

AGENDA
SPECIAL MEETING OF THE TRUSTEES OF JEFFERSON HIGH SCHOOL DISTRICT # 1
*** 6:30 p.m. December 19, 2011 ***

A. Call to order-Chairperson

B. New Business.

1. Investigative report result – discussion and possible action
2. Non-tenured teacher evaluations

C. Adjournment

BOARD CHAIR-APPROVED AGENDA ITEMS ARE DUE IN THE DISTRICT OFFICE BY THE LAST FRIDAY OF THE MONTH PRIOR TO THE BOARD MEETING.

Board Objectives

Goals submitted by the board members are as follows:

Foster community spirit.

Build teacher relationships.

Increase attendance of board members at teacher meetings.

Finish meetings before 9:00 p.m.

School Goals:

1. Increase math scores
2. Increase reading scores
3. Design and implement a culture of academic excellence at Jefferson High School.

Seven Correlates of Effective Schools

1. Instructional Leadership
2. Clear and Focused Mission
3. Safe and Orderly Environment
4. Climate of High Expectations
5. Frequent Monitoring of Student Progress
6. Positive Community-School Relations
7. Opportunity to Learn and Student Time on Task

*All board meetings are generally held in the Jefferson High School Library, on the third Tuesday of each month at 6:00 p.m. (Exceptions often occur in May and August to follow legal requirements.)
For updates, call the district office at 225-3740.*

Investigation Report

Prepared by Kerri Langoni, Field Services Specialist, under the supervision of Tony Koenig,
Attorney for the Board of Trustees, Jefferson County High School District

Date of Report: December 13, 2011

Summary:

I was requested to investigate allegations of misconduct by Rex Sonsteng, a Jefferson High School math teacher and basketball coach. Fifteen persons were interviewed. Interviews were conducted at Jefferson High School on December 5, 2011 and December 6, 2011, and over the phone on December 13, 2011. The interview of Mr. Sonsteng was conducted at the MEA-MFT offices in Helena, on December 7, 2011, with his representative present. The function of an investigator is to act as fact-finder. The function of an investigator is also to make judgments about the credibility of witnesses, particularly when statements are in conflict.

Background

On November 22, 2011, in his capacity as a high school math teacher, Rex Sonsteng attended a meeting regarding Student #1's disability, and how Student #1 could be accommodated in his math class.

Student #1 is a freshman student at Jefferson High School. Student #1 made the decision to try-out for the basketball team at Jefferson High School. Try-outs took place from November 21, 2011, through November 23, 2011 for spots on the Varsity, Junior Varsity, and Freshman teams. Six students were ultimately cut from the teams.

At the end of practice on November 23, 2011, Sonsteng asked all of the students to gather in the middle of the gym. Sonsteng announced which students had made the teams, and that if a student had not made one of the teams, he would be available to speak with them individually after practice.

I. Allegations

Allegation that the conversation Rex Sonsteng had with Student #1 about why he was cut from the team was overheard by others

This allegation cannot be substantiated.

Sonsteng had individual discussions with students on the bleachers in the gym. While witness accounts vary, the consistent account is that students who were waiting to speak to Sonsteng

were gathered in a group and talking amongst themselves, approximately five to ten feet away. One assistant coach was close enough to hear snippets of the conversation Sonsteng had with the students, but was not listening to the conversation, and does not recall any of the conversation between Student #1 and Sonsteng. Student #1 initially stated that no one else was within hearing range of the conversation. Student #1 then stated that Student #2 may have overheard the conversation. Student #2 indicated to the investigator that he did not overhear the conversation between Student #1 and Sonsteng. Apart from Student #1, all other witnesses interviewed did not believe that anyone was within hearing range of Sonsteng's individual conversations with students, and none of the witnesses overheard the conversation between Sonsteng and Student #1.

Allegation that Rex Sonsteng referred to Student #1's disability when discussing why Student #1 was cut from the team

This allegation can be substantiated.

It is not contested that Rex Sonsteng was aware that Student #1 had a disability when he had a discussion with Student #1 about being cut from the team. Sonsteng admits that he attended a meeting the day prior to the cuts, and that Student #1's disability, and accommodations for his class, were discussed at this meeting.

The coaches interviewed by the investigator indicated that Sonsteng requested their input about which players to cut by showing them a list of the students, with rankings of their skills. One of the coaches indicated that his recollection was that Student #1 was "behind" many of the other students in skills, and another coach indicated that he recalled that Student #1's skill set was not at the same level of other students.

Sonsteng stated to the investigator that after he announced the cuts, and Student #1 approached him, Student #1 asked him what he needed to work on, and that he told Student #1 that he needed to work on footwork, ball handling, and shooting. Sonsteng stated that he then told Student #1, "you need to work on knowing where you need to be on the floor. I know it's part of your disability, but something you need to work on to play." When asked what he meant by this comment, Sonsteng initially stated that he was not sure if Student #1's disability affects him, and then stated that he knows Student #1 has trouble concentrating, and following directions.

Student #1's ~~father~~ reported the incident to his father, Parent #1, who called both Superintendent Whealon, and Athletic Director Dan Sturdevant, on November 23, 2011 (the same day the cuts took place.) In turn, Whealon and Sturdevant both called Sonsteng to ask him what was said.

- When Superintendent Whealon spoke with Sonsteng, Superintendent Whealon recalls that Sonsteng told him, "you can't learn our plays – I'm sure that's a result of your disability."
- Sturdevant recalls that Sonsteng told him, "you need to know how to learn the plays, but I know that might be because of your disability."
- Student #1 stated to the investigator that when he asked Sonsteng why he was cut, Sonsteng told him, "You have a disability and you can't pick up the plays that well."

It can be substantiated that Rex Sonsteng referred to Student #1's disability when he discussed with Student #1 why he was cut from the team. Sonsteng admits that he referred to his disability. Student #1's statement, in conjunction with Sonsteng's statement to Whealon and Sturdevant, directly following the incident, are consistent with each other. Sonsteng's statement to the investigator is not consistent with what he told Superintendent Whealon or Dan Sturdevnt. In conclusion, it can also be substantiated that Sonsteng told Student #1 that he could not learn the plays, and that he reasoned that this was a result of his disability.

Allegation that Rex Sonsteng Approached Student #1 after he learned that Parent #1 had brought the issue to Superintendent Whealon

Background:

Parent #1 initially identified two students as taking part in harassing Student #1 about the allegations made against Sonsteng (Student #3 and Student #4). During his interview with the investigator, Student #1 identified one of the students identified by Parent #1, and two additional students not identified by Parent #1, as taking part in the alleged harassment (Student #3, Student #5, and Student #6).

Student #1 stated to the investigator that on either Monday, November 28th, or Tuesday, November 29th, Sonsteng approached Student #1 at around 7:30 a.m. and asked if he could speak to him. Sonsteng was allegedly accompanied by several students. Sonsteng allegedly said, "thanks a lot. Now your dad is throwing a temper tantrum." Student #1 stated that the students said, "thanks a lot you screwed up my life," that they called him a "cry baby," and that they said he "sucked". Sonsteng allegedly told Student #1, "I'm glad you're not on my team," and that Student #1 responded with, "me too."

Student #5 and Student #6 were interviewed by the investigator. Student #6 is a freshman, who made the basketball team. Student #6 ~~and~~ stated that someone started a rumor about him and

seniors making fun of Student #1, and that the first time he heard the rumor was yesterday. Student #6 had no knowledge of the incident.

Student #5 is a sophomore who was cut from basketball. Student #5 stated that he has never talked to Student #1 about basketball, and that he has never really talked to Student #1 at all. Student #5 stated that Sonsteng has never talked to him about Student #1, and that he has never seen Sonsteng talking to Student #1 in the hall.

Student #1 is not credible in his allegations that these students and Mr. Sonsteng engaged in harassing him about the allegations made against Sonsteng. Student #5 was cut from the team, so it very unlikely he would be harassing Student #1 about ruining his time on the team. Both Student #5 and Student #6 seemed confused and without knowledge of the allegations. Additionally, two witnesses interviewed stated that Student #1 has had instances in the past in which he was untruthful. Thus, it cannot be substantiated that Student #1's version of the events, in which Sonsteng approached him in the hall, accompanied by three students, can be substantiated.

When Sonsteng was asked about whether he had any conversations with Student #1 after he learned of Parent #1's complaint, Sonsteng stated that he only talked to Student #1 in class about class related issues, and that he did not talk to him about basketball, or about his dad being upset. When asked if he had any conversations about basketball with any students after he learned of the complaint, Sonsteng stated that he overheard Student #3 and Student #4 talking about how there should have been more cuts from basketball, because it was too crowded on the court. Sonsteng stated that he doesn't recall what he said to them, because they were joking around, and he didn't take it seriously at the time. Sonsteng stated that Student #1 did not come up in the conversation. Sonsteng did not have knowledge about whether Student #3 or Student #4 approached Student #1. Student #3 and Student #4 declined an interview with the investigator, so it cannot be substantiated one way or another the substance of the conversation Student #3 and Student #4 had with Mr. Sonsteng, or if Student #1 came up during the conversation. This allegation cannot be substantiated one way or another.

Allegation that Rex Sonsteng violated the terms of his suspension by attending the Three Forks tournament, and entering the locker room at half time

Background:

Superintendent Whealon stated that he did not issue Rex Sonsteng a written letter of suspension, after he was suspended with pay by the Board of Trustees. Superintendent Whealon notified

Sonsteng that he could not be in the building during hours in which he has students, but could come in to the school after hours to arrange lesson plans. Superintendent Whealon told Sonsteng he could not participate as a coach, but did not specifically tell him he could not go to the tournament. Superintendent Whealon believes that based upon his conversation with Sonsteng, in which he relayed the terms of his suspension, he could attend the tournament, but could not be interacting with or coaching players at the game.

It can be substantiated that Rex Sonsteng attended the basketball tournament in Three Forks. However, it cannot be substantiated that Sonsteng engaged in coaching duties, and it cannot be substantiated that Sonsteng went into the locker room at half time. Two witnesses who were present in the locker room at half time stated unequivocally that Sonsteng did not come in the locker room. One witness stated that Sonsteng did stand at the top of the stairs to the locker room, but both witnesses stated that they did not witness Sonsteng speak to any of the players about basketball. One witness stated that Sonsteng may have said hello to the players, but noted that Sonsteng was very careful not to discuss basketball.

II. Other issues

Handling of basketball cuts by Rex Sonsteng

Rex Sonsteng admits, and all witnesses interviewed verified, that students were asked to gather in the middle of the gym, in order for Sonsteng to announce which students had made the teams.

It is the investigator's opinion that Mr. Sonsteng could have taken a more sensitive approach in communicating which students had made the team. Sonsteng could have called students in to a private setting one by one to discuss their status on the team, or he could have posted a list. By making the announcement of those who made the team, those students not selected were forced to sit with their peers around them as they learned they had been cut. Students were also not provided with the courtesy of expressing their disappointment of not making the team in a private setting.

Boulder Association of Teachers

P.O. Box 1346
Boulder, MT 59632

December 19, 2011

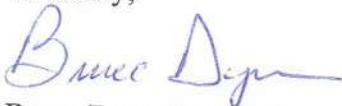
Kathy Jackson, Board Chairperson
Jefferson High School
P.O. Box 838
Boulder, MT 59632

Dear Ms Jackson,

This letter is to notify you that the Boulder Association of Teachers has decided to bring a grievance, originally filed with Jim Whealon, to the Jefferson High School Board for action. Mr. Whealon formally rejected the grievance at his level on December 14, 2011. Therefore, we are proceeding as directed by Section 5.5, Step III, of the Negotiated Agreement. Copies of the original grievance and the rejection letter are attached.

As per the timeline outlined in the grievance procedure, please contact me at your earliest convenience to arrange a time for the Board to meet and address this grievance.

Sincerely,



Bruce Dyer, President
Boulder Association of Teachers

cc:

Rex Sonsteng
Grievance Committee Members
Brian Ehli, MEA/MFT

*Jim will
let us know*

Received by:



Date:

12/19/11

Jefferson High School

SCHOOL DISTRICT #1
Box 838
BOULDER, MT 59632



December 14, 2011

Bruce Dyer
President
Boulder Association of Teachers

Dear Bruce:

After reviewing your grievance on behalf of Mr. Rex Sonsteng and discussing it with the District's legal counsel at MTSBA, I have concluded that I can not address the issues outline in your grievance. You are grieving actions of the Jefferson High School Board of Trustees. As the executive officer of the Board, I do not have the power or authority to reverse action taken by the Board. Therefore, I must reject your grievance at my level.

Sincerely,

James D. Whealon
Superintendent/Principal

Received: _____

Date: _____

12-14-11

Boulder Association of Teachers

P.O. Box 1346
Boulder, MT 59632

December 5, 2011

Jim Whealon, Administrator
Jefferson High School
P.O. Box 838
Boulder, MT 59632

Dear Mr. Whealon,

This letter is to notify you that the Boulder Association of Teachers has decided to file a formal grievance against the Jefferson High School Board and Administration based upon the District's actions relative to the suspension of teacher Rex Sonsteng.

In accordance with Step 1 of the grievance procedure, the Association is grieving actions taken by the Board and Administration on or prior to November 30, 2011 and December 1, 2011. Specifically, we are alleging the following:

Violations of Sections 7.3 and 7.5 of the Negotiated Agreement, relating to discipline of teachers and concerns about their job performance.

Violations of Section 7.6 of the Negotiated Agreement and Board Policy 1700, relating to the proper procedure for parent complaints.

Violation of Section 8.1 of the Negotiated Agreement, relating to the duty and responsibility of a teacher.

Violations of Sections 8.3 and 9.9 of the Negotiated Agreement, relating to the separation of teaching and extra-curricular activities.

Violation of State Statutes (MCA) related to open meeting laws and the proper notification thereof.

The remedies being sought by the Association are as follows:

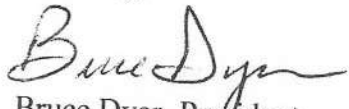
The suspension in regards to Mr. Sonsteng's teaching position will be lifted immediately, and Mr. Sonsteng will be reinstated to his former teaching position.

All records related to this issue in terms of Mr. Sonsteng's position as a JHS teacher will be expunged and destroyed.

The Jefferson High School Board will acknowledge, in writing, their violations of the Negotiated Agreement, Board Policy, and State Statute.

As per the timeline outlined in the grievance procedure, please contact me at your earliest convenience to arrange a meeting with Mr. Sonsteng and myself to discuss this grievance.

Sincerely,



Bruce Dyer, President
Boulder Association of Teachers

cc:

Rex Sonsteng
Grievance Committee Members
Brian Ehli, MEA/MFT

Received by:



Date:

