

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 November 2015

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DELIVERED: ELECTRONIC MAIL

Ms. Heather Bennett, President
% Salt Lake City School District (District)
440 East 100 South
Salt Lake City, Utah 84111

Re: Agenda Items Request for November 17th



Dear Ms. Bennett,

I am pleased to see that you have acknowledged that the Superintendent's reorganization scheme is indeed subject to Board approval.¹ I am however, disappointed that you did not allow a place on the agenda for the public to address the Board. I ask that you reconsider this decision and modify the agenda to allow for public input on this vital issue. It serves no one for you to continue to protect the Superintendent's antics, please don't lose sight of the fact that *"the Board recognizes that public comments and suggestions are vital to its decision-making process."*²

I am also requesting that the Human Resources Report be removed from the consent section of the November 17th agenda and instead placed in the action section so that it can be openly and publicly the subject of deliberation for the Board.³

Additionally, I am requesting that you re-issue a revised November 17th agenda with the following additions:

- ✓ Board Policy I-10
- ✓ Board Policy G-19
- ✓ The Salt Lake Association of School Administrators (SLASA) Written Understanding

¹ Board Agenda 11/17/15

² Board Policy B-2

³ Ibid

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

BOARD POLICY & AGREEMENTS

Like fellow Board member Emery,⁴ I too, am of the opinion that the McKell reorganization plan and the approval of new employment contracts need to be treated as separate issues. In other words, I believe that the Board must first consider and modify the three items listed above before we can consider the employment contract changes listed on the agenda for the 17th of November.

Recognizing, *“The board is empowered to make policy decisions for district schools. Board members act as trustees for the community; therefore, policies are often understood as expressions of the community’s aspirations for its public schools.”*⁵

The manner in which Superintendent Withers implemented his restructuring plan is in violation of Board Policy I-10⁶ which in part states:

The district actively works to recruit, employ, support, and retain culturally and linguistically diverse and culturally competent administrative, instructional, and support personnel. Professional development shall be developed and provided on a continuing basis to identify and resolve problems associated with the student achievement gap and other inequities arising from disparities. The district shall also actively strive to have our teacher and administrator workforce reflect the diversity of its students and communities.

Additionally, in his haste to implement his restructure plan, he either forgot or ignored Board Policy G-19⁷ which in part states:

“The Board values diversity among... its employees... The District shall operate as an equal opportunity employer and will provide and safeguard the opportunity for all persons to seek, obtain, hold, and advance in employment within the district without discrimination... Employment decisions shall be based on job-related qualifications and competence.”

Based on the feedback I have received from members of the community and employees of the District, I am convinced that the language in these two policies are indeed, *“...expressions of the community’s aspirations for its public schools”*.⁸

Furthermore, on August 18, 2015, as the result of a GRAMA request that I submitted,⁹ I obtained a copy of a recent Human Resources Department Audit.¹⁰ While the audit pointed out a multitude of problems, I cite the following three that are relevant to the issue at hand:

- *Diversity in hiring still poses great challenges for the district – the teacher and leader workforce does not reflect the diversity in the student population.*

⁴ Rosemary Emery email to Heather Bennett 11/14/15

⁵ Board of Education Handbook

⁶ Revised and approved by the Board 10/07/14

⁷ Revised and approved by the Board 11/03/15

⁸ Board of Education Handbook

⁹ District GRAMA Response 08/18/15

¹⁰ Salt Lake City School District –Assessment Report on Human Resources Functionality Human Resource Audit / February 2015

- *HR does not provide any support (resume screening, outreach or recruitment, etc.) for central office positions. Supervisors are on their own to find talented candidates to fill vacancies.*
- *HR needs to provide support when central office administrative vacancies occur...including helping to craft vacancy posting, screening of resumes, interviewing and selection support as needed.*

The Superintendent's recent appointments and subsequent premature, public announcement (prior to obtaining Board approval) underscores the problems described in the Human Resources Audit report. As already stated, his actions violate Board Policy I-10 and Board Policy G-19 and as you are aware:

Exceptions to a policy may be made by majority vote of board members in a duly authorized meeting. Each policy remains in force until altered or superseded by an action of the Board¹¹

Accordingly, I am requesting that both of these policies be placed on the Agenda for November 17, 2015 for Board consideration.

SLASA WRITTEN UNDERSTANDING

On June 16, 2015, the Board approved changes to the Written Understanding with SLASA as well as 3% COLA, Steps and Lanes and a 16.28% District share of insurance increase.¹²

The SLASA Written Understanding,¹³ in part, states the following:

The purpose of the Written Understanding between the Salt Lake Association of School Administrators (SLASA) and the Salt Lake City Board of Education (Board) ...is to provide expectations, guidelines and procedures that reflect the goal of performing at a high level of integrity in all aspects of our professional work. The Written Understanding is intended to reflect our commitment to the collective good of students and the district.

DEFINITION

For purposes of representation, an administrator is a contract district employee paid on the administrators' salary schedule.

*The **superintendent, business administrator, and associate superintendent** are administrators, but negotiate their salaries and certain other benefits **directly with the board**. The only items in this agreement which apply to these employees are specifically identified.*

RECOGNITION OF THE ASSOCIATION

*The superintendent and the board recognize SLASA as the body to **represent the administrators** of the district. SLASA will be represented on district level committees. This recognition will continue as long as SLASA **represents a majority of the district's administrators**.*

¹¹ Board Policy B-1

¹² Board Meeting Minutes 06/16/15

¹³ Written understanding Salt Lake City Board of Education & The Salt Lake Association of School Administrators 2015-16

POLICY FOR ADMINISTRATIVE PERSONNEL

It shall be the policy of the board that procedures in the following areas will be established in an agreement between SLASA and the superintendent:

I. Compensation

II. Retirement

III. Working Conditions

IV. Position Continuity

V. Work Schedule

VI. Accountability

VII. Professional Communication

VIII. Conventions and Professional Meetings

IX. Leave

X. Administrative Vacancies, Transfers and Rotations

XI. Performance and Evaluation

XII. Termination

I. COMPENSATION

B. Administrators are compensated according to board adopted salary schedule ...

C. The district will fund contractually obligated increments in step and lane (see salary schedule). Salary, step and lane, and administrative pay will increase by a percentage equal to the cost of living allowance as agreed through negotiations.

II. RETIREMENT

A. Any administrator paid from the administrator's salary schedule (including those positions whose salaries are set by the board) employed by the district...

B. Any administrator (including those positions whose salaries are set by the board) who retires according to the provisions of the Utah State Retirement System (URS) may

XI. PERFORMANCE AND EVALUATION

Administrator means any individual, except the superintendent, the associate/assistant superintendents, and the business administrator, employed by the district who is paid on any administrative salary schedule, including administrators who are not required by the USOE to hold a professional certificate. It does not include those employed for less than three (3) hours per day or for less than half of a school year.

Here is the dilemma: The Superintendent has moved his new appointees from the “Board Adopted” Administrators Salary Schedule #8 to the “Board Adopted” Superintendency Salary Schedule (in the past, has been referred to as Salary Schedule #4):

Human Resources Board Report November 17, 2015

CONTRACT CHANGES				
Name	Date	From	To	Salary
Christy, Kathleen	10/15/2015	Assistant Superintendent	Assistant Superintendent	\$113,053.00
Conley, Brian	10/15/2015	Director II	Chief School Improvement Officer	\$108,885.00
Kuehl, Barbara	10/15/2015	Director I	Chief Academic Officer	\$113,053.00
Madden, Lawrence	10/15/2015	Director II	Chief Operations Officer	\$108,885.00

The “Board Adopted”, Administrators Salary Schedule #8 has six lanes and five steps:

	1	II	III	IV	V	VI
STEP	10 Months	12 Months	12 Months	12 Months	12 Months	12 Months
5	87,774	91,898	95,068	95,987	101,154	106,321
4	84,913	88,907	91,958	92,845	97,855	102,865
3	82,174	86,028	88,967	89,818	94,631	99,443
2	79,542	83,267	86,095	86,916	91,535	96,154
1	77,033	80,642	83,301	84,089	88,537	92,985

2. The following listed administrators are paid on the above schedule:

- Lane I: Elementary Assistant Principals
- Lane II: Middle School Assistant Principals; Coordinators
- Lane III: Elementary Principals; Assistant High School Principals; Supervisors
- Lane IV: Middle School Principals, K-8 Principals, Director III
- Lane V: Director II
- Lane VI: High School Principals; Director I

That “Board Adopted” Superintendency Salary Schedule has three lanes and three steps:

Step	Associate Superintendent	Executive Director	CIO/Finance Director
Mastery	145,396	110,489	106,321
Standard	139,791	103,525	99,443
Provisional	134,416	96,560	92,985

The first problem you will note, there is no title of “Assistant Superintendent” in either of the “Board Adopted” Salary Schedules. You will also note that there is no such title of Chief School Improvement Officer, Chief Academic Officer or Chief Operations Officer in the “Board Adopted” Superintendency Salary Schedule.

The application of the “**Board Adopted**” Superintendency Salary Schedule is as follows: the **Associate Superintendent** position was recently vacated by Patrick Garcia. The **Executive Director** of Human Resources is Craig Ruesch. The CIO is the **Chief Information Officer** Sam Quantz and the **Finance Director** is Alan Kearsley. In response to my inquiry, on October 27, 2015 – I received an email from Business Administrator Janet Roberts, she inserted the Superintendent’s new appointees to the following slots on the Superintendency Salary Schedule:

1. Barbra Kuehl – Executive Director Lane
2. Brian Conley – CIO/Finance Director Lane
3. Larry Madden – CIO/Finance Director Lane

That initial email did not tell me what step they were placed in. After another email exchange, I still did not receive a straight answer. I was however, able to decipher the following:

1. Barbra Kuehl – Executive Director Lane – **MASTERY** Step
2. Brian Conley – CIO/Finance Director Lane – **MASTERY** Step
3. Larry Madden – CIO/Finance Director Lane – **MASTERY** Step

If Superintendent Withers can make up titles that don’t appear on one of the “**Board Adopted**” salary schedules, then why negotiate and then enter into an agreement with SLASA about compensation for Administrators?

If Business Administrator Janet Roberts can superimpose employees into the “**Board Adopted**” salary schedule on top of positions of employment that is not really theirs, then why negotiate and then enter into an agreement with SLASA?

It is accurate to state that the Superintendent can make appointments to positions in the District. Those appointments are then subject to Board approval. However, on June 16, 2015, the Board entered into an agreement with SLASA:

“Administrators are compensated according to board adopted salary schedule ...” and “...the district will fund contractually obligated increments in step and lane (see salary schedule)”.

Under the new state mandated administrator’s evaluation program we are told:

*“any advancement on an **adopted** wage or **salary schedule** shall be based primarily on an evaluation...”*¹⁴ Compensation is based on “*adopted...salary schedule*”.

As a member of the Board of Education, when I “*review and approve recommended...salary schedules...for District employees...*”¹⁵ I have every expectation that the Salary Schedule will be applied to those that earned the positions that are listed on its face. I had no idea that the Superintendent and Business Administrator would try to artificially insert people into a “**Board Adopted**” salary schedule. Consider the following:

*“The board holds the superintendent responsible for administering its policies, executing board decisions... The board expects the business administrator to discharge...her statutory duties and to keep **accurate records** of all district revenues and expenditures...”*¹⁶

¹⁴ Utah Code §53A-8A-601(2)(i)

¹⁵ Board Policy B-1

¹⁶ *Ibid*

To “keep accurate records” means that if the Superintendent and Board Business Administrator want to create new positions in the organization, then “*the board expects the superintendent to ...consult with and inform the board about school operations...in timely, accurate, and appropriate ways*”¹⁷ Informing the Board about his reorganization plan in the last ten minutes of a closed door session does not constitute “*timely, accurate, and appropriate ways*”.

Accordingly, I am asking that a new Salary Schedule be presented to SLASA for their negotiation and agreement and then presented to the Board for our approval.

SHARED GOVERNANCE

Another aspect to this latest fiasco, is the Superintendent’s total disregard and disrespect for the tenants of Shared Governance. Referring back to the Public Information Officer’s Memo,¹⁸ we are told the following:

- *The Superintendent said the reorganization plan is still a work in progress, and he would be open to recommendations.*

Really? I did not witness the Superintendent utilize any principles associated with Shared Governance as he clumsily implemented his restructure plan. Consider the following:

Shared governance is an effective method for making decisions.¹⁹ It is most effective when all participants have a thorough understanding of its structure and the following basic principles:

- *Delegation;*
- *Openness, trust, and equity;*
- *Decision-making;*
- *Review and adjudication;*
- *Accountability; and*
- *Dialogue and communication.*

Under shared governance, groups strive for consensus

- ❖ *Consensus is a collective opinion arrived at by a group whose members have listened carefully, communicated openly, been able to state their opposition to other members’ views, and sought and considered alternatives in a constructive problem-solving manner. All members, because they have had the opportunity to influence the decision, should understand and support it.*
- ❖ *Consensus evolves from open discussions, until participants feel satisfied with their decision. Reaching consensus should be the goal in all councils and committees of the district.*
- ❖ *Consensus does not mean one hundred percent agreement. Seldom will everyone be wholly satisfied with any decision. Consensus does require that all participants be able to accept and support a decision.*
- ❖ *Consensus takes time, and decisions should not be rushed. When the process is effectively implemented, it provides the opportunity for compromise and precludes the unilateral, capricious, or arbitrary exercise of power.*

¹⁷ *Ibid*

¹⁸ Jason Olsen Memo, District Reorganization Meeting Summary 11/03/15

¹⁹ Shared Governance Guide

Clearly, the Superintendent's method of implementing his restructure plan did not "*preclude the unilateral, capricious, or arbitrary exercise of power.*"

You will note, that the concerns I have outline in this letter, are but echo's of what the Board heard from members of the community at the November 3, 2015, Board meeting:

1. **Ms. Josie Valdez:** *Neutralize or nullify the reorganization actions ... We demand that the Board adhere to the policy stated in your own handbook...*
2. **Mr. Stanley Ellington:** *To reposition the Equity Department to a lower or less than position, will reduce its importance and we ask that it not be done...to reduce the Equity Department to a level below the level of the Chief of School Improvement will be perceived as a systematic act of dismantling the Equity Department...*
3. **Dr. Paula Smith:** *There are administrators of Color who have the education, the credentials, the experience and they deserve to be considered. The current appointment system is a form of Apartheid where advancement does not seem possible despite their qualifications.*

Furthermore, I was not at all surprised to learn that administrators in the District had arrived at the same conclusions to those I was hearing in the community. The District administrators made the following points in a meeting called by the Superintendent:²⁰

- *Participants in the meeting expressed concerns about the sustainability of Ms. Christy's new role.*
- *They were concerned that using one-time funds for her new position could lead to discontinuing the position after only one year, which could send a message to schools that equity issues were not a high priority for the district.*
- *They said strengthening Ms. Christy's job title would help school administrators realize the seriousness of her work and equity work in general.*
- *They also voiced their concerns about the increased need for recruiting and retaining administrators of color in the highest levels of district leadership.*
- *There was disagreement over whether Dr. Withers' proposed plan would be more beneficial to furthering the district's equity goals than another structure.*
- *Was appropriate input from stakeholders on this particular plan?*

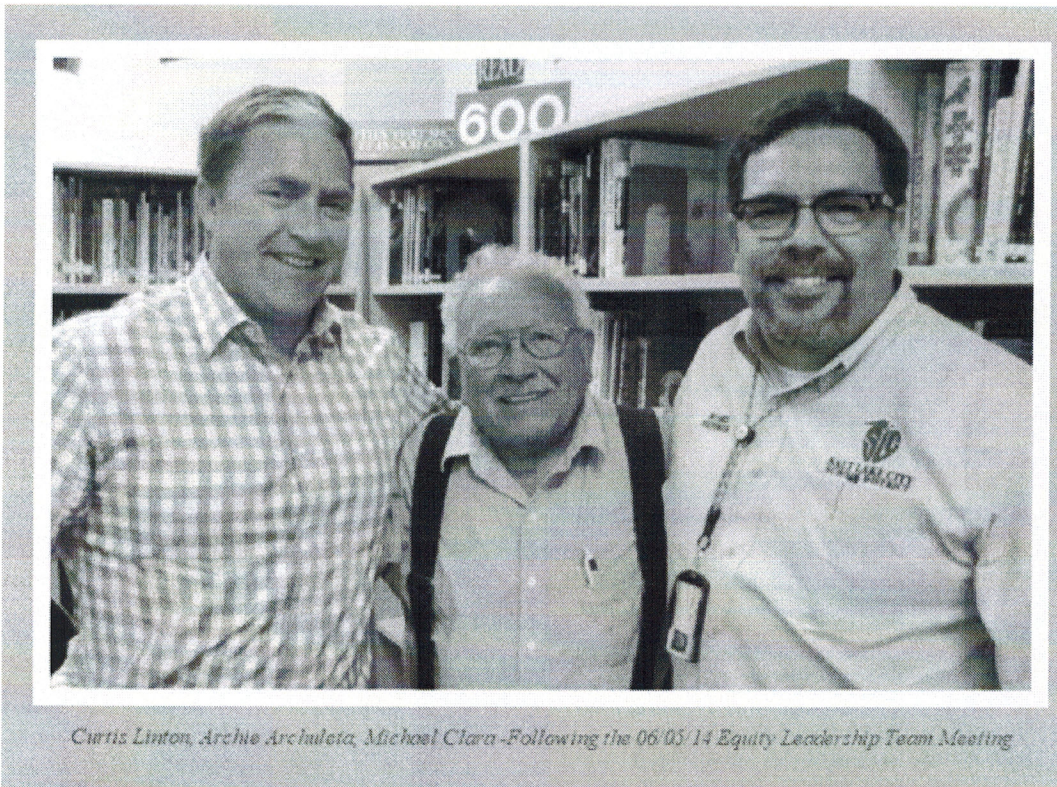
²⁰ Jason Olsen Memo, District Reorganization Meeting Summary 11/03/15

We must not forget that, “the Salt Lake City School District Board of Education recognizes the importance of ...community involvement in the educational process as a critical component of student success.”²¹

To that end, the Equity Leadership Team was formed which is composed of employees and members of the community. This group has met monthly, for the past year. Their stated purpose:

*“As a member of the Equity Team, you will participate in a monthly professional learning community focusing on and being accountable for personal, professional and institutional engagement in equity work. We will meet to deepen our learning of **educational inequities and how to eliminate them** by having the courageous conversations that address them, and participating in reflective, equity driven exercises. We will use action research methodologies and equity audits to identify successful practices within our system and impact all students by building an equitable, quality education”.*

This District-wide Shared Governance council has consistently voiced their concern that the resources in the Equity Department are so dismal, that it is not possible for that department to carry out their mission and stated goals. As a result of those discussions and observations, the recommendation was put forward to elevate the position of Equity Director to that of **Associate Superintendent of Equity and Diversity**, thus empowering that department with the authority needed to help schools improve the educational outcomes of our students.



²¹ Board Policy C-1

The minutes to the June 3, 2014, Board meeting quote me as follows:

“He said he does not feel there is a lot of support district-wide and he supports the creation of a new position for an Associate Superintendent of Educational Equity & Diversity which would allow the district to support efforts district-wide, instead of patch work at individual sites. He distributed a letter and supplemental information stating his support and outlining how the idea for the position had developed.”

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In light of the Boards stated policies and agreements, I have to ask myself:

1. How can Superintendent Withers be allowed to trample on established Board policies?
2. How can Superintendent Withers be allowed to implement a reorganization that violates our negotiated agreement with administrators?
3. How can Superintendent Withers be allowed to unilaterally make a decision that disregards the recommendation of an established District-wide Shared Governance council?

I predict that this District will not survive another eight months of this kind of foolishness. As a Board, we need to assume our leadership role more assertively and with greater dedication as guardians of educational excellence and equity. We need to compel Superintendent McKell Withers to respect and honor established Board policies and negotiated agreements!

Shalom,

J. Michael Clára
Board Member, District 2

cc: Ms. Josie Valdez

Dr. Paula Smith, University of Utah
Ms. Jeanette Williams, NAACP
Salt Lake City Board of Education
Senator Luz Escamilla, Utah Senate
Ms. Nubia Peña, Racially Just Utah
Ms. Anna Jane Arroyo, IMAGE de NU
Ms. Christine Marriot, SLASA President
Mr. Archie Archuleta, Utah Coalition of La Raza
Mr. Gregory Lucero, Utah Against Police Brutality
Salt Lake City School District, Equity Leadership Team
U.S. Department of Education - Office for Civil Rights
Representative Mark Wheatley, Utah House of Representatives
Representative Sandra Hollins, Utah House of Representatives
Representative Angela Romero, Utah House of Representatives

