

February 24, 2009

Brenda Anderson

Dear Brenda:

Nearly six months have passed since the Office of the Attorney General notified Duluth Public Schools (DPS) that it would not opine on the validity of Let Duluth Vote's (LDV) petition to propose an alternative to the Long-Range Facilities Plan (LRFP). Since then, DPS staff has spent many hours trying to understand the detail of LDV's plan so we can prepare an alternative plan for review and comment by the Minnesota Department of Education (MDE).

As we continue our work, we find ourselves increasingly hamstrung because Plan B appears to be a moving target – we assume you agree that recent discussions between LDV and DPS do not reflect Plan B, at least as it was communicated to residents last winter and reflected in the petition of last March 21, and has even changed since our discussions last September and October.

DPS is ready to move forward to file an alternative plan for review and comment with the Minnesota Department of Education (MDE). We need to take this step as soon as possible for the following reasons:

- Once DPS agrees to accept a petition as valid, we are required to submit a plan for review and comment by MDE. Unnecessary delay is not acceptable for a public body.
- Further delay in submitting a plan to MDE will only heighten community uncertainty and further increase the costs of the LRFP, regardless of the form it takes. While the Board of Education believes LDV has a significant interest in the outcome of the LRFP discussion, we believe several groups have interests of equal or greater importance:

- **Students** who are currently enrolled in our schools
- **Families** who may some day send children to our schools
- **Teachers and staff** who are employed by DPS
- **Local property owners** who fund a portion of the operating and construction budgets of our schools

Their needs require us to move forward expeditiously. We believe six months is more than enough time for these groups to wait.

As a matter of law, DPS must submit a plan that reflects both the question included in the petition and the description of the plan that accompanied the petition. We understand that you want us to make significant changes from your March 21st plan. But to make those changes will disenfranchise more than 3,000 people who signed the petition last winter asking for a bond referendum based on Plan B. DPS cannot simply abandon Plan B and the valid petition in favor of Plan C or Plan D simply because you and a few other residents have changed your minds.

However, we recognize that LDV has put some effort into developing an alternative it believes is workable. DPS prefers to respect that work, rather than disregard it. Therefore, this letter should serve as proper notice that Duluth Public Schools intends to take the following steps to proceed with our submission to MDE:

1. As stated earlier, by law we must file a plan that reflects Plan B, as described in the petition of March 21, 2008. However, to avoid a lengthy process of submittals, review, comments and re-submittals that may occur as you consider Plan B, Plan D and other plan modifications, we will include information with this filing that reflects both Plan B and LDV's most current version of an alternative plan (from here on, we will formally call this "Plan D").

To facilitate this filing, DPS has attached a series of information requests regarding your Plan D. Please return all requested information to DPS by March 10, 2009. For ease, we will assume that any question that goes unanswered reflects no change from the March 21st petition.

2. DPS is releasing a Request for Proposals for a consultant to assist the Board, Administration and LDV as we prepare the alternative plan for MDE review and comment. We expect to have this consultant named by April 6, 2009. You are invited to participate in the interview process for potential consultants.
3. The Board of Education will meet on April 13, 2009 to publicly review the elements of this filing. We ask that you or another representative of LDV join us for this meeting to make a 15-minute presentation on Plan D and its differences from Plan B. This presentation will be followed by a question-and-answer period for the Board and our new consultant. If time permits, we will also permit public questions.

4. DPS plans to file the LDV alternative plan no later than May 22, 2009. We ask for your full cooperation so we can complete our work as quickly as possible – additional delay is not in the best interest of the students or taxpayers of Duluth. If Plan D is not ready for MDE review and comment by May 22, 2009, DPS will only submit Plan B to the department.

If you have any questions about this letter, please contact me. We look forward to moving your alternative plan to the next step of the process, the review and comment by MDE.

Sincerely,

Bill Hanson
CFO, Executive Director of Business Services

cc: Board members
MDE staff
Keith Dixon

Attachment

INFORMATION REQUEST FOR LET DULUTH VOTE ABOUT PLAN D
February 24, 2009

Please return these to Bill Hanson, Duluth Public Schools by March 10, 2009.

1. **School sites.** Please list the high schools, middle schools, elementary schools and administrative offices contained in your plan, and the grades covered in each school. For each school identified, please indicate which current school site will be used or whether a new site will be needed, and the approximate number of students who will attend each school. If possible, identify all sites used in Plan D that are consistent with the current Long-Range Facilities Plan.

2. **Facility assessment and repair.** By site, please describe your schedule for maintenance and repair, based on the 1,600 deficiencies identified by the Facilities Assessment team in 2006-07. If convenient, feel free to organize your comments using the 22 facility assessment reports that are archived on the DPS web site at http://duluth.mn.schoolwebpages.com/education/components/docmgr/default.php?sectionid=1460&sc_id=1209503385 as the baseline, with your answers highlighting how Plan D will be different than the current plan.

Example 1: if you intend to complete all maintenance and repairs planned for Morgan Park, simply report “no change for Morgan Park.”

Example 2: If you intend to keep Central High School open, and will conduct all repairs listed, report “Central stays open, all repairs identified will be made.”

If maintenance will be deferred on some items, please identify your schedule for completing maintenance (5 years, 10 years, more than 10 years, maintenance will not be completed).

3. **Site expansion and facilities acquisition.** By site, please identify expansion and acquisition necessary as part of Plan D, using the current LRFP as your baseline (<http://duluth.mn.schoolwebpages.com/education/components/docmgr/default.php?sectiondetailid=16563&catfilter=1358#showDoc>). If additional private property that has not been identified will need to be obtained, please identify possible parcels in your answer.

4. **Outcomes.**
 - a. **Educational adequacy.** Using the chart on page 14 of the *Comprehensive Facilities Plan: Review and Comment* (August 8, 2007), please identify all areas that will not achieve an acceptable (green) rating under Plan D.
 - b. **Community use.** Describe the elements of Plan D that meet the community’s request for increasing collaboration in the use of the schools.
 - c. **Desegregation.** Describe how Plan D aligns with Minnesota Rule 3535.

- d. **Sustainable design.** Describe your expectations for receiving LEED ratings for schools under Plan D, and how you arrived at that conclusion.
 - e. **Community input.** Please describe your process for engaging Duluth residents in the development of Plan D.
5. **Cost and financing of plan.** Please provide an aggregate cost of Plan D and a building-by-building cost (note Page 74 of the *Comprehensive Facilities Plan: Review and Comment*). In addition, please describe your financing plan using page 75 of the same document as your baseline. Among the items to address in your financing plan are:
- Use of the lease levy
 - Use of an alternative facilities levy
 - Any other levies that will be used
 - General fund savings
 - Property disposition
 - Utility rebates and grants
6. **Other information.** Please include any additional information you believe will help inform the development of this plan for MDE review and comment.