

08 October 2016

**DELIVERED VIA ELECTRONIC MAIL**

Select Salt Lake City Legislators

℅ Utah State Capitol

350 North State Street

Salt Lake City, Utah 84111

**Re:** The Equity Director

Dear: Senator Escamilla

 Representative Chavez-Houck

 Representative Romero

 Representative Hollins

Acting in my official capacity as a member of the Salt Lake City Board of Education, I am extending an invitation for you to attend the Salt Lake City Board of Education meeting scheduled for:

**Tuesday ▪ October 11, 2016 ▪ 6:00 p.m.**

The official purpose of the meeting is for the Board to consider the:

 *“…recommendation of the hearing officer”*. [[1]](#footnote-1)

While not stated on the agenda, the Board will rule on the merits of **Dr. Kathleen Christy’s** demotion, imposed by former Superintendent McKell Withers during the final hours of his tenure. I am inviting you to attend because I believe that Dr. Christy’s due process rights have been abused throughout this process. Moreover, in order to affect Dr. Christy’s demotion, Board policies were broken and the standards of judgement applied to Dr. Christy were unreasonable, overreaching and harsh.

I submit, that a school district administration that is able to treat one of its long standing employees in this manner has no business managing the education of our children. In my opinion, the Salt Lake City School District has been hijacked by a handful of rouge administrators and will continue to erode the mission and purposes of the District if not stopped. Sadly, the majority of the current Board is complicit in the destruction of Salt Lake City’s education system. They do so by ensuring that transparency is clouded to the point where the current administration is accountable to no one. While local school boards are somewhat independent government agencies and exercise local control over children’s education, [[2]](#footnote-2) we nevertheless are political subdivisions of the state.[[3]](#footnote-3) It is for that reason I turn to you as state representatives. If left unchecked, the school administration’s disregard for Utah statutes will continue to have an exponential negative outcome on student achievement.

**SUMMARY**
It appears that the District is convening the Board meeting on Tuesday night, under the auspices of policies and handbooks that do not apply to this situation. Additionally, they are refusing to provide the Board with all the documentation associated with the initial hearing. To date, I have only received the hearing officer’s determination which includes his summation. I have not been given access to exhibits associated with the hearing officer’s ruling nor has the Superintendent provided me with the transcripts of the hearing. Board policy on this matter clearly states the following:

 *“…the board will review the* ***hearing officer’s recommendations*** *and either accept them, or prepare its own findings and conclusions based on the* ***record of the hearing****.”* [[4]](#footnote-4)

Furthermore, it appears that this hearing officer has consistently done work for the District and there is very little if any *“rotation of hearing officers”* occurring. Looking through my records, I found two instances where the Board was required to take a vote on a hearing officer’s determination. Both were by the same hearing officer that just ruled on Dr. Christy’s case. Additionally, it appears that the District has conducted other business with this man over the past few years.

As you can imagine, this kind of practice on the District’s part breeds familiarity and gives a regularly used hearing officer an incentive to continually rule in the District’s favor. I have also received a report that this hearing officer is related to McKell Withers. I sent an email to Superintendent Cunningham asking for clarification on these and other issues, it appears that she is not responding.

**BACKGROUND**

**On November 17, 2015**- The Board voted to elevate Dr. Christy’s position to the Associate level giving her the titled of Chief Equity Officer.[[5]](#footnote-5)

**On July 1, 2016** - I was notified by members in the community that Dr. Christy was demoted. I initially did not believe it because she has the rank of an Associate Superintendent and is a *“direct report”* to the Board of Education. [[6]](#footnote-6)

**On July 5, 2016** – The Board held its regularly scheduled meeting where Elders from our community attended and denounced the actions of the Superintendent. Ms. Jeanette Williams, President of the NAACP stated the following:

 *“I respectfully demand that this Board stand tall by taking immediate action to undo this injustice!”* [[7]](#footnote-7)

Mr. James Evans, GOP Chair stated the following:

 *“This demotion demonstrates that the treatment of minority and low-income students is not a priority for district officials…it is clear that the Board has been reluctant to embrace this issue around equity.”* [[8]](#footnote-8)

Mr. Archie Archuleta, UCLR stated the following:

 *“We want Kathleen Christy back, she is our Equity Director”* [[9]](#footnote-9)

**On July 11, 2016-** The Tribune editorial Board stated the following:

 *“…while nobody, including members of the school board, was looking — outgoing Superintendent McKell Withers rearranged his administrative box chart in such a way that the district official in charge of equity and diversity was kicked down a rung in official stature.*..*In this case, the seeming decision to downgrade the stature of the diversity manager was seen by some interested people as a way to minimize the importance of the topic. And, given the fact that it was all done without any public notice or input, that is an easy conclusion to jump to.*

 *That was the response of folks as diverse as the chairman of the Utah Republican Party and the president of the local NAACP, as well as members of the Utah Coalition of La Raza. Each of them told board members the other day that the move is particularly discouraging in view of the fact that the district's treatment of minority students — who make up 60 percent of the total student body — has not been altogether exemplary in the past.” [[10]](#footnote-10)*

**On July 31, 2016** – I sent an email to the Superintendent and I in part stated the following:

 *"… I remain baffled as to what reasonable explanation you or anyone in your administration can offer as to why Dr. Kathleen Christy has been treated so harshly by you and your predecessor. As a member of the Board, I am frustrated and angry that every time I ask for clarification on her due process rights, I am given a different explanation on what appeals procedure she needs to follow. I can accept that you are not responsible for the 11th hour actions of your predecessor. The part that I find unacceptable, is how a new Superintendent, new HR Director and four attorneys cannot determine what due process rights Dr. Christy should follow in order to address these false charges. That is not only inexcusable it is utterly ridiculous. Moreover, I believe it was wrong of you to allow a demotion to stand prior to the yet to be determined appeal process to be fully understood or completed."* **[[11]](#footnote-11)**

**HEARING
On October 3, 2016 –** The Board received an email from the Superintendent’s staff stating the following:

 *“I have attached the hearing officer’s report … as well as the board letter that will be submitted for approval in a public board meeting….”* [[12]](#footnote-12)

The links in the email would not open so I went down to the District office and obtained a copy of the hearing officer’s ruling as well as the *“board letter”* from Byron Garristson, Director of Human Services.

His memo in part states:

 *“Please find attached the submission of the recommendation of the hearing officer, Kirk McRae, Esq., who conducted the appeal hearing for Ms. Kathleen Christy, an employee of the school district. According to the Administrative Procedures for P-4 Discipline of District Employees, the recommendation is submitted to the board…”* [[13]](#footnote-13)

**On October 4, 2016** – I sent an email to Human Resource Director and stated the following:

 *“I picked up a hard copy of the "confidential personnel report". My packet is missing the exhibits as well as the transcripts of the hearing. I can pick up a copy of the transcript of the hearing and the exhibits at tonight's Board meeting as that will give me a week to review the material.*

 *Additionally, in your cover letter you state: "Ms. Christy and her legal counsel approved of the selection of Mr. Kirk...as the hearing officer."*

 *What does that mean? Where was he selected from? How was he selected? Who selected him?”* [[14]](#footnote-14)

Later that day Byron responded to my email by stating that:

 *“I have a list of qualified hearing officers that I rotate through”* [[15]](#footnote-15)

The Human Resource Director did not however, respond to my request for the transcript of the hearing and the exhibits. I then sent an email asking for a copy of the list of hearing officers that he “rotates” through. He replied that he would refer that question to the Superintendent. The Superintendent did send me the list of hearing officers and she remained silent on my request for a transcript of the hearing and copies of the exhibits. I sent yet another email asking for an update on the exhibits and the transcript of the hearing.

**On October 7, 2016** –I sent an email an email to Superintendent Cunningham and the Human Resource Director asking for clarification on a number of issue. They did not respond. [[16]](#footnote-16) I did receive a call from the District office advising me that they mailed me a copy of exhibits and the parts of the transcripts that were quoted in the hearing officer’s decision.

**On October 8, 2016**- I did not receive the exhibits and parts of the transcript in the mail. As you can imagine, this places me at a distinct disadvantage as I will be forced to review this one day before the hearing. Which I believe is the intent of the administration.

**CONCLUSION**
The manner in which Dr. Christy has been treated over this past year is a manifestation of much greater problem. I believe that we all share reasonability for allowing this greater problem of unethical behavior to flourish within the school district’s main office. I know that each of you care about our students as much as I do. However, I believe that as a community we need to replace our ignorance with informed understanding of the tactics used by those that run this District. Perhaps that is a discussion for another day.

For today, I want to encourage you to attend the hearing on Tuesday night in support of Dr. Christy. It is my hope that the Board will act to rectify this situation for the benefit of our students. I am also hopeful that as instances of this type of foolishness continues to surface, it will encourage our communities to rise up and demand that the Superintendent and her administration be held accountable for their actions.

Shalom,

Michael Clara

J. Michael Clára

**Board Member, District 2**

1. *See* Salt Lake City School District –Board Agenda 10/11/16 [↑](#footnote-ref-1)
2. *See* §53A-3-402 Utah Code [↑](#footnote-ref-2)
3. *See* §63-30-2 Utah Code [↑](#footnote-ref-3)
4. See Salt Lake City School Board Procedure P-4 [↑](#footnote-ref-4)
5. *See* Salt Lake City Board of Education Minutes 11/17/15 [↑](#footnote-ref-5)
6. *See* Superintendency Salary Schedule [↑](#footnote-ref-6)
7. *See* Ms. Jeanette Williams, NAACP President letter to the Salt Lake City Board of Education 07/05/16 [↑](#footnote-ref-7)
8. *See* Utah GOP and NAACP Slam SLC Schools Over Diversity Department Move – Salt Lake Tribune 07/05/16 [↑](#footnote-ref-8)
9. *See* Salt Lake City School District video 07/05/16 [↑](#footnote-ref-9)
10. *See* Editorial: Salt Lake City School District Dumps Diversity Goof in New Superintendent’s Lap – Salt Lake Tribune 07/11/16 [↑](#footnote-ref-10)
11. *See* Michael Clara email to Superintendent –Cannibalization of Public Education 07/31/16 [↑](#footnote-ref-11)
12. Tina Hatch email to Board members – Board Letter and KC Report 10/03/16 [↑](#footnote-ref-12)
13. Byron Garritson memo to the Board of Education – Hearing Recommendation from Appeal Filed by Kathleen Christy 09/29/16 [↑](#footnote-ref-13)
14. Michael Clara email to Byron Garritson –Hard Copy 10/04/16 [↑](#footnote-ref-14)
15. Byron Garritson email reply to Michael Clara 10/04/16 [↑](#footnote-ref-15)
16. Michael Clara email to Superintendent Cunningham – Hearing Officers 10/07/16 [↑](#footnote-ref-16)