

MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF SD #4

The trustees met in regular session, May 20, 2019 at 6:30 p.m. in the library. Those present throughout the meeting were Chairman Jason Matt, Brent Lipp, Superintendent, Amanda Agyeman-Budu, Trustee, Jeanne Carroll, Business Manager, Amy Sironi, Trustee, Joel Junso, Trustee and Jamie Wegner, Trustee.

The chairman called the meeting to order and led the group in the pledge of allegiance. *Amanda moved to approve the Consent Agenda. Amy seconded. All in favor.*

CONSENT AGENDA

PUBLIC COMMENT

Jason stated the guidance for Public Comment and if anyone wants to comment during the non-renewal for no cause discussions to please do it at that time. As per MTSBA guidance *(MTSBA/MSUIP 2018, Form No. 5741—copy attached to these minutes) the only comments allowed in regard to non-renewals are "I approve or oppose the non-renewal".

There was one Public Comment form submitted by Heather Calderwood to talk about STEM/Foreign Language, but she said it could wait until another meeting due to the volume of people in the room. The clipboard for attendance sign-in and item of interest, was handed to the back row of the room to be sent around for people to sign up on. Jeanne checked twice to see if the clipboard had made it through the audience yet and it had not. It was collected at the end of the meeting.

CORRESPONDENCE

Jamie moved to approve Krystal Maerling's resignation. Joel seconded. Krystal will be staying home and being a mom next year. Brent thanked her for a great year. All in favor.

ADMINISTRATIVE REPORT

Brent said 8th grade promotion will be Thursday the 30th at 10 a.m. Letters will be going out tomorrow. They will be spending some time together as a class on the rest of that day. He will be interviewing for a music teacher. He is working on scheduling these. Brent said the community dinner barbeque was well-attended with over 400 people attending. He'd like to thank the staff for helping with it. This is a really positive thing for our community. The PTO raised some funds with their baskets.

We have a decision to make on refrigeration repairs and that is why Earl is here to talk about maintenance. Testing is complete except for a little Aimsweb.

Kindergarten is running about 18 but we are probably going to be more. Brent had already decided to have two classrooms.

Alesia Styren won an award here at the school for helping everyone. He said this is a pretty cool thing.

Also, Haley Morales received a Franz award.

NEW BUSINESS:

Jason announced that due to Silvia being a MS teacher here, he will be abstaining from voting from all contract motions.

APPROVE HIRING

Brent recommends hiring Jennifer Hammonds as special education teacher for 2019-20. She is coming from Georgia and we are excited to have her. *Joel moved to hire Jennifer Hammonds as stated. Amy seconded. Jamie, Joel, Amy and Amanda voted in favor. Jason abstained. Motion passed.*

APPROVE RENEWAL/NON-RENEWAL OF CERTIFIED STAFF

Jamie moved to approve renewal of Karen Meick, Kim Tennant (counselor), Lynette Brug, Alesia Styren and

Ashley Vogl, tenured teachers for the 2019-20 school year. Amy seconded. Jamie, Joel, Amy and Amanda voted in favor. Jason abstained. Motion passed.

Amanda moved to approve renewal of the following non-tenured teachers Katie Kading, Loni Fox, Aimee Konzen, Endreah Burnham, Sheena Mallo, Silvia Matt, Carey See and Rachel Swoboda for the 2019-20 school year. Joel seconded. Jamie, Joel, Amy, and Amanda voted in favor. Jason abstained. Motion passed.

Joel moved to approve renewal of Jess Shade non-tenured teacher for tenure for the 2019-20 school year. Jamie seconded. Jamie, Joel, Amy and Amanda voted in favor. Jason abstained. Motion passed.

Brent spoke to how non-renewal of non-tenured without cause laws work and that it is a probationary period for 3 years.

Joel moved to non-renew Andrea Benson without cause, for the 2019-20 school year. Amy seconded. Jason read the guidance from MTSBA * for discussion during a non-tenured teacher non-renewal. Any comments by the public are limited to support or oppose, nothing else because they are a "probationary" employee that may be non-renewed without cause. Any board discussion is limited to accept or reject the motion. Jason asked for a show of hands in the audience, of who would like to publicly state their opposition or support. He then went from one end of each row to the other, for every row, and then asked if that person would like to speak, regardless of if they raised their hand or not. Of the public present, those who chose to publicly state their opposition or support opposed the motion. Jamie, Joel, Amy and Amanda voted in favor. Jason abstained. Motion passed.

Joel moved to non-renew Jessica Kugler without cause for the 2019-20 school year. Amanda seconded. Jason reiterated the guidance from MTSBA* for discussion during a non-tenured teacher non-renewal. Any comments by the public are limited to support or oppose, nothing else because they are a "probationary" employee that may be non-renewed without cause. Any board discussion is limited to accept or reject the motion. Jason asked for a show of hands in the audience, of who would like to publicly state their opposition or support. He then went from one end of each row to the other, for every row, and then asked if that person would like to speak, regardless of if they raised their hand or not. Of the public present, those who chose to publicly state their opposition or support opposed the motion. Jamie, Joel, Amy, and Amanda voted in favor. Jason abstained. Motion passed.

Joel moved to non-renew Dannicah Petak without cause for the 2019-20 school year. Jamie seconded. Jason reiterated the guidance from MTSBA* for discussion during a non-tenured teacher non-renewal. Any comments by the public are limited to support or oppose, nothing else because they are a "probationary" employee that may be non-renewed without cause. Any board discussion is limited to accept or reject the motion. Jason asked for a show of hands in the audience, of who would like to publicly state their opposition or support. He then went from one end of each row to the other, for every row, and then asked if that person would like to speak, regardless of if they raised their hand or not. Of the public present, those who chose to publicly state their opposition or support opposed the motion. Jamie, Joel, Amy and Amanda voted in favor. Jason abstained. Motion passed.

Joel moved to non-renew Haylee Donovan without cause for the 2019-20 school year. Amanda seconded. Jason reiterated the guidance from MTSBA* for discussion during a non-tenured teacher non-renewal. Any comments by the public are limited to support or oppose, nothing else because they are a "probationary" employee that may be non-renewed without cause. Any board discussion is limited to accept or reject the motion. Jason asked for a show of hands in the audience, of who would like to publicly state their opposition or support. He then went from one end of each row to the other, for every row, and then asked if that person would like to speak, regardless of if they raised their hand or not. Of the public present, those who chose to publicly state their opposition or support opposed the motion. Jamie, Joel, Amy and Amanda voted in favor. Jason abstained. Motion passed.

FIRST STUDENT TRANSPORTATION CONTRACT OPTIONS

Brent said First Student is giving us two different options for renewing our contract and getting buses with seat belts. The first option is to order a new fleet (3 buses) with 3-point seat belts with a 6-year extension on our contract (current year 1 left plus 5 more). The increase will be 15.9% increase for the first year and 2% for the following years 2-6. The increase is for the cost of buses and wage increases.

Option #2 is to retrofit the current fleet with 3-point seat belts with a 6-year extension on the contract (current 1 year left plus 5 more). The increase will be 9% year 1 with 2% in years 2-6) The increase covers the cost of retrofitting plus wage increases.

Jamie asked questions about the current condition of our current buses. Brent said they are in pretty poor condition as they are old buses.

Jeanne said for Option #1 the increase would be \$20,034.71 or approximately 4.6 mills and Option #2 cost would be \$11,340 or approximately 2.61 mills. We have kept the transportation budget very conservative. The fund is a permissive levy.

Jason said the last time the board talked about this, the board recommended pursuing the 3-point seat belt. In answer to Brent's question, Jeanne said the last time she knew of purchasing a bus, it ranged from \$90,000 to \$110,000 each and that was several years ago.

There was some public comment.

Jamie moved to approve Option #1 on the First Student contract to order a new fleet with 3-point seat belts and extending our contract years. Joel seconded. All in favor

APPROVE REFRIGERATION BID FOR THE KITCHEN

Brent said as per the board's request, the other bids are enclosed. They are all very close. Earl prefers to work with a company he is familiar with and gets good service from for the last 16 years and that would be Perfect Temp. He said we have dealt with some of those other companies and have not had as good of service. He said we also receive one additional year of warranty going through them. Brent talked about the two major units in the kitchen, a refrigerator and a freezer unit that overheat during the summer because the cooling system was built between the two layers of the roof. The recommendation to fix this process is to mount those cooling units on top of the roof. Also, instead of retrofitting, the old units do not comply with the new freon compliance and by putting them on the roof, it fixes this. Because we are also working on the roof, the roof can be repaired at that time. The tractor Earl needed he will have to wait for. The bid for both is \$17,064. Bids range from \$16,483 to \$18,020. *Jamie moved to approve the Perfect Temp bid and Amy seconded. All in favor.*

CERTIFICATES OF ELECTION/SWEAR IN

Jeanne swore in incumbents Amanda Agyeman-Budu, Jamie Wegner, and Amy Sironi for their new terms of office. There was some public comment.

REORGANIZATION OF THE BOARD

The board will keep Jason Matt as the chairman and Joel Junso as the vice-chairman. *Joel moved to keep the board as it is. Amanda seconded the motion. All in favor.*

APPOINT CLERK OF THE DISTRICT

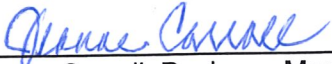
The board appointed Jeanne Carroll to serve as clerk for the 2019-20 school year. *Jamie moved to appoint Jeanne Carroll as clerk. Joel seconded. All in favor.*

Board training will be June 3rd at 6 p.m.

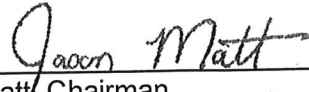
There being no further business, *Joel moved to adjourn the meeting at 8 :08 p.m. Jamie*

seconded. All in favor.

The June board meeting will be June 17th, 2019.



Jeanne Carroll, Business Manager/Clerk



Jason Matt, Chairman

NONTENURED TEACHER NONRENEWAL PROCEDURE

SCRIPT AND GUIDANCE FOR THE BOARD CHAIR

A teacher that has not been employed by the district for four consecutive contracts may be non-renewed without cause. The board must vote on the contract before June 1. If a motion is made to the board for non-renewal of a non-tenured teacher without cause in accordance with § 20-4-206(3), MCA, certain procedures should be followed. There should not be any discussions about performance-related issues at the Board meeting whether in open or closed session. If such discussions occur, the District runs the risk of turning a "no cause" termination into a "for cause" termination. See *Prout v. Sears, Roebuck & Co.*, 236 Mont. 152, 722 P.2d 288 (1989), which, in summary, holds that you can terminate a non-tenure public employee without cause but if you give cause, you have to prove it. In other words, there should be no discussion of "cause" or "reasons" at the board meeting in open or closed session due to the fact that the recommendation is being made "without cause" in accordance with Montana law. There should not be a closed session regarding the consideration of the contract of a non-tenured teacher at any time during the discussion.

When the item comes up on the agenda, the board chair should state:

"Do we have a motion on the issue of issuing a contract to _____, a non-tenured teacher, for the 2015-2016 school year?"

"I move that the Board of Trustees of _____ School District not renew the employment contract of _____ for 2015-2016 school year without cause in accordance with Section 20-4-206, MCA."

"Is there a second? The motion having been made and seconded we will go to discussion. The public is permitted to comment on the motion presently before the board. Please keep in mind that non-tenured teachers may be non-renewed without cause. This means that the teacher is a probationary employee that may be nonrenewed without providing cause or the reasons for nonrenewal. As such, any public comment must remain germane to the motion. This means that a person may state whether they support the motion to non-renew or oppose the motions to non-renew. The board and the public will not get into discussions about performance or start speculating about the "reasons" for the recommendation. The board's function on a motion for non-renewal of a non-tenured employee without cause is to accept or reject the motion so there may be limited Board discussion. At no time will there be a closed session on this motion."

The board chair needs to ensure that the input from the public remains germane to the motion at hand so that the board doesn't inadvertently move into discussions about the good and/or the bad of the employee's performance, reputation, etc. At no time should the board convene in closed session to discuss the matter.

The citizens and trustees have a right to speak on matters before the board. However, this right does not extend to addressing matters related to employee performance or personality. Whether positive or negative, these comments exceed the scope of the agenda and may violate an employee's privacy rights under the Montana Constitution. Members of the public who speak on the recommendation should be told that they must confine their comments to their support or opposition of the recommendation for non-renewal. A speaker who addresses performance or personality may be asked to stop speaking. Trustees can speak on the motion but should refrain from engaging in dialogue with the public, or making comments about the performance of the teacher. This means that comments should be kept the motion and the trustees' position on the motion. After input from the public has been taken and the board has discussed the matter, the board chair should call for the vote on the motion.