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District Two

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DELIVERED VIA ELECTRONIC MAIL

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

**Re: School Board Policy B-1 Changes**

Dear President Swett,

I am writing to express my opposition to the proposed changes to Board Policy B-1, which the superintendent had the board vice-president, Heather Bennett hand out at the end of the October 15, 2013, school board meeting.

Sadly, the proposed policy changes are in my opinion a symptom of a much larger problem facing the Salt Lake City School District. The passage of these alterations would only serve to solidify the **titular authority** of the current school board. The implementation of these changes would further weaken the authority of the elected school board, causing more instability in our school district and strengthening the hands of the dysfunctional bureaucrats.

Moreover, the proposed policy changes calls for restricting a school board member's contribution and participation in the public school board meeting. In my opinion, this strikes at the very heart of shared governance at the highest level of the school district. I also believe that it violates **Utah's Open and Public Meeting Act**.

More specifically, the proposed policy document states the following on the top of page 2:

***Board Leadership Responsibilities and Authority:** Elected officers of the board set meeting agendas in collaboration with the superintendent and business administrator, conduct meetings of the board, assign board members to subcommittees, and sign documents and some contracts on behalf of the board. Board leadership is also responsible for .answering, or referring to the appropriate administrator, questions and requests from individual board members about district governance. The president and vice president are also responsible to ensure that administrative decisions are appropriately communicated to the board as a whole.*

The first part of this statement is already expressed in board policy B-2: School Board Meetings under the heading of AGENDA DEVELOPMENT, which states that the board president, board vice president, and superintendent should develop the board agendas "collaboratively".

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

Señor Florez –Deseret News

I fail to see the value of duplicating that same language in another part of the board policy. I would recommend adding language in the policy that is similar to the Salt Lake City School District's Board of Education Handbook which states:

*"Communicate regularly with superintendent...and board members to set meeting agenda...and respond to community issues and queries"*

Furthermore, I would be opposed to adding additional responsibilities to you and the vice-president, as I see the two of you struggle to fulfill the duties currently assigned to your roles.

I would not support the concept:

*"Board leadership is also responsible for answering, or referring to the appropriate administrator, questions and requests from individual board members about district governance."*

I have only been on the school board for ten months. In that time period I have numerous examples of questions or inquires that have been directed to you or the vice president and they have gone unanswered. I also have emails that have taken up to 30 days to receive a response from you. Utilizing the two of you as a relay to obtain information would be akin to trying to put out a fire by pouring gasoline on it.

I have never had a problem receiving answers to questions or information from any district administrators, with the exception of two, that being the superintendent and the business administrator. In fact, I receive more unsolicited information from district administrators. In other words, they are calling me or seeking me out and offering information or just wanting to discuss potential solutions. I am not opposed to these interactions as it allows me to fulfill my statutory duties as a member of the board of education.

School Board Policy B-1 states that I am to **"evaluate"** many aspects of the district's operations and their outcomes. The Board of Education Handbook uses the word **"monitor"**. I have noted that the information that I receive from these interactions is much more realistic and reliable than the duplicitous information that is often disseminated at school board meetings. As an elected school board member, I would strongly oppose any type of filtering system or interference with my ability to **"evaluate"** and **"monitor"** the affairs of the school district.

I have also found that the more acute dysfunction of the system is swirling at the very top pinnacle of district leadership. Utilizing that level of the hierarchy as a sieve for information would be counter productive and would only serve to further obstruct my ability to perform my obligations to those that elected me.

Moreover, our current written procedures does not oblige two board members to sit in judgment of the other five. Consider Board Policy B-1 Code of Ethics, which in part states:

*"I will function as a part of a policymaking body, recognizing that **authority rests with the board in open session**, not with individual members of the board"*

The Salt Lake School District's Board Education Handbook further amplifies this concept under the heading of AUTHORITY OF INDIVIDUAL BOARD MEMBERS:

*“Board members have authority only when acting as a Board of Education in a legally constituted session, with quorum present. **The statements or action of ...[a] group of members of the Board of Education does not bind the Board of Education itself...**”*

The Board of Education Handbook goes on to list the duties of president of the board, it specifically states the following:

*Represent the board, or designate others to represent the board, as requested, in executive meetings with community and business leaders or elected officials to promote communication, **without binding the board to a specific decision or position.***

As I have mentioned in previous school board meetings, it is contrary to our policies and handbook for a **subgroup of the board** to make decisions for the entire body or in this case, judge the worthiness of fellow board member's questions or inquires about district finances or operations of the district.

Think about it, we are a body of seven people. Why would any of us agree to allow two of the seven, to impose their value judgment on us? I for one, would betray the trust of my neighbors if I were to agree to have a fellow board member or subgroup of the board use their intellect in place of mine. We cannot discount the fact that we come from different backgrounds and have had different experiences.

Surely by now, based on the demographic data presented in school board meetings, you recognize that we clearly come from different neighborhoods. It appears that the flashpoint for many of our disagreements is the marginalization that I experience when presenting the issues effecting my community.

Why would I agree to further diminish my voice and participation on the school board? Without question, you and the vice president have demonstrated an indifference to issues facing my community. I have chalked that up to cultural incompetence and not understanding the issues impacting my community and the schools therein. Which is why my neighbors elected me, not you, to represent them.

I hold my responsibility to vote on the school board as sacred, I assure you that I will not relinquish my ability to be informed or trust that a fellow board member knows better than I, what is good for my community.

In other words, you are suggesting that the board of education only consist of two people –a president and vice president to represent the entire district. That is just silly. There are seven member on the board of education, one is not above the other, and we are all equals.

The exception being that there is a requirement for a president and vice president. I would recommend that instead of trying to subvert the represented duty of fellow board members, concentrate on improving the execution of the responsibilities that have been currently assigned your role on the board.

Salt Lake City School District's Board of Education Handbook list those duties on page seven:

*The board president will:*

- *Conduct meetings of the board in accordance with law and policy.*
- *Communicate regularly with the superintendent, business administrator, and members of the board to set meeting agendas, facilitate the flow of necessary information, and respond to community issues and queries.*
- *Sign legal assurances, correspondence, and contracts on behalf of the board as required by law, policy, or vote of the board.*
- *Represent the board, or designate others to represent the board, as requested, in executive meetings with community and business leaders or elected officials to promote communication, **without binding the board to a specific decision or position.***
- ***Keep the board appropriately informed** of issues or data that would help members perform their duties.*

The next part of the policy modifications that I find objectionable is as follows:

***Document and Information Requests From Board Members:** Questions about documents or other information provided as part of board meeting agendas may be directed to individual presenters as specified in the superintendent's memos or in small group meetings set up for this purpose. Individual members of the board should not unilaterally ask staff to create new documents or perform new analyses to avoid diverting employees from their assigned duties and priorities. Board members should make requests for documents or detailed information through board leadership. Board leadership will work with members to obtain any information that is reasonably required to make decisions within the scope of board responsibility and to share such information with the whole board. If an individual board member feels his or her request is reasonable and has not been granted, he or she may persuade two other members to join in placing the issue on a board meeting agenda. If a member of the board chooses to file a Government Records Management Act (GRAMA) request for information, such a request will be treated the same as any other GRAMA request from a member of the public.*

I believe that I have explained on the previous page, my position on the fallacy of inflating the responsibilities of two of the seven members of the board of education. I have numerous examples over the past ten months where Business Administrator, Janet Robert's has either refused or delayed providing me information on school finances. I have requested that information through various venues i.e. phone call, email, at meetings, GRAMA request etc...and I have found that none of these methods works any better than the other.

I find it curious that you presume that adding another layer to the act of requesting information of the school bureaucracy would be an improvement on the current process. Especially since I have noted that you and the vice president are often complicit in withholding information from fellow board members. There also appears to be a strong commitment to maintaining the status quo of malfunction and misdirection.

History has taught us that one of the first casualties of an autocracy is free speech. I believe that one of the reasons low performing schools in my neighborhood have trouble getting better is because honest self-assessment may be all but impossible. It is alright to talk about what is going well, but talking about what is going badly is just to tricky, too likely to offend someone, like the people in leadership.

These types of policy proposals are nothing more than a reaction to sustained failure in our schools. The current institutional failure creates a social environment that encourages more failure, one downward spiral generating another.

I also am of the belief that when seeking information about school district operations, an elected member of the board of education cannot be treated as a *"member of the public"*. On September 13, 2013, I had an email exchange with school board attorney John Robson about obtaining requested information from Business Administrator Janet Roberts that was not forthcoming. John Robson stated the following:

*"However, in your position as a Board member you have the ability to review protected and private information as long there is a valid educational or business reason to do so. Thus, the District wants to provide to you all of the information you might need to carry out your responsibilities..."*

The final part of the anticipated modifications, which I find objectionable is as follows:

***Bringing Documents for Discussion in a Board Meeting:** Any member of the board may send or bring a document or article of general interest to the superintendent, who will forward it to all board members. If a board member wishes to bring a specific document or piece of information to inform an item on the board's meeting agenda, he or she must provide the document at least 48 hours in advance of the meeting so that it can be duplicated for distribution to the whole board and so that the superintendent, business administrator, and board president may assess its contents prior to the meeting.*

The 48 hour requirement is impractical. I receive the agenda and board packet on Friday. I will not have the opportunity to review it until I get home that evening or on Saturday. I typically do not review school board issues on Sunday as I am consumed with church responsibilities and worshiping on that day.

According to this imposed 48 hour rule that would only give me Saturday to review the information and determine how I am going to vote on an issue in order to provide the above mentioned trio with the requested information for their review. Furthermore, this proposed set up diminishes the role of a board member in comparison to the other participates of the meeting. The superintendent, presenters and people speaking during the open comment part of the meeting are still free to produce documents, data or position papers at the meeting while a member of the board is not. To what end?

This attempt to manipulate an elected official's ability to properly study and weigh a matter on the agenda is just plain foolishness. I for one am embarrassed to even be discussing it. More importantly, Utah's **Open and Public Meeting Act** states that we are to:

“...conduct the peoples business openly”

&

“...conduct deliberations openly”

Requiring me as an elected official to submit documentation about an issue on the agenda, 48 hours prior to the meeting would mean that I would have to prematurely deliberate on the agenda item and submit my conclusions two days before the meeting so that *“the superintendent, business administrator, and board president may assess its contents prior to the meeting”*. I must confess that I am laughing out loud as I write this. I hope that you too, upon further reflection can realize how ridiculous these proposed changes are.

The **ACT** also states that the minutes of the meeting shall consist of the date, time, place of meeting etc... It also states the following:

“...any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording”

I believe that it means that the proceedings of the meeting must happen in the meeting, not 48 hours prior to the meeting. I can assure you, information that I deem is relevant to the meeting will be shared **IN the meeting** as a part of the proceedings of the meeting. I believe it is illegal to attempt to compel me via board policy to submit information 48 hours prior to the meeting so that it can be *“assessed”* by two people that by state law, I hire by contract, evaluate and have the authority to fire.

Do you see the role reversal and imbalance in governmental operations you are promoting with this policy modification? Although, they think otherwise, I don't work for the superintendent and the business administrator, it is inappropriate to require me to submit any type of documentation for their approval, prior to a public school board meeting.

Are we still in the United States of America? Am I still an elected official and a representative of the people? If the answer to those two questions is yes, you can rest assured that I will not be submitting anything to you or anyone else for *“assessment”* prior to the time that I am deliberating an issue in an open and public school board meeting.

During my short time on the board of education, I have observed that under its current leadership, this school district has evolved into a pathological bureaucracy whose traditions, structures and operations have subverted its very mission and purpose of existence. The current dysfunctional culture of our top administrators and so called board-leadership relationships only serves to victimize anyone who comes in contact with the system. Allowing these policies to move forward would only continue that victimization.

I have also witnessed that the current leadership has allowed a persistent lack of urgency about improving itself to flourish in our school district. This in turn has created a culture of complacency which has created school board meetings that have become little more than time-consuming formalities. The outcomes are almost never in doubt. The important decisions have almost always been reached behind the scenes before the time of the school board meeting. Accordingly, there is a dearth of discussion, and almost never anything amounting to deliberations occurs. The current bureaucratic leadership discourages open, frank debate among school board members.

Recognizing that you co-authored these proposed changes, I nevertheless, urge you to now reject them and not allow the puppeteer more control over the puppets.

An educational researcher concluded:

*“School boards have largely ceased to exercise their representative ...making functions; for the most part they do not govern, but merely legitimate the policy recommendations of the school superintendent. Thus according to this view, the public, the democratic control of education has been reduced to little more than a sham”*

(The Future of School Board Governance, edited by Thomas Alsbury p 86)

The proposed policy modifications are doing nothing more than rewarding the bad behavior that manifest itself in our board meetings. Unfortunately, during school board meetings, we are not allowed to speak candidly about problems facing our schools. The superintendent maintains an atmosphere that resist bad news. Robust and constructive dialogue does not characterize the board decision making process.

The bureaucracy appears to be wedded to bad ideas and they react defensively when questioned about some of their explanations. Take for example the October 1, 2013, school board meeting. I questioned the superintendent’s explanation as to why we were not awarded the Race to the Top grant in 2012.

Our discussion became heated, emotions flared and disagreements became personal. Members of the board then crossed the line from issue evaluation to personal criticism about the manner in which I was asking the question.

This type of conflict diminishes our ability for shared understanding. It also leads to costly delays in the decision process. I believe that you can play a greater role in meetings when these types of conflicts bubble up.

Instead of hatching a more restrictive policy towards fellow board members, I would suggest you do what I have seen other chairs do. Help the members to reframe the debate, redescribe important ideas in novel ways, and revisit underlying facts and assumptions to help the board resolve disputes and break stalemates.

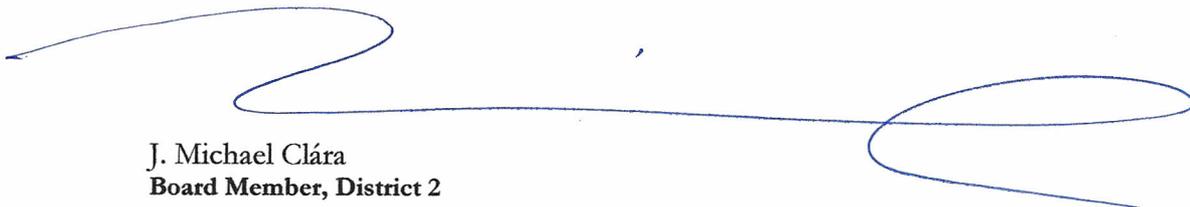
I have served on some committees where after a contested decision, the chair will take the time to have the group reflect and learn, repair damaged relationships or hurt feelings, and ensure that people remember the ways in which they worked through disputes constructively. Granted, each of these steps required careful forethought on the part of the leader of the group.

I predict that we will not see change happening in our failing schools until the elected members of the board are able to attend school board meetings and engage in substantive debate over issues and ideas. Healthy disagreement exposes each proposal's risks and weaknesses, challenges the validity of key assumptions, and even might encourage people to define the problem or opportunity confronting our schools in an entirely different light. I believe that constructive conflict will enhance the quality of the solutions that the board can produce.

If the altered policies are adopted the board's decision making process will be characterized by restricted information processing, a constrained search for solutions, a continued reduction in the breadth of participation.

In closing, I am literally grieving for the children of our district. In most of our discussions, including this one, I rarely hear anyone talk about improving the educational outcomes of our students. It's always about the adults in the system...always promoting more bureaucratic entrenchment that creates an atmosphere of ideological rigidity and a smug discontent for elected officials and their vital role in public education.

Shalom,



J. Michael Clára  
Board Member, District 2

**Enclosures:** Proposed Policy Changes

cc: Open Letter

P.S. In the spirit of compromise (and the only time that I will do it), if the issue of these proposed changes truly ends up on the agenda of the November 5<sup>th</sup>, 2013- School Board meeting as indicated in our meeting of the 15<sup>th</sup>; Please attach this letter to the proceedings of the meeting, please duplicate it and distribute it to the school board members. Also recognize that I am submitting this letter with an approximately 360 hours notice.

