AFFIDAVIT

STATE OF Michigan)
SS:
COUNTY OF Houghton)

I, Lawrence Sutter, do state and aver to the following:

1. The attached letter is a true and accurate description of the hardships my family and I have faced since the announced closing of Conserve School's four year college preparatory school.

2. The closing of the school at the end of this school year creates an immediate and irreparable harm on my family and child.

Lawrence Sutter
Signature

Subscribed and sworn to before me and in my presence this 25th day of February 2009.

Vicky Roy
Notary Public

VICKY ROY
Public - Michigan
Houghton County
My Commission Expires May 17, 2014

Statement of Lawrence Sutter and Patricia Lins

We ask the court to provide redress for the irreparable harm caused to Lena Lins Sutter as a result of the unilateral decision by Conserve School to eliminate without warning, its highly successful four-year college preparatory program.

For a family to decide to send their only child away to a boarding school for four years there is, in our opinion, an implied contract that as long as the student is in good standing and the student's tuition is paid, the student will be allowed to continue at that school through completion of the high school degree, and that the school will exercise its utmost diligence to provide a safe and nurturing environment consistent with what was provided in the parents home. If for economic reasons the school is to be released from their responsibility as party to that implied contract, shouldn't there be a transparent process that demonstrates that the school can no longer continue financially? Shouldn't the parents be asked if they'd pay more before the doors are shut? Shouldn't cost cutting measures be explored by the school? Or shouldn't a school have to dip into its $180 million endowment to at least honor the commitments they made to students when they *recruited* them and accepted them as freshman in a four-year college preparatory program?

Lena Lins Sutter is an academically gifted student. In seventh grade she took the ACT college entrance examination and scored a 27 composite, which placed her approximately in the 90th percentile of college bound seniors. This explained why she was bored in public school. Without effort, she received straight A's in public school. She needed a far more challenging educational environment. As many kids do when they are not challenged, they tune out and that is what Lena started to do. She became very disillusioned with school. "Why do we have to learn the same thing over and over, year after year?", she would ask. Eventually she stopped asking, became sullen, withdrawn, and started "running with the wrong crowd" because that provided excitement in her life. It put fear in us as parents and we had to act. We had to find a way to get her engaged in the positive side of life or it would be too late. We are not wealthy, but we decided we needed to invest money that we had saved for her college in her education now. Otherwise, it would be too late. We began looking at boarding schools and specifically Conserve School because they began sending her *recruiting* information based on her award from the Midwest Academic Talent Search.

The criteria we had for a school were 1) the highest academic standards 2) a focus on science because that was her highest aptitude according to the ACT (31 of 36 in science at grade seven, and 3) an average or above average emphasis on arts. In addition to being intellectually gifted, Lena is musically talented. She has played violin since kindergarten. She has also taught herself guitar and bass. Unfortunately, the public school in Houghton does not have a strings program. Therefore she had to take private lessons outside of school to pursue her interest in violin. Being able to combine the music and academics was important to us.

The only school that met all criteria was Conserve School. Plus, as stated we are not wealthy but we do earn enough that we would not qualify for needs-based financial aid. Conserve provides merit-based financial aid. We applied and she was accepted. However, the combined financial aid (needs-based plus merit-based) extended by Conserve School was not adequate to meet our budget needs. So, we requested additional financial aid. In order to "*recruit*" Lena, Conserve School increased their total financial aid package for Lena from $8,000 to $15,000. This clearly indicated to us that they were *committing* to Lena and to our family. This became even more the case when we were informed, after her acceptance, that there was a waiting list for girls to get into Conserve School.

Until January 30th, 2009, Conserve School was all we had hoped and dreamed it would be. Lena was a straight A student and excited about environmental education. Since January 30th, it has not. Since that date academics have gone out the window. Students and teachers are walking around in a daze, a stupor. Class time is now spent either preparing for, or participating in interviews, for other schools (for both students and teachers). This is especially troublesome because the administration at Conserve School is encouraging the students to apply everywhere, pay no attention to the academics or religious affiliation of the schools, pay no attention to the curriculum or the diversity of student population, and pay no attention to the cost. They are building up false hopes for these students, including our daughter, that they can go any where in the world to go to school. However, this is not true. We have certain objectives we want met by a school and no other school has what Conserve has to offer for an academic program and the quality of faculty. Plus, the timing of the decision could not have been worse. Deadlines for most other schools are February 1st and therefore students are beginning the process too late. Time that should be spent as "vacation" from school (i.e. the long weekend and spring break) is now being set aside for visits to new schools. Merit-based financial aid is generally assigned on a first come, first serve basis. The Conserve students are coming in at the end of that process and therefore will not fare well, if at all, in terms of merit-based financial aid.

We have looked at other schools for Lena. Given the need for merit-based financial aid, the options are few. One school that was a possibility was Interlochen. However, in order to be accepted at Interlochen, the student needs to demonstrate proficiency in an art. For Lena, this would be violin. However, the audition process is extremely competitive and any student going to Interlochen to audition first spends hours a day, for weeks or months, practicing so their selected pieces are perfect. This is done under the guidance or a trained instructor. For Lena, this was impossible given the conditions imposed on her by Conserve. She had to apply and audition all in less than 25 days. Although, Conserve has a qualified violin instructor, every spare minute of Lena's time has been spent applying to other schools. Therefore, because of the conditions imposed by Conserve, she was unable to properly prepare for her audition, to the only other option for a private school, and she was not accepted as of Feb 24, 2009.

The only option left is for Lena to return to a public school that does not have an academically gifted program or a strings program and therefore cannot cater to her specific educational needs. She will not be able to achieve anywhere near the potential she will achieve if she continues at Conserve. It is possible that if given more time, we might identify another school for Lena but we can only dedicate so much of her time, and that of ours as parents, to this quest. Normally such things are done with a year lead-time to allow for due diligence. Having to do it in 25 days is completely unfair as an outcome of what we felt to be an implied contract. Clearly, Conserve could slow the transition and give students that extra year they need. But it is also clear that Conserve School has the resources to see through to the end, the *commitment* they made to students like Lena to provide them with a quality four-year college preparatory education when they *recruited* them. More to the point, if properly managed Conserve School has the resources to continue for perpetuity, with the help of the court it hopefully will.

Finally, the trauma and stress placed on the students by the thoughtless decision making process used by the school is permanent. With our daughter attending Conserve she evolved from that sullen, withdrawn girl to a vibrant, engaging girl – prior to January 30th. Since then, a sense of sadness and betrayal is emerging. Her hopes were smashed by Conserve eliminating her four-year college preparatory program. Then, her hopes were built up again by Conserve bringing in all assorted schools to "raid" their students over the past couple weeks. However, because of how Conserve chose to implement their decision, her hopes have now been completely destroyed by being forced into applying to schools unprepared or being encouraged to apply to schools that simply won't work for her or our family. Conserve has created an atmosphere that is completely anti-nurturing and we fear that some students will be so discouraged by the outcome of this ordeal that their mental and physical safety will become in question. At a recent parents meeting on February 20th, the Headmaster and Assistant Headmaster acknowledged that at that point in time, they had not retained professional counselors to help the students and in fact, the Headmaster indicated that he was unaware of students needing professional counseling. Our daughter's life has been completely shattered by this decision and it need not be the case. We ask the court to act in the best interest of the public, keep Conserve School as a four-year college preparatory school, and install a proper, competent school board to ensure that the school will continue for perpetuity.

Lawrence L. Sutter

Lawrence Sutter

Patricia A. Lins

Patricia A. Lins

2-25-09

VICKY ROY
Notary Public - Michigan
Houghton County
My Commission Expires May 17, 2014

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STATE OF Michigan)
SS:
COUNTY OF Houghton)

I, Patricia A. Lins, do state and aver to the following:

1. The attached letter is a true and accurate description of the hardships my family and I have faced since the announced closing of Conserve School's four year college preparatory school.

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Patricia A Lins
Signature

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Vicky Roy
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