

OPINIONS AND COLUMNS

Apparently, transparency comes at a price

Superintendent talks transparency, but doesn't always live it

The Observer has now paid more than \$14,000 in legal expenses in its effort to force the Central DeWitt Community School District to follow the law and be transparent with the public.

Our company filed a lawsuit more than a year ago after evidence came to light that strongly suggested the school board — at the superintendent's urging — had conducted an illegal meeting that shut taxpayers, teachers, parents, and students out of an important discussion about parental rights and the appropriateness of specific books for classroom use.

The Observer filed an open records request under Iowa Code Chapter 22, our state's open records law, requesting minutes and a digital recording of the closed meeting.

Central DeWitt Superintendent Dan Peterson told The Observer the district was denying the request. He claimed the closed meeting was legal, citing an exemption to the law that allows school boards to conduct private meetings when evaluating an employee's performance.

After Peterson officially denied the request, we pleaded with the district to reconsider, hoping to avoid an unnecessary lawsuit. Our



TREVIS MAYFIELD
Publisher

efforts accomplished nothing.

Even though Peterson often uses the word *transparency* when communicating with the public, we did not believe him when he told us the meeting was about his job performance.

Ironically, it was Peterson himself who unwittingly created the evidence that convinced us he was not being truthful about the real reason he wanted to shield the district's business from public view.

The day after the board conducted the meeting, Peterson posted a letter to the district's website that disclosed what we believe was the true purpose of the meeting.

"At my request, myself and our administrative team had a meeting with the school board last night to have an open discussion with all present about this situation," Peterson wrote while referencing two books he had pulled from classrooms.

That seemed like pretty strong evidence to us the meeting was not about Peterson's performance. And, if the meeting was not about Peterson's performance, that means he has knowingly run up a legal bill at taxpayers' expense to maintain a story he knows is not true.

From the beginning of this unfortunate ordeal, we've been trying to understand why the district would put itself in this position and what kind of rational argument it could possibly make to defend itself.

We are still trying to get our minds around that one.

But there are some things we do understand. We understand it is a newspaper's job to advocate for government bodies to operate within the boundaries of the law.

We also understand it is our job to advocate for the idea that decisions affecting taxpayers should be made in front of taxpayers. That is, after all, how democratic government is supposed to work.

If the case moves forward as we expect, it should be in a judge's hands by the end of May. We are certainly looking forward to a final resolution.

We are not yet sure how much money the district has wasted or will waste to defend its position, but we feel strongly it is a terrible misuse of public funds.

The Central DeWitt community deserves real transparency, and it shouldn't take this long, or cost this much.

The Observer Mission Statement

Sycamore Media's fundamental goal is to help small communities understand themselves through fair, objective journalism. We believe that honest information is powerful, and we believe it is a vital ingredient in good decision-making and effective self-government.

We will strongly advocate for government transparency and accountability, fair play and an honest assessment of public issues. We also will endeavor to ensure that all individuals and reasonable ideas are given fair hearing. Beyond that, our work should help provide connective tissue for our communities, helping businesses succeed through marketing services and binding people together through shared experiences, accomplishments and celebrations.

Stripping auditor's access could lead to more waste

I thought the often-repeated desire to weed out waste, fraud and abuse from government spending was something Republicans, Democrats and independents could all agree on in Iowa.

Boy, am I naive.

A bit of recent Iowa government history illustrates this contradiction between our elected officials' statements and their actions.

The Iowa Communities Assurance Pool was created in 1986 to offer liability and property insurance coverage to its member-owners, about 800 Iowa cities, counties, fairs, transit agencies and other so-called 28E multi-government entities.

The insurance pool's only customers are various governments. The pool's revenue comes from about \$45 million in premiums these governments pay each year. Management of the pool is handled by a seven-member board of directors elected by the member-owners.

In 2019, the Associated Press disclosed that for many years, the board overseeing the Iowa Communities Assurance Pool had routinely held two of its six meetings each year at luxury out-of-state vacation resorts. The insurance pool paid the cost of the board members' travel to these venues in Florida and Michigan, along with their lodging and meals for several days.

In August 2019, one month before the Associated Press report, the pool's board of directors met over three days at The Boulevard Inn, a bluff-top hotel at the Lake Michigan resort community of St. Joseph, Mich. Room rates there in August typically are about \$400 per night.

Not surprisingly, the AP report caught the eye of State Auditor Rob Sand — just as it might if the Des Moines City Council or Iowa Board of Regents were meeting regularly at resorts in Florida every winter and in Michigan every summer.

Sand notified the insurance pool his staff wanted access to its records so his auditors could review the pool's spending to determine whether the payments for the out-of-state trips and other reimbursements to board members had a legitimate public purpose and complied with state laws.

"We look forward to fighting for taxpayers' right to know what is happening with their money," Sand told the AP.



RANDY EVANS
Iowa Freedom of Information Council

Months later, after providing some but not all of the documents Sand wanted, the insurance pool sued the auditor in an attempt to void his subpoena. The pool took the position Sand did not have legal authority to conduct such a review. In the view of the pool's lawyers, the pool was established under a section of Iowa law that puts it outside of the state auditor's scrutiny and on a legal footing that puts it outside the state open meetings and public records laws.

This month, the Iowa Supreme Court ruled unanimously the insurance pool is correct, that it is not subject to the state auditor's oversight. The court's decision said while it may be good policy to subject the government insurance pool to oversight by the auditor, the Legislature has not chosen to do that.

That brings us to today.

If you thought the Legislature might be working now to revise the statutes under which the Iowa Communities Assurance Pool and similar government insurance pools are organized — bringing them within the oversight of the state auditor in an attempt to guard against waste, fraud and abuse, you would be wrong.

Your mistake can be forgiven, though. Yes, lawmakers are working to eliminate what they perceive to be waste, fraud and abuse in government programs as diverse as unemployment insurance benefits, Medicaid and food assistance for the poor. And, given lawmakers' comments, you might logically think it would be on their radar, too, if a government board was routinely meeting at vacation destinations in other states, with taxpayer money paying the cost.

LETTERS TO THE EDITOR

Many people helped me solve my 'Fred Frenzy'

Editor:

Monday, April 17, turned into a horrific day for me and could have been traumatic without the help of numerous people. My dog Fred escaped out of the back door of my car.

After trying to catch him, he was already to the post office. A man in his car tried to help by getting out of his car. Another lady was trying to lead him away from the main street. I was told to get my car and three of them would try to catch him.

On my way to my car, I met a young man who said he had out my purse on the front seat. He had also put my groceries in the car and closed the door.

Back in my car, I saw a man in a flannel shirt running after my dog as fast as they both could run. I went around the block toward where they were running. No sign of either.

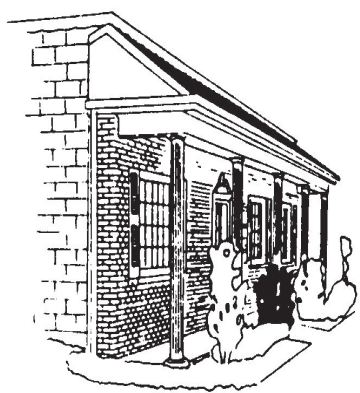
I went around another block and Fred was running toward the street. I stopped, opened my car and he came in.

I never got to thank all my helpers, only knew of one, Deb.

Later, I went to Kwik Start for our noon meal and Fred had locked me out of my car. Police no longer unlock cars. Called a business who sent a man, but he had no luck. Sharyl B. was in the store, asked if she could help. She called my son and he came with a key.

Thank you Sharyl, Deb and everyone else who helped me.

Betty Ann Bousselet
Calamus



The Observer

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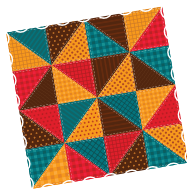
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IT'S PLAYOFF TIME
Cal-Wheat, Northeast baseball
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**FROM THE
FLOWER GARDEN**
Fair accepting quilt blocks
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The Observer

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Judge: School board violated law



**DAN
PETERSON**

'This was not a minor or technical violation,' according to court

STAFF REPORT

Superintendent Dan Peterson and the Central DeWitt school board violated Iowa law when they conducted a closed meeting more than a year and a half ago, a district judge ruled last week.

As a result, the district was

ordered to provide a recording of the meeting to The Observer and pay the newspaper's court costs, Iowa District Court Judge Mark R. Lawson ruled.

"The scope of the meeting was breathtaking in contrast to its stated purpose," Lawson wrote. "In other words, this was not a minor or technical violation."

The ruling brings an end to a lawsuit The Observer's parent company, Sycamore Media, filed in April

of last year that has cost the company more than \$18,500.

Peterson and the board told the public the purpose of its Feb. 7, 2022, meeting was to evaluate Peterson's performance. But, despite spending thousands of taxpayer dollars on legal expenses arguing it had closed the meeting legally, Lawson disagreed.

The judge determined the real

READ MORE:

■ See excerpts from Iowa District Court Judge Mark R. Lawson's June 26 ruling, **Page 8**

■ To read the court's complete ruling, go to our website, **dewittobserver.com**.

■ Why did The Observer pursue this lawsuit? See company mission statement, **Page 8**

VIOLATION | PAGE 8



Observer photo by Trevis Mayfield

Bob Bowman stands in a Delmar field where armyworms destroyed 16 rows of seed corn plants in mid-June. He and his son, Chris, sprayed to kill the worms and hopefully keep any new generations from emerging.

CRAWLING INVADERS

Farmers fighting back as armyworms move through eastern Iowa

By **NANCY MAYFIELD**
Staff Writer
nmayfield@dewittobserver.com

A few weeks ago, when Bob Bowman went to check out a field of seed corn he and his son, Chris, planted in Delmar, he was resigned to seeing a rather rare and unwelcome sight.

Soft, slimy caterpillar-like insects known as armyworms. They move en mass and feed on corn and pasture grasses, marching like an army (hence, the name) in search of their next meal.

"There were tons of them. Sometimes two or three on one plant," he said recently, standing in that same field, surveying the damage.

The pests cleaned out the first 16 rows of the field completely and did some less extensive damage further in before the Bowmans sprayed an insecticide that took care of them. They're keeping a close watch for any further signs.

While the migratory insects don't descend in the same place every year, farmers along the eastern side of Iowa from north to south are reporting damage from armyworms this spring and summer, said Ashley Dean, a field crop entomologist with the Iowa State University Extension.

INVADERS | PAGE 21

Dems say GOP will call session for abortion

By **ROBIN OPSAHL**
Iowa Capital Dispatch

Iowa Democrats are preparing for Republicans to hold a special session on abortion this summer following the state Supreme Court's June 16 "fetal heartbeat" decision, Democratic leaders said Friday.

"I can't imagine that they will wait until the legislative session to address this issue," House

Minority Leader Jennifer Konfrst told reporters. "I imagine we'll have a special session — I don't know that, but that's my guess. And I imagine that's because they can't wait, right, they cannot wait to take these rights away. But what they do when they get there, I don't know."



**RITA
HART**

Konfrst, Iowa Democratic Party Chairperson Rita Hart and Iowa Sen. Sarah Trone Garriott, D-West Des Moines, held a news conference at the Capitol on Friday to discuss abortion access in Iowa following a year of major changes to legal protections for the procedure. Saturday marks a year since the U.S. Supreme Court overturned Roe v. Wade in the Dobbs v. Jackson Women's Health Organization decision. It has also been a just over a year since the Iowa Supreme Court found there is no state constitutional right to an abortion.

While many other states with conservative state leadership enacted abortion

ABORTION | PAGE 22



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"Duty Business" CHARITY TRUCK SHOW
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Fireworks and live auction on Saturday
ALL PROCEEDS BENEFIT
University of Iowa Stead Family Children's Hospital
NO FOOT TOO SMALL

VIOLATION

Continued from page 1

purpose of the meeting was to discuss controversial topics “of great interest to the public” that had nothing to do with Peterson’s performance.

“The audio recording and minutes conclusively demonstrate that, in the two-hour closed session, there is virtually no discussion of Peterson’s performance,” Lawson wrote.

In fact, the recording captures Peterson opening the meeting by telling the board he requested the meeting to talk about three things: gender and sexuality issues, instructional materials, and an administrative realignment.

Lawson also issued an injunction ordering the district to refrain from future violations of Iowa’s government transparency laws.

Sycamore Media President Trevis Mayfield said The Observer intended to make the recording public, but after the district lost the case, the district posted a link to the recording on social media, along with a message defending the district’s actions Thursday afternoon. The post was signed by Bob Gannon, school board president; Angela Rheingans, vice president; and members Geoff Blandin, Cory Huff and Hannah Perrone. The district’s website can be found online at cd-csd.org.

As Lawson noted in his ruling, the recording captures Peterson and the board discussing issues involving gender-neutral restrooms, legal protections for transgender students, controversial books, parental responsibility, teacher communication with parents, and various other topics.

In the ruling, Lawson also wrote that the “practice of calling a closed session for one

purpose and then broadly discussing other topics may have been used before (by the district).”

Sycamore Media filed the lawsuit after its staff came to believe Peterson and the board were not being honest with the public and had closed the meeting under a false pretense.

Mayfield said the newspaper had hoped to resolve the issue without filing a lawsuit, but it became clear nothing else was going to work.

“We publicly pleaded with Peterson and the

board to reconsider their position, but they wouldn’t budge,” Mayfield said. “At the same time, when it comes to our organization’s stated mission of advocating for democracy and honest government, we weren’t going to budge, either.”

Randy Evans, executive director of the Iowa Freedom of Information Council, said it is an important ruling.

“Every taxpayer in the Central DeWitt School District should read Judge Lawson’s decision in The Observer’s lawsuit because he has rendered a stinging critique of the abuse of Iowa’s open meetings law by the school board and Superintendent Peterson,” he said.

The closed meeting came days after a controversy erupted in the district over Peterson’s decision to pull specific books dealing with racial issues from classrooms after receiving a complaint.

“It was Dan Peterson himself who made us skeptical that the purpose of the meeting was what they said it was,” Mayfield said. “In his haste to explain why he had pulled books out of the classroom, he posted comments on the school’s website that all but confirmed the real purpose of the meeting was not to review his performance.”

In his post, Peterson told the public the board and a group of administrators had talked openly about the books in question.

The recording of the meeting also captures participants discussing the need to release a public statement to get ahead of the negative public reaction that occurred in response to Peterson’s removal of the two books.

Discussions about books and other such things need to be done in the open, Evans said.

“School boards risk eroding the public’s trust and respect when they try to keep people in the community from hearing these difficult discussions,” he said.

“By reading the complete decision, citizens will see Judge Lawson’s important conclusion that ‘the district’s interpretation of its power to enter into a closed session would allow the exception of secrecy to swallow the rule of transparency,’” Evans said.

Peterson and Board President Bob Gannon did not respond to questions seeking comment about the case.

Sycamore Media is represented by Molly Parker and Sam Jones of Shuttlesworth & Ingersoll in Cedar Rapids.

Sycamore Media staffers Kelly Gerlach, Nancy Mayfield, Trevis Mayfield and former employee Nick Joos contributed to this reporting effort over the past year and half.



TREVIS MAYFIELD

“We publicly pleaded with Peterson and the board to reconsider their position, but they wouldn’t budge. At the same time, when it comes to our organization’s stated mission of advocating for democracy and honest government, we weren’t going to budge, either.”

Direct quotes from Iowa District Court Judge Mark R. Lawson’s June 26 ruling that the Central DeWitt Community School District violated state law:

The scope of the meeting was breathtaking in contrast to its stated purpose. In other words, this was not a minor or technical violation.

The audio recording and minutes conclusively demonstrate that, in the two-hour closed session, there is virtually no discussion of Dr. Peterson’s performance.

Dr. Peterson’s statements at the beginning of the closed session betray the actual reasons behind the closed session. He tells the board they are here to address three things: instructional material review, administrative realignment and gender/sexuality issues. He says he just wants “to bring the board along with the conversations we’re having.” This is not a performance evaluation.

What the board did address [in the closed session] were future policies and procedures the District might implement. It discussed establishing a book review committee. It discussed potential policies for selecting or removing books. It discussed parental responsibility to discuss books with their children. It discussed the possibility of improving teacher communication with parents regarding the content of books. The board then moved on to discussions of how to implement gender-neutral restrooms, to “furries,” to legal protections for

transgender students, and finally to the need to release a public statement to get ahead of the negative public reaction that occurred in response to Dr. Peterson’s removal of the two books.

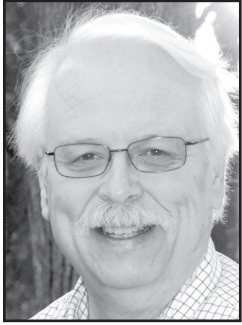
I strongly disagree with the District’s argument that “how” issues can be discussed in closed session because they relate to the superintendent’s performance. The “how” behind many issues is of the utmost importance to parents and students.

The removal of books, as well as proposed policies concerning transgender children, are of great interest to the public as demonstrated by the last legislative session, where laws were passed governing both issues. The board discussed these issues in detail in their closed session. This is not the transparency the IOMA [Iowa Open Meetings Law] requires.

No one in the meeting spoke up to argue the meeting was straying well beyond its stated purpose. This indicates a lack of appreciation of the requirements of the IOMA [Iowa Open Meetings Law].

The practice of calling a closed session for one purpose and then broadly discussing other topics may have been used before. The District needs to carefully review its processes and procedures for entering a closed session.

“



“Every taxpayer in the Central DeWitt School District should read Judge Lawson’s decision in The Observer’s lawsuit because he has rendered a stinging critique of the abuse of Iowa’s open meetings law by the school board and Superintendent Peterson.”

— Randy Evans
Executive Director,
Iowa Freedom of
Information Council

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NEXT STOP: STATE
Northeast punches its ticket
to the state softball tournament
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WINNER! WINNER!
Chamber announces
Member Choice awards
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Illegal meeting focused on books

Peterson, Gannon fail to answer questions after judge's ruling

STAFF REPORT

The use of controversial books in classrooms was the main topic a group of Central DeWitt school officials discussed during an illegal board meeting last year.

The content of that Feb. 7, 2022, meeting became public last month after Iowa District Court Judge Mark R.

Lawson ruled that Superintendent Dan Peterson and the board had conducted the closed meeting in violation of Iowa's open meetings law.

Following the ruling, the district posted a recording of the meeting on its website, cd-csd.org, along with a message that argued board members "acted appropriately."

The recording can also be accessed at dewittobserver.com.

More than a week after the ruling, Peterson and board President Bob Gannon had not responded to a list of ques-

tions from The Observer.

In the ruling – which required the district to provide a recording of the meeting to Sycamore Media, parent company of The Observer and the plaintiff in the lawsuit – Lawson determined the real purpose of the meeting was to discuss controversial topics "of great interest to the public" that had nothing to do with Peterson's performance.

For the first hour and 40 minutes of the meeting, Peterson, the board, and several administrators discussed how

MEETING | PAGE 3



DAN PETERSON
Superintendent

FOR MORE CONTENT:

■ To listen to a recording of the DeWitt school board's illegal meeting, or to read the court's complete ruling, go to dewittobserver.com.

■ Opinion: In haste to defend itself, school district digs a deeper hole, **Page 4**

Events set for Clinton Co. fair

By **KATE HOWES**

Staff Writer
khoves@dewittobserver.com

Fair Week in Clinton County kicks off Wednesday, July 19, and this year's event promises plenty of fun and entertainment.

General admission is free on Wednesday, which also has been designated Mater Gardeners Day, but a food donation will take place and donations are encouraged.

Admission on the other days is free between 8 a.m. and 3 p.m. After 3 p.m., until closing time, admission is \$10. Season passes are \$20 each. Kids ages 9 and under will be admitted free of charge, and participants in 4-H and FFA can get in free with a wristband.

Food specials for the week include lunch specials in the beer barn beginning at 11:30 a.m. each day. Thursday will feature poultry and lamb, Friday is beef and Saturday is pork.

The cattlemen's ribeye sandwiches will be served 5 p.m. to 8 p.m. Friday and Saturday.

Daily highlights include a chick hatching display in the auditorium Wednesday, Thursday, Friday and Saturday, 9 a.m. to 8 p.m., and 9 a.m. to 2 p.m. Sunday; face painting in the commercial exhibits building Friday, 11 a.m. to 2 p.m. and 4 p.m. to 7 p.m.; Saturday, 11 a.m. to 2 p.m. and 3 p.m. to 6 p.m.; and Sunday, 11 a.m. to 2 p.m. and 3 p.m. to 6 p.m.; bingo in the pavilion Thursday, Friday and Saturday

FAIR | PAGE 13



The Observer photos by Kate Howes

Mr. America: Nine-year-old Zacery Mussack, of Eldridge, waits patiently for the parade — and throwing of candy — to begin, all decked out in red, white and blue.

PARTY IN THE U.S.A.



Members of the Calamus-Wheatland Silverstars dance team cheer their way down Sixth Avenue during DeWitt's annual Fourth of July parade. (Left) A small American flag waves in the breeze. (Below) A steady stream of fire trucks from area volunteer fire departments sounded their sirens throughout Tuesday morning's parade.



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MEETING

Continued from page 1

they would handle future questions and challenges to books, what policies and procedures should be in place and how that would be communicated to teachers and parents.

The wide-ranging discussion touched on the fact the administration did not follow the district's policy for handling complaints about curriculum, which is publicly posted on the school's website.

Once a complaint has been filed, that policy calls for putting together a committee of community members to evaluate books and make decisions about if and how the books should be used.

The recording captures Peterson saying he didn't want to go through the formal process because he didn't want to "give up ownership" of the process.

After listening to the audio recording, Sycamore Media President Trevis Mayfield said it is hard to understand why the district fought so hard to keep the recording private.

"The board was talking about difficult topics, but the conversation was thoughtful and productive," Mayfield said. "It's the kind of discussion that's healthy for constituents to hear. I have no idea why board members would have been reluctant to have the same conversation in public, other than to protect Peterson from his own decisions."

For the last 20 minutes of the meeting, participants discussed changing administrative staffing at various buildings and issues involving gender-neutral restrooms and legal protections for transgender students.

After the judge's ruling, The Observer asked Peterson and Board President Bob Gannon a number of questions. They have answered none of them. Those questions included:

- Now that the judge has ruled,

do you plan to make any recommendations to the board about how it should adjust the way it conducts business?

- Do you think taxpayers deserve an apology for the district's violation of the law? If so, what would you like to say?

- Do you believe the district received sound legal advice from your attorney?

- Is Brett Nitzschke still the district's attorney, and do you expect him to continue in that role?

The Observer also asked if they had any further comments about the judge's ruling.

On June 29, Peterson responded to an email from The Observer, saying, "I'm in the process of working on your questions," but more than a week later, he had not further responded, nor had Gannon.

According to the district website, the school board is meeting in a closed session at 4:30 p.m. Thursday for a performance review of Peterson. A public meeting is scheduled at 6 p.m. the same night at the district's administrative building, 331 E. Eighth Street.

The board last held a closed session two weeks ago, also to evaluate Peterson's performance. After that closed session, the board voted not to give Peterson a raise; he was the only administrator not to receive a raise.

Sycamore Media staffers Kelly Gerlach, Nancy Mayfield, Trevis Mayfield and former employee Nick Joos contributed to this reporting effort over the past year and half.



TREVIS MAYFIELD

Timeline of events

Jan. 31, 2022 – Central DeWitt School Superintendent Dan Peterson tells language arts teachers not to use two books – "Ghost Boys" by Jewell Parker Rhodes and "The Hate U Give" by Angie Thomas – in middle and high school classes while the district decides how to proceed after a parent questioned the content of the books. The next day, administrators tell teachers not to read aloud or teach from "Roll of Thunder, Hear My Cry" by Mildred Taylor. Peterson's actions were inconsistent with district policy. After a community member submits a complaint, district policy calls for a committee to evaluate it, and only after that should books be removed from use.

Feb. 7, 2022 – The Central DeWitt Community School Board conducts a closed session at Peterson's request to review his performance. The board talks for more than two hours about books, administrative realignment, gender and sexuality issues, and other topics. Peterson's performance is not discussed. The next day, Peterson reinstates the books he pulled from classrooms.

Feb. 17, 2022 – After coming to believe the Feb. 7 meeting violated Iowa's open meetings law, The Observer asks Peterson for minutes and audio recordings from the meeting. Peterson denies the request. In a phone conversation with The Observer the same day, Peterson denies that the appropriateness of the above-mentioned books was discussed during the closed meeting. *(More than a year later, after a judge ordered the school district to release a recording of the meeting, it became clear Peterson's statement was not true.)*

Feb. 25, 2022 – The Observer files a Freedom of Information request (FOI) under Iowa's open records law asking the district to provide minutes of the meeting.

March 4, 2022 – Peterson comes to The Observer office and delivers a letter denying the request.

March 23, 2022 – The Observer publishes an open letter titled "One last appeal" that pleaded with school officials and school board members to provide the records. The letter was signed by The Observer General Manager Wendy McCart, then-Editor Nick Joos, and Trevis and Nancy Mayfield, president and vice president of The Observer's parent company, Sycamore Media. No one from the district responds.

April 4, 2022 – Sycamore Media files a lawsuit against the Central DeWitt School District and

school board members for violating Iowa open records laws and seeks written and audio records from the Feb. 7 meeting.

Sept. 27, 2022 – Iowa District 7 Judge Patrick McElyea denies the school district's motion for dismissal of the case. The school district is represented at the hearing by Brett Nitzschke, who was with Cedar Rapids-based Lynch Dallas at the time and is now with Ahlers & Cooney. The court orders the school district to provide recordings from the closed meeting to the court within two weeks so the court can conduct a review.

Dec. 6, 2022 – After the district missed its deadline by almost two months to produce the materials as ordered by McElyea, Iowa District 7 Court Judge Meghan Corbin asks Nitzschke why the materials have not been provided to the court. Nitzschke says he wasn't sure how to deliver the recordings to the court. "Why are we just not doing a flash drive?" Corbin asks. She instructs Nitzschke to provide a flash drive containing the records to the Clinton County Clerk of Court within 14 days.

January 2023 – On Jan. 4, District 7 Court Judge Mark Lawson says the records are in his possession and he will review them to see what portions – if any – of the meeting are not covered under the public employee performance review exemption to Iowa's Open Meetings Law. On Jan. 19, Lawson rules that Sycamore Media's lawyers can use all the audio and written minutes to assist in their argument that the Feb. 7 closed meeting should have been open to the public.

March and April 2023 – The school district asks The Observer if it will consider an out-of-court settlement to end the lawsuit. The district acknowledges it is willing to turn over recordings from the meeting and pay The Observer's legal expenses associated with the case, but the district declines to agree to all The Observer's terms. Specifically, the district refuses to agree to publicly acknowledge the closed meeting violated state law, and it refuses to agree to apologize to residents of the Central DeWitt Community School District for the violation. The Observer decides to proceed with the lawsuit.

June 26, 2023 – The lawsuit comes to an end when Judge Lawson issues a ruling that says Peterson and the school board violated state law and orders the recordings from the closed meeting be released within 10 days. He also orders the district to pay The Observer's legal expenses, which are more than \$18,500.

Genesis Medical Center, DeWitt Services & Specialty Clinics

JULY 2023

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
3 Cardiac Rehab Mammography Ultrasound 8:00a.m.-3:00 Podiatry Dr. Jacobsen	4 Happy 4th of July! Be Safe!	5 Echo 7:00a.m.-3:00 Mammography Cardiac Rehab	6 General Surgery Dr. Burchett Podiatry Dr. Jacobsen Ultrasound 8:00a.m.-3:00	7 Mammography Cardiac Rehab Ultrasound 8:00a.m.-3:00	8 MRI
10 Cardiac Rehab Mammography Ultrasound 8:00a.m.-3:00 Pain Clinic	11 MRI Ultrasound 8:00a.m.-3:00 Rehabilitation Dr. Chin	12 Echo 7:00a.m.-3:00 Mammography Cardiac Rehab	13 Ultrasound 8:00a.m.-3:00 General Surgery Dr. Philip Podiatry Dr. Jacobsen	14 Mammography Ultrasound 8:00a.m.-3:00 Cardiac Rehab	15 MRI
17 Mammography Ultrasound 8:00a.m.-3:00 Cardiac Rehab	18 Ultrasound 8:00a.m.-3:00 MRI Pain Clinic	19 Mammography Cardiac Rehab Echo 7:00a.m.-3:00	20 Ultrasound 8:00a.m.-3:00 General Surgery Dr. Burchett	21 Mammography Ultrasound 8:00a.m.-3:00 Cardiac Rehab	22 MRI
24 Mammography Ultrasound 8:00a.m.-3:00 Pain Clinic Cardiac Rehab	25 MRI Ultrasound 8:00a.m.-3:00 Ophthalmology Dr. Birchansky	26 Cardiac Rehab Mammography Echo 7:00a.m.-3:00	27 Ultrasound 8:00a.m.-3:00 General Surgery Dr. Philip Podiatry Dr. Jacobsen	28 Cardiac Rehab Mammography Ultrasound 8:00a.m.-3:00 General Surgery Dr. Burchett	29 MRI
31 Cardiac Rehab Mammography Ultrasound 8:00a.m.-3:00 General Surgery Dr. Burchett Podiatry Dr. Jacobsen					*SHIIP PFT and Cardiac Rehab are by appointment only

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OPINIONS AND COLUMNS

School board's credibility is gone

It's too late now for the Central DeWitt School Board and Superintendent Dan Peterson to recover from their dishonesty.

After a judge's ruling detailed the obvious – that the district gave its constituents a false reason to conduct a secret meeting – board members Angela Rheingans, Geoff Blandin, Cory Huff and Hannah Perrone have chosen to remain silent and be tarred by the continuing flow of misleading and false statements from Peterson and board President Bob Gannon. At this point, they are all in this mess together, and none of them deserve the benefit of the doubt.

At last week's school board meeting, Gannon read a prepared statement that Peterson said he, Gannon and the district's legal counsel drafted together. The statement was yet another disingenuous effort to avoid responsibility for the district's illegal behavior and its handling of the situation after it was caught.

Below, in large type, are some of Gannon's troubling statements. They are followed by responses from The Observer, which are in italic.

“Once The DeWitt Observer filed a lawsuit, the Board could not release the audio recording of the



TREVIS MAYFIELD
Publisher

meeting unless and until a district court judge ordered us to do this.”

This statement is blatantly false. At any time, the board could have agreed to release the contents of the meeting.

“It has been incorrectly reported that the District is using taxpayer dollars to pay for all legal expenses related to the lawsuit. This is not accurate. The District, like all other public school

districts and many private businesses, carries liability insurance that covers a wide range of potential risk and financial events and includes legal fees related to these events.”

This statement fails to acknowledge the fact that taxpayers pay the district's insurance premiums, and it also fails to acknowledge that when insurance companies pay claims, it drives up the cost of insurance for everyone. In the end, taxpayers are picking up the bill. Further, by including the fees the district must pay The Observer's parent company as “legal fees,” Gannon fails to distinguish between the fees the district incurred defending itself and the fees the district must reimburse as a sanction for its illegal conduct.

“As you can see from the recent Board meeting agendas, we have been engaging in ongoing conversations with Superintendent Peterson.

However, this is considered a personnel matter that we must keep confidential under state law. Therefore, we cannot provide more specific information about how these concerns are being addressed.”

This is simply untrue. The board is not required to keep private corrective actions taken involving the superintendent, or any other direction it has provided him. This is another example of the board supporting false statements.

The board's credibility is gone. And don't think that's merely the opinion of this newspaper's owners or a small group of highly motivated community residents. We have heard from teachers, farmers, medical professionals, legislators, attorneys, bankers, and many parents, all of whom have expressed dismay at the board's illegal and arrogant behavior.

At this point, it is difficult to see how this board and superintendent could ever regain the public's trust. What makes that reality even more unfortunate is that the board and superintendent have no one to blame but themselves.

The process of dying is helping me find peace

My father, when he was a tenant farmer producing and caring for another man's crops in return for a house for his family and a portion of the proceeds from the crops as pay, moved us often.

But it was the farm just west of the Lutheran church outside Calamus that began to reveal the world to me – and to reveal me to me. We called it the Lowell Pedersen farm.

Lowell Pedersen was related to us through my mother's side. He was a chiropractor. In one of the sheds, a skeleton hung as a study prop.

Before Kindergarten, I was often alone, especially alone outdoors, put there by my mother who every three years brought another child into my world, three more daughters added to the burden of two already.

So on nice days, outside I was scooted. Nature became my playground, my second home and my classroom. I loved the tall grasses, the white clover blossoms, the lilacs with their amazing fragrance, and especially, the apple blossoms. Daddy held me up to see and smell them up close.

Even at that early age, simply visiting life was not enough. I had to take it apart and examine it. Perhaps that is true of every child. If so, why does it end? Older family and friends nicknamed me Gestapo Mary, always hanging around the adults, constantly asking questions. Maybe that's why Mother put me outside. I wonder if she ever knew I was asking God the questions.

As I sat playing in the sand at the base of the windmill at the end of the lawn, the fragrance of the pink peony bush alongside the windmill attracted the botanist budding within me. My quest for knowledge was rewarded as I pulled one petal off after another to find the secrets hidden within the blossom. I found what delighted my childish mind: miniature yellow candles, their red tips aflame, and not-yet-ripe seed pods.

In March, two nurses, one on each side of me, escorted me from the DeWitt hospital imaging area to the office of Dr. Jennifer Bell, where she shared the CT scan results.



LONNI HOFFMANN MEYER
Observer Columnist

Cancer, I was to learn, too advanced for surgical remedy.

“Ah,” I thought, “so this is how I am going to die.” I had often wondered. “Then I have some catching up to do.”

There was so much more I wanted to do. So much more I wanted to learn. This time, however, the urgency was driven into the deepest recesses of my soul, for I had not even started to formulate what I wanted to pass on to my son and daughter, and my four grandchildren, not meaning, of course, the material bequests.

Surprisingly, cancer has given me, conversely, the time I was seeking. I am alone, willingly, much of the time in spite of radiation, surgery, hospitalization, chemotherapy, all sorts of imaging, week after week after week. My children and grandchildren have been my advocates, my transportation, the ones I lean on again and again. I am blessed beyond words. But they are not with me constantly, nor would I want them to be.

It is also a blessing, this time of retrospection and introspection. It is opening further the universe to me.

Adam Phillips, a British psychotherapist and essayist, calls it “the importance of fertile solitude.” It is living a life of the mind. I read and read, digging through the thoughts of philosophers, poets, social scientists, theologians and others who have dealt with life's struggles. And I look at the faces of people with whom I come in contact, trying to see their hearts.

HOFFMANN MEYER | PAGE 9

LETTERS TO THE EDITOR

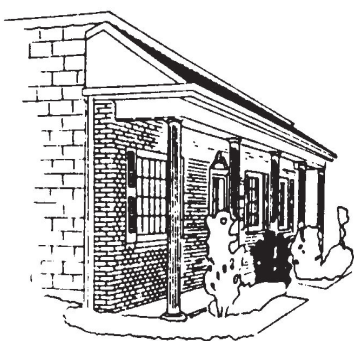
School lawsuit changes reader's perspective

It's sort of strange how one event can change your perspective on things. I had become quite disenfranchised with the DeWitt Observer especially during the Covid times when it continued to drift farther and farther to the left. The paper was beginning to remind me much of the People's Daily (the official newspaper of the Chinese Communist Party) telling us exactly how to think and what to think and we were evil if we didn't think that way. Then the lawsuit against the Central DeWitt school system started and I thought that was about the last straw at what lengths will this paper go to sell more newspapers. I debated whether to renew my subscription and decided to give it one more year. At that point in time I felt that the Observer would end up looking like an idiot picking on a local school system. How could

people in such positions be doing so much wrong?

I came to Iowa to start my teaching career 39 years ago because of the value that was placed on education by the people of the state. I was immediately impressed my second year (when Calamus and Wheatland joined together) by our Superintendent Charles Freese, who exemplified educational values to the maximum. You could see him drive bus, coach when needed, sweep floors, you name it. He put education first and foremost. He could be summed up by the words, ethical, professional, honest and moral. All of that made me decide to spend the rest of my teaching career here. This whole escapade of the lawsuit against the Central Dewitt system and the way it turned out is rather disappointing and shocking. In some ways it reminds me of an episode of the old Andy Griffith Show where the adults were doing things that were inappropriate to try to sell houses and Opie got in trouble for trying to

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REBELS BATTLE 2A'S BEST

Walk-off hits spoil Northeast's second state trip

Page B1



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Board violated law despite training

Peterson continued to publicly defend secret conversation

By **NANCY MAYFIELD**

Staff Writer
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On Feb. 16, 2022, the Central DeWitt School Board participated in a training session on Iowa's Open Meetings Law that explicitly covered the narrow guidelines that allow pub-

lic bodies to meet in private.

Not even an hour later, at the board's regular meeting, Superintendent Dan Peterson read aloud a letter from The Observer expressing concern that a closed meeting held just nine days before had violated Iowa's Open Meetings Law.

Peterson, who had requested the Feb. 7, 2022, closed session purportedly for a performance evaluation, said after reading the letter, "Each time we go

into closed session, we talk to our attorney to see if it is a fit ... I feel good about why we went into closed session and how it went."

No one from the board commented after he spoke.

Their silence continued for 18 months – despite verbal and written pleas – until District Court Judge Mark R. Lawson ruled against the district in a lawsuit The Observer filed

VIOLATION | PAGE 8



DAN PETERSON

Gannon makes public statement, but unwilling to answer questions

STAFF REPORT

Bob Gannon, president of the Central DeWitt School Board, provided a public statement to The Observer last week involving the board's violation of Iowa's open meetings law, but refused to answer questions about it.

■ **Read Gannon's statement, page 8**

Trevis Mayfield, president of The Observer's parent company, Sycamore Media, said the newspaper chose to honor Gannon's

GANNON | PAGE 9

BUSY WEEK IN DEWITT



(Above) Matt Jackson and Sarah Doneth jump into Lake Kildeer to begin the first leg of the DeWitt Crossroads Triathlon Saturday. Participants in the sold-out event sponsored by First Central State Bank swam 500 yards, biked 15 miles, and ran 3.1 miles. (Right) Participants in the Pee Wee Swine Show at the Clinton County Fair last week help their animals put their best hooves forward.

The Observer photos by Kate Howes and Ross Eberhart



Council pursues funding for project

Firehouse expansion could receive \$75,000

By **KATE HOWES**

Staff Writer
khowes@dewittobserver.com

Unanticipated costs often come with the territory when it comes to executing major projects, and the DeWitt Fire Station expansion project is no exception.

However, DeWitt City Council members are hopeful the city can secure grant funding to help cover those costs.

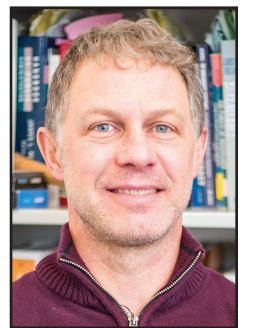
At their meeting July 17, council members approved submitting an application to the Clinton County Community Development Association (CCDA) for its semi-annual grant program.

The city will request \$75,000 to take care of some of the additional costs associated with the \$5.4 million fire station project.

City Administrator Steve Lindner said the funding could help offset the cost of replacing the eight original overhead doors, as well as the cost of removing the unsuitable soils.

The council intends to pledge \$25,000 as the local match for the application.

CCDA applications are due Aug. 9, and



STEVE LINDNER

CITY | PAGE 2

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VIOLATION

Continued from page 1

because it believed the district had violated the open meeting statute.

The board conducted the closed meeting days after Peterson pulled books from classrooms after a parent questioned their use.

Shortly after the closed meeting, Peterson told the newspaper the board hadn't discussed the appropriateness of the books for classroom use during what he said was a review of his performance. After Lawson ordered the district to release a recording of the meeting to the public, however, it became clear the board discussed the books for more than an hour. There was virtually no discussion of Peterson's performance, according to Lawson.

Aside from ordering the board to release the recording, Lawson also put an injunction in place against future violations.

Trevis Mayfield, president of Sycamore Media, parent company of The Observer, said it is hard to believe not one person who went through the training objected to the board's conduct during the closed session, particularly because each board member faced a potential fine for violating the law. He also said it's hard to believe the district's attorney, Brett Nitzchke of Ahlers & Cooney, gave the advice Peterson claimed.

"Despite the training, which was crystal clear, none of the board members said a word, and they had to know," Mayfield said. "Even more hard to believe is that they were operating under the guidance of their attorney. If it's true that their attorney told them they were acting within the law, they paid for astoundingly bad advice."

The Observer last week asked Nitzchke questions relating to his advice to Peterson and the board prior to and after the Feb. 7, 2022, meeting. The newspaper asked whether he listened to the audio of the closed meeting; and, if so, did he believe the discussion during the meeting was legal under Iowa Open Meetings Law. He also was asked what advice he would give today after reading Judge Lawson's ruling that called the violations neither "minor or technical."

Nitzchke said he would not comment because of attorney-client confidentiality.

All five school board members, as well as Peterson, attended the training session, according to minutes posted on the

district's website. Jen Vance, assistant school superintendent, facilitated the session using training materials developed by the Iowa Association of School Boards.

Last week, The Observer filed a freedom of information request under Iowa's public information law seeking records showing how much money Nitzchke has billed for handling the case.

On July 13 at the school board's first public meeting since the court ruling, 75 attendees crowded into the room, many of them expressing dismay at the board and Peterson.

State Rep. Norlin Mommsen of DeWitt was one of them. He said he was so upset by the board's violation that he "couldn't listen to the whole two hours" of

the recording.

"Anybody I've talked to out there who has been on a school board ... reiterated constantly that it was pounded into their

heads about the open meetings law, but nobody spoke up," Mommsen said. "That's my concern."

Public statement from school board president Bob Gannon:

I feel the need to provide some personal responses to several items, I have made an attempt to schedule a public board meeting next week, but we have three board members who will be out of town on vacation so rather than wait several weeks I'll provide my thoughts in writing.

First, I want it to be known my purpose for being a board member is pure and genuine, I have a deep passion for the community I have called home all my life evidenced by my willingness to serve not only on the school board but also our communities fair board as well. I have no agenda other than providing the best educational opportunities for the young people of our community. With the recent ambush of publications, I have found myself reflecting a lot as to why I stepped forward to serve, it's to support the youth of our community. As a student at central DeWitt, I was not the model straight A student but while I may not have excelled in the classroom, I was an active participant in many extracurricular activities which I firmly believe helped mold me into the person I am today. Learning about teamwork, adversity, hard work, communication is just an example of the foundation I was provided from my time at central DeWitt. So, while I believe education is the first



BOB GANNON

priority, I am a strong advocate for our students to be involved in something, we have many great opportunities from athletics, fine arts, FFA, robotics, the opportunities are endless. There are a few memories I have as a board member that resonate with me still today that I'll never forget, one our amazing band director Mr. Grubel report to the board about Laura Sutton who received state honors for her bassoon performance as a freshman, Laura is my neighbor I've known her since birth, I was so proud of her and her achievements along with the staff we have that helped her realize her potential. Secondly was when our FFA conduct of meeting team performed for the school board, It was just as I remembered learning when I was a freshman competing in the same contest for Mr. Smicker. At that moment I reflected upon my experiences in speaking contests as a student and how without that training I may not be who I am today. The

skills I gained from those contests have served me thought my career and have been instrumental in providing me with the tools I needed to achieve my goals.

My personal statement regarding the meeting on Feb 7, 2022, is that I honestly entered that meeting expecting to evaluate Dr Peterson and the decisions he made regarding the handling of the books in question. All those decisions were Dr Peterson's to make per policy, even though I had questions the underlying decisions were Dr Peterson's to make per policy, and one thing I've learned as a board member is that policy trump's opinion. Situations must be handled per policy, if you don't like it change the policy for next time that's the only option. The structure and conversation within the meeting didn't go as they should have in an evaluation, so it was wrong to have allowed it to continue and for that I am sorry and regretful that I didn't step up and right the wrong. Unfortunately, at the conclusion of that meeting the decisions from there on out were no longer mine or of the board; they fell into the lap of legal counsel. Among the multiple requests made by the observer to obtain the minutes and recording the question was raised to legal; why we can't just give them the information. The answer

was it would be contrary to the law to do so, I realize the observer disagrees with this but when I google "how to open closed meeting records Iowa" the first result is an ISU extension article that supports the information provided by the districts legal council that the minutes and recording are sealed and can only be opened under a court order. So as a board we felt our hands were tied, we would be intentionally acting contrary to the law and going against the advice of legal counsel to give the observer what they were requesting even though we wanted to do so. I address this statement to provide clarity that the decision to deny the requests was a legal one, again I understand the observer has a different opinion but please don't attack the unpaid board members who volunteer countless hours to serve our community.

The statement provided to clarify how the expenses were handled regarding the lawsuit were done in the spirit of transparency, something this board often has been accused of not being good enough at. The statement was informational and not intended to belittle the seriousness of the situation.

Addressing the lack of response regarding

True or False?
Remember: Don't forget to talk about the "why" before you check your answer.

G. True or False: The board has gone into closed session to conduct a hearing to expel a student. While in the closed session it is fine for the board to also discuss potential disciplinary action for the teacher involved in the incident.

[Click here to see the answer and explanation.](#)

IASB

G. False

The motion to go into closed session is a promise the board makes to its public, saying, "This is what we will be discussing." Any discussion of items outside the parameters of that motion is forbidden.

Iowa Code §21.5.

[Click here to go to next slide](#)

IASB

True or False?
Remember: Don't forget to talk about the "why" before you check your answer.

H. True or False: As the open meeting law is enforced, ignorance of the law is not a defense.

[Click here to see the answer and explanation.](#)

IASB

H. True

Board members are responsible for knowing the importance of the Iowa open meetings law and working together in ways that are within that law.

Iowa Code §21.6.

[Click here to go to next slide](#)

IASB

Overview

The open meetings law is important to Iowa school boards, not only because their decisions impact the use of Iowa tax dollars, but also because their decisions impact the future of Iowa children. Thus, the public has very important reasons for gaining access to board decisions. It is in the board's best interests that the public understand the reasons for their decisions.

[Click here to go to next slide](#)

IASB