

# ISD 834 Proposed Policy 606 Revisions: Selection and Review of Instructional Resources

Comments and Recommendations on Second Reading

For Board Business Meeting January 24, 2023 (rescheduled)

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On behalf of Fixing ISD 834-Stillwater Area Schools

## 1. Overview

Stillwater's independent school district (ISD 834) is poised to prevent parents and non-parent residents from previewing and providing input on the selection of instructional materials, and to having ready access to view them before registration and on an ongoing basis during the school year. Adoption of Policy 606 on January 24<sup>th</sup> would do this.

Policy 606 builds a wall. It keeps parents and non-parent ISD 834 residents out and protects the Board and ISD 834 employees from scrutiny for the review, selection, and use of instructional materials. Its primary message to the public is "*This business is none of your business!*"

ISD 834 is a unit of government. Limiting participation in its processes to only those who have produced children during particular years (i.e., parents of students) is an odd standard for government engagement. It is appropriate to consider whether such childbearing-based discrimination is appropriate for any Minnesota political subdivision. Even if legal, such discrimination is not a prudent, trust-building approach for the Board to pursue.

As a unit of government, all residents within ISD 834 are its citizens. Our schools hire staff who work for all of us and are accountable to us for carrying out their work on our behalf. Openness is our default expectation. Secrecy is not.

Secrecy, as embodied in this rule making, thwarts effective parental involvement in their children's daily academic pursuits. It undermines trust of the school district by portions of the public. It fails to effectively partner with the area's enormous pool of talent, forsaking opportunities for additional insight, skills and resources. It is also contrary to good open government practices and may even violate related laws.

Importantly, the Administration and Board claim to be enacting Policy 606 based on substantial public input. Yet, **the Board's decision-making record presents no evidence whatsoever that parents and non-parent residents have asked to NOT have the ability to preview and provide input on the children's instructional materials, nor to have ready access to view them before registration and throughout the school year.**

Stillwater's ISD 834 school board should instead suspend this policy making process and proceed as requested in the enclosed recommendations.

## 2. Hiding the Hot Political Topic

Effective parent engagement with their child's schooling is often noted as being one of the great predictors of student academic success. We all want that but Policy 606 works against it.

To be most effective, parents need ready access to their children's instructional materials, most importantly, ready, daily online access. Policy 606 provides no specific, actionable direction or process to help. In fact, it strikes the words "at any time" from existing language regarding parental access. Policy 606 provides for only the minimal parental curriculum review, as required by statute (MN Stat. 120B.20) for an individual parent's single objection on a case-by-case basis. **Whereas Policy 606 incorporates detailed process description for a parent to opt out of a curriculum item, it provides no process for seeing it in the first place or providing input before its selection and use.** Outside input in the process of reviewing, selecting and deploying instructional materials could mitigate the need to use the confrontational and intimidating opt out process. Policy 606 fails to explore such a beneficial approach.

An important reason for full participation by non-parent residents is as an alternative to parents engaging in the "opt out" process some may consider too confrontational. Parents considering a complaint as provided in Policy 606 may reasonably fear retaliation against their children or themselves. **Only by having instructional materials and related processes available to all school district residents will a complaint process be free from the fear of intimidation or retaliation.** Failing to remedy this obvious shortcoming of Policy 606 may suggest that it is not an oversight, but an intended result.

A second reason for non-parent engagement is that by placing instructional material review, selection and use behind a wall of secrecy, the school district fails to avail itself of the enormous pool of talent among those living in or near the district. **Non-parent "outsiders" cannot offer insight or supplemental resources to augment what they cannot see.** By choosing to rely only on school employees to be aware of all such opportunities, and to ask for them forgoes potentially enormous opportunities. Policy 606 could help grasp such opportunities by embracing non-parent access to the review, selection, and on-going use of instructional materials. Unfortunately, it fails to do so.

**Policy 606 instead focuses on shielding the school district from scrutiny of parents and non-parent residents when reviewing, selecting and using instructional materials.**

Hockert observed that among the Policy 600 Series "The big one that really had the most amount of work was 606." Discussion over time was said to have cleared up "confusion between staff and Board expectations ... before we even started working on this. We really needed to dig into 606 so that we can clarify for the district, for staff, how to do curriculum selection process." (See Hockert, Nov 22, 2022 Bd Mtg video at 1:14:25 and others)

The suggestion in Policy 606, IV.A that the Superintendent may provide an unspecified process for non-staff/employee input at unspecified times, is rendered meaningless by Board discussion of Section V.D. guaranteeing employee "freedom" apparently from the scrutiny of parents and others in the community. Chair Sherman, other Board members and the Administration all assure each other that **Policy 606 is "... explicitly giv[ing] teachers the ability to select, ... giving them the power to select"**

*instructional materials “and not have to go through some crazy committee.”* (See Nov. 22 Bd Mtg video at 1:54:43 to 1:56:00) As discussed later, the apparent absence of public input on this very Policy 606 revision process illustrates the futility of relying on Section IV.A for any meaningful, timely input from outside of the protective wall it creates.

As the governing body of a unit of government, it is inappropriate for the ISD 834 Board to delegate its duties in a manner that hides District actions from scrutiny by the residents of its jurisdiction. Selection and use of instructional materials are government employee actions taken on behalf of all of us residing in the school district. ***Actions taken by employees in the service of local government should not be secret.***

It is unseemly for this 100 percent employee-union-endorsed Board to effectively cede 100 percent of its responsibility over instructional materials to those employees; especially in matters described by Superintendent Funk as being a ***“hot topic in the political world right now.”*** (See Nov. 22, 2022 Bd Mtg video at 1:46:15)

### **3. Acknowledged Bias**

Trust is a delicate thing. It must be earned. It can be easily lost. Once lost, it is more difficult to regain than to have preserved it in the first place.

Open discussion of Policy 606 in Board meetings two days before 2022 Thanksgiving, and 3 days before Christmas weekend, acknowledge the Board’s responsibility and authority as elected officials to represent the whole public’s values and interests in the selection and use of instructional materials. Board members are elected to represent everyone. The Board must not neglect this duty.

In those meetings, some Board members acknowledged ***parent and community concerns about classroom bias heard during campaigns***. Policy 606 will make these concerns worse, further undermining the trust of many ISD 834 residents. Our ***community divide between “progressive” belief systems and values and those of others*** is not even acknowledged in Policy 606. It is the-thing-that-shall-not-be-spoken. Obvious, and untouched. Failure to acknowledge and name a problem makes finding solutions more challenging, less likely, and alienates a large portion of our residents who are not part of the “progressive” belief system now dominant in ISD 834.

The proposed use of classroom critical thinking exercises to offset “progressive” bias by teachers and instructional materials is especially comical if one envisions doing so with wide-eyed-trustful 7-year-olds or classrooms of middle-schoolers. (See Bd Mtg, Nov. 22, 2022 at 1:48:44) It is a solution that cannot be taken seriously.

***Only outside scrutiny and input will bring credibility to the process and community trust in the educational materials its children are presented daily.***

### **4. Untrustworthy Timing**

There is also the matter of public perception of the timing of steps in adopting revisions to the 600 Policy Series, Policy 606 in particular. Policy 606 has awaited updating for 20 years.

Board comments on November 22, 2022 stated the Board Policy Committee discussed these updates during the spring of 2022 and that policy update work was completed that summer. (See SB Mtg Nov 22, 2022, Hockert at video 1:00) These policy proceedings were then delayed from October until after the November 2022 School Board elections. (See October 5, 2022 Policy Committee meeting minutes, Highlights section, 4<sup>th</sup> bullet.)

Following school board elections, the 1<sup>st</sup> reading was scheduled 2 days before Thanksgiving. The 2<sup>nd</sup> reading scheduled 3 days before Christmas weekend. The 3<sup>rd</sup> reading was scheduled for January 26, 2023, then rescheduled for January 24<sup>th</sup> to be completed at the first Tuesday evening the Board will meet following many years of regularly scheduled Thursday night meetings.

Collectively, some might perceive that this “hot” political matter, as Superintendent Funk described it, was scheduled to minimize public awareness of, and engagement in, this policy making process.

Such actions do not build trust.

## 5. Did ISD 834 Employees Draft Policy 606 Without Significant Public Input?

Concerns were raised by Board members numerous times about the need for broad, diverse input by parents and others in the community on Policy 606 revisions. References to work done by staff are very abundant and appear to indicate that Policy 606 was attentive to staff’s needs. For example:

“These policies ...are pretty dense and this was intentional by our **staff**” (See SB Mtg Nov 22, 2022, Hockert at 1:03)

“Thank you on the Committee and to the **staff** who I know has been working tirelessly ... (See SB Mtg Nov 22, 2022 Chair Sherman at 1:59) ... I have the same question how much time we are having the **staff** craft like this hybrid [of MSBA model] policies ... “(Chair Sherman at 2:00:50)

“[Policy 606] ... stemmed from those conversations when we’ve had [about] curriculum adoption in the recent past to try **to address the needs of staff** ... so we are all on the same page on these policies ... This is definitely a different way of approaching [policymaking]. ... This has been **extensive in the work that staff has done, on a staff side.**” (See SB Mtg Nov 22, 2022 Hockert at 2:06:4)

“There were a **lot of staff members** in addition to community members that **spent a whole lot of time** looking at policy ...” (See SB Mtg Dec 20, 2022, Assistant Superintendent Cherry at 55:25)

Public input is largely just *implied* by referencing the World’s Best Work Force Committee. For example:

On November 22, 2022, Chair Sherman noted, “... **What I care about our curriculum is that both the community and the board have representation in the process so I think through the Curriculum Advisory Committee [and the] World’s Best Work Force [Committee] we are accomplishing that. ... we just want to know that there is community voice ...**” (See SB Mtg Nov. 22, 2022, at 1:31:16)

“[O]ur World’s Best Work Force District Advisory Committee ... worked tirelessly ... in [2021] providing input and feedback on these policies. **There were a lot of staff members in addition to community members ...**” (See SB Mtg Dec 20, 2022 Assistant Superintendent Cherry at 55:25)

There are 2 importance deficiencies here in the Board’s process. First, never is there an explanation given, or evidence shown, of what, if any, WBWF activity was applicable to Policy 606 revisions. Second, at no point is there a representation made, or evidence shown, of what part of that, if any, was from parents and other non-parent residents in the district. **Did parents and others really ask that they NOT be included in these matters?** Staff simply repeats over and over that WBWF provided public input and whatever it was, it was fully sufficient for the Board to rely on. (See Bd Mtg Nov 22, 2022, Hockert at 1:03 and 2:06:04; Booth at 1:05:38; Assistant Superintendent Cherry at Dec 20, 2022 at 55:25; and others.)

Concerns remained among School Board members nonetheless. School Board Member Vivian Votava observed, “[I]t just seems like, okey, we have this ... Curriculum Development Committee and **it’s kind of made up of people who are already connected. If you want to bring in different voices you are going to have to reach those voices somehow.**” She asked, “... [I]s there a way that people in the community **find out** how to get on the curriculum committee?” (See SB Mtg Nov 22, 2022, Votava at 1:31:23)

Chair Sherman responded, “... “[O]nline there is, ... there is information on how to ... contact someone I’m not positive, there used to be. [Off screen affirmation] ... oh, there is, OK so people can find that information online and ... I know that there is probably a process where you’re identifying people of different backgrounds and needs. I know that gets off of this [policy discussion] **but World’s Best Work Force mandates certain representation, right?**” [off screen affirmation] (1:32:17)

**These representations are not true. No information on ISD 834’s WBWF is available on the school’s website, nor could it be found elsewhere.** The District’s “Get Involved” webpage includes only a heading for World’s Best Work Force and not a single word of content. On the District’s home page, under Strategic Plan, one can find the related data reporting form delivered to the MN Department of Education, but that is all, anywhere.

The requirements of ISD 834’s WBWF Committee are specified in Minnesota Statute 120B.11. It directs on-going activity emphasizing participation from the community. Criteria for the WBWF advisory committee states in part:

Each school board shall establish an advisory committee to ensure active community participation in all phases of planning and improving the instruction and curriculum affecting state and district academic standards, consistent with subdivision 2. A district advisory committee, to the extent possible, **shall reflect the diversity of the district and its** school sites, include teachers, **parents**, support staff, students, **and other community residents**, and provide translation to the extent appropriate and practicable. **The district advisory committee shall pursue community support** ... The district may establish site teams as subcommittees ... School sites may expand upon district evaluations of instruction, curriculum, assessments, or programs. Whenever possible, **parents and other community residents shall comprise at least two-thirds of advisory committee members.** (Minn. Stat. 120B11, Subd. 3)

Caleb Drexler Booth, Director of Teaching & Learning, explained during a private phone conversation that he is in charge of ISD 834's WBWF Committee. The WBWF meets monthly for about 90 minutes per meeting focusing on "operational planning" directly affecting the students' experience. Their purpose is focusing on new courses, purchases & programs, and more recently on curriculum related policy updates. One finds out about the WBWF by uncertain means (perhaps a note in back-to-school notices to parents or by invitation). If they "have openings" from their community representatives (i.e., a participant has dropped attendance) then perhaps new voices might be invited at his discretion. ISD 834's WBWF Committee does not post meeting notices, agendas, minutes or any records of their meetings. (Phone call returned to Michael McCarthy Jan 17, 2023 approx. 4 p.m. CST)

Extensive on-line searches confirm the absence of records on WBWF activity occurring during 2022 including no WBWF activity being reported in the minutes of Policy Committee meetings or of School Board business meetings. As a statutorily mandated, official district committee, **WBWF's secretive operations appear to violate both Minnesota's open meeting law (Minn. Stat. 13D) and ISD 834's Policy 213, Section III compelling record-keeping and public availability of those records.** Such secrecy corrodes public trust.

Booth indicated that the WBWF committee used to be much larger but that it has been narrowed down to one teacher and parent from each building plus "a few community members". **Because there are no public records of its operation or meetings, it is uncertain if it ISD 834's WBWF Committee meets minimum statutory requirements for its composition** specified in Minnesota Statute 120B.11, Subd. 3.

Therefore, in its deliberations over revising Policy 606, the Board has not demonstrated receipt of any significant public input for consideration.

This is also inconsistent with Stillwater School District's own community engagement model which illustrates the expected use of listening sessions, public forums, public meetings, and more so that it may "incorporate ideas from our stakeholders into the decision-making process. Policy 606 revisions would benefit from this process. (See ISD 834 website at <https://resources.finalsite.net/images/v1632841972/stillwaterschoolsorg/nsdzrpg6sw5q8zrhvxvzq/Community-Engagement.pdf>)

The District's Decision-making model similarly shows the use of focus questions, issue identification and consideration of Stakeholder needs and wants in its process. Such input is presented as a critical part of providing the Board policy options (that is, alternatives to choose among). Policy 606 revisions would benefit from this process. (See ISD 834 website at [DecisionMaking.pdf \(finalsite.net\)](#) )

Unfortunately, at no time in its deliberations has the Board said, "This is what parents and non-staff have asked for or recommended, and this is how we will respond in Policy 606." Simply invoking the name of the WBWF Committee in an offhanded manner does not substitute for presenting non-staff, public input on Policy 606.

Questions and uncertainty linger. This process raises legitimate concerns that absent significant public input and modification, Policy 606 could simply become a vehicle by which the Board and ISD employees silence and exclude those who may object to instruction and materials perceived as proselytizing "progressive" belief systems and values in pre-K to 12 classrooms.

It would be very, very interesting to see parental recommendations from the WBWF asking that they NOT have the ability to preview and provide input on their children’s instructional materials, nor to have ready access to view them before registration and during the school year, and that other residents also be prevented from doing so. ***It would be contrary to the public interest and Board’s prudence to act on Policy 606 in reliance of such extraordinary, vague and undocumented representations.***

## 6. Summary

The fundamental question remains, “How do Policy 606 revisions serve all ISD 834 parents, non-parent residents, and children in a manner that is also sensitive and inclusive of those still embracing the belief systems and values of traditional western civilization?”

Proposed Policy 606 erects a wall of secrecy, shielding the review, selection, and use of instructional materials from public scrutiny. Its adoption is going forward without evidence of public input, perhaps in non-compliance with Minnesota statute and ISD 834 policies.

Residents still embracing traditional belief systems and values of western civilization fear that behind this wall of secrecy ISD 834 will imbue children with “progressive” belief systems and values against the wishes of traditional parents.

ISD 834 is a unit of government. Government employees do not carry out their public mission on behalf of the public in secret. Government is accountable to all citizens within its jurisdiction. To limit public engagement with its government on the basis of childbearing, and then for only those birthing children during certain years (parents of students), is clearly not appropriate. Parents and non-parent residents alike must be provided equal treatment under Policy 606.

Furthermore, fear of retaliation among traditional parents discourages them from filing formal complaints. Whether justified or not, only by opening the process to all residents, including non-parents, will everyone be able to trust in the educational materials being used daily in the district’s classrooms.

Finally, Minnesota state law, ISD 834 policy and Board prudence requires significant and inclusive public engagement with the proposed Policy 606 revisions presented to the Board. Often repeated invocations of public engagement claimed as having been done by the WBWF committee, for which no record was presented or located, is imprudent.

## 7. Recommendations

To remedy these shortcomings, the Board is respectfully asked to:

1. **Provide parents and non-parent community residents on-line access to review all class content and supporting instructional materials** prior to registration and on an ongoing basis throughout the school year.
2. **Ensure that all parents and non-parent residents are provided equal treatment without discrimination** under ISD 834 processes described in, or resulting from, Series 600 Policymaking in general, particularly Policy 606.

3. **Immediately suspend the present Series 600 policymaking, particularly Policy 606. Implement and document effective and transparent public engagement processes** before resubmitting revised recommendations to the Board.
  - 3.1 Establish a **policy advisory committee** of 18 parents and other community residents who are *not* employed by ISD 834 or its employee unions and do not have immediate family members so employed, plus 6 others. To ensure diverse community representation, seek out and include those espousing values and beliefs outside of the dominant “progressive” culture. Broadly publicize to both parents and non-parent residents a call for volunteers to serve.
  - 3.2 Notice, **record and post on ISD 834 website all information** including membership, contact information, agendas and records of committee proceedings and votes culminating in the committee’s initial recommendations and supporting rationale presented to the Board. (See Minn. Stat. 13D Open Meeting law and ISD Policy 213 School Board Committees)
  - 3.3 Hold **publicized public meetings outside of regular daytime work hours** to present initial committee recommendations to obtain verbal feedback from the public and written feedback through the following 3 weeks. Document feedback received. Address feedback acceptance or rejection in final policy recommendations presented to the Board for a new 1<sup>st</sup> of 3 readings before adoption.
  - 3.4 Establish **an on-going process** by which this public engagement will be renewed for matters concerning curriculum and supporting materials prior to the start of each school year.