



**LITTLE ROCK SCHOOL DISTRICT
810 WEST MARKHAM STREET
LITTLE ROCK, ARKANSAS 72201**

**MINUTES
SPECIAL BOARD MEETING / HEARING
June 9, 2011
and
June 15, 2011**

The Board of Directors of the Little Rock School District held a special board meeting at 6:00 p.m. on Thursday, June 09, 2011. The meeting recessed at 1:10 a.m. and reconvened on June 15, 2011 at 5:30 p.m. These meetings were held in the boardroom of the administration building, 810 West Markham Street, Little Rock, Arkansas. President Melanie Fox presided.

MEMBERS PRESENT:

Melanie Fox
Jody Carreiro
Michael Nellums
Greg Adams
Charles Armstrong
Dianne Curry
Katherine Mitchell

MEMBERS ABSENT:

None

ALSO PRESENT:

Morris Holmes, Interim Superintendent
Beverly Griffin, Recorder of Minutes

Paul Blume, Hearing Officer

I. CALL TO ORDER / ROLL CALL

Ms. Fox called the meeting on June 9, 2011 to order at 6:32 p.m. All members of the board were present at roll call.

The meeting on June 15, 2011, convened at 5:45 p.m. All members of the board were present at roll call.

<The employee's name has been removed to protect individual privacy rights.> The students names have been removed and are noted in the minutes as Student One and Student Two.

PURPOSE OF THE MEETING

The meeting was called to conduct an employee termination appeal hearing. At the request of the employee's attorney, the hearing was closed to the public. <The employee> was represented by Attorney John Walker. Attorneys Ellen Smith and Jamie Jones represented the LRSD.

Dr. Holmes was asked to read the letter recommending termination of <the employee.> A copy of the letter, mailed to <the employee> on February 23, 2011, was provided for the board's review and consideration.

Attorney Smith made opening remarks regarding the recommendation for termination. <The employee> was accused by two students at Parkview of making inappropriate, suggestive and sexual comments. The incidents have been investigated by the LRSD safety and security department and also by the Little Rock Police Department and the Arkansas State Police.

Attorney Walker made opening remarks and asked the board to provide unbiased consideration of the allegations and to carefully consider the evidence. He asserted the two students who made the accusations were not credible as witnesses and stated there was a lack of corroboration of the evidence. He asked the board to overrule the superintendent's recommendation.

Student One was called as the first witness. Her mother requested to be present during questioning and was allowed to remain over Mr. Walker's objections. Student One stated she was 17 years old and attended Parkview as a 10th grade student. <The employee> was her geometry teacher, and she reported he had tried to force her to perform a sexual act in his classroom. At the time of the incident, she was supposed to be in choir. She had been sent to the office for violation of the school dress code. Instead of reporting to her assistant principal, she went to <the employee's> classroom, where no other students were present.

Student One stated she did not tell anyone at the school or tell her mother immediately following the incident. She had told a friend, Student Two, who later reported the incident to her grandmother. Student Two's grandmother informed the school and it was then Student One reported the incident to her mother and to school staff. A written statement from Student One was given to the district's safety and security staff, and was provided as an exhibit for the board's information.

Attorney Walker cross examined Student One and showed her photographs he had taken from her Facebook page. Copies of the photographs were provided as evidence for the board's review. She was questioned regarding her poor school attendance, skipping classes, poor performance in school and about being dishonest with her parents and school officials.

The board took a 10 minute break at 8:00 p.m. and another at 8:30 p.m. when Student One became visibly and emotionally upset. At 9:00 p.m. Board members were given the opportunity to ask questions, and Student One was excused at 9:07 p.m.

Student Two, a 16 year old student who also attended Parkview, reported that during testing in the school auditorium <the employee> had taken her phone, which was hidden in her bra at the time. At the end of the testing session, when she asked for him to return the phone, he touched her inappropriately. Student Two told her grandmother what had happened and also what had happened to Student One.

When questioned by Mr. Walker, Student Two admitted that she had been a poor student but that since leaving Parkview she was doing better. She reported that she was chronically absent, but that no one at the school reported her absences to her grandmother. Student Two was not a student of <the employee,> and only knew of the incident with Student One when she was called to the restroom after the incident. She reported Student One was upset and called her to meet in the restroom.

The investigative file from the police department was provided for the board's review. Detective Marilyn Scott, a juvenile abuse investigator for the LRPD, testified she was experienced in forensic interviewing of juveniles. She testified to the allegations made by Student One and Student Two and it was her professional belief that the girls were being truthful in their statements.

Don Allen, LRSD Safety & Security officer, reported that he had taken the statement of <the employee> and had interviewed both of the students who made the allegations. He responded to questions regarding the investigation and persons interviewed.

Due to the late hour and the number of witnesses remaining, the board recessed at 1:07 a.m. Hearing officer, Paul Blume warned the board not to discuss the matter with anyone or among each other. He reminded them that the discussions in the room were confidential and should not be discussed outside the room.

The board reconvened on Wednesday, June 15, 2011, 5:45 p.m. All members of the board were present at roll call.

Dexter Booth, principal of Parkview Magnet, was asked to testify regarding his knowledge of the incidents surrounding the recommendation to terminate <the employee>. Dr. Booth responded to questions regarding the reports by Student Two of inappropriate touching by <the employee> in the auditorium; he also reported that his knowledge of the incident involving Student One had been reported to him by Student Two. He responded to questions regarding previous reports of inappropriate conduct by <the employee.> He also answered questions regarding the investigation by Parkview staff, the LRSD Safety & Security officers, and the LR police department.

The board took a brief break at 7:45 p.m.

Dr. Holmes was called and responded to questions regarding the recommendation for termination. In response to questions from the board, Dr. Holmes stated that he was standing by his recommendation.

David Hartz responded to questions regarding the evidence against <the employee>. He was also asked about the District's employee grievance and hearing process. Mr. Walker questioned Mr. Hartz about a letter of reprimand in <the employee's> personnel file which referenced similar inappropriate contact with a student in 2005. There was an agreement between <the employee> and the administration that the letter would be removed and destroyed at the end of the 2006-07 school year. The remainder of the questions were in reference to maintenance of personnel files, the destruction of files, and the District's policy regarding maintaining personnel records.

After a break at 9:20 p.m., Robert Robinson was also questioned about the maintenance and destruction of personnel files. He stated he was unaware of duplicate files kept in the school offices, stating the official records were stored in Human Resources.

Vanessa Hampton, teacher at Parkview, responded to questions regarding the end-of-course examinations in April 2010 where the incident with Student Two was to have taken place. She described the seating arrangements for testing in the school auditorium and the process used for arranging the students so that appropriate monitoring during testing could take place.

DeLynn Hearn, a science teacher at Parkview, was questioned about Student Two and her style of apparel. She was familiar with Student Two's inappropriate wardrobe and also with her classroom and social behaviors. She spoke to the obvious appearance of Student Two's cell phone when she hid it in her bra, stating that she didn't confiscate the phone when she saw it on Student Two's person, but did ask her to "make it disappear."

Cornelius Roberts, also a teacher at Parkview, was asked about classroom behaviors of Student One. He reported she was a "difficult" student, often showing up for class tired, sleepy, and not paying attention. Mr. Roberts discussed the number of students who should have received no credit for his class due to excessive absences and tardies. He reported there were many instances when he ignored inappropriate attire of students because he didn't care for the confrontational behavior of parents when they were called to the school to discuss the student dress code.

Clement Riley, Parkview's building engineer since 2006, responded to questions regarding the door to <the employee's> classroom. He reported the door had been broken for a time and the hydraulic system, which was supposed to close the door slowly, didn't work properly. The door had to be opened and closed manually.

<The employee> was called to respond to questions, stating he was a math teacher at Parkview. He reported he had served as an officer in the teachers' union, and that he was familiar with the PN agreement.

He responded to questions regarding the testing session where he asked Student Two to remove a cell phone from her bra. He said the phone was visible through her clothing, and that he asked her to hand it over to him so as not to violate the testing protocol. He was asked about the circumstances where he returned the phone to the student. He was also asked about his familiarity with Student One, and questioned about occasions when she was alone with him in his classroom.

<The employee> denied making any improper advances toward Student One. He responded to questions from Attorney Jones regarding the testing session where Student Two's cell phone was confiscated. He admitted he had not followed school policy in reporting the cell phone, noting that cell phones are supposed to be sent to the office and held for a period of time. He responded to questions regarding the incident in 2005 where he made an admission of improper discussions regarding sexual activity with a student. He had reported this information during the discussion with Don Allen where he was interviewed regarding the accusations.

<The employee> responded to questions regarding his request for records from the District's Human Resources office. He stated belief that the file he received was his complete personnel file, and he was not aware that information from a written reprimand in 2005 was still part of his file. According to an agreement from that incident, the reprimand was to have been removed from his file at the end of the 2006-07 school year.

Attorney Ronald Davis, who will be representing <the employee> in the criminal charges pending in this matter, objected to questions regarding the previous reprimand for inappropriate discussions with students. Mr. Blume discussed his reason for allowing the questions from the board's attorneys.

Closing arguments began at 11:50 p.m. with Attorney Smith giving the district's closing summary remarks. Mr. Walker's closing statement began at 12:00 a.m. and ended 12:35 a.m.

Mr. Blume provided direction for the board's consideration during deliberations. He reviewed the requirements of the Arkansas Teacher Fair Dismissal Act, and noted the Board would need to vote on each of the findings of fact included in Dr. Holmes' letter.

Mr. Armstrong moved to convene an executive session to deliberate; Ms. Curry seconded the motion and it **carried unanimously**. The session convened at 1:00 p.m., and the board returned at 2:05 p.m.

Ms. Fox reported no action was taken in executive session, and requested a motion on the first finding of fact as included in Dr. Holmes letter recommending termination. Excerpts from the letter are provided here. A copy of the letter was included in the exhibits provided to the board during their deliberations.

Finding of Fact No. 1: In the spring of 2010, the employee engaged in inappropriate conduct with Student Two . . .

Action taken: Dr. Mitchell moved the reason set forth in Fact Number One was *not true*. Mr. Armstrong seconded the motion and it **carried 4-2-1**, with Ms. Fox and Mr. Carreiro voting against the motion. Mr. Adams abstained.

Finding of Fact No. 2: In the spring of 2010, the employee engaged in inappropriate conduct with Student One . . .

Action taken: Dr. Mitchell moved the reason set forth in Fact Number Two was *not true*. Mr. Armstrong seconded the motion and it **carried 4-3**, with Ms. Fox, Mr. Carreiro and Mr. Adams voting against the motion.

Finding of Fact No. 3: In the spring of 2010, the employee engaged in inappropriate conduct with a student Student One . . .

Action taken: Dr. Mitchell moved the reason set for in Fact Number Three was *not true*. Ms. Curry seconded the motion and it **carried 5-1-1**, with Ms. Fox voting no and Mr. Adams abstaining

Finding of Fact No. 4: As a result of the incidents described above, on May 14, 2010, employee was placed on administrative leave with pay pending the outcome of an investigation.

Action taken: Mr. Carreiro moved the reason set forth in Fact Number Four was *true*. Mr. Adams seconded the motion and it **carried unanimously**.

Finding of Fact No. 5: Two investigators from the Arkansas Department of Human Services Division of Children and Family Services conducted separate investigations of the allegations by Parkview students, One and Two. . . . Both investigators found the allegations to be true.

Action taken: Mr. Carreiro moved the reason set forth in Fact Number Five was true; Mr. Adams seconded the motion. The motion **carried 4-3**, with Ms. Curry, Dr. Mitchell and Mr. Armstrong voting no.

Finding of Fact No. 6: The investigation of the incidents described above resulted in the employee's arrest in January 2011. Employee was charged with two felonies . . .

Action taken: Mr. Carreiro moved the reason set forth in Fact Number Six was true. Mr. Adams seconded the motion, and it **carried 4-3**, with Dr. Mitchell, Mr. Armstrong and Ms. Curry voting in opposition.

Finding of Fact No. 7: This was not the first time employee had engaged in inappropriate conduct with students. He was previously found to have engaged in an inappropriate conversation . . . with a female student and was reprimanded for unprofessional conduct.

Action taken: Dr. Mitchell moved the reason set forth in Fact Number Seven was not true. Mr. Nellums seconded the motion, and it **carried 4-3**, with Ms. Fox, Mr. Carreiro and Mr. Adams voting no.

Dr. Mitchell made a motion to modify the superintendent's recommendation to terminate the employee's contract. The modification would be that <the employee> be reassigned from Parkview at the discretion of the superintendent. Mr. Armstrong seconded the motion and it **carried unanimously**.

ADJOURNMENT

There being no further business before the board, the meeting adjourned at 2:22 a.m.

APPROVED: 06-24-11

Originals Signed by:
Melanie Fox, President
Michael Nellums, Secretary