



J. Michael Clára
Salt Lake City School Board
District Two

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2 October 2016

DELIVERED VIA USPS PRIORITY MAIL
Office for Civil Rights, Region VIII
U.S. Department of Education Office
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582

Re: RESOURCE INEQUITY

Complaint Against: Utah State Board of Education & Salt Lake City School District

Dear Region VIII,

Acting under the authority of my elected office, and in my official capacity as a member of the Salt Lake City Board of Education, I submit this complaint on behalf of the residents of Salt Lake City, District 2.¹ I have reason to believe that the **Utah State Board of Education** (USB) and the **Salt Lake City School District** (District) are in violation of Title VI of the Civil Rights Act of 1964 which states:

*No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*²

This complaint will demonstrate that Superintendent Cunningham³ and Board President Heather Bennett⁴ are denying students, based on race, color and national origin, equal access and opportunity to educational programs and activities of the District. Furthermore, once placed on notice, they failed to take corrective action. More specifically, they are denying students of Horizonte Alternative High School, equal access and opportunity to the postsecondary transitional programs of the District. Horizonte High School has the highest concentration of ethnic minority students when compared to the other High Schools in the District. Consequently, Superintendent Cunningham recently implemented a practice that has a **DISPARATE IMPACT** on the students of Horizonte High School. This complaint will also demonstrate that similarly situated students at less diverse High Schools are treated differently which constitutes **DISCRIMINATION** of treatment.

¹ Notwithstanding a local school board's status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member's district, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board. See §53A-3-401(5) Utah Code

² See 42 U.S.C. § 2000e-2(a)

³ Dr. Cunningham was appointed Superintendent of the Salt Lake City School District – July 1, 2016

⁴ Heather Bennett was elected president to the Salt Lake City Board of Education January 2014 and has served on the Board of Education since 2001

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

Señor Florez –Deseret News

BACKGROUND

During the month of September 2016, I was made aware that Business Administrator Janet Roberts terminated a contract for College Advisory Services that provided Horizonte Alternative High School with a full-time College Advisor. I sent an email to Superintendent Cunningham asking for an explanation and the following email exchange ensued:



Michael Clara <donmiguelsic@gmail.com>

RE: Salt Lake Education Foundation Audit

1 message

Lexi Cunningham <Lexi.Cunningham@slcschools.org>

Thu, Sep 15, 2016 at 1:00 PM

To: Michael Clára <donmiguelsic@gmail.com>

Cc: Janet Roberts <Janet.Roberts@slcschools.org>, Kristina Kindl <Kristina.Kindl@slcschools.org>

Mr. Clara,

During last year's budget cycle a new position was added to each high school to assist students with scholarships and the college application process. This was essentially what Mr. Young was doing at Horizonte. Mr. Young was told that he could apply this position but we could not support the new position and an outside contractor. He did not apply for the new position and his contract was cancelled.

Lexi

From: Michael Clára [mailto:donmiguelsic@gmail.com]
Sent: Thursday, September 15, 2016 1:07 PM
To: Lexi Cunningham <Lexi.Cunningham@slcschools.org>
Cc: Janet Roberts <Janet.Roberts@slcschools.org>
Subject: Re: Salt Lake Education Foundation Audit

I do not recall those positions being presented to the Board for approval. Can you please send me a copy of the job postings? Who is currently in those positions? What funding source was used for those positions? When were those positions and names placed on the HR report? Who made the decision to switch from a contractor to an employee at the District for each High School?

Un abrazo,

Michael Clára
M: 801-205-0388
BB: 5EF20737
Board Member, District 2

§ 53-3-401, Utah Code: Notwithstanding a local school board's status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member's district, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board. H 20 - Local School Board Amendments, 2014 Legislative Session