



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

MINUTES
SPECIAL BOARD MEETING
November 13, 2014
&
November 19, 2014

The Board of Directors of the Little Rock School District held a special board meeting immediately following the agenda meeting on Thursday, November 13, 2014, in the boardroom of the administration building, 810 West Markham Street, Little Rock, Arkansas.

A continuation of the hearing begun on November 13, 2014 was held on Wednesday, November 19, 2014, at 7:30 p.m. President Greg Adams presided.

MEMBERS PRESENT:

Greg Adams
Joy Springer
Jim Ross
Dianne Curry
Leslie Fisker
Tara Shephard

MEMBERS ABSENT:

C. E. McAdoo

ALSO PRESENT:

Dr. Dexter Suggs, Superintendent of Schools
Beverly Griffin, Recorder of Minutes

I. CALL TO ORDER / ROLL CALL

On November 13th, Mr. Adams called the meeting to order at 7:06 p.m. Six members of the board were present at roll call; Mr. McAdoo was absent.

The continuation hearing on November 19th was called to order at 7:30 p.m. Five members of the board were present at roll call. Ms. Curry arrived at 7:38 p.m.

II. PURPOSE OF THE MEETING

The meeting of November 13th was called for the purpose of approving the annual report and to conduct an employee hearing. The November 19th meeting was called for the sole purpose of completing a hearing begun the previous week.

ACTION AGENDA

A. ANNUAL REPORT

The Arkansas Department of Education requires publication by November 15 of each year, of an informational report which provides stakeholders with information regarding progress made by school districts across the state. Highlights from the 2013-14 school year were compiled by the communications office and submitted to the board for review and approval prior to publication. Ms. Fiskens made a motion to approve the LRSD Annual Report. The motion was seconded by Ms. Shephard, and it **carried unanimously**.

The board recessed at 7:11 p.m. and returned at 7:40 p.m. to conduct an employee hearing.

B. EMPLOYEE HEARING

The LRSD was represented by Ellen Smith, attorney with the Friday law firm. Clayton Blackstock represented the employee, AS.

<The employee> was a paraprofessional at Terry Elementary, and had worked for the LRSD for approximately ten years. He was recommended for termination based on concerns regarding his interactions with some of the students at Terry. Coworkers at Terry began reporting these incidents to the current principal beginning in December 2013.

Mike Green, LRSD security officer was the first witness. He was questioned regarding his experience and background in conducting investigations. He discussed the investigation into incidents involving <the employee>. He named the individuals who had been questioned during the investigation. Those allegations were of inappropriate behavior with students, touching, hand holding, hugging, whispering, and other contact between <the employee> and specific male students.

Rhonda Caldwell was called as a witness for <the employee>. Ms. Caldwell reported that she works for the Division of Family Services, and that it was within her job responsibility to remove children from homes when necessary. She also stated she teaches parenting classes and serves as a parenting coach. She knew <the employee> professionally when both of them worked for Kids Country, a daycare/after school facility near Terry. <The employee> worked at Terry during the day and for Kid Country after school starting in 2007. She reported <the employee> also worked at the Promiseland Childcare Center, where he was a volunteer teaching dance and health. Ms. Caldwell stated she believed <the employee> had a good rapport with children but she never felt there were any inappropriate behaviors.

Tommie Kelly, the library media specialist at Terry since 2008, described <the employee's> behavior at times as erratic and threatening. She said he was too playful with children, and had allowed children to sit in his lap. She had witnessed this behavior in front of the school at dismissal time and in the cafeteria when he was assigned to work with children in small groups. Ms. Kelly believed that <the employee> was closer with one particular child, and felt this child had been singled out for attention. Ms. Kelly did not want to state the name of the child involved because she felt threatened and fearful of retaliation from <the employee>.

Ms. Kelly brought the behavior to the attention of the building administrator because of concerns that the behavior would lead to something more serious.

Amy Freeman, a teacher at Terry, reported she had first witnessed <the employee> with a student in his lap during a day where students had inside recess. Ms. Freeman reported that she had seen <the employee> wink and whisper in the ear of one particular student. She had asked the student to go to the library, and had been watchful when students were with <the employee>. She did not believe <the employee> was “keeping appropriate boundaries” with students. Ms. Freeman also reported that this child’s parent had called her regarding some jewelry, bracelets and other items, that <the employee> had given to her child.

Mr. Blackstock requested that Ms. Freeman provide the names of students she was referring to in order to identify which incidents occurred with which student. Ms. Freeman named two students, <K> and <C>.

Hannah Rosson, a 4th grade teacher, reported this was her third year at Terry Elementary. She stated <the employee> was the paraprofessional in her classroom for two years. He was responsible for working with small groups of students in both math and literacy. She stated it was her belief that his contact with students was inappropriate, and she specified that he would put his arm around one particular male student, allowed students to sit in his lap, and spent more one-on-one time with one particular student.

Ms. Rosson stated she had worked with the principal to ensure <the employee> was not left alone with students. <The employee> was moved to a hallway area to work with individual students where an adult in the office could observe. Ms. Rosson reported she had met with one student’s mother regarding these concerns, and had discussed what she believed was inappropriate touching. Ms. Rosson reported this parent had told her <the employee> had taken an interest in her after-hours activities and had offered to meet to run or workout together in order to spend time with her outside the school day. Ms. Rosson reported that the parent was appreciative that these concerns had been brought to her attention.

Rasul Griffin was formerly a security officer at Terry Elementary and had also previously worked at Hall High School. He reported observations of inappropriate interaction between <the employee> and some of the male students outside the school and in front of the building at Terry. Mr. Griffin did not want to respond to questions regarding his reasons for leaving employment at Terry and the LRSD.

Patricia McDaniel, former Terry parent, reported she trusted <the employee> to spend time with her children. <The employee> was, in fact, her son’s godfather. Her son had attended Terry, and was now 12 years old.

At the request of the Board, the hearing recessed at 10:15 p.m. It reconvened on Wednesday, November 19th, at 7:30 p.m.

EMPLOYEE HEARING – PART 2:

Sandra Register, Terry principal, reported she had been in the LRSD for 29 years. For 16 years she had worked as a principal and assistant principal. Ms. Register responded to questions regarding her recommendation to the superintendent to terminate <the employee>. The recommendation was made in June 2014 and was based on conduct

which occurred in the 2013-14 school year. She reported this was her second year working with <the employee>, and that during the first year she had no problems, concerns or conflicts.

Ms. Register also responded to questions regarding the testimony of Ms. Rosson and reports received from Ms. Carrico. Both of these teachers had reported concerns regarding Mr. Smith's close contact with students, including sitting too close and draping his arm over the student's chest. The teachers reported to Ms. Register that they felt uncomfortable with the type of contact between Mr. Smith and this student. As a result of these concerns, Mr. Smith was given alternate assignments working with other students, distancing him from the student involved in the reported contact. Ms. Register also reported that both teachers had expressed fear that Mr. Smith would "blow up" or cause a scene in the presence of students.

Ms. Register was questioned regarding a disagreement between <the employee> and a former security officer at Terry. <The employee> had reported that the officer, Ms. Porchay, had made comments about him, and in April he went to Ms. Register's office demanding that she do something immediately. Ms. Register called a meeting the next morning, investigated the allegations, and as a result Ms. Porchay was transferred to another school. <The employee> was not written up or disciplined over this particular incident.

Ms. Register also responded to questions regarding a report from security officer Griffin. Mr. Griffin had reported physical contact between <the employee> and a student. It was this report that caused her to begin further investigation, including a review of statements made to her by teachers. She saw "a pattern of behavior" in the incidents reported to her, and she decided it was time to request a formal investigation and take action to recommend termination. Her decision was based on the fact that <the employee> showed favoritism to one particular student, she reviewed previous reports from teachers and other school staff, and his continual exhibit of unprofessional behaviors.

Ms. Register reported that it was after her request for investigation to Safety and Security that she was informed by Director Bobby Jones that there had been a previous investigation into similar instances of inappropriate contact with students. It was reported to her that <the employee> had been informed, notified, and counseled that it was inappropriate to touch children. She also reported that in the spring <the employee> filed a complaint against her with her supervisor, Dr. Mitchell.

Mr. Blackstock questioned Ms. Register regarding the complaint filed against her by <the employee>. His complaint contained allegations that she was unfair and had been involved in instances of slander and bullying. <The employee> also alleged that during the 2013-14 spring semester, Ms. Register had asked a custodian, Mr. Crutcher, to keep a close watch on him, especially his contact with students. <The employee> believed the comments from security officer Porchay had been the beginning of the rumors. <The employee> believed everyone in the building had heard the rumors and were asked to watch him.

Ms. Register was asked to describe an incident regarding a student leaving the playground during recess. A teacher, Ms. Terry, had given a second grade student her keys, and asked her to walk across the street to the parking lot to retrieve something from her car. Ms. Register and security officer Griffin witnessed the incident and he followed the student to bring her back to Ms. Register. It was alleged that security officer Griffin interrogated the little girl, but Ms. Register reported that wasn't the case. She asked the student questions,

but did not discipline the student. Ms. Terry was confronted about sending a student out to cross the street.

Ms. Register stated she reported <the employee> to DHS when she went to security about the investigation. As a mandatory reporter, she was concerned about his behavior and felt it was time to make official reports for the record.

Lori Brown, principal of Franklin Elementary, was formerly the principal at Terry from 2009-2012. She reported that <the employee> was a para professional during the time she was at Terry. She responded to questions, and reported <the employee> had been instructed previously as to appropriate contact with children. Although she didn't provide exact dates, she reported he had been given a directive to not have children sitting on his lap, not to hug them, pick them up, or hold them in his lap. There were notes in his files at the school regarding these instructions from previous administrators including assistant principal Ms. Booth, and former principal Ms. Ramsey. Those behaviors had previously been documented in his files, and he was aware that these behaviors violated district policy.

Ms. Brown reported she had asked for <the employee> to be moved from Terry, and had recommended he be assigned to a position where he would not be working with elementary age children. She didn't believe his behavior was severe enough to recommend termination, but didn't feel comfortable having him at her school or having him in contact with younger students.

LaDonna Marshall Montgomery was not present, but was contacted by telephone call. She stated she had worked at Terry as a substitute security officer and had discussed Ms. Register and <the employee> with the building custodian. She heard defamatory rumors about <the employee> from the custodian. She also reported she had known <the employee> for four or five years and had met him at her cousin's house.

<The employee> addressed the board, stating he had worked for the LRSD for 15 years, with the last ten being assigned as a para professional at Terry Elementary. He reported that the substitute security officer, Ms. Montgomery, had told him about her conversation with the building custodian, including comments that Ms. Register had been asked him to watch him. It was after hearing those comments that he decided to file a complaint against Ms. Register.

<The employee> continued by saying he had seen his personnel file, and there were no written reprimands from Ms. Brown. He denied ever receiving any written warnings from Ms. Brown regarding contact or inappropriate behavior with children. He admitted receiving verbal warnings from Ms. Brown, and prior to that in 2007 or 2008, when Ms. Ramsey was the principal, there was an incident where she spoke to him regarding a similar situation. There was nothing written in his file.

<The employee> further refuted the statements from Security Officer Griffin regarding a student <A> sitting in his lap at the bus waiting area during the 2013-14 school year. He described this student as a very energetic first grader with some behavior incidents. He stated the student was excited, hyper, and kept jumping into his lap because he had met his AR goal. On another incident, the student had received a write up for poor behavior, and had been crying. He patted the student on the back. The student is in foster care and it was required to sometimes physically touch him in an effort to remind him of appropriate behaviors.

<The employee> was further questioned about contact with other students. In one instance, <the employee> was acquainted with the student's family and had worked with his younger siblings. He reportedly was acquainted with the mother, however he denied allegations that he had draped his arms over the student's shoulders or that he had allowed the student to lean back against his legs.

<The employee> admitted that he occasionally whispered in students ears. He said he used it as a way to remind them to be still or be quiet, or if they needed to be quietly reprimanded. When he had concerns or problems with a student, it was his practice to pull them to the side or speak to them where no one else could hear. He admitted giving a student some jewelry for his birthday. However he denied allowing this student to sit in his lap in the cafeteria during indoor recess.

<The employee> responded to questions regarding a diagram of areas of the cafeteria and the outside bench where there had been allegations of inappropriate contact. He felt that some of the teachers had been watching him, and he accused the security officer of trying to take pictures of him during times he was with groups of students. He read a statement regarding his desire to continue working as a paraprofessional.

Both attorneys made brief closing remarks. Ms. Smith summarized the history of allegations of inappropriate contact with students going back to 2007. She read the recommendations from the superintendent's letter to <the employee>, dated August 4, 2014, which detailed the allegations.

Mr. Blackstock asserted that nothing improper had occurred between <the employee> and his students. He attributed the allegations to the fact that <the employee> was familiar with some of the students and with their families outside the school setting. He stated that students merely gravitate to <the employee>.

The board convened a closed session to deliberate at 10:56 p.m. They returned from executive session at 11:35 p.m. and reported no action was taken.

On the recommendation to terminate <his> employment, the first allegation was:

You allowed male students to sit in your lap on multiple occasions on school grounds including a classroom, on a bench outside during dismissal, and in the cafeteria.

Ms. Fiskin made a motion that allegation #1 was proven. Ms. Shephard seconded the motion, and it **carried 4-2** with Ms. Curry and Ms. Springer voting no.

The second allegation was:

You put your arm across the chest of a male student while you were behind the student for an extended period of time in a 4th grade classroom.

Ms. Fiskin made a motion that allegation #2 was proven. Ms. Shephard seconded the motion, and it **carried 4-2**, with Ms. Curry and Ms. Springer voting no.

The third allegation was:

You exhibited inappropriate actions toward male students, including: massaging, rubbing, holding hands, and patting.

Ms. Fisken made a motion that allegation #3 was proven. Ms. Shephard seconded the motion, and it **carried 5-1**, with Ms. Springer voting no.

Ms. Fisken made a final motion to support the administration's recommendation for termination. The motion was seconded by Ms. Shephard, and **carried 4-2**, with Ms. Curry and Ms. Springer voting no.

ADJOURNMENT

There being no further business before the Board, the meeting on November 13th adjourned at 10:15 p.m.

The continuation meeting on November 19th adjourned at 11:37 p.m.

APPROVED: 12-18-14

Originals Signed by:
Greg Adams, President
Jim Ross, Secretary