

FCPS Board Chair Murphy & FCPS Board Members,

This is a formal **Appeal of Council Decision** (Appeal of Decisions) pursuant to a Cassidy Elementary School SBDM decision, provided in writing on April 29, 2024 asking for review and intervention by the Fayette County Public Schools Board of Education, and **requesting relief and resolution** to the Cassidy SBDM decision that is under appeal **via action** by the Fayette County Public Schools Board of Education.

The Focus & Framework of Appeal, Basis for Review, Requested Resolution, Problems & Issues, and Eligibility of this Appeal are detailed below. The Requested Resolution – action that **can be taken by the Board** – is reasonable, minimal, limited, and **budget neutral**, which should allow the Board to act and effectively intervene while not impacting the allocated funding or budget plan for Cassidy for the 2024-2025 school year.

Focus & Framework of Appeal

The focus of this appeal is that the 2/26/2024 Cassidy SBDM decision on 2024-2025 School Improvement Planning is **problematic, harmful, and non-compliant** with various FCPS District goals and/or District policy(ies) (aka “local district policy” and “local board policy”), and now **requires intervention** by the FCPS Board for reasons such as:

1. The decision is **not in alignment and/or inconsistent** with FCPS District goals and/or policy(ies) on fair and inclusive processes and expectations of equity around:
 - a. Open and effective lines of communication;
 - b. Accessible, timely, and sufficient distribution and/or notifications to all student families of information regarding discussion and decision(s) relating to student education;
 - c. Ensuring fair, broad-based, and equitable efforts are undertaken to request, include, and respond to the input of all school families in decision(s) that will affect the educational opportunities of each student within the school.
 - d. Considering and utilizing survey(s) in a school-wide (“community-wide”) format to: (i) alert and inform school families of important information, and/or (ii) to collect, compile, and report on the qualitative and quantitative input of all school families in a decision(s) that will affect the educational opportunities of each student within the school, and/or (iii) to provide direct, uniform, and timely data to planning discussions, committees, and/or councils in the event such bodies have been unable to reach a consensus on key and consequential decisions that involve and impact how the school should and will meet student needs.
 - e. Affirming, by actions and processes, that discussions and decision-making on matters of student education and student needs are actively inclusive of all parents to provide an equitable opportunity for all families (and not a limited or restricted to a subset of stakeholders or limited perspective(s)).

Clarifying Note: This appeal takes no position and makes no comment on any matters relating to Open Records and is solely focused on FCPS District goals and/or policy(ies) demonstrated in writing and/or in practice (aka “local district policy” and “local board policy”).

2. The decision is **not in alignment and/or inconsistent** with FCPS District goals and/or policy(ies) of educational model design, educational curriculum selection, and educational merit in that:
 - a. As of February 2024, FCPS Administration and FCPS Board has notified, communicated, and begun implementation of budgetary, staffing, location, and instructional goals and policy **changes with district-wide effect** involving foreign language instruction and acquisition;
 - b. The February 2024 FCPS changes and updates to foreign language instruction, including how FCPS funds will be budgeted, how and where money will be spent, where FCPS staff will be positioned, and what types of educational emphasis and curriculum will be delivered by grade-level, **indicate and reflect** FCPS goals and policy changes;
 - c. The February 2024 FCPS goals and policy changes involving foreign language acquisition have defined staffing, instructional, and emphasis changes **specific to all FCPS Elementary Schools** (exceptions: Spanish immersion programs at Maxwell and Liberty);
 - d. Cassidy is a FCPS Elementary School (**not exempt** from the goals and policy changes);
 - e. A representative of the FCPS Board as well as the FCPS District Spokesperson have clearly **commented and contextualized** to the public the February 2024 FCPS goals and policy changes and the specific “change in emphasis” relating to Elementary Schools. (Herald-Leader 2/14/2024).
 - f. The decision under appeal is in **direct conflict (directly misaligned)** with the February 2024 FCPS goal and policy changes in that the Cassidy SBDM decision seeks to staff and fund a foreign language class (Spanish) at an FCPS Elementary School in a “**somewhat random weekly format**” (rotational format) which is the **exact model** of educational instruction that is being **actively phased-out** as a part of the February 2024 FCPS goals and policy changes on foreign language instruction.
 - g. The decision under appeal is **not consistent** with the FCPS publicly stated “change in emphasis” relating to Elementary School instruction, making the decision inconsistent with District goals and/or policies and/or directives of the FCPS District and thus a programming selection of **questionable educational merit**.
 - h. The posted Cassidy Elementary School policy PROGRAM APPRAISAL NEEDS ASSESSMENT, states that “*Our {Cassidy} yearly school improvement planning process will ... address the effectiveness of all our programs with procedures consistent with local board policy.*” Thus, if FCPS District policy has changed its evaluation of a program’s effectiveness, then Cassidy should and has **committed via policy** to adjust its school improvement planning process accordingly. This posted and official school-level policy should be consistent with District-level policy, **thereby requiring alignment** to District-level educational program assessments and any such changes, modifications, and/or discontinuation(s) of educational program(s) and/or instructional models.
 - i. If the decision is allowed to stand as-is then Cassidy Elementary will be spending FCPS funds on an instructional model that FCPS Administration and FCPS Board have already deemed **not valid for continuation** as demonstrated by the February 2024 FCPS district-wide goal and policy changes including budgetary, staffing, location, and grade-level updates to the focus, emphasis, and approach to foreign language instruction.

- j. The requirement and expectation per **Kentucky Department of Education (KDE)** guidelines on SBDM decision-making as well as provisions of the FCPS guidelines of “Appeal of Council Decision” **clearly state and indicate** that a school SBDM decision should be consistent with local district policy and demonstrate educational merit.

The framework of review for this appeal is that **FCPS District goal(s) and policy(ies)** (aka “local district policy” and “local board policy”) should be evaluated as **inclusive of**: posted policies, written documents, formal notifications, public comments on educational programs and strategies by District officials, budgetary decisions, staffing methodologies, instructional reviews and evaluations, commonly utilized practices, and frequently delivered, stated, and/or advertised phrasing of FCPS goals, expectations, and standards (collectively “goal(s) and policy(ies)”).

The **cause and requirement** for review and intervention by the FCPS Board at this date are guided by the FCPS Administration process “Appeal of Decisions” in that:

1. On 3/25/2024 the Cassidy SBDM Council rejected our Request for Reconsideration (“Rodenhauser Request”) and voted to uphold its original decision (the decision under appeal).
2. On 4/18/2024 the FCPS Superintendent decided that our appeal submitted to the FCPS Superintendent (“Rodenhauser Appeal”) did not merit intervention and has allowed the original decision (the decision under appeal) to remain in effect.
3. As the results of #1 and #2 above **have not been able to resolve satisfactorily the concern** (the decision under appeal), a further appeal may be made in writing to the Board.

Basis for Review (Board Authority)

The Basis for Review by the FCPS Board for this appeal is the position that the Cassidy Elementary School SBDM decision is problematic, flawed, and damaging, and is: (i) not in alignment with District policy, (ii) inconsistent with District goal(s), and/or (iii) potentially lacks educational merit.

These reviewable standards are individually and collectively **issue(s) that qualify** under “Actions that fall within the authority of the Board” (per FCPS Administration process “Appeal of Decisions”, Section: BASIS OF REVIEW).

While possibly uncommon, the FCPS Board **does have the authority** to review, consider, and intervene in response to this appeal (per FCPS Administration process “Appeal of Decisions”, Section: BOARD ACTION).

Requested Resolution (Board Action Required)

Due to the sequence of events that has generated this appeal, along with the fact that on 3/25/2024 the Cassidy SBDM Council rejected multiple Requests for Reconsideration and voted to uphold its original decision (5-0), the FCPS Board is **asked to exercise its authority** to “reverse any council action found to violate any of the review standards” and approve a resolution with the outcomes listed below:

1. Consider this Appeal of Council Decision as valid (in part, and/or in whole);

2. Declare the 2/26/2024 Cassidy SBDM decision on 2024-2025 School Improvement Planning to select Spanish as a special program area as not approved (not consistent with District goal(s) and/or policy(ies));
3. Reinstate and retain the Art program at Cassidy Elementary School with a highly qualified teacher to teach a curriculum with Elementary (K-5) grade-level specific content standards as defined by Kentucky Department of Education (KDE) because:
 - i. The decision as derived via process of decision-making is **not consistent** with District goal(s) and/or policy(ies);
 - ii. The decision to select Spanish is **not consistent** with District goal(s) and/or policy(ies);
 - iii. The decision has **precipitated** the **termination** of the Art program at Cassidy Elementary School for School Year 2024-2025 in discussion, decision-making, and actual impact;
 - iv. The decision to terminate the Art program is **wholly unnecessary** and **wholly avoidable**, provided that the Cassidy SBDM Council **merely align** to FCPS District goals and priorities;
 - v. The decision is **deficient** in that, whereas Art has Elementary (K-5) grade-level specific content standards as defined by Kentucky Department of Education (KDE), the selection of Spanish **does not** contain Elementary (K-5) grade-level specific content standards as defined by Kentucky Department of Education (KDE)
4. Maintain the budget plan and rotation schedule for five (5) special program areas as already approved by Cassidy SBDM Council during it 2/26/2024 Meeting;
5. Direct Cassidy Elementary and the Cassidy SBDM Council to proceed with Library, Physical Education, Music, STEM, and Art as the five (5) approved special program areas for school year 2024-2025 (noting that Library, Physical Education, Music, and STEM were already selected and approved by the February Cassidy SBDM decision).

Once more, for clarity and restatement, the Requested Resolution above reflects action that **can be taken by the Board** and is reasonable, minimal, limited, and **budget neutral**, which should allow the Board to act and effectively intervene to **satisfactorily resolve** this concern while not impacting the allocated funding or budget plan for Cassidy Elementary for the 2024-2025 school year.

Problems & Issues – Adverse Policy Misalignments of Council Decision

The **sequence of events**, which has brought this appeal to the Board, involve the **following concerns**:

1. The required Agenda and key content of the 2/26/2024 Cassidy SBDM Meeting **was not** uploaded (posted) as required nor otherwise published and/or disseminated to Cassidy families and stakeholders prior to the Meeting, and thus not in alignment with District policies around transparency, communication, and reasonable accommodations to ensure all school families would be made aware and able to participate in key, time-sensitive planning discussions that affect every student. This process deficiency fundamentally **harmed and restricted** the awareness and opportunity of Cassidy families and stakeholders to participate in a consequential, time-sensitive decision-making discussion, and **is not** in the spirit or alignment with the frequently stated FCPS goal and policy *“to maintain open lines of communication between home and school”*.

2. During the 2/26/2024 Cassidy SBDM Meeting, the Cassidy SBDM Council “*Discussed that the district has decided to change the world language for elementary school.*” thereby acknowledging, **without confusion**, that the Cassidy SBDM Council was **informed and aware** that a new District goal and policy and new District practices for foreign language acquisition, resources, and instruction model(s) impacting elementary schools would apply for the 2024-2025 School Year.
3. Nonetheless, during the 2/26/2024 Cassidy SBDM Meeting, the Council **voted twice (2)** in the **same meeting** on the topic of 2024-2025 School Improvement Planning (the problematic decision to select and fund Spanish and eliminate Art). After the first vote, where a “majority” was not obtained (**consensus not reached**), a set of reasonable, policy-compliant solutions according to the **Kentucky Department of Education (KDE)** “School Based Decision-making Handbook” (Chapter 6: Consensus Decision Making) could have included approaches such as:
 - i. Ask for more information or request further investigation (52)
 - ii. Determine if what is being proposed has been done in other schools (52)
 - iii. Bring the debate to the attention of the faculty and parent groups for their consideration and input. (52)
 - iv. Table the issue until the next council meeting to allow individual members to seek information and bring it to the next meeting. (52)

Unfortunately, the Council **did not** pause/table the decision **nor** record an interest to utilize any such KDE recommended options, and instead held a second discussion and **second vote in the same meeting** which yielded a “majority” and created the problematic decision. As a reminder to point #1, the Agenda of this Meeting and topic(s) were not posted or disseminated, yet the Council voted twice (2) on this consequential topic in the same meeting instead of pausing and engaging faculty and parent groups in this important discussion when a consensus was not reached following the first vote.

4. Between the period 2/27/2024 and 3/21/2024 an element of the Cassidy **PTA was consulted** and tasked with preparing an ad hoc/after-school club program and funding/new position concept as a limited basis solution to the 2/26/2024 Council decision. **Cassidy families**, as a whole, **were not** notified (i.e. school-wide communication) of the decision on 2024-2025 School Improvement Planning nor the subsequent plan to coordinate with the Cassidy PTA during this period. This situation created a second, on-going and **parallel process** that was **not in alignment** with District policies around transparency, communication, and reasonable accommodations to ensure all school families would be made aware and able to participate in key, time-sensitive planning discussions that affect every student. This second process created a **limited subset** of Cassidy stakeholders that were aware of the SBDM Council decision and were asked to participate in planning and curriculum decisions. This activity also **did not rectify** the issues of points #1 through #3 above.
5. The **only (sole) school-wide communication** to Cassidy families of the Cassidy SBDM 2/26/2024 decision was delivered on **3/21/2024** in the pdf April Newsletter “Hill’s Highlights” (pg 2) and may have created **significant, material confusion** that is damaging in that:
 - i. The document states “*during our March SBDM Meeting ...*” **which was not possible**, because at the date of the April Newsletter release (3/21/2024) the March SBDM **meeting had not yet occurred**. The March SBDM meeting occurred four days later, on 3/25/2024.
 - ii. The newsletter has **no reference** to the upcoming March SBDM Meeting (3/25/2024) - **the actual next SBDM Meeting** - but identifies the upcoming April SBDM Meeting (4/29/2024).

- iii. An individual, reading this first communication may reasonably perceive that: (i) a decision has been made, (ii) **incorrectly see** the next SBDM Meeting **as** April 29th, **not** March 25th; (iii) **not understand** the ability to participate in Public Comment and/or request for reconsideration remained available on March 25th; and (iv) **fail to understand** the filing deadline to for a request for reconsideration was still available through April 4th.

An issue of confusion with any one single item, or combination of items (i-iii) could have **materially impaired** an individual's ability **to effectively participate** within the process of Cassidy SBDM decision-making and to exercise their rightful ability to advocate an opinion or perspective on agenda items of the Cassidy SBDM in a timely manner. Thus, the goal and policy expectation of clear and effective communication to impacted Cassidy families, specifically on matters of student education, was **not met**.

6. During the 3/25/2024 Cassidy SBDM Meeting Public Comment Q&A, Cassidy parents who were concerned by the apparent 2/26/2024 decision **asked if a survey** of Cassidy families had been **considered or would be considered**. A survey would ensure all Cassidy families would be clearly aware and able to participate in providing their consideration and input on the educational opportunities for every student. The **Council answered** that a **survey process was not and would not** be considered due to theoretical issues around survey response data and/or survey access. The rationale and position of the Council on the topic of using surveys for family input is **not consistent** with posted Cassidy policy and FCPS policy-in-practice in that:
 - i. Per posted Cassidy PARENTAL INVOLVEMENT POLICY, Section Parent Commitments, "Parents are asked to: 6. Stay in close communication with teachers and the school about their child's education by promptly reading all notices **and surveys from the school or the school district** and responding if necessary." (highlight and bold added).
 - ii. The recent **2024 FCPS Family Survey** demonstrates that the policy and practice of FCPS views digitally delivered surveys as a viable and acceptable source of parental input and feedback on meeting students' needs.

Thus, the choice of the Cassidy SBDM Council to actively **not utilize a survey** was an **unnecessary limitation and restriction** on a school-acceptable and District-acceptable process to notify and request parental feedback "in decisions relating to their child's education".

7. Despite the confusing information of the April Newsletter "Hill's Highlights" (aforementioned), there were two (2) Request for Reconsideration filed and placed on the 3/25/2024 Cassidy SBDM Agenda, asking the Cassidy SBDM Council to **reconsider** its 2/26/2024 decision and to ideally re-engage Cassidy families in a process to request their consideration and input on "decisions relating to their child's education". **Regrettably**, the Cassidy SBDM Council **rejected** both Requests for Reconsideration and voted (5-0) to uphold its original decision.
8. The choice of the Cassidy SBDM Council to reject the Request for Reconsideration **did not satisfactorily resolve the concern** (decision under appeal).
9. Following the rejection of the Request for Reconsideration, an appeal to the FCPS Superintendent was filed. **Regrettably**, following a review of the appeal, the FCPS Superintendent summarized that the appeal did not merit intervention and has allowed the original decision (the decision under appeal) to remain in effect.

10. The response of the FCPS Superintendent **did not satisfactorily resolve the concern** (decision under appeal).
11. An appeal to the FCPS Board is the final step available in the FCPS Administration process "Appeal of Council Decisions".

The actions and issues outlined above should be considered individually and as a whole for the purposes of context, and this appeal should not be summarily dismissed in entirety in the event an item may or may not be ultimately evaluated as pertinent (i.e. request for reasonable latitude and consideration).

Eligibility of this Appeal

1. We have followed the guidelines to appeal an SBDM decision, as outlined in the FCPS Administration process "Appeal of Decisions" as provided by the FCPS District Coordinator.
2. We are residents of the FCPS District and parents of a Cassidy Elementary School student.
3. We filed a Request for Reconsideration to the Cassidy SBDM Council.
4. We filed an Appeal to the FCPS Superintendent.
5. An appeal to the FCPS Board is the final step available in "Appeal of Council Decisions".

Thank you,

Ashlee and Keith Rodenhauser