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June 15, 2023

Dr. Katie Jenner

Indiana Secretary of Education

Indiana Department of Education

200 W. Washington St.

Indianapolis, IN 46204

Re: South Bend Community School Corporation Reorganization Plan Request

Dear Dr. Jenner,

I represent Save Clay Inc. an Indiana nonprofit organization that seeks to keep Clay High School open, as well as protect the interests of any students displaced as a result of closing Clay High School. This effort is supported by three board members of the South Bend Community School Corporation ("SBCSC") and a number of parents of Clay High School students. I am writing to you to request your consideration of the submission of a plan for further reorganization of the South Bend Community School Corporation to be separated into two districts that would better serve the northern part of St. Joseph County, particularly Northern South Bend and Clay Township.

This measure is necessary to improve educational opportunities for students in the county in light of the affirmative vote and announced closure of Clay High School on April 17, 2023 by SBCSC. We request of your office a thorough review of the potential for Clay High School to be operated by a separate community school corporation. Without such review, the inevitable closure of Clay High School will be disastrous for public education in the City of South Bend, Clay Township, and St. Joseph County.

Indiana Code Chapter 20-23-4 governs the organization and reorganization of community school corporations such as SBCSC. This chapter sets forth a process whereby a county committee is established, (Ind. Code § 20-23-4-11), a preliminary organization plan is prepared (Ind. Code § 20-23-4-12), a plan is submitted for approval to the Indiana State Board of Education ("SBOE") (Ind. Code § 20-23-4-1 through 19), and if approved by the SBOE, presented to voters for approval through a petition (Ind. Code § 20-23-4-38(a)).

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Under the Indiana Code, “[a]fter a county committee has been dissolved, if the local governing body or the state secretary of education considers further reorganization necessary to improve education opportunities for the students in the county, the local school trustees or the state superintendent shall submit proposed changes to the state board. (Ind. Code § 20-23-4-38(b)).

The consideration of the separation of a community school corporation into two separate entities on the initiative of the State Board of Education is not unheard of in our state’s history. In March of 2011, the Attorney General of Indiana issued Official Opinion 2011-3, which contemplated then-state Superintendent of Public Instruction Dr. Tony Bennett’s authority to “submit to the State Board of Education a proposal from a group of private citizens that seeks to divide an existing school corporation into two separate school corporations even though the existing school corporation’s governing body is opposed to the plan.” The opinion of the Attorney General found that the state superintendent could submit a plan for further reorganization, provided that the State Superintendent consider “the educational opportunities for students, local community interest, the effect on the community as a whole, and the economic interests of the community relative to establishing the boundaries of the school corporation that is involved in the school corporation reorganization, consolidation, or annexation attempt.”

In a recommended proposal presented by SBCSC in March of 2023, SBCSC argues that Clay would save the district \$1.1 million in annual operating costs if it were closed, and up to \$16 million dollars in deferred capital maintenance costs. But these raw numbers do not consider the other significant community impacts that would occur should Clay High School be closed at this juncture.

In 1981, the South Bend Community School Corporation entered into a Consent Decree that requires that “the percentage of Black students in each school shall be within fifteen percentage points of the total percentage of Black students in the School Corporation.” With no transition plan for the students or faculty at Clay High School in place despite the announced closure, we believe said closure would violate the Consent Decree, and leave SBCSC with no way to possibly comply with an integrated educational experience for its students.

Additionally, in May of 2018, the University of Chicago’s Consortium on School Research created a Research Report entitled “School Closings in Chicago: Staff and Student Experiences and Academic Outcomes.” The report, of which a copy is attached to this letter, found that:

- Getting school buildings ready to receive students on time was challenging because the moving process was chaotic.
- School staff said the planning process for merging closed schools into welcoming schools was not sufficient, resulting in staff feeling unprepared.
- When schools closed, it severed the longstanding social connections that families and staff had with their schools and with one another, resulting in a period of mourning.
- A lack of proactive efforts to support welcoming school communities in integrating the populations created challenging “us” vs. “them” dynamics.

Dr. Katie Jenner

June 15, 2023

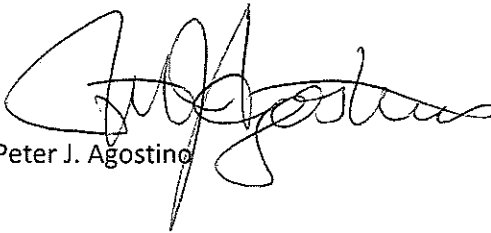
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The University of Chicago report ultimately concluded that “the reality of school closures was much more complex than policymakers anticipated; academic outcomes were neutral at best, and negative in some instances. Interviews with affected students and staff revealed major challenges with logistics, relationships, and school culture.”

The closing of Clay High School is a rash measure that would have significant educational impacts on the students of SBCSC, not to mention the concerns for potential federal law violations. Your intervention in requesting and submitting a proposal to the State Board of Education would prevent this from occurring, and preserve the educational experience for the students at Clay High School for the foreseeable future. Thank you for your consideration of our request.

Sincerely yours,

ANDERSON, AGOSTINO & KELLER P.C.

A handwritten signature in black ink, appearing to read 'Peter J. Agostino', written over a horizontal line.

Peter J. Agostino

cc: Save Clay, Inc.