

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

**MINUTES  
SPECIAL BOARD MEETING  
May 6, 2007**

The Board of Directors of the Little Rock School District held a special meeting on Sunday, May 6, 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 7:39 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.

"The board will vote on counsel and give counsel instructions for answering yesterday's injunction."

**III. DISCUSSION:**

Dr. Mitchell announced that with regard to the federal court appearance scheduled for Monday, May 7, the purpose of this meeting was to secure legal counsel for that lawsuit.

Mr. Kurrus asked Dr. Mitchell if any discussion had been held with the superintendent prior to the calling of this meeting. He reminded board members that, according to policy BED, discussion should have been held with Dr. Brooks prior to the call of the meeting.

Ms. Curry stated that she was advised by telephone that this was an emergency meeting. Mr. Armstrong responded that he had called all board members and had notified Dr. Brooks that there would be a board meeting when he was in the office this afternoon.

Ms. Fox questioned the validity of this and other meetings called on short notice. Mr. Berkley agreed and stated that it would have been more acceptable had the president contacted board members earlier.

Mr. Kurrus asked several questions regarding the lawsuits that had been filed: whether the board had been sued as a whole; whether the suits had been filed against board members as individuals; or whether board members had been sued only in their official capacities as members of the board. He asked whether it was the intent to hire Mr. Welch to represent the board as a whole, or if his representation extended to those board members who were sued individually.

Mr. Heller responded, stating that he and Attorney Welch needed clarification and direction from the board regarding actions to be taken by legal counsel. Regarding the Monday, May 7 suspension hearing date, Mr. Eddings stated that the hearing was set within a five day guideline as specified in the contract, but agreed that the board and Dr. Brooks and the attorneys involved could agree to an alternate date.

Dr. Daugherty made a motion to retain Chip Welch to represent the board. Mr. Armstrong seconded the motion.

Again, Mr. Kurrus requested clarification, repeating that the defendants in the suit are the LRSD board and board members in their official capacities. He noted that individual board members would be responsible financially for their own individual representation. He asked if the motion would authorize action to hire representation for the full board.

Mr. Kurrus objected to the actions taken by the board, stating that he disagreed with the scheduling of the hearing, disagreed with the timing, and stated it was his belief that there had been no facts presented that would necessitate an emergency hearing or a suspension. He offered that it was going to be very difficult for the board as a whole to direct an attorney as to action to be taken when the board as individuals did not agree on what action should be taken.

Attorney Chip Welch addressed the board, stating that telephone conferences with Judge Eisele had resulted in questions regarding jurisdiction when allegations had only been made against two individual members of the board. He stated that it was his suggestion that this emergency meeting be held in order to bring clarity for actions to be taken in court beginning at 9:00 a.m. on tomorrow, Monday, May 7, 2007. Mr. Welch stated that there was a difference of opinion on the board, but that he would act in the manner approved by the majority of the board.

Mr. Heller agreed, stating that Judge Eisele expected all board members to be in court on Monday morning and that it was important for the attorneys to know tonight how to proceed tomorrow.

Mr. Berkley questioned previously called special meetings, stating that items had been added for action at meetings without the appropriate suspension of the rules and without proper board meeting notification, specifically the actions taken to suspend Dr. Brooks. He asked how the attorneys could manage this litigation, knowing that the actions taken were not done in the proper manner.

Mr. Welch stated that it was his intent to determine and identify potential hearing officers and to come to agreement on that issue with counsel for Dr. Brooks. He also noted that details and procedures needed to be worked out to determine how to conduct the suspension hearing, and that with the assignment only given on Monday he needed for the board as a whole to provide guidance. He stated the importance of providing a fair hearing, but he did not believe that it was necessary to have a hearing officer. He stated that it was his belief that it was in the best interest of the students, teachers and the community to come to resolution. He stated that he would take the position that the hearing should not be postponed.

The motion to retain Chip Welch to represent the board **carried 5-2**, with Mr. Berkley and Ms. Fox abstaining.

## **ADJOURNMENT**

There being no further business before the Board, the meeting adjourned at 8:12 p.m. on a motion by Dr. Daugherty, seconded by Ms. Curry.

APPROVED: 05-24-07

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