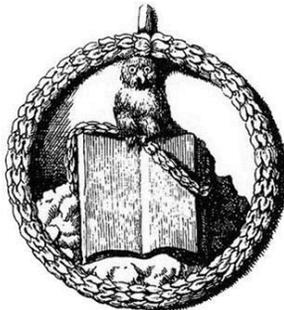


J. Michael Clara



▪ NUMBERS 6:24-26 ▪

Page | 1 of 5

13 April 2018

DELIVERED VIA ELECTRONIC MAIL

Ms. Nova Dubovik, Executive Secretary
% Utah State Records Committee
346 South Rio Grande
Salt Lake City, Utah 84101-1106

Re: School Resource Officer and School Administrators Training, Curriculum

Dear Ms. Dubovik,

Please accept this letter as a:

**GRAMA NOTICE OF APPEAL
TO THE STATE RECORDS COMMITTEE**

Pursuant to Utah Code § 63G-2-403 (GRAMA) I am appealing the Utah State Board of Education's chief administrative officer's denial of a notice of appeal I recently filed with their office.¹

INITIAL REQUEST

On April 10, 2018, I emailed a GRAMA request letter to Dr. Sydnee Dickson, Superintendent of Public Instruction, requesting the following:

1. *Copy of the School Resource Officer and School Administrators Training, Curriculum*
2. *Copies of meeting announcements, flyers, agendas, sign in sheets, minutes, emails, letters etc... demonstrating that the State School Board did "solicit input...from...interested community stakeholders..." in creating the curriculum and materials for the School Resource Officer and School Administrators training program.*²
3. *Copies of request for proposals, contract, expenditures etc...associated with the development of the School Resource Officer and School Administrators Training, Curriculum by vendors and/or consultants (those not employed by USBE).*
4. *Copies of documentation demonstrating the "conflict of interest" that Dr. Prospero has in association with the School Resource Officer and School Administrators Training, Curriculum.*³

¹ Utah State Board of Education listed Dr. Sydnee Dickson as their designated GRAMA "Chief Administrative Officer"

² See (2016) HB 460 School Resource Officers and School Administrators Training and Agreement

³ See Attached: Michael Clara April 10, 2018, three (3) page, GRAMA Request letter to Dr. Sydnee Dickson, Superintendent of Public Instruction with subject line **Re: School Resource Officer and School Administrators Training, Curriculum**

On April 11, 2018, I received a response from Dr. Dickson, in part, she stated the following:

*“Thank you for your thorough description of your experience and concerns framing your GRAMA request...the GRAMA request cannot be filled by our office...USBE did contract with a third party...to craft the manual... There will be no further correspondence from our office regarding your GRAMA request, therefore, as we don’t have the documentation you are seeking.”*⁴

On that same day, I sent a GRAMA Notice of Appeal to the USBE Chief Administrative Officer.⁵

On April 12, 2018, I received a response from Dr. Dickson who, in part, stated the following:

*“...we don’t have what you are seeking...Ben Rasmussen is also included here as our records administrator. He is in charge of GRAMA responses...”*⁶

BACKGROUND

During the 2016 legislative session, Senator Thatcher and Representative Hollins introduced SB 460 titled: School Resource Officer and School Administrators Training Agreement. This legislation was a grassroots effort initiated by members of the community and several community advocacy groups. The sponsors of this legislation treated community members as co-creators of the bill. These co-creator citizens, invested many hours of research and face to face meetings with students, parents, school administrators, law enforcement etc. in an effort to strike the appropriate balance of legislative language that would be acceptable to all stakeholders.

On March 7, 2016 – I sent an email to Ms. Nubia Peña, in part, stating the following:

*“Did you hear the news? HB 460 made it out of committee with a favorable recommendation! I know you are out of town, so I am attaching a picture of an unlikely pair. I am also attaching the vote... Thank you for your leadership and coordination. A big thank you to the sponsors of this legislation and those on the cc of this email. I look forward to a continued association as we strive to make the schools a better place for our students.”*⁷

Later that morning, Ms. Peña replied:

*“Michael, Thank you so very much for sending this email! Leah and Alana text me last night and I was forever grateful for the incredible news since I wished I could have been there to support the great work that has been done around this bill. I listened to the hearing and my heart was full to hear that no one spoke against the bill and that this issue united people from various disciplines and across party lines. Thank you, Rep. Hollins, Leah, Michael, Travis, and Chief Anjenvierden for the many meetings and dialogues we had in hopes of advancing this bill. Michael, thank you for your commitment to this process and advocating so fiercely on behalf of children in our community. This was such a success and I am praying that the next step has the same result. Thank you for all you do, and I look forward to working closely with each of you in the future to dismantle Utah’s pipeline for the sake of our youth.”*⁸

⁴ See Attached: Dr. Dickson, 04/11/18 email to Michael Clara with the subject line: SRO GRAMA REQUEST

⁵ See Attached: Michael Clara 04/11/18, GRAMA Notice of Appeal to the USBE Chief Administrative Officer

⁶ See Attached: Dr. Dickson 04/12/18, email to Michael Clara with the subject line: Notice of Appeal to USBE Chief Administrative Officer

⁷ See Attached: Michael Clara 03/08/16 email to Ms. Peña with the subject line: HB 460 Update

⁸ See Attached: Ms. Peña 03/08/16 email reply to Michael Clara with the subject line: HB 460 Update

Later that day, the Salt Lake Tribune quoted my committee testimony on this legislation:

“Michael Clara, a member of the Salt Lake City Board of Education, said inconsistencies in the assignment and roles of resource officers place some students on a “collision course” with the police. He said students misbehave and show disrespect toward authority, but too often school administrators will turn to law enforcement for what should warrant an academic response. “We were criminalizing behavior that didn’t need to be criminalized,” he said.”⁹

The article also stated the following:

“The bill received the support of the ACLU of Utah, Disability Law Center and law enforcement representatives... And James Evans, chairman of the Utah Republican Party, said the bill strikes a balance between safety and sensitivity. “I see this giving more tools to law enforcement so they’re able to do their job in a more defined way,” he said.”¹⁰

On March 8, 2016 – I received the following email from Dr. Moises Prospero

“Hey Michael, I heard that you chose to inform Hollins not to include law enforcement in agreeing to the legal document/MOU/contract. That’s unfortunate...”¹¹

Later that day, I replied to Dr. Prospero’s email with the following:

“I believe you have been misinformed. This suggestion was considered, and it was determined that there was no need to change the language of the legislation. The intent is to have law enforcement come into compliance with the concepts set forth in the U.S. Department of Education guidelines for breaking the school to prison pipeline and as set forth in HB 460. If a law enforcement agency does not want to abide by those concepts, then they will not be allowed in the schools. That does not leave a school without an SRO as they can just contract with another agency who is willing to cooperate. For example, if the Salt Lake City School District and the SLCPD could not agree on a contract, then the District could contract with Unified Police or the University of Utah Police or the Highway Patrol etc....By way of illustration, the school board president assigned an SRO to guard me at the school board meetings. Chief Burbank determined that was an inappropriate use of a police officer and he had the officer removed against the wishes of the District.”¹²

On April 10, 2018 – I attended a meeting of the Utah Board of Juvenile Justice Advisory Committee on Disproportionate Minority Contact- Salt Lake County Best Practices Working Group. Following introductions, Mr. Brian Olmstead of the Utah State Board of Education (USBE) walked the group through a PowerPoint presentation on chapter six of the curriculum titled “*Cultural Diversity*”. I asked Mr. Olmstead if the curriculum was on-line or available for public inspections and input. Mr. Olmstead replied that it was not on line nor was it currently available for public inspection. I then asked Mr. Olmstead, what opportunities have been extended to the community so that they could give input and review the current version of the curriculum as specified in the legislation.¹³

⁹ See: Salt Lake Tribune 03/07/16: Can Training School Principals and Police Officers Break the School to Prison Pipeline? with the subtitle: Education, Under Bill, Program Would Teach Cultural Awareness, Outline Expectations of Police.

¹⁰ *Ibid*

¹¹ See Attached: Dr. Prospero 03/08/16 email to Michael Clara with the subject line: HB 460

¹² See Attached: Michael Clara 03/08/16 email reply to Dr. Prospero with the subject line: HB 460

¹³ See (2016) HB 460 School Resource Officers and School Administrators Training and Agreement, line 58: “To create the curriculum and materials for the training program described in Subsection (1), the State Board of Education shall: (a) work in conjunction with the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201; (b) solicit input from local school boards, charter school governing boards, and the Utah Schools for the Deaf and the Blind; (c) solicit input from local law enforcement and other interested community stakeholders; and...”

Dr. Moises Prospero who was in attendance, interrupted and in an agitated tone stated:

“We talked to parents, we had meetings with different ethnic and racial groups as well as those with disabilities because we wanted their input...there was significant input from the community...”

I then asked if minutes to those outreach meetings were available so that those that could not attend would have the benefit of reviewing those discussions. Dr. Prospero replied that they were on line and that I would need to look for them. No one in the room, including Mr. Olmstead countered Dr. Prospero’s assertion that community outreach meetings in association with the development of this curriculum took place.

By way of clarification, HB 460 (2016), current law states the following:

Utah Code § 53A-11-1603. School resource officer training -- Curriculum

To create the curriculum and materials for the training program described in Subsection (1), the State Board of Education shall: (a) work in conjunction with the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201; (b) solicit input from local school boards, charter school governing boards, and the Utah Schools for the Deaf and the Blind; (c) solicit input from local law enforcement and other interested community stakeholders; and

The feedback I am receiving from those in the community, is that they have been excluded from the development process involving the SRO Curriculum and denied the opportunity to act as partners with USBE in this endeavor. In conveying this observation at this meeting, I was told in no uncertain terms that “*there was significant input from the community*”. Following that declaration, I was in essence, directed to not share anymore insights. I promptly left the meeting so that I could write and submit a GRAMA request that has since been denied by USBE. As already outlined, the subsequent appeal has also been denied.

REMEDY

I am requesting that the State Records Committee reverse USBE’s denial of my GRAMA appeal. USBE does not specify why they are withholding the requested records, therefore I am unable to submit an appeal to the Records Committee with any specificity. They do however acknowledge the existence of a third-party vendor and contract:

*“USBE did contract with a third party...to craft the manual...”*¹⁴

Accordingly, such a contract, solicitation process, expenditures and associated emails should be produced and available for public inspection.¹⁵

Again, the plain language of the 2016 legislation states:

*“To create the curriculum and materials for the training program described in Subsection (1), the State Board of Education shall...solicit input from...community stakeholders...”*¹⁶

As already noted, in the April 10, 2016 meeting at USBE, Dr. Prospero declared:

“We talked to parents, we had meetings with different ethnic and racial groups as well as those with disabilities because we wanted their input...there was significant input from the community...”

¹⁴ See Attached: Dr. Dickson, 04/11/18 email to Michael Clara with the subject line: SRO GRAMA REQUEST

¹⁵ See: Utah Administrative Code R33-7-802. Publicizing Awards

¹⁶ See: (2016) HB 460 School Resource Officers and School Administrators Training and Agreement

While I am gratified to learn that in creating the SRO curriculum the State Board of Education did indeed “*solicit input from...community stake holders*”¹⁷ I don’t understand why Dr. Dickson would exercise her authority to withhold copies of “*meeting announcements, flyers, agendas, sign in sheets, minutes, emails, letters etc*” demonstrating USBE compliance with this part of the legislation.

In the background section of this letter, I have included the 2016, email exchange I had with Dr. Prospero following the passage of HB 460, it is reflective of his persistent opposition throughout the HB 460 legislative process. Accordingly, I am now trying to ascertain his keen interest and involvement in the development of the SRO curriculum.

In conclusion, believe that when the public lacks even the most fundamental access to what its government is doing in their names, then they cease to be involved in the act of citizenship. Over the years, I have learned that when government transparency is stifled, then bad decisions are made. In this case, I find it troubling that Dr. Dickson is complicit in withholding information surrounding the development of the SRO curriculum. I ask that the State Records Committee reverse her decision to conceal information that should be readily available for public inspection.

Shalom,

Michael Clara

J. Michael Clara

Attachment: As stated

cc: Utah Senator Daniel Thatcher
Utah Representative Sandra Hollins
Utah State Board of Education Member Carol Leer
Ms. Margarita Satini – Utah Pacific Islander Civic Engagement Coalition

¹⁷ Ibid