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June 3, 2022

Michelle Morse, Superintendent
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VIA EMAIL AND U.S. POSTAL MAIL

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Dear Superintendent Morse and President Eastman:

We write to you today to express our profound disappointment with the decision last week by the Bettendorf Community School District to bar journalists from the meeting the district organized with parents, school administrators and members of the Bettendorf Board of Education.

The topic discussed on the evening of Wednesday, May 25, was one of the fundamental responsibilities of the Bettendorf Community School District — ensuring the safety and wellbeing of the district's 4,700 students during each school day. The importance of this obligation was driven home in tragic fashion the day before, when a gunman entered an elementary school in Uvalde, Texas, and murdered 19 students and two teachers.

The gathering on May 25 at the Waterfront Center clearly falls within your obligation as the chief administrative officer of the school district and as the president of the Bettendorf Board of Education to comply with Iowa Code Chapter 21, commonly known as the open meetings law.

As journalists and as an advocate for open and accountable government, we ask that you:

(1) Immediately acknowledge in a public statement that the



Superintendent Morse and President Eastman
June 3, 2022
Page 2

gathering on May 25 violated both the letter of Chapter 21, as well as the spirit of the open meetings statute, and

(2) Provide assurances in a public statement that the school district will not engage in future violations of the open meetings law by ignoring the rights of the public and journalists to attend meetings, both formal and informal, of a majority of members of the Bettendorf Board of Education that do not fall within one of the justifications for closed sessions that are enumerated in Iowa Code section 21.5.

Barring both journalists and other interested people from the meeting on May 25 is a direct violation of the statute the Iowa Legislature clearly articulated in the first paragraph of the open meetings law. In unambiguous language, that statute says [with emphasis added]:

“This chapter seeks to assure, through a requirement of open meetings of governmental bodies, that the basis and rationale of governmental bodies, as well as those decisions themselves, are easily accessible to the people. Ambiguity in the construction or application of this chapter should be resolved in favor of openness.”

Whether you choose to call last week’s gathering a working session, a workshop, or a parents’ meeting, the event very clearly was a public meeting under the legal definition of Chapter 21 of the Iowa Code. The relevant portion of the law, found in section 21.2 (2), states:

“ ‘Meeting’ means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body’s policy-making duties.”

If you believe there was no “deliberation” at the gathering last week, I direct you to Black’s Law Dictionary and its definition of “deliberation” — as the process of weighing, pondering, discussing, examining or consulting in order to form an opinion.

It would stretch believability to think that spending a couple of hours listening to the concerns of parents about the behavior of some Bettendorf Middle School students — including bullying and injuries suffered by students not otherwise involved in the incidents — does not fall within the meaning of deliberations on matters clearly within the scope of the Board of Education’s policy-making duties.

It is inconceivable school leaders would assert that the gathering on May 25 was for “purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter.” (Section 21.2 (2))



Superintendent Morse and President Eastman
June 3, 2022
Page 3

However, if you and the district's attorneys believe there was a legal basis for keeping journalists from attending the May 25 meeting, please cite the specific section(s) of Iowa law on which you base this belief.

What we know to be true is this: Members of the Bettendorf community have been alarmed by the increasing frequency and nature of the student misconduct at Bettendorf Middle School. The authors of our Constitution and members of the Iowa Legislature who wrote the public meetings law more than 50 years ago recognized the important role journalists play in informing the public about the issues and problems, and potential solutions, being discussed by our governing bodies.

But journalists cannot do this important work if officials block journalists from having access to meetings like the one on May 25.

We look forward to hearing the school district's official response to the concerns we outline in this letter. We hope you better understand that the lack of transparency has harmed both the school district and the public and that officials now must reach out and assure the community the district has learned from last week's mistakes.

Respectfully,

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