

Board of Education

Mesa County Valley School District 51

Special Meeting Minutes

April 7, 2014

Special Meeting Minutes

A - Jeff Leany
 B - Ann Tisue
 C - John Williams
 D - Tom Parrish
 E - Greg Mikolai

Board of Education
Mesa County Valley School District 51
Special Meeting Minutes: April 7, 2014
Adopted: May 20, 2014

| | A | B | C | D | E | | ACTION |
|---------|---|---|---|---|---|--|------------------------------|
| | | | | | | AGENDA ITEMS | |
| Present | | x | x | x | x | SPECIAL MEETING/CALL TO ORDER/ROLL CALL | 6:00 p.m. |
| Absent | | | | | | <p>A. Mr. Mikolai asked if any Board member needed to recuse themselves from Consideration of motions and responses thereto filed with the Board in Case No. TS 20130001, a dismissal proceeding under the Teacher Employment, Compensation and Dismissal Act of 1990, as amended. There were none.</p> <p>B. There was a request from Mr. Charles F. Kaiser, Esq., Attorney for Mrs. Jane White, to remove Mr. John Groves as counsel for the Board of Education. Mr. Mikolai asked for a motion to remove Mr. Groves as Board counsel. There was no motion.</p> <p>C. There was a request from Mr. Charles F. Kaiser, Esq., Attorney for Mrs. Jane White, to have the case information discussed and presented in public. Mr. Mikolai outlined the motion to have it in public or go to an Executive Session. He called for a motion to hear the case in public discussion. There was no motion made to hear the case in public.</p> | |
| Motion | | | x | | | D. Mr. Mikolai called for a motion to hear the case in Executive Session. Mr. Charles Kaiser, Attorney for Mrs. Jane White, requested Mrs. White and Mr. Darren Cook, MVEA President, be allowed to be present in the Executive Session. This request was approved. Discussion took place regarding the Agenda to hear oral arguments during Executive Session. Mr. Williams requested the administrators, teachers, counsel, Mr. John Groves, Attorney for District 51, and Mr. Steve Schultz, Superintendent, be allowed to attend the Executive Session. This request was approved. | Adopted |
| Second | | | | x | | | |
| Aye | | x | x | x | x | | |
| No | | | | | | | |
| Motion | | x | | | | E. <u>EXECUTIVE SESSION</u> : 6:10 p.m. | |
| Second | | | | x | | 1. For discussion of a personnel matter under C.R.S. Section 24-6-402(4) (f), and more specifically, hearing and conducting oral argument regarding the findings and recommendations in Case No. TS 20130001, a dismissal proceeding under the Teacher Employment, Compensation and Dismissal Act of 1990, as amended. | Adjourn to Executive Session |
| Aye | | x | x | x | x | 2. For discussion of individual students where public disclosure would adversely affect the person or persons involved under C.R.S. Section 24-6-402(4) (h), specifically in connection with oral argument regarding the findings and recommendations in Case No. TS 20130001, a dismissal proceeding under the Teacher Employment, Compensation and Dismissal Act of 1990, as amended. | |
| No | | | | | | 3. Conference with an attorney for the Board for the purposes of receiving legal advice on legal questions pursuant to C.R.S. Section 24-6-402(4) (b), specifically legal questions concerning Case No. TS 20130001, a dismissal proceeding under the Teacher Employment, Compensation and Dismissal Act of 1990, as amended, and/or the findings and recommendations therein, and/or regarding the law and procedure pertaining to such proceeding: | |

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| | | | | | | <ul style="list-style-type: none"> ➤ Present: Mr. Mikolai, Mr. Parrish, Mrs. Tisue, Mr. Williams, Mr. Schultz, Mrs. Colleen Martin, Executive Director Human Resources, Mr. David Price, Mr. John Groves, Mr. Charles Kaiser, Mr. Darren Cook, Mrs. Jane White. | |
| Motion Second Aye No | | x | x | x | x | <p>F. Return to Open Meeting: 8:25 p.m.</p> <ul style="list-style-type: none"> ➤ Mr. Mikolai thanked the audience for their patience. Mr. Mikolai asked Board members for discussion regarding the Board deliberation on a decision in Case No. TS 20130001, a dismissal proceeding under the Teacher Employment, Compensation and Dismissal Act of 1990, as amended. ➤ Mr. Williams stated this process is hard for anyone on the Board. He stated this is being taken seriously. He would have liked to have seen the charging documents included in the exhibits. Mr. Williams will be looking at the facts of the case. He acknowledged frustration among parents and students. He acknowledged communications to Mrs. White weren't returned in a timely manner and there were levels of insubordination. He stated the Administrative Law Judge (ALJ) tied the hands of the Board with the quality of the work submitted for review. ➤ Mr. Parrish stated it was a difficult document to read and address. He would have liked to see the charging documents. ➤ Mrs. Tisue concurred with the difficulty of the document and the comparison of the charges. ➤ Mr. Mikolai stated this is the first time anyone on this Board has had to deal with this process; however, the Board must follow the letter of the law and what the law prescribes. This is what he will consider when he renders his decision. | Return to Open Meeting |
| Motion Second Aye No | x | | | x | x | <p>G. Vote on Decision in Case No. TS 20130001</p> <ul style="list-style-type: none"> ➤ Mrs. Tisue made a motion for dismissal based on the adequate evidence to support unsatisfactory performance within the finding of the ALJ per the evaluation statute according to law. There was a lengthy time to mediate the performance due from evaluations with Mrs. White. There were unhappy parents and students year after year. Class enrollment was low. There are various different issues, the unsatisfactory performance. Mr. Parrish seconded the motion. The vote was a split vote. | Split Vote |
| Motion Second Aye No | | | x | x | x | <ul style="list-style-type: none"> ➤ Mr. Williams moved to send a request to the ALJ for clarification and elaboration of some of the statements. Mr. Groves reported this decision is allowed by law. The Board voted to remand the case to the ALJ for further specific findings. | Adopted |
| Motion Second Aye No | | x | x | x | x | <p>H. Vote on Board Representation for Discipline Committee</p> <ul style="list-style-type: none"> ➤ Mr. Parrish moved to have Mr. Mikolai be the Board Representative on the Discipline Committee. | Adopted |
| Motion Second Aye No | | | x | x | x | <p>I. ADJOURNMENT: 6:40 p.m.</p> | Adjourned |
| | | | | | | <p>_____ Terri Wells, Secretary Board of Education</p> | |