

MINUTES

Jefferson High School Dist. 1
Special Meeting

December 1, 2011
JHS Library

Board members present:

Kathy Jackson
Kyle Eckmann

Sabrina Steketee
Tim Lloyd

Pat Lewis
Stan Senechal

Lynne Bryant

Administrators present:

James Whealon, Superintendent

Lorie Carey, Business Manager

Dan Sturdevant, AD

Visitors: David Kosola, Tammy Kosola, Heather Powers, Jan Anderson, Kerri Langoni (MtSBA), Tony Koenig (MtSBA), Ron Smartnick Sr., Steve McCauley, Samantha Humphrey, Laura Butler.

CALL BOARD TO ORDER Ms. Jackson called the meeting to order at 6:45 p.m. The pledge was said.

NEW BUSINESS

The meeting began with the introduction of Tony Koenig and Kerri Langoni. Ms. Langoni explained that she was the investigator for MtSBA and gave a brief overview of how she would conduct an investigation into a school issue. Mr. Senechal asked what the charges were for her services. She replied that the total amount would depend upon the particular aspects of each issue. She added that the hourly rate for her services was \$110/hr. and \$150/hr. for Tony Koenig. Additional expenses would include mileage and incidentals like copy charges. Mr. Eckmann asked what the length of an investigation would be. Ms. Langoni estimated that the interview process should take 1 – 2 days and the report from that would take another 2 days. This report would then be passed to Mr. Koenig for review. Mr. Senechal asked to whom the final report would go. Mr. Koenig replied that it depended upon the board's preference, but generally it would go to the Superintendent. The Superintendent would then give a recommendation to the Board. However, if the Board is handling the issue, then the report would go to the Board.

Ms. Steketee asked who would do the interview. Ms. Langoni stated that she would begin with individuals directly involved and then move forward from there. Ms. Steketee asked what the climate for the students in the school would be during the investigation. Ms. Langoni replied that she would try to keep it as low key as possible. She would look for a quiet place to work during the day and would also conduct some of the investigation after school hours. She would also tell the students to keep the information confidential.

Mr. Senechal asked Mr. Whealon about the Missoula investigator's cost. Mr. Whealon began with a brief overview of the process which began upon the Board Chair's notification of a possible incident. After he received the letter written by Mr. Kosola through the board chair, he talked with Mr. Sturdevant, Mr. Kosola, and the basketball coach. From the various calls and e-mails he received from board members, he was under the impression that those members felt he and Mr. Sturdevant didn't do anything about these kinds of incidents. Mr. Whealon called a consultant from Missoula with whom he is familiar. He added that he felt that some board members had "a dog in the fight" and a third party was necessary. The third party person, he felt, would represent a more neutral party – Elizabeth Kaleva. He met with her in Helena (she was in town for another reason and Mr. Whealon was there as well for another reason). Mr. Whealon also talked to Debra Silk from MtSBA about the incident as well.

Ms. Kaleva is scheduled to be in the school on Monday, December 5 to begin the investigation. Her format is much the same as described by Ms. Langoni.

Mr. Senechal repeated his question about the cost of the attorney. Mr. Whealon said that the cost of the services should not be the first consideration. He guessed that they were much the same as the costs from MtSBA. He also said that having a third party was more important at this point.

Mr. Whealon had talked to a representative from the district's insurance company. On 29th Mr. Whealon received notification that the Board might hire someone else to do the investigation. He added that the Board has to be in a public meeting that is duly noticed to make decisions. He continued that the Board was given the advice that "the Board runs the school". Generally, if the Board hires a superintendent then they should have enough confidence in that person to do the job. This action given the appearance of a previous decision. Mr. Whealon questioned whether the board has been too involved so that they will have to remove themselves from a future hearing.

Mr. Whealon continued that the staff member had been informed that the board was meeting even though Mr. Whealon didn't agree with the idea that a possible decision would be made.

AGENDA ITEMS FOR
FOLLOWING MEETING

ADJOURNMENT

Ms. Steketee explained her question via e-mail. She stated that she had no intention that this reflect on Mr. Whealon's judgment. Mr. Senechal wanted to know the costs.

Mr. Whealon stated that he and Mr. Sturdevant could do the investigation but asked if the Board wanted that.

Ms. Bryant stated that she was confused about the process and felt that the board might be overstepping their bounds.

Mr. Koenig responded to the statement "the Board runs the school." He said that in a way that is true in that the Board sets policy and is responsible. However the superintendent's job is to run the daily operations. The District policies state that the superintendent can hire an investigator.

Mr. Senechal stated that he was okay with the superintendent hiring an attorney. However, in his own opinion he is comparing an unknown cost and an unknown (to him) person vs. a known cost and a known person.

Mr. Koenig said that it's the board's call whether to hire an investigator of their choice or that of Mr. Whealon. He said that MtSBA's investigations were considered third party investigations as well.

Mr. Whealon agreed with Mr. Koenig but stated that there was a possible union issue and felt that there is a possible conflict of interest because of that. He added that consulting Mr. Koenig at MtSBA is like having a second opinion and continued that he (Mr. Whealon) always asks MtSBA for an opinion.

Ms. Steketee, seeking to clarify this, asked if the third party investigator would have less of a tie to the staff given that the district has a collective bargaining agreement with staff members.

Whether the insurance company would pay for the attorney was discussed. Insurance would pay for the attorney but probably not the investigator, regardless of which one was hired.

Mr. Senechal moved to hire MtSBA to conduct the investigation. Ms. Steketee seconded the motion. Ms. Lewis stated that she would hate to think that money is the issue. She added that she would like to follow procedure and referenced policy 1700. She continued that a better procedure is needed.

Mr. Lloyd asked if there was a retainer necessary for the Missoula attorney. No definitive answer was given.

Ms. Lewis stated that Mr. Whealon is the professional in the school and we need to remember that.

Ms. Bryant asked why the board didn't follow what the person hired (Mr. Whealon) suggested.

Mr. Senechal felt that MtSBA has our back and is in our corner.

Mr. Whealon stated that the Board needs to go into a hearing with an open mind.

If there is an issue afoot – if people call board members, then the member(s) needs to tell the person to contact the superintendent.

Mr. Lloyd wished to clarify why Mr. Whealon wants a third party. Mr. Whealon feels that having a third part at the very least would give the appearance of greater neutrality.

Ms. Tammi Kosola stated that she felt Mr. Whealon was targeting her and added that she had no faith in him or Mr. Sturdevant.

Ms. Steketee called for the question. The motion passed with Mr. Lloyd, Mr. Eckmann, Mr. Senechal, Ms. Steketee, and Ms. Jackson voting "yes" and Ms. Lewis and Ms. Bryant voting "no".

Ms. Steketee moved that the employee be placed on paid leave until the investigation concluded. Mr. Senechal seconded the motion.

Ms. Steketee stated that this action should be taken to ensure that the investigation proceeds without the possible disruption from the staff member.

Mr. Koenig stated that it can be done as a precaution and is not viewed as disciplinary. It is for the protection of the employee. Ms. Steketee added that the protection is for the board in addition to the protection of the employee.

Ms. Jackson felt that it was standard procedure. Several other board members agreed.

Ms. Anderson spoke first as a journalist. Given the public's right to know, she was really bothered about the process. She didn't feel that the employee was given the knowledge that he could possibly be placed on administrative leave. In addition, she felt that the discussion between the board members would prevent them from being open-minded.

Mr. Koenig disagreed and felt that the employee was given enough "notice" that he might be put on leave with pay. He also added that people need to be redirected if they are approaching board members. The board members need to stay out of it.

Ms. Steketee asked if she could ask another board member a question. Mr. Koenig "yes, but you need to be careful." The discussions all need to be in a public forum.

Mr. Senechal stated that in his line of work it is standard procedure to put an employee on leave. Mr. Whealon's advice to him was to NOT put that employee on leave. He added that if the child or other children are in danger, then yes, the employee should be on leave. He continued that the staff member's remaining at the school shouldn't hamper the investigation. In addition, placing an employee on administrative leave with pay is not considered a punishment.

Mr. Koenig stated the MtSBA advises that the employee be placed on administrative leave to protect an investigation but it is not always necessary to do so.

Mr. Whealon said that exempt employees (certified employees) have a property right in their job. Mr. Koenig suggested that that might not be so.

Ms. Tammi Kosola stated that she felt the safety of the children was most important.

Mr. Whealon stated that he felt that there was no danger to the students.

Mr. Koenig stated that all public employees have property right to their jobs. They all have rights to salary and benefits.

The motion passed with all voting "yes" except Ms. Bryant who voted "no". She stated that she didn't feel the process may not have been followed and that she has faith in Mr. Whealon and his ability to do his job.

Meeting adjourned at 8:05 p.m.

Chair, Jefferson High School Board

Clerk, Jefferson High School Board

Negotiations/Personnel: P. Lewis, S. Senechal, T. Lloyd

Policy/Handbook: P. Lewis, S. Steketee, L. Bryant

Budget/Insurance/Investments: S. Senechal, K. Jackson, K. Eckman

Building/Grounds/Transportation: K. Jackson, K. Eckman, T. Lloyd

Teaching/Learning: S. Steketee, L. Bryant