

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

**MINUTES
SPECIAL BOARD MEETING
May 1, 2007**

The Board of Directors of the Little Rock School District held a special meeting on Tuesday, May 1, 2007, in the Boardroom of the Administration Building, 810 West Markham Street, Little Rock, Arkansas. President Katherine Mitchell presided.

MEMBERS PRESENT:

Katherine Mitchell
Charles Armstrong
Melanie Fox
Larry Berkley
Dianne Curry
Robert M. Daugherty
Baker Kurrus

MEMBERS ABSENT:

None

ALSO PRESENT:

Roy G. Brooks, Superintendent of Schools
Beverly Griffin, Recorder of Minutes

I. CALL TO ORDER / ROLL CALL

Dr. Mitchell called the meeting to order at 5:34 p.m. All members of the Board were present at roll call.

II. PURPOSE OF THE MEETING

Dr. Mitchell's notice of the meeting is stated here in its' entirety. There was no published agenda.

"There will be an emergency board meeting on Tuesday, May 1, 2007, 5:30 PM to discuss issues relative to the upcoming suspension hearing of Dr. Roy Brooks and the federal lawsuit filed by Dr. Brooks. We will also discuss whether to retain special counsel regarding these legal matters. Please bring your names of suggested counsel."

EXECUTIVE SESSION

Dr. Daugherty moved to convene an executive session at 5:35 p.m. The session was for the purpose of discussing personnel issues. Mr. Armstrong seconded the motion. There was no vote taken; however, the board retired for deliberations.

The board returned from executive session at 5:40 p.m. and reported no action was taken.

ACTION:

Dr. Mitchell introduced discussion regarding counsel for the upcoming suspension and termination hearings for Superintendent Brooks. Ms. Curry asked for Attorneys Heller and Eddings to address the board to clarify the legality of this special "emergency" meeting. Mr. Heller responded that it was his belief that this was a properly called meeting.

Mr. Kurrus disagreed, objected, and referred to board policy BED. He noted that the board's policies do not include provisions for conducting emergency meetings. At the board's request, Mr. Eddings responded to questions regarding the issue of conducting this meeting. He stated belief that this was a properly called meeting under the Arkansas Freedom of Information Act.

Mr. Kurrus responded that he wasn't questioning authority under Arkansas FOIA; however he restated that the calling of the meeting was a violation of board policy BED. In addition, he stated his belief that action taken in a special meeting on April 11th was also a violation of board policy.

Dr. Mitchell responded to Mr. Kurrus' comments regarding adherence to the policy regarding special called meetings. She stated that the board had not followed that policy previously and it had only become an issue within the past two weeks.

The board discussed the selection of legal counsel for the purpose of assuming the responsibilities associated with hearings for the purpose of suspension and termination of the superintendent. Mr. Heller responded to questions from the board regarding representation by the Friday Firm, stating that they would be "willing to withdraw from representation of the board on this issue if that is the will of the board."

Ms. Curry expressed concern regarding the Friday firm representing the board on this matter and presented four names for consideration: Darren Williams, Leon Johnson, Troy Price, and Chip Welch. Dr. Daugherty concurred on the selection of Mr. Welch. Dr. Mitchell urged the board to move rapidly, stating that "time is of the essence and a decision needs to be made immediately." She expressed intent to convene a suspension hearing on Monday, May 7, 2007. Ms. Fox objected to that date, noting that the district's annual Teacher of the Year Crystal Awards banquet was to be held that evening.

Dr. Daugherty made a motion to contact Attorney Chip Welch and ask him to represent the board. Mr. Armstrong seconded the motion.

Mr. Berkley and Ms. Fox objected to the motion, stating that they had not seen credentials for Attorney Welch. Ms. Fox suggested that the board consider contracting with Attorney Leon Johnson since board members had an opportunity to meet him and were familiar with him.

Dr. Mitchell stated confidence in Attorney Welch and stated that she was aware of his abilities. When questioned by Mr. Armstrong, Mr. Heller reported that in this case the Friday firm would be replaced by the attorney selected by the board. They would cooperate with that attorney by turning over the existing records, but they would not participate as co-counsel.

Mr. Berkley questioned the timing considering the selection of a hearing officer and whether a hearing date would be subject to modification or agreement of the parties to select an independent hearing officer. Mr. Heller reported that the hearing date would be subject to agreement between the parties and that he had not been involved in any discussions regarding who the hearing officer would be.

Ms. Curry suggested that the resumes of Leon Johnson and Chip Welch be obtained so that the board could properly assess their backgrounds. The board could then meet again to determine which attorney to hire to represent the board.

Dr. Mitchell called for the vote and the **motion carried 4-2-1**, with Mr. Berkley and Ms. Fox voting no and Mr. Kurrus abstaining.

Additional discussion was held regarding a federal lawsuit filed by Dr. Brooks against Dr. Mitchell and Dr. Daugherty. Mr. Armstrong suggested that the board secure the services of Mr. Welch to represent them as individuals in this lawsuit, and asked that the district pay their legal fees. Ms. Fox expressed objections.

Dr. Daugherty made a motion to retain Chip Welch to represent Dr. Mitchell and himself in the upcoming proceedings. Ms. Curry seconded the motion.

Mr. Heller responded to questions, stating that state ethics laws and the board member oath of office would prohibit them from voting on any contract that would be of benefit to their personal interests. He briefly explained insurance benefits from the school workers defense fund and insurance coverage for board and administrators. He concluded that the Friday Firm would have a conflict of interest as the school district's lawyers and, in this case since the district is not a defendant, it should not be the board's business to hire lawyers for individual board members.

Dr. Daugherty withdrew his motion; Ms. Curry withdrew the second.

ADJOURNMENT

There being no further business before the board, the meeting adjourned at 6:11 p.m. on a motion by Mr. Berkley; seconded by Ms. Fox.

APPROVED: 05-24-07

Originals Signed by:
Katherine P. Mitchell, President
Melanie Fox, Secretary