

5 November 2015

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DELIVERED VIA USPS & Electronic Mail

Mr. & Ms. Group of Friday Educators  
% Salt Lake City School District  
440 East 100 South  
Salt Lake City, Utah, 84111

Re: 11/03/15 - District Reorganization Memo



Dear Ms. Buendia, Ms. Christy,  
Ms. Kindl, Ms. Mayer-Glen,  
Mr. Olsen & Mr. Yapias

This letter is in response to the memo of November 3, which was addressed to the Board of Education, Administrators and School Community Councils.

First of all, I appreciate the fact that the memo accurately referenced the organizational restructuring as:

- ✓ *his vision*
- ✓ *his plan*
- ✓ *his reorganization*

Superintendent Wither's unilateral creation and subsequent premature announcement of "*his plan*", was and is a process riddled with violations of established District philosophy, procedure, policy and state law. By way of illustration, "*his plan*" was created and implemented in defilement of the tenants enumerated within the District's longstanding practice of **Shared Governance**:

*Our school district is a complex organization, which can succeed only if we enlist the energy, creativity, and effort of many people to accomplish our goals. The Salt Lake City School District Board of Education believes that ideal conditions for student learning can be realized when shared governance is thoughtfully used to support student achievement.*<sup>1</sup>

The memo further states: "Dr. Wither's said his reorganization plan was shared in its entirety with the Board of Education during its most recent meeting". "Shared" is not how I would describe the manner in which the Board was made aware of "*his plan*". On October 20, 2015, the Board held its regularly scheduled meetings. Ten minutes prior to the end of the Closed Meeting, the Superintendent "*shared his plan*" with the Board.

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<sup>1</sup> Shared Governance Guide – Salt Lake City School District

When I saw the diagram of “his plan” and the names attached to each of the positions, I told Superintendent Withers, “*You cannot have a majority, ethnic minority student body with an appointed all White leadership at the top levels of the administration*”. I asked one question and was not permitted to ask any others prior the meeting being adjourned. I should point out that I had no objection to the three appointees serving in their current positions of Director and School Support positions. My objection stems from the fact that it appears that Superintendent Withers is purposefully excluding administrators of Color from serving on the Superintendency level, School Support level and as High School principals.

Recognizing that “*the Salt Lake City School District **Board of Education** has the exclusive right and responsibility to determine the goals and direction of the schools and use all its resources to achieve such goals, within the bounds of state and federal law and rules of the Utah State Board of Education*”,<sup>2</sup>

I had no idea that Superintendent Withers was going to implement “his plan” in the absence of Board approval, which could only occur in an open and public meeting. Even if ample opportunity was given for the Board to discuss this issue in the closed session, “*the board may not approve any resolution, rule, regulation, contract, or appointment at a closed meeting...*”<sup>3</sup>

I was advised by multiple administrators, that Board president Heather Bennett was in attendance at the Wednesday GAM when Superintendent Withers announced the “first half” of “his plan”. Unfortunately, this gave the illusion that the Superintendent’s actions were sanctioned by the Board. On the contrary, the presence of Ms. Bennett does not constitute Board approval:

*Power belongs not to individual members of a Board of Education but to the Board of Education acting as a corporate body through collective action. Board members have authority only when acting as a Board of Education in a legally constituted session, with a quorum present. The statement or action of an individual member or group of members of the Board of Education does not bind the Board of Education itself, except when that statement or action is specifically authorized by an official act of the board.*<sup>4</sup>

As a member of the governing body of this District, you should know that I and other members of the community fully support the voices of reason that were raised at the Friday meeting:

*“Participants in the meeting expressed concerns about the sustainability of Ms. Christy’s roles...they said strengthening Ms. Christy’s job title would help school administrators realize the seriousness of her work and equity work in general”.*

This is an issue that was considered in May 2014, at the District’s Equity Leadership Team meeting. This District wide shared governance council recommended that the District elevate the position of Assistant Superintendent to that of Associate Superintendent of Diversity and Equity. Superintendent Withers expressed opposition to this recommendation and at one point declared: “*Those who advocate for this new position are losing credibility in the community*”.

At the June 3, 2014, Board of Education meeting, I submitted a letter to the Board president recommending that the Board consider this new position.<sup>5</sup> At the time, I was told that the recommendation was impractical and lacked funding for implementation.

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<sup>2</sup> Board of Education Handbook pg. 3

<sup>3</sup> Board Policy B-2 & §52-4-101 et seq.

<sup>4</sup> Board of Education Handbook pg. 7

<sup>5</sup> Michael Clára letter to Kristi Swett 06/03/14 – Associate Superintendent of Educational Equity & Diversity



The Educators in Friday's meeting "also voiced their concerns about the increased need for recruiting and retaining administrators of color in the highest levels of district leadership." This is yet another issue that Superintendent Withers and Ms. Bennett have chosen to ignore, although they are fully aware that this is a District deficiency. A recent organizational management audit revealed the following:

- ❖ *Diversity in hiring still poses great challenges for the District – the teacher and leader workforce does not reflect the diversity in the student population*
- ❖ *HR needs to provide support when Central Office administrative vacancies occur...including helping craft vacancy posting, screening of resumes, interviewing and selection support as needed.* <sup>6</sup>

I would think that the ethical concepts of equity and fairness favor a competitive hiring practice over one of unilateral appointments. I believe it to be a moral imperative that this District make efforts to increase the diversity of leaders so as to reflect the diversity of our student population.

I find it troubling that many of the issues raised in the memo match those of the community, yet Superintendent Withers and Ms. Bennett are either oblivious to them or choose to disregard their significance.

The following are highlights community members' presentation to the Board of Education (Tuesday night):

1. *"Why is it according to your own numbers...oppressed nationality children face greater...law enforcement interactions which often criminalize them and put them on the school to prison pipeline... this is a serious issue, especially given the diversity issue that is before us tonight...it shows a pattern of behavior that I find deeply troubling as do many community members..."* **Mr. Gregory Lucero**
2. *"We are here to discuss a concern about a recent reorganization in the administrative structure of the District...recent actions of the Superintendent violate Utah code and your own Salt Lake City Board of Education Handbook procedures as follow:*
  - *The Board is required by State Law to approve all employment contracts, salaries, benefits and dismissals.*
  - *The Board is required by their own policy B-1 to review and approve recommended contracts and salary schedules for principals, teachers and other district employees.*
  - *The Board may not approve any resolution, contract or appointment at a closed meeting...*

*...you as a Board have failed in your duties...as members of the Salt Lake City School Board you are elected to represent your constituents...we ask the following:*

- *Neutralize or nullify the reorganization actions until state law is followed*
  - *We demand that the Board adhere to the policy stated in your own handbook which grants you the power to approve all appointments" - **Ms. Josie Valdez***
3. *"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...we ask that the Board keep the Equity Department at its current organizational level and responsibilities or move the department to a higher level of oversight, control and advocacy..."* **Mr. Stanley Ellington**

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<sup>6</sup> Human Resource Audit –Feb 2015 –received via GRAMA request

4. "...we also need an Equity Department that has the authority to ensure that inequity can be effectively managed as part of the responsibility of each and every principal in the District to ensure that we have administrators like this in place, we ask two things:

- We ask that the Board mandate that all hiring committees have representation from the communities that they serve. We believe that this will ...help the District hire staff and administration that is reflective of the demographic makeup of the communities that Salt Lake District serves.
- We ask that the Board eliminate Superintendent appointments and allow a fair and open completion for these positions as recommended in the February 2015 –Human Resources Audit.

*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". – **Dr. Paula Smith***

I recognize that some may find MY TRUTHS and those shared at Tuesday night’s Board meeting to be offensive. One must not lose sight of the context in which these TRUTHS have been shared; as the only person of Color serving on the Board, I too have been subjected to marginalization, isolation, and domination. Nevertheless, I have consistently demonstrated that I am immune from such dehumanizing tactics. Moreover, as sure as the sun rises in the east you can rest assured that I will fulfill my obligations to those who elected me:

*The Utah Legislature reaffirmed that local school board members have the obligation to speak out to ensure their constituents’ interests are represented. To do less abdicates their responsibility to their constituents who entrusted them with overseeing one of the most vital institutions of our society. School boards should be more than showcases; rather, they should be public forums where education policymaking is vigorously debated and is transparent and accountable to the public. <sup>7</sup>*

In closing, I want to apologize to those educators, past and present, who have been subjected to the cultural deficit model <sup>8</sup> strategies of the current administration. In my view the larger problem with this District is best described as follows:

*However, the oppressed, who have adapted to the structure of domination in which they are immersed, and have become resigned to it, are inhibited from waging the struggle for freedom so long as they feel incapable of running the risks it requires. <sup>9</sup>*

Thankfully, our current form of government allows us to make changes in the local public education system; changes are on the horizon for this District and I am optimistic about its future as we commence the search for a new Superintendent.

Shalom,

**J. Michael Clára**  
Board member, District 2

<sup>7</sup> School Board Members Must Speak Up, John Florez –Deseret News 10/02/15

<sup>8</sup> The cultural deficit model is the perspective that racial/ethnic minorities are different because their culture is deficient in important ways from the dominant majority group. Hence, the deficit model asserts that racial/ethnic minorities do not achieve as well as their White peers because their family culture is dysfunctional and lacking important characteristics compared to the White American culture.

<sup>9</sup> Paulo Freire, Pedagogy of the Oppressed

