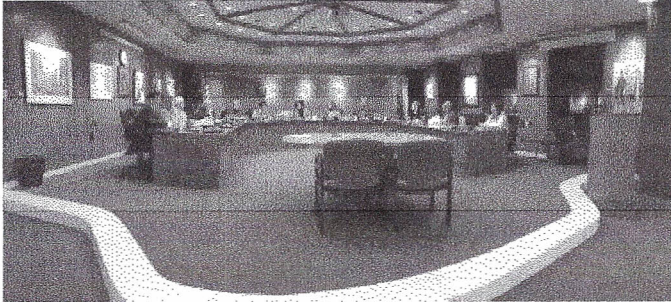
Señor Florez -Deseret News

# Deseret News

## John Florez: Are school boards too insulated?

By John Florez, Deseret News

Published: Saturday, March 2 2013 12:00 a.m. MST



Michael Clara, left, takes part as a new member of the Salt Lake City School Board at their offices in Salt Lake City Tuesday, January 8, 2013. (Brian Nicholson, OKespa-ol)

Sometimes the cover up is worse than the problem. School boards often appear to avoid dealing with serious policy matters.

At Salt Lake school district meeting last week, board members were listening to a presentation by their staff regarding the district's Student Achievement Plan. One of the presenters noted a correlation between student achievement and

teacher effectiveness, which prompted newly-elected board member, Michael Clara, to ask why schools in the west side area he represents have a disproportionate number of "ineffective" teachers. The presenter replied that it was, "One of our big problems with our distribution system for teachers, is that we have a lot of new teachers in west side schools every single year ..." She went on to point out that the west side students may not be "... with the most effective teachers ... we need to do something to turn around that very pattern that you can see ... as a district, I really hope we have the will and resources to carry this process forward."

Later in the discussion, the cover up seemed to start. A seasoned board member jumped in and said, "You cannot take teachers in a school of primarily children who don't speak English at home ... and compare them to a school in another part of the ... district where practically all the children were raised speaking English." The board vice president tried to move the discussion and just wanted the presenters to continue on. The district superintendent attempted to end the discussion by saying the presentation was about student assessment, not teacher evaluation. The presenter got the message and stopped talking about teacher effectiveness. However, Mr. Clara pointed out that student achievement is related to the "quality of instruction" and wanted an answer, but never got one.

The whole discussion points out one of the reasons our schools are faltering: school board members are discouraged from discussing critical issues, such as why some students in some school neighborhoods may not be doing as well as those in different neighborhoods. The presentation raised the question about a pattern of disparate treatment that was ignored, which shows how a school board appears unwilling to tackle the serious problems it is elected to solve. The culture created throughout public education boards seems to be one of getting along with each other rather than working in the public's interest. And they made "rules" to make sure nothing happens.

School board members are elected officials sworn to do their duty; however, they are quickly "educated" by district administrators as to how to "get along with" other board members. Elected officials are supposed to represent the interests of their constituents. Democracy requires openness, public debate and working in the public's interest. Officials must exercise their duty as policy makers in overseeing that all students receive a quality education and be sure administrators carry out their directives. Often it seems it's the other way around.

Since Mr. Clara tried, and never got an answer to the question as to the correlation between student achievement and ineffective teachers in different school neighborhoods, he was prompted to file a civil rights complaint with the U.S. Office for Civil Rights, alleging a pattern of discrimination and a violation of the district's policy of equal opportunity.

Let this be a wake up call for all school board members. They have a duty to be stewards of one of our most important institutions and to represent the people — not the institution.

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# The Salt Lake Tribune

## Do west-side Salt Lake City kids have too many ineffective teachers?

Education • School board member files complaint with feds, says good educators don't stick around.

BY RAY PARKER

AND SHEENA MCFARLAND

THE SALT LAKE TRIBUNE

PUBLISHED: FEBRUARY 27, 2013 08:10AM

UPDATED: FEBRUARY 26, 2013 09:54PM

A Salt Lake City School Board member filed a complaint Tuesday with the federal Office of Civil Rights asserting there are too many ineffective and inexperienced teachers in west-side schools.

Michael Clara, who represents the city's west side, said he filed the complaint with the U.S. Department of Education after his concerns were ignored by the board and his request to place it on a spring agenda was denied.

"My complaint is based on the experience of the teacher," Clara said, "and if you have too many [new teachers] in a school, then that's going to negatively impact the learning outcome of the students."

Clara's letter also cites data showing west-side schools have more teachers rated as ineffective. His objections include:

- "The highest concentration of the least experienced teachers are employed in schools with the highest number of students of color, which is on the city's west side."
- "West-side schools also face the highest rate of teacher turnover."
- The combination of inexperience and high turnover "has existed for many years" in west-side schools.
- "Since, on average, the teachers at schools with higher numbers of white students are more experienced, the amounts spent on teacher salaries in east-side schools are greater."

By keeping the teacher distribution system and refusing to discuss it now on the school board level, the school district is violating a section of the Civil Rights Act that prohibits discrimination in federally funded programs, Clara argues.

Superintendent McKell Withers could not be reached for comment, but district spokesman Jason Olsen released a statement.

"We are disappointed that [Clara] feels the need to seek solutions by contacting federal officials in Denver instead of working collaboratively with the Board of Education and the district," the statement reads. "We believe Mr. Clara's complaints can and should be addressed through established board protocol. We are committed to advocating for all students."

After the board's Feb. 19 discussion of student achievement, according to his letter, Clara asked why there appeared to be a disproportionate number of teachers labeled "ineffective" in west-side schools.

Christine Marriott, a data coordinator, gave this response, according to his letter:

"One of our big problems with our distribution system for teachers, is that we have a lot of new teachers in west-side schools every single year. ... The rubber really hits the road when you are looking at whether our west-side disadvantage[d] students are with the most effective teachers we can put in front of them."

She added: "We need to do something to turn around that very pattern that you can see."

On Feb. 20, Clara asked for the issue of equitable distribution of experienced teachers to be placed on the board's Feb. 24 agenda, he said. The school board president, Kristi Swett, rejected the request, explaining it would require "a rapid realignment of agenda priorities," he wrote. He then filed the complaint.

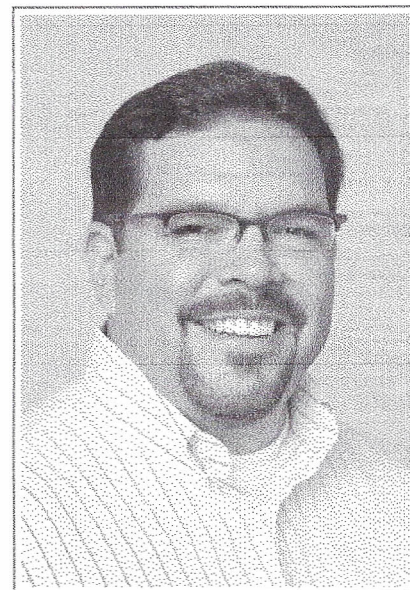
Clara said in an interview the data he cites on "ineffective" teachers in west-side schools are preliminary and notes he was not allowed access to all the district's information. The ratings are based on a student growth model, which gauges teachers from "highly effective" to "ineffective" based on student test scores.

Two examples he noted:

- At the west side's Meadowlark Elementary, 497 N. Morton Drive, "as high as 67 percent of teachers... were classified as 'ineffective.'"
- At east-side school Dilworth Elementary, 1953 S. 2100 East, 0 percent of the teachers were classified as ineffective within the subject of science.

The schools' principals and Mike Kelley, Utah Education Association spokesman, could not be reached for comment Tuesday.

Clara said the school board was alerted to the disparities a year ago, citing a report presented at a January 2012 meeting that noted, "Students in Title I schools have a five times higher chance of being with a marginal or ineffective teacher."



Michael Clara. Courtesy Image