



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1244 SPEER BLVD, SUITE 310 NEW MEXICO DENVER, CO 80204-3582 UTAH

REGION VIII
ARIZONA
COLORADO
WYOMING

July 28, 2022

Mr. Herminio Trujillo
HERMINIOTRUJILLO@MSN.COM

Re: Alpine School District
Case Number: 08-22-1511

Dear Mr. Trujillo:

We received your complaint on July 27, 2022. We are doing an initial evaluation of your complaint to determine if we have sufficient information and legal authority to allow us to take action on your concerns.

We anticipate completing our initial evaluation of your complaint within 30 days of receipt. As soon as we complete our evaluation, we will inform you either: 1) that we are proceeding with the complaint allegations, or 2) that we are closing your complaint, and the reason, or 3) that we need additional information before we can proceed. If we need additional information, we will notify you of the information needed. You will have 14 calendar days from the date of the letter to respond.

We have enclosed information about our complaint resolution procedures. This document provides more detail about OCR's initial complaint evaluation process, as well as the options for resolving your complaint if we determine it is appropriate to proceed.

We have your signed copy of the Privacy Act Notice and Consent Form. This Act protects you against the unauthorized use and disclosure of personally identifiable information by any Federal agency and may give you the right to obtain this information from OCR. If we accept your complaint for further processing, we may need to give your name to the institution and to persons who may have information about your complaint.

When contacting our office, it would be helpful if you would please refer to the case number mentioned above. We want you to feel comfortable working with our office, so if you have any questions or concerns about any of our procedures, please contact our Customer Service Team, at (303) 844-5695.

Sincerely,

Linda McMichael

Administrative Assistant

Enclosure

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

www.ed.gov

Herminio Trujillo
228 South Alpine Circle
Alpine UT 84004
Phone: (801) 709-9095

July 25, 2022

United States Department of Education
Office of Civil Rights – Region VIII
1244 Speer Blvd. Suite 310
Denver, Colorado 80204-3582

I am a retired educator and public school administrator. I am also an advocate for children. I am writing on behalf of Latino children and their parents who reside in the Alpine School District located in Utah County in the state of Utah. I will use the plural pronoun, we, in this letter of complaint against the Alpine School District.

Recently Orem, a city in Utah, contracted with an independent consulting firm for a feasibility study¹ to explore the prospect of forming a new city school district and splitting off from the Alpine School District. The consulting firm made a thorough audit and investigation of the Alpine School District. Many of their findings confirmed what we members of the Latino community have known and experienced for decades. This letter of complaint will quote extensively from this Study. We encourage the Office of Civil Rights to read the Study. A link is provided below.

We believe that Utah's Alpine School District has discriminated against Title I and minority students on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

The discriminatory practices of Alpine School District are abhorrent, and the actions of Alpine School District undermine the noble purposes of the Civil Rights Act of 1964.

We respectfully ask for a thorough investigation of Alpine School District's numerous and notorious discriminatory practices. We respectfully ask that the OCR consider and implement immediate action to protect the loss of life of Title I students located in the City of Orem. Finally, we ask that OCR ensures that Alpine School District complies with Title VI, 42 U.S.C. § 2000d et seq. For a complete list and map of Alpine School District Title I schools, please see Appendix A.

Specifically, we allege the Alpine School district is discriminating against students by:

1. Alpine School District Has Failed to Remediate FEMA Issues in Title I Schools

Title I schools located within the City of Orem have been neglected by Alpine School District (ASD) and that three schools that have an advanced risk of loss of life remain un-remediated after 16 years. Those three Title I schools located in the City of Orem are Orem Jr. High (built 1963), Sharon Elementary (built 1954) and Windsor Elementary (built 1956). According to the 2006 ASD FEMA Study, these three schools have a high risk of loss of life were a seismic event to occur. It appears that those without a voice, the low income and minority students, have unnecessarily and disproportionately carried and continue to bear a greater risk of loss of life than other more affluent students. We find this disconcerting that Alpine School District would intentionally ignore prioritized data that was published to warn ASD of "the risk of loss of life".

¹ *New City School District Comprehensive Feasibility Study for the City of Orem* https://orem.org/wp-content/uploads/2022/07/2022_FeasibilityStudy_220711_compressedweb_v3.pdf

2. Alpine School District Has Remediated Newer, Less Dangerous, Non-Title I Schools Located in Affluent Areas Within the City of Orem

In 2020, Alpine School District rebuilt Cascade Elementary. Cascade Elementary was identified in the 2006 Study as having the 3rd lowest risk in ASD (a rank of 55) and was built in 1967, 13 years after Sharon Elementary. With far older and far more dangerous schools on the list, remediating issues at Cascade Elementary seems illogical. The most startling difference -- Cascade Elementary is NOT a Title I school and is located in a more affluent part of the City of Orem. In fact, the minority attendance at Cascade is estimated to be less than 5% of the enrollment.

3. Alpine School District Has Diverted \$130 million to Schools Outside of the City of Orem

It is no secret that at-risk children require additional resources and funding to assist to accomplish their educational goals. Many of our Hispanic students are from single parent homes, have no transportation, rely on public assistance and face language barriers. The Title I student population in the City of Orem is 31.43%. Therefore, it would be reasonable that a school district would ensure that funds from taxpayers in Orem remains within the City to support the Title I students.

It is also understandable that a growing school district must balance the finances in a manner to keep up with growth while protecting the health and safety of all students.

Not so with Alpine School District. Since 2001, Alpine School District has had \$1.2B in bond allocations.

- Who paid for the bonds and where did the money go?
- Did the money stay in the City of Orem to assist with Alpine School District's largest Title I population?
- Did the money remediate the Title 1 schools in Orem? No! It is unacceptable that Alpine School District feigns support of Title I students, while requiring those same students to learn in an environment that could lead to a loss of life.

From 2002 to 2021, Orem property taxes paid 28% (on average) of the bond payments. Historically, Orem has received only 13.3% of the benefits. In essence for the last 20 years, \$130 million has been funneled out of Orem, away from these Title I students, to build schools in ASD's more affluent areas, that have far less Title I students. During the 16-year period that Alpine School District has been diverting \$130 million away from Orem schools, ASD has known that our Title I and Hispanic students in Orem were attending schools that could lead to a loss of life. Literally, Alpine School District has knowingly and intentionally placed at risk the lives of Title I students, according to the 2006 ASD FEMA Study and data from the State of Utah.²

This is simply another way that Alpine School District provides disparate treatment of students and children based on race, color, and national origin in programs and activities receiving federal financial assistance.

4. In 2017 Alpine School District Failed to Disclose to the Orem City Council & to the Public that it had Failed to Remediate FEMA Related Issues

It gets worse. In 2017, the City of Orem requested that Alpine School District perform a feasibility study seeking information whether the City of Orem should consider forming its own school district. The 2017 study by Alpine School District was presented to the City Council for the City of Orem. Not one single word was mentioned to the City Council that Alpine School District, at that time, had failed to remediate a signal school that was identified in the 2006 ASD FEMA Study. In essence, only financial data was submitted to the City Council. No value was placed on the loss of life by Alpine School District of a single Title I student. Were this not so, ASD would have discussed the unsafe schools and the risks faced by children within the City or Orem, and would most assuredly informed the City Council that Title I students faced the greatest risk of loss of life.

5. We Find Suspect Alpine School District's Claim that its "Subsidizes" Title I Schools in Orem

² Ibid, FN 3

In a meeting held on April 22, 2022 between the City of Orem and Alpine School District, the following was reported:

The City asked questions regarding "Title I Schools". Title I is a federal education program that supports low-income students throughout the nation. Funds are distributed to high poverty schools, as determined by the number of students who qualify for free or reduced lunch at a school.

Mr. Smith explained that the term "Title I School" is administered differently at ASD. This moniker is given to a school within ASD when that school receives funding from Title I funds. The question was asked, "If a school within the ASD receives \$1 in Title I funds, ASD refers to that school as a Title I school"? Mr. Smith responded, "That is correct". For example, as explained by Mr. Smith, Skyridge HS in Lehi has Title I students but the school does not receive Title I funds, so Skyridge is not considered a Title I school.

Mr. Smith confirmed that Title I funds do not follow the student who qualified for the Title I funds.³

During this April meeting, it was also confirmed by Alpine School District that it deposits Title I funds into its General Fund account, where it is commingled with funds received by the State of Utah. We are doubtful that Alpine School District actually sends additional funds to Title I schools located in Orem. As commingled funds are not traceable, any entity may claim "Title I" funds are expended, but it is not possible to trace commingled funds.

6. Questions of Student Equal Access to ASD's Specialty Classes (Please see the Study's Chapter 6 "Evaluation of Specialty Classes & Student Accessibility to these Programs on page 198)

Economic and geographic bias or disparity exists in Alpine School District that influences decisions as to which schools may have Specialty Classes and which schools may not. Alpine School District (ASD) does not appear to provide equal student access to its Specialty Classes to schools in Orem and surrounding communities to the degree that ASD provides such classes to schools on the west side and north end of the school district in more affluent neighborhoods. Alpine School District offers Specialty Classes in its elementary schools, but in low-income schools, four out of the seven Title I schools within the City of Orem, do not have the access to the Specialty Classes which are offered throughout the Alpine School District.

The Alpine School District Specialty Classes include (from each school's website): Art; Chinese, French, Spanish, and Portuguese immersion; Music; Physical Education; Science; Dance; Drama; Humanities; Fine Arts; Health; Advanced Learning Labs (ALL); Science Technology Engineering & Math (STEM); Christa McAuliffe Space Center; Social/Emotional Wellness; Science Technology Engineering Arts Math (STEAM); Cultural Connections; Performing & Eclectic Arts.

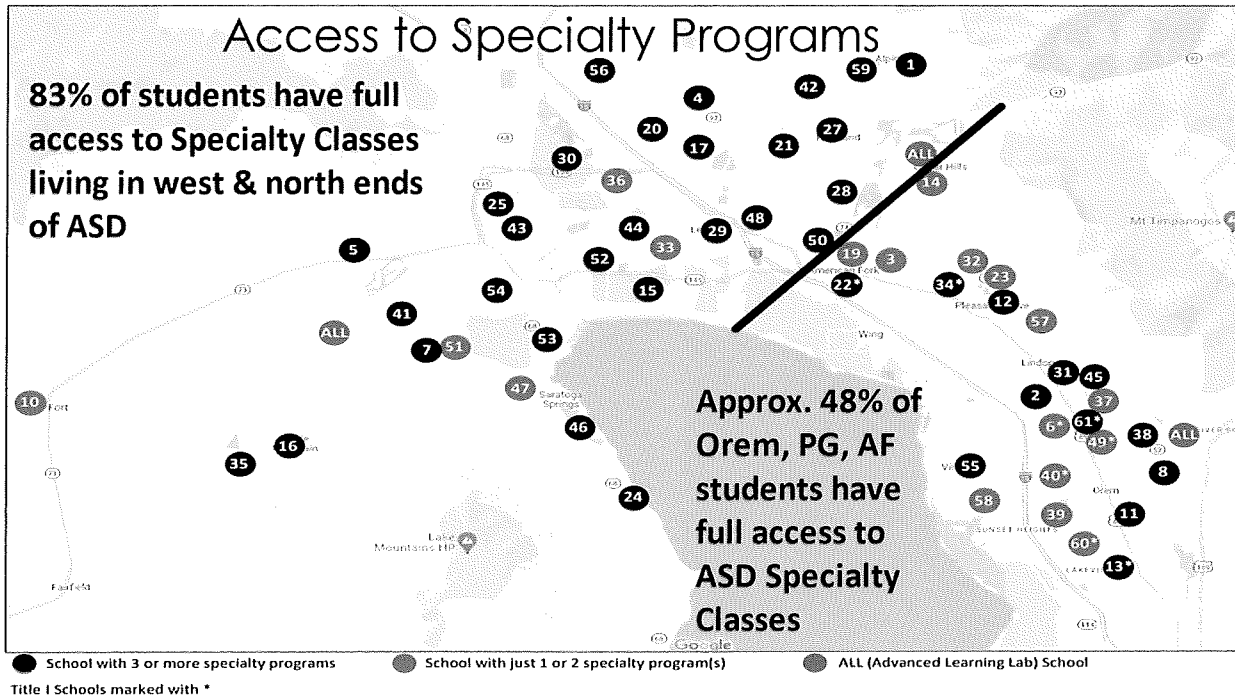
Alpine School District's Specialty Classes appears to not be equally distributed to all elementary schools in the district. East side communities such as Orem, Lindon, Vineyard, Pleasant Grove and American Fork, as well as Title I funded students and schools in Orem, do not have the proportional access to district-funded Specialty Classes as do the higher socio-economic communities in Alpine's west side communities of Saratoga Springs, Eagle Mountain and the north side communities of Lehi, Alpine, Highland, and Cedar Hills.

Specifically, five out of eight Title I elementary schools are underserved in ASD's district-wide Specialty Classes for elementary schools. This translates to only 37% of ASD's Title I schools having the same full access (3 Specialty Classes or more) as compared to ASD's schools that currently have full access to Specialty Classes.

Of the five Title I schools not having full access to the Special Classes, four are in Orem (Bonneville Elementary, Parkside Elementary, Sharon Elementary, Westmore Elementary). The fifth Title I school without full access is Greenwood Elementary in American Fork.

³ https://docs.google.com/document/d/e/2PACX-1vRZh_c673Tsmadr5ERhgMBp9Q22i-llpFiX_Qch-0N1xOQCISLdbeHZNtt_BDUOgzTt104ZSAesb3DT/pub

An economic and geographic bias or disparity exists in Alpine School District that influences decisions as to which schools may have Specialty Classes and which schools may not. Alpine School District (ASD) does not appear to provide equal student access to its Specialty Classes to ASD schools in Orem and surrounding communities to the degree that ASD provides such classes to schools on the west side and north end of the school district in more affluent neighborhoods.



The map above shows 25 schools along the State Street corridor, from Orem’s Cherry Hill Elementary, north to American Fork’s Forbes Elementary. Only 12 schools along this corridor have three or more Specialty Classes. Fifty two percent (52%) of the schools, mainly in low-income neighborhoods, have lowered access to Specialty Classes compared to schools in comparable socio-economic communities. Comparing this number to the rest of the Alpine School District, 29 out of 35 schools had full access (3 or more) to the Specialty Classes. Only 6 schools (17%) out of 25 in the north and west areas of the ASD had lowered physical access to the district funded Specialty Classes.

It was also found that access to Alpine School District’s three ALL (advanced learning labs) schools for gifted/advanced students are located in more affluent neighborhoods (see map below) that are not close to major transportation corridors, making transportation to, and participation in, these schools’ ALL programs difficult for lower income students. All three ALL schools also have the late start/end times (9:15am/3:30pm versus 8:00am/2:25pm) which could also make participation in these programs difficult for families with work, multiple school destinations with differing start/end times, and other obligations.

7. Appearance of distortion and manipulation of test scores, particularly among Title I schools

We strongly believe the statement made in the Study, “When a school district fails to generate or report accurate and usable student testing data local school administrators and teachers are deprived of an extremely important and reliable best practice to assess student academic learning and curriculum instruction.” (Page 133)

The student test score data provided by ASD was faulty, and in at least two cases was exorbitantly overstated (proficiency rates of 476.6% and 676.3%). There are major areas of concern the Study found that can have impacts upon students and teachers, especially among students attending Title I schools:

- The appearance of alteration and distortion of student and school testing reporting by ASD, as compared to the same ASD student test scores reported by the Utah State Board of Education.

- Evidence that most of the ASD's schools located in Orem have declining student test scores. Over the last five years of test reporting, Alpine School District showed a less than 2.5% accuracy rating of student data reported. In other words, Alpine has a 97.5% inaccuracy rate. (Page 132 & 134 of the Study).
- The accuracy of the data provided by ASD is a concern because it raises doubts regarding the accuracy of other data that is reported to the public by the school district.
- Alpine School District did not report the test scores of the two of the lowest performing Title I schools in the district – Suncrest and Geneva Elementary. Please see copies of the Study's test scores in the Appendix of this complaint letter.

Background Information

Alpine School District is the largest district in Utah and one of the largest in the United States, with student enrollment of approximately 85,000. Alpine School District encompasses 14 municipalities, serving students in Utah County. Utah County is one of the fastest growing areas in the United States.

Orem is the southern-most City in Alpine School District. Because Orem is some 45 miles south of Salt Lake City, the business heart of Utah, and because of the two nearby Universities, Utah Valley University and Brigham Young University, Orem has traditionally had lower priced housing and a large minority population. The 2020 population of Orem was 98,129, making Orem the fifth-largest city in Utah. The 2020 US Census reported that the City of Orem has a minority population of 11.7% and a poverty rate of 10.98%.⁴ Alpine School District has designated 9 schools in the District as Title I schools, and 7 of the 9 are located in Orem.

The City of Orem is the most diverse city in Alpine School District with 31.43% Title I students. In contrast, Alpine School District, without Orem, has approximately 14% Title I students.

In February 2022, the City Council of the City of Orem voted to conduct a Comprehensive Orem School District Feasibility Study (the "2022 Orem School Study") to determine if the City of Orem should form their own school district and split from Alpine School District.⁵ On July 15, 2022, the 2022 Orem School Study was presented to the Orem City Council by DEC, a group of educators and CPA's.

The study's findings revealed startling and disturbing findings in a number of areas. From our perspective, the findings revealed that Alpine School District, for nearly two decades, has treated Orem's minority students, Hispanic students and Title I students unfairly, and with contempt.

There were several findings in the 2022 Orem School Study that we wish to share and to highlight the illegal and disparate treatment by Alpine School District towards Title I students, and students of color, residing in the City of Orem or who attend Orem schools.

Seismic/FEMA Issue Overview

The majority of the population of Utah sits on the east side of the Wasatch Mountain Range of the Rocky Mountains in the Salt Lake and Utah Valleys. The east side of these valleys developed first with the west side remaining primarily farmland. The growth in these valleys began a rapid expansion in the 1980's, with residential and commercial expansion to the west side of the valleys. This resulted in schools on the east side of the valley falling into disrepair in order to build new schools on the west side in order to keep up with student growth. This east-to-west growth trajectory is not unique to Alpine School District, although the critical decisions of when and where to spend district resources are within the sole purview of the Alpine School District.

⁴ <https://www.census.gov/quickfacts/oremcityutah>

⁵ http://orem.org/wp-content/uploads/2022/07/2022_FeasibilityStudy_220711_compressedweb_v3.pdf

The major population center in Utah is found from Ogden, in the North, to Orem/Provo in the South, that is “literally adjacent to the Wasatch Fault”.⁶

School districts must be vigilant to keep older schools on the east side of the valley updated and safe for students, parents and teachers.

Alpine School District’s 2006 Seismic/FEMA Study & the 2022 FEMA Study

In August 2006, Alpine School District commissioned Reavely Engineering & Associates to present a Seismic/FEMA Study (the “2006 ASD FEMA Study”) relating to hazards within schools located in ASD. In 2006, 16 years ago, 10 schools located in Orem were identified as having seismic concerns.⁷

In 2022 the State of Utah, the Department of Homeland Security, FEMA and other entities completed a study that identified schools in the State of Utah that currently have seismic safety issues (the “2022 FEMA Study”).⁸ This 2022 FEMA Study identified 34 school campuses in the Alpine School District with known and likely under-reinforced masonry (URM) construction that is deemed seismically (earthquake) unsafe. The 2022 FEMA Study found that 12 schools located within Orem remained on the 2006 list, with 6 Orem schools in a high-risk category that had identified unreinforced masonry.

Unreinforced masonry buildings (URMs), are old brick buildings that have brick walls and wood-frame floors and roofs. In the FEMA & Utah Release Unreinforced Masonry Risk Reduction Strategy Guide for Local Communities⁹, FEMA observed:

Unreinforced masonry was a common building material throughout Utah up until seismic building codes became more prevalent in the 1970s. These brittle brick buildings do not incorporate the reinforcing steel required by modern building codes. There are an estimated 140,000 such structures across the state. They encompass a wide variety of buildings, from individual homes, to businesses, to schools and houses of worship. Such structures can more easily succumb to the movement and shaking during an earthquake, posing a threat to building occupants as well as individuals outside in close proximity to the structures.

The 2022 FEMA Study found that Alpine School District has not resolved pressing FEMA issues in schools located in the City of Orem for over 16 years.

The 2006 ASD FEMA Study - Page 11, Table 3, identified and ranked each school in ASD as Good, Fair, Poor, Very Poor, and designated the severity of the seismic issue by a number 1-57 with #1 the most dangerous and #57 the least dangerous.

This 2006 ASD FEMA Study provided Alpine School District with a clear and prioritized guide or “punch list” of the most dangerous, life threatening 57 structures found in ASD. That 2006 Study warned, “The structures rated Poor & Very Poor were also prioritized according to the risk of loss of life using a system of weighed structured categories”.

Concluding Observations

Based on Alpine School District’s own data and actions, federal funds have been denied to Title I students, thus placing these children and their parents at a greater risk of loss of life than other children. Our Title I children have no voice. Many of our people are immigrants. Many Hispanics struggle with language barriers. Our growing Hispanic community does not have the economic means or legislative connections to have our voices heard. Our voice can and will only be heard by the intervention of the Office of Civil Rights. We fear that unless your office intervenes, another 16 years will pass. Another 16 years of

⁶ Utah’s Seismic Threats, <https://quake.utah.edu/outreach-education/utahs-earthquake-threat#:~:text=Seismic%20risk%20in%20Utah%20is,in%20the%20last%206%2C000%20years.>

⁷ https://drive.google.com/file/d/1yLm6VMKr95QHWyB_3fKx9A1AAQdJ9Jbj/view

⁸ <https://earthquakes.utah.gov/wp-content/uploads/Utah-K-12-Public-Schools-URM-Inventory-2022.pdf>

⁹ <https://www.fema.gov/press-release/20210318/fema-and-utah-release-unreinforced-masonry-risk-reduction-strategy-guide>

intentionally placing Title I students at a greater risk of loss of life. We would ask the OCR to intervene to stop this pervasive and industrial abuse of the civil rights of the Hispanic children living in Orem.

Alpine School District's acts and practice is facial discrimination, as ASD's long-standing and historical practice plainly treats specific individuals or classes of individuals differently on the basis of a certain protected trait or status.

Title VI, 42 U.S.C. § 2000d et seq., prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. As President John F. Kennedy said in 1963:

Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.

The discriminatory practices of Alpine School District are abhorrent, and the actions of Alpine School District undermine the noble purposes of the Civil Rights Act of 1964.

Again, we respectfully ask for a thorough investigation of Alpine School District's numerous and notorious discriminatory practices. We respectfully ask that the OCR consider and implement immediate action to protect the loss of life of Title I students located in the City of Orem. Finally, we ask that OCR ensures that Alpine School District complies with Title VI, 42 U.S.C. § 2000d et seq.

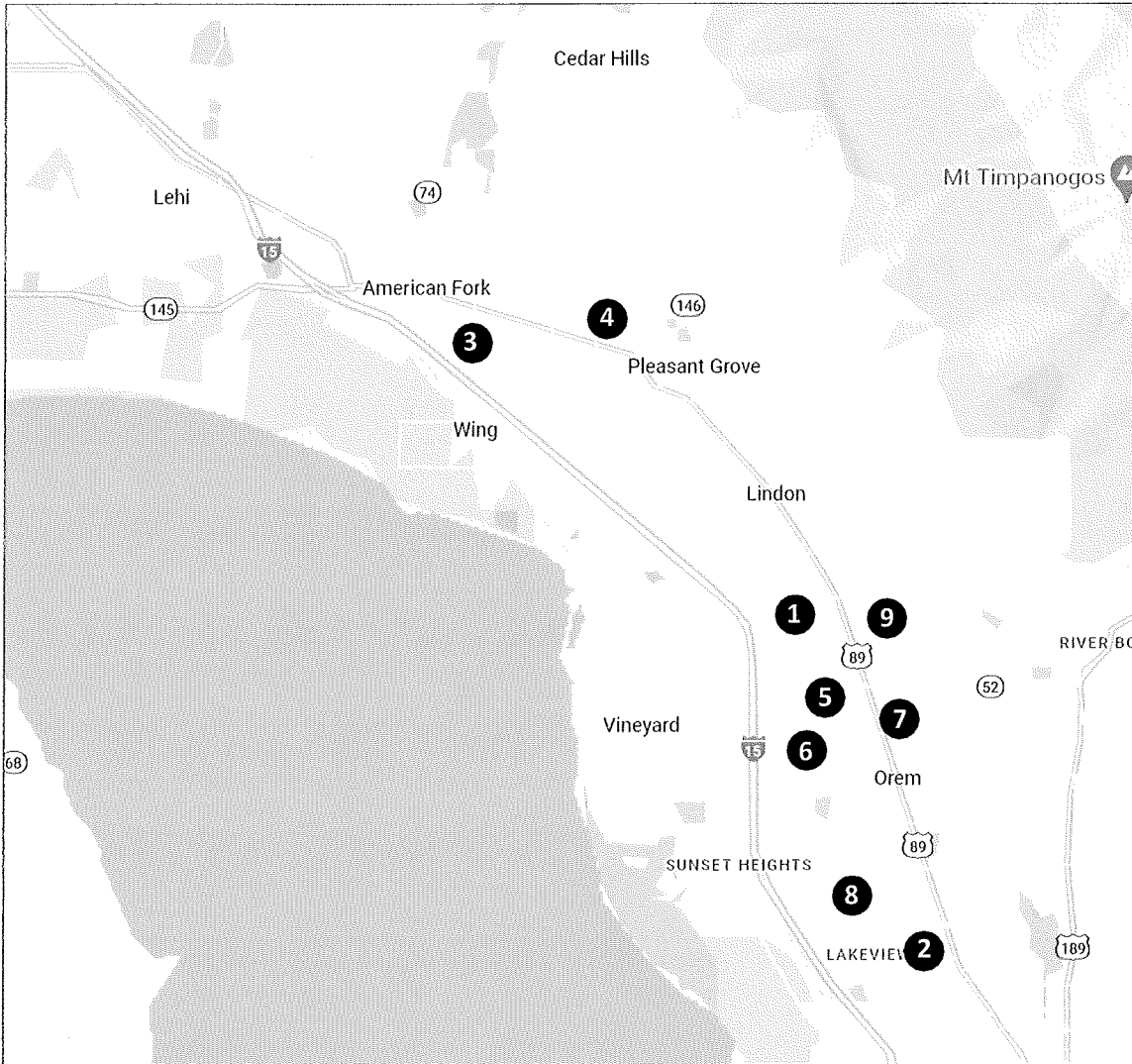
Sincerely,

Herminio Trujillo

APPENDIX A

Where are the Title 1 schools in Alpine School District, and who are these schools?

There are currently nine Title 1 Schools in ASD. They are eight elementary schools and one junior high school. Orem has seven of the nine schools; six elementary schools and one junior high school. The other two elementary schools in the district are in American Fork and Pleasant Grove. Location of each school is shown below.



Title 1 schools in ASD:

- 1. Bonneville ElementaryOrem
- 2. Cherry Hill ElementaryOrem
- 3. Greenwood Elementary American Fork
- 4. Mt. Mahogany Elementary Pleasant Grove
- 5. Orem Junior HighOrem
- 6. Parkside ElementaryOrem

- 7. Sharon Elementary.....Orem
- 8. Westmore ElementaryOrem
- 9. Windsor ElementaryOrem

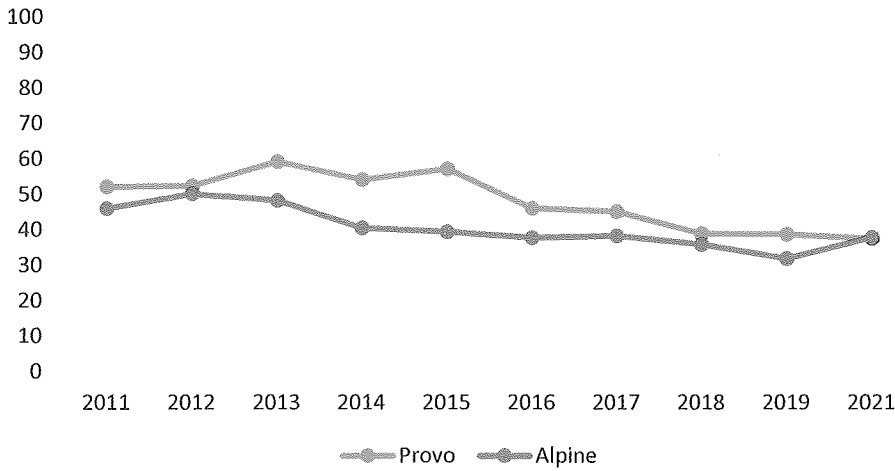
Are these schools receiving the “high-quality education” that the federal statute dictates?

The purpose statement of the Title 1 code states that all children be provided “a significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”

How are ASD Title 1 schools ranking in comparison to other school districts?

A comparison of another school district’s Title 1 scores can give us a good indication of how ASD Title 1 schools equate. Provo City School District, which is immediately south of Alpine School District, would be most comparable in size, enrollment, property taxes, and demographics. Here are the Provo District and Alpine District Title 1 schools’ average standard scores. 2020 school year was COVID, no tests were given.

Provo vs Alpine - 2021 Avg Standard Score



CHAPTER 2.1

POSSIBLE ALTERATION AND DISTORTION OF STUDENT TESTING REPORTING PRACTICES BY ASD

DEC was directed by Orem Mayor Young and members of the Orem City Council to focus on how the creation of the New District will impact students and teachers, as well as the financial viability. There have been inquiries from parents and patrons asking for the same information.

There are major areas of concern of DEC's finding that can possibly have impacts upon students and teachers:

- The appearance of alteration and distortion of student and school testing reporting by ASD, as compared to the same ASD student test scores reported by the Utah State Board of Education.
- Evidence that most of the ASD's schools located in Orem have declining student test scores – as reported in Chapter 2).

Importance of Student Test Scores

Student test scores are important because it measures if a school district is giving their students a rigorous education with high expectations. A school district should do all it can to give all its students the best learning and instruction environments possible. Student test scores can be a measurement of the success of a school district's commitment to its students and teachers. For the students, this commitment allows students to aim high without settling for less than they are capable of achieving. Test scores provide a means for comparison and an opportunity to show growth.

Educators know that student test scores — much like graduation rates and college acceptance rates — are only one measure of a student. But test scores can also be used to dispel stereotypes. Some public views deem test scores not useful. **Contrary to the view that sociologically disadvantaged students are also academically disadvantaged, research tells us that student subgroups can achieve at very high levels.** A 2019 study from Stanford University & the Learning Policy Institute, entitled California's Positive Outliers: Districts Beating the Odds, identified 54 school districts which had unusually high

achievement for their Hispanic, African American and white students, and what worked for all students to attain high achievement and superior test scores. “Positive outlier districts appear to have leveraged the state’s updated educational standards, funding, and accountability systems to support students of color in meeting the more rigorous standards,” stated the researchers.¹¹⁶

While the Stanford University researchers looked at many factors that contributed to the districts’ success, state and local school district student test scores were used to measure academic achievement.

Alpine School District Student & School Achievement and Student Test Schools

This Study has used student test scores from the Alpine School District, and checked the accuracy of those ASD test scores with the Utah State Board of Education. It is hoped that an accurate understanding of the student academic growth made, especially among those students attending ASD schools in the City of Orem, can help parents, teachers, and school districts understand what needs to be done to continue an upward trajectory in student achievement in the proposed New District if voters choose to create it.

Schools across the nation should not teach to the test. They need to focus on the whole child, as evidenced by the availability of music and arts programs and the innovative use of technology in the classrooms. However, the efficacy of our innovative programs is difficult to measure and/ or compare, so we look to Alpine School District student and school test scores to guide our next steps.

When a school district fails to generate or report accurate and usable student testing data, local school administrators and teachers are deprived of an extremely important and reliable best practice to assess student academic learning and curriculum instruction. For the purpose of this Study, DEC requested data regarding student test scores from ASD. Student testing data received from Alpine School District (ASD) was compared to the same data collected by the Utah State Board of Education.

DEC found various discrepancies in the student test score data provided by ASD for elementary schools located in Orem, as follows:

- Out of 165 ASD data points, only 4 data points were accurate (shown in black with a check mark)
- Of the 165 data points, 119 data points were inflated/overstated by ASD (actual shown in red);
- Of the 165 data points, 42 data points were deflated/understated by ASD (actual shown in green); 24 data points were withheld entirely (Suncrest & Geneva), along with their average for Parkside (an additional 12 data points).
- It is noteworthy that ASD provided data for Hillcrest & Scera Elementaries which merged in 2019 to form Centennial, yet withheld data for Geneva & Suncrest Elementaries that merged in 2021 to form Parkside.

DEC present the following student test scores audit of the junior/middle schools 48 data points:

- Only 1 data point was correct (shown in black with a check mark, 2nd row, 2021 Proficiency)
- Of the 48 data points, 36 were inflated/overstated by ASD (actual shown in red)
- Of the 48 data points, 11 were deflated/understated by ASD (actual shown in green)

Student test scores are a measurement of the success or failure of a school district's commitment to its students and teachers. When a school district doesn't generate accurate and usable student testing data, the ability to evaluate and improve student academic learning and curriculum instruction suffers.

The following test data results in this chapter report Alpine School District showed a less than **2.5% accuracy rating of student data reported**. In other words, Alpine has a **97.5% inaccuracy rate**. This should be disconcerting to the public, and raises the alarm about how vesting, auditing and distribution of ASD materials should be handled from this point on.

Of most significant concern is that the test scores in Orem are declining. This is a significant factor to consider when splitting a school district. Even the ASD School Board President, Mr. Mark Clement agrees. In an email dated April 5, 2022, sent by Mr. Clement, he stated "I think the primary reason for making school decisions should be which option will lead to higher education achievement".

DEC agrees with the above statements by ASD School Board President Mark Clement. The issue of higher student educational achievement should be the paramount issue when considering the split of a school district and the creation of the New District.

The actual data sheets provided by ASD for elementary school test scores in Orem follow. Highlighted in the right column are two numbers which first alerted the DEC auditors to the fact that inaccuracies were present. A complete audit review ensued.

Conclusion

As discussed previously, the overall decline in test scores is a concern that should be addressed. This can be done by the current school district or by forming the New District. The accuracy of the data provided by ASD is a concern because it raises doubts regarding the accuracy of other data that is reported to the public by the school district. The potential formation of the New District would not automatically ensure the accuracy of data reported on an ongoing basis. However, the reporting and follow-up on the reporting would be more localized.

Student education and achievement are the primary goal and any decision to split should be based on a determination that the split would result in an improvement to educational outcomes. Based on the research cited previously, we believe that a smaller district can assist in improving the educational outcomes for the students.

The student test score data provided by ASD was faulty, and in at least two cases was exorbitantly overstated (proficiency rates of 476.6% and 676.3%).

33 Podolsky, Anne & Darling-Hammond, Linda. "California's Positive Outliers: Districts Beating the Odds" May 2019 <https://learningpolicyinstitute.org/product/positive-outliers-districts-beating-odds-report>

Orem Elementary School Performance from the 2016-17 school year to the 2020-21 school year. There were no tests administered in 2019-20. All Elementary school that feed to a high school located in Orem are listed

School	Test	Proficiency 2017	Proficiency 2018	Proficiency 2019	Proficiency 2021
Aspen	Language Arts	50.2	55.4	51.0	47.8
	Math	44.8	53.6	45.7	47.8
	Science	45.5	59.3	62.4	47.0
Bonneville	Language Arts	43.3	45.8	45.9	41.7
	Math	42.4	43.7	38.7	31.6
	Science	48.3	48.9	54.6	50.5
Cascade	Language Arts	45.6	46.3	51.9	60.4
	Math	53.9	50.9	49.9	54.4
	Science	54.1	58.1	60.5	63.9
Centennial	Language Arts	na	na	na	51.7
	Math	na	na	na	55.1
	Science	na	na	na	53.8
Cherry Hill	Language Arts	40.1	47.1	47.4	43.6
	Math	35.6	39.9	41.2	45.1
	Science	25.1	41.5	48.1	50.4
Foothill	Language Arts	56.3	70.0	68.8	66.4
	Math	59.1	71.0	66.2	62.2
	Science	63.9	68.4	69.4	64.2
Hillcrest	Language Arts	47.2	47.3	59.0	na
	Math	48.0	42.3	43.0	na
	Science	58.6	53.0	57.5	na
Northridge	Language Arts	43.4	45.7	56.0	52.0
	Math	42.4	48.0	49.5	48.7
	Science	42.8	47.5	56.2	476.6
Orchard	Language Arts	60.8	52.2	57.2	61.2
	Math	56.7	51.9	54.7	62.6
	Science	71.3	62.1	68.1	676.3
Orem	Language Arts	61.7	63.5	63.2	63.2
	Math	62.7	67.7	64.5	65.7
	Science	65.6	65.6	65.3	63.6
Parkside	Language Arts	na	na	na	na
	Math	na	na	na	na
	Science	na	na	na	na
Scera Park	Language Arts	47.2	48.7	49.5	na
	Math	43.7	49.2	51.0	na
	Science	58.3	52.5	63.6	na

Page 2 – Elementary Schools test scores for Orem provided by ASD

School	Test	Proficiency 2017	Proficiency 2018	Proficiency 2019	Proficiency 2021
Sharon	Language Arts	30.1	31.1	33.9	31.8
	Math	43.8	33.0	32.3	26.0
	Science	33.1	34.8	35.2	30.7
Trailside	Language Arts	na	na	na	na
	Math	na	na	na	na
	Science	na	na	na	na
Vineyard	Language Arts	42.0	45.2	43.3	37.6
	Math	39.4	38.9	41.2	35.9
	Science	31.2	40.4	50.0	41.4
Westmore	Language Arts	47.2	43.1	41.5	34.7
	Math	56.6	60.4	47.8	23.9
	Science	57.9	55.8	65.2	31.3
Windsor	Language Arts	38.3	40.5	44.7	41.8
	Math	34.3	35.3	36.1	43.1
	Science	42.4	48.9	43.2	48.2

The SAGE was used to determine proficiency in 2017 and 2018.

The RISE was used to determine proficiency in 2019 and 2021

Proficiency rates shown are the aggregate scores for subjects for all grades tested.

Orem Elementary School Performance from the 2016-17 school year to the 2020-21 school year. There were no tests administered in 2019-20. All Elementary school that feed to a high school located in Orem are listed

School	Test	Proficiency 2017	Proficiency 2018	Proficiency 2019	Proficiency 2021
		<u>Actual:</u>	<u>Actual:</u>	<u>Actual:</u>	<u>Actual:</u>
Aspen	Language Arts	50.2 48.8↓	55.4 54.62↓	51.0 49.5↓	47.8 47.0↓
	Math	44.8 43.7↓	53.6 52.51↓	45.7 44.4↓	47.8 46.0↓
	Science	45.5 45.4↓	59.3 62.20↑	62.4 62.1↓	47.0 46.9↓
Bonneville	Language Arts	43.3 42.5↓	45.8 45.71↓	45.9 44.4↓	41.7 40.8↓
	Math	42.4 41.8↓	43.7 42.94↓	38.7 38.1↓	31.6 30.9↓
	Science	48.3 48.2↓	48.9 46.63↓	54.6 52.9↓	50.5 50.0↓
Cascade	Language Arts	45.6 45.2↓	46.3 45.78↓	51.9 51.2↓	60.4 59.3↓
	Math	53.9 53.3↓	50.9 50.13↓	49.9 49.8↓	54.4 53.3↓
	Science	54.1 53.7↓	58.1 57.94↓	60.5 59.4↓	63.9 63.6↓
Centennial	Language Arts	na	na	na	51.7 51.6↓
	Math	na	na	na	55.1 54.2↓
	Science	na	na	na	53.8 52.6↓
Cherry Hill	Language Arts	40.1 39.8↓	47.1 45.83↓	47.4 46.8↓	43.6 43.2↓
	Math	35.6 34.4↓	39.9 38.57↓	41.2 40.4↓	45.1 44.3↓
	Science	25.1 24.3↓	41.5 36.50↓	48.1 46.8↓	50.4 49.3↓
Foothill	Language Arts	56.3 56.1↓	70.0 70.81↑	68.8 69.0↑	66.4 66.5↑
	Math	59.1 59.7↑	71.0 71.79↑	66.2 65.8↓	62.2 61.9↓
	Science	63.9 62.8↓	68.4 69.59↑	69.4 68.6↓	64.2 64.0↓
Hillcrest	Language Arts	47.2 47.6↑	47.3 49.41↑	59.0 61.2↑	na (see
	Math	48.0 48.4↑	42.3 48.24↑	43.0 47.2↑	na Centennial
	Science	58.6 59.3↑	53.0 52.87↓	57.5 64.4↑	na above)
Northridge	Language Arts	43.4 43.6↑	45.7 45.64↓	56.0 55.1↓	52.0 52.2↑
	Math	42.4 43.0↑	48.0 48.96↑	49.5 48.4↓	48.7 48.7✓
	Science	42.8 41.8↓	47.5 48.19↑	56.2 55.5↓	476.6 48.7↓
Orchard	Language Arts	60.8 60.6↓	52.2 51.74↓	57.2 57.8↑	61.2 61.3↑
	Math	56.7 56.4↓	51.9 51.74↓	54.7 54.0↓	62.6 62.9↑
	Science	71.3 70.0↓	62.1 60.40↓	68.1 68.4↑	676.3 67.5↓
Orem	Language Arts	61.7 61.6↓	63.5 63.61↑	63.2 62.6↓	63.2 62.0↓
	Math	62.7 63.4↑	67.7 68.05↑	64.5 63.6↓	65.7 64.3↓
	Science	65.6 65.3↓	65.6 64.74↓	65.3 65.5↑	63.6 62.5↓
Parkside	Language Arts	na	na	na	na (see Geneva
	Math	na	na	na	na & Suncrest
	Science	na	na	na	na below)
Scera Park	Language Arts	47.2 47.5↑	48.7 48.46↓	49.5 49.6↑	na (see
	Math	43.7 44.0↑	49.2 48.90↓	51.0 50.6↓	na Centennial
	Science	58.3 58.3✓	52.5 52.14↓	63.6 63.8↑	na above)

Page 2 – Errors found by DEC, data from the Utah State Board of Education

School	Test	Proficiency 2017		Proficiency 2018		Proficiency 2019		Proficiency 2021	
			<u>Actual:</u>		<u>Actual:</u>		<u>Actual:</u>		<u>Actual:</u>
Sharon	Language Arts	30.1	27.8↓	31.1	30.63↓	33.9	33.1↓	31.8	31.9↑
	Math	43.8	40.6↓	33.0	33.03↑	32.3	31.1↓	26.0	27.1↑
	Science	33.1	31.3↓	34.8	30.63↓	35.2	34.8↓	30.7	30.7✓
Trailside	Language Arts	na		na		na		na	
	Math	na		na		na		na	
	Science	na		na		na		na	
Vineyard	Language Arts	42.0	40.7↓	45.2	45.06↓	43.3	43.5↑	37.6	37.2↓
	Math	39.4	38.2↓	38.9	39.06↑	41.2	40.1↓	35.9	34.6↓
	Science	31.2	31.0↓	40.4	37.70↓	50.0	48.6↓	41.4	41.4✓
Westmore	Language Arts	47.2	44.1↓	43.1	42.56↓	41.5	40.1↓	34.7	34.2↓
	Math	56.6	54.9↓	60.4	58.97↓	47.8	45.7↓	23.9	24.2↑
	Science	57.9	53.2↓	55.8	60.19↑	65.2	62.7↓	31.3	30.1↓
Windsor	Language Arts	38.3	37.5↓	40.5	39.48↓	44.7	42.6↓	41.8	42.4↑
	Math	34.3	33.6↓	35.3	34.48↓	36.1	34.4↓	43.1	43.3↑
	Science	42.4	40.8↓	48.9	46.61↓	43.2	40.1↓	48.2	49.7↑

The SAGE was used to determine proficiency in 2017 and 2018.

The RISE was used to determine proficiency in 2019 and 2021

Proficiency rates shown are the aggregate scores for subjects for all grades tested.

		<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2021</u>
Suncrest	Language Arts	22.0	21.56	17.0	26.9
	Math	18.1	20.47	14.9	23.6
	Science	20.6	16.35	17.0	30.4
Geneva	Language Arts	47.5	45.58	45.6	45.8
	Math	42.7	42.06	41.5	28.1
	Science	42.3	50.48	57.0	54.3
Parkside Avg	Language Arts	34.8	33.57	31.3	36.4
	Math	30.4	31.27	28.2	25.9
	Science	31.5	33.42	37.0	42.4

**Orem Middle Schools Performance from the 2016-17 school year to the 2020-21 school year.
There were no tests administered in 2019-20.**

School	Test	Proficiency 2017	Proficiency 2018	Proficiency 2019	Proficiency 2021
Lakeridge	Language Arts	63.8%	52.6%	49.2%	49.3%
	Math	49.4%	44.0%	42.5%	37.1%
	Science	64.9%	57.3%	50.7%	44.6%
Canyon View	Language Arts	52.1%	50.6%	47.4%	43.9%
	Math	56.1%	56.2%	51.5%	41.4%
	Science	52.6%	52.6%	42.7%	42.4%
Orem Junior	Language Arts	39.1%	37.2%	36.7%	36.0%
	Math	33.8%	29.7%	27.1%	25.1%
	Science	39.2%	42.3%	31.6%	36.7%
Oak Canyon	Language Arts	63.8%	52.6%	49.2%	49.3%
	Math	49.4%	44.0%	42.5%	37.1%
	Science	64.9%	57.3%	50.7%	44.6%

Oak Canyon is included because 52% of their students go to Timpanogos High School.
The SAGE was used to determine proficiency in 2017 and 2018.
The RISE was used to determine proficiency in 2019 and 2021 for seventh and eighth grade.
The ASPIRE+ was used to determine proficiency in 2019 and 2021 for ninth grade.
Proficiency rates shown are the aggregate scores for subjects for grades 7-9 based on USBE reported data.

**Orem Middle Schools Performance from the 2016-17 school year to the 2020-21 school year.
There were no tests administered in 2019-20.**

School	Test	Proficiency 2017		Proficiency 2018		Proficiency 2019		Proficiency 2021	
			<u>Actual:</u>		<u>Actual:</u>		<u>Actual:</u>		<u>Actual:</u>
Lakeridge	Language Arts	63.8%	63.4↓	52.6%	52.25↓	49.2%	49.1↓	49.3%	49.4↑
	Math	49.4%	48.6↓	44.0%	44.12↑	42.5%	42.1↓	37.1%	37.1✓
	Science	64.9%	63.1↓	57.3%	63.27↑	50.7%	49.8↓	44.6%	44.3↓
Canyon View	Language Arts	52.1%	51.1↓	50.6%	50.05↓	47.4%	46.7↓	43.9%	43.7↓
	Math	56.1%	56.0↓	56.2%	56.47↑	51.5%	51.0↓	41.4%	40.7↓
	Science	52.6%	55.1↑	52.6%	54.84↑	42.7%	41.7↓	42.4%	41.8↓
Orem Junior	Language Arts	39.1%	38.2↓	37.2%	36.47↓	36.7%	36.5↓	36.0%	35.8↓
	Math	33.8%	33.4↓	29.7%	28.88↓	27.1%	27.0↓	25.1%	25.0↓
	Science	39.2%	37.6↓	42.3%	38.80↓	31.6%	30.5↓	36.7%	36.5↓
Oak Canyon	Language Arts	63.8%	43.5↓	52.6%	40.58↓	49.2%	45.6↓	49.3%	42.8↓
	Math	49.4%	52.6↑	44.0%	51.34↑	42.5%	51.4↑	37.1%	42.8↑
	Science	64.9%	45.8↓	57.3%	44.93↓	50.7%	48.9↓	44.6%	45.8↑

Oak Canyon is included because 52% of their students go to Timpanogos High School. The SAGE was used to determine proficiency in 2017 and 2018. The RISE was used to determine proficiency in 2019 and 2021 for seventh and eighth grade. The ASPIRE+ was used to determine proficiency in 2019 and 2021 for ninth grade. Proficiency rates shown are the aggregate scores for subjects for grades 7-9 based on USBE reported data.

Test scores listed by year on Utah State Board of Education [Reports \(utah.gov\)](https://utah.gov)

Of the 48 data points given:

- 1 point correct (shown in black)
- 36 inflated/overstated by ASD (actual shown in red)
- 11 deflated/understated by ASD (actual shown in green)