

**RUTLAND SOUTHWEST SUPERVISORY UNION
BOARD OF SCHOOL DIRECTORS’
June 30, 2008 CONTINUATION MEETING (FROM JUNE 23, 2008)
6:00 pm at Wells Village School**

Official Minutes

Board Members Present: Clarence Haynes, Pat Davenport, Mary Jo Teetor, Karen Stomski, Tracee Oakman Rupe, Charity Downs, Mike Nagar, Tammy Holcomb, Jim Gilmour, Jodi Comeau, Anne Robbins, Kimberly Mathewson, Helen Mango, Cheryl G. Chedester, Superintendent.

Others Present: Georgiana Miranda, RSWSU Board Attorney, Neal Vreeland, PSD Board Attorney, Bernie Lambek, Esq.; Bonnie Lenihan, Michelle Folger, Brian Hampl, Clarena Renfrow, Nancy Schwaner, John Chedester.

The Meeting was called to order at 6:10 PM by Chair Clarence Haynes. The Chair announced the meeting was a continuation of the recessed meeting of June 23, 2008. The meeting this evening was to address the executive session(s) from the agenda of June 23, 2008. The Chair reviewed the ground rules and referenced the VSBA guidelines for hearings, stating that they may be held in open session or executive session depending on the choice of the appellant. The appellant is heard first, and then the administration responds in the hearing process. The Board is not a witness, but may ask questions of either party.

Introductions were made.

Bonnie Lenihan, (the appellant) was asked by the Chair if she wished to be heard in open session or executive session. Bonnie replied, executive session.

Motion made by Helen Mango, seconded by Charity Downs to move the board into executive session for the purpose of personnel/legal matters at 6:23PM.. Motion carried.

Motion made by Clarence Haynes, seconded by Kimberly Mathewson to move the board out of executive session at 11:05PM. Motion carried.

RSWSU Board Attorney, Georgiana Miranda read the following statement: “The Board has heard an appeal of an employee reprimand and has concluded the concerns raised do not rise to the level of a reprimand and should be removed July 1, 2008. However, the employee needs to consider concerns raised regarding communication.”

Motion made by Helen Mango, seconded by Jodi Comeau to approve the statement.

Motion carried.

The Chair called for a short break at 11:10 PM; back in session at 11:15 PM.

The Chair announced that he had been informed that one of the executive sessions was not being pursued. Moved to next executive session item per Chair.

Cheryl G Chedester, Superintendent was asked by the Chair if she wished the matter to be heard in open session or executive session. Mrs. Chedester chose open session.

Mrs. Chedester expressed concern as she did not have personal attorney present.

Neal Vreeland, PSD Board Attorney, stated that there were three issues before the board for review (relative to PSD Board matters). Executive Session item #5 (complaint of 4/28/08) is being withdrawn by the Poultney School Board. They feel the issue is now a mute point; as this date (6/30/2008) is the last official day of the Superintendent's contract, and the remedy sought is no longer pertinent. The other two issues, are not being withdrawn as they have implications regarding ongoing Poultney School District issues. These two issues reference two letters of reprimand, dated 5/14/2008.

Letter #1 Reprimand to the Superintendent alleging Inappropriate Delegation of Responsibilities/Authority. Procedural discussion ensued.

Attorney Vreeland clarified (for the record) that since the issue was to be heard in open session, and related to other personnel (PSD) matters, and PSD students, staff, teachers, etc. confidentiality of other individuals must be upheld. It would be inappropriate to discuss in this forum. The Chair acknowledged he was aware of the confidentiality concerns regarding personnel issues. He commented that the PSD board had created and approved the letters of reprimand; therefore they can be discussed at the RSWSU Board level. He commented that he was aware the board (and others) may be limited to what can be discussed due to the confidentiality concerns.

Further procedural questions were clarified.

Mary Jo Teetor, Poultney Board Chair explained the letter of reprimand (Inappropriate Delegation of Authority) was written with the consent of the Poultney Board after an incident of a very serious nature involving a student (student facing an expulsion hearing). She explained that there was a ten day window where the student can be suspended until a hearing is held. During which time investigation takes place. The investigation was completed, and the end of the ten day suspension period was approaching, thus the urgency for holding a hearing. Mary Jo Teetor indicated she had consulted with an Attorney who advised it was best to hold the hearing before the end of the ten-day suspension period was up. Mary Jo called Central Office and asked for Michelle Folger, Superintendent's Designee. She was informed that Michelle was out of the office at a conference for the day. She was not provided Michelle's cell phone number when requested; then asked to speak with the Administrative Assistant to the

Superintendent. The Kelley Services temp returned to the phone line, however, Mary Jo did not realize she was still speaking with the Kelley Services temp and proceeded to speak in detail regarding the matter of concern (thinking she was speaking with the Administrative Assistant); when it became known by Mary Jo that she was still speaking to the Kelley Services temp (it was relayed that the Administrative Assistant was working on a project, and was unavailable); the Kelley Services temp offered to relay a message to Michelle Folger for Mary Jo. Mary Jo indicated that she needed to speak with Michelle by noon that same day regarding this urgent matter. She did not hear from Michelle, and chose to come into Central Office.

Mary Jo continued: Michelle Folger had just returned to the office and spoke with Mary Jo Teetor at that time. It was discussed that the Superintendent needed to be consulted by Michelle Folger. Michelle Folger informed Mary Jo Teetor that she would like opportunity to speak with the Superintendent privately (Mary Jo had requested getting the Superintendent on speaker phone immediately); and then speaking with Mary Jo once she had opportunity to speak privately with the Superintendent. Michelle asked Mary Jo to wait outside the Superintendent's office while she phoned Cheryl Chedester. Mary Jo expressed frustration at not being provided immediate contact with the Superintendent's Designee when requested, due to the urgent nature of the matter, and with her being asked to wait (for "more than an hour") while the Designee spoke privately with the Superintendent and others.

Questions were posed by the board: (Q= questions posed by board members; unless otherwise specified, A= response by Mary Jo Teetor, PSD Board Chair).

Q: Was the hearing held?

A: Yes

Q: Did the board need to use legal counsel?

A: Legal counsel was contacted for advice regarding procedures for the hearing; and was advised to hold hearing before the 10-day suspension period ended. The Superintendent had suggested postponing the hearing until her return to the office.

Q: Was a weapon involved (in the student issue)?

A: Yes. Referenced Weapons Policy.

Attorney Vreeland interjected: Student has due process rights. The matter before the RSWSU board is not regarding the student.

Q: Where was the meeting held?

A: At the Central Office, permission was granted to use Central Office for the hearing.

Q: What was the nature of the serious student issue?

Attorney Vreeland answered: Not appropriate to discuss the student issue at this meeting.

Q: When was the Superintendent notified of the student issue?

A: May 1, 2008 (one day after the incident)

Q: How was the Superintendent notified?

A: In writing by Dean of Students Nancy Schwaner.

Attorney Miranda suggested that details could be provided to enhance the board's understanding of the issue without providing student(s) name(s).

Attorney Vreeland, repeated he did not advise details to be discussed as they pertained to the student issue, as the issue before the board was not regarding the student.

Q: When did the student incident take place, and when was the Superintendent notified?

A: Incident 4/30. Notified 5/1.

Q: What regulated the 10-day suspension?

A: Statute and Weapons Policy.

Q: When was the first day of suspension?

A: 5/1

Q: Were there special education requirements involved in anyway?

A: No

Q: Did you (Mary Jo Teetor) speak with the Superintendent's Designee?

A: Yes

Q: Your messages were not returned by whom?

A: Superintendent or Superintendent's Designee; but I made efforts to make contact with Designee.

Q: Why was Central Office needed for the hearing?

A: Privacy

Q: How did the Superintendent's absence affect the issue?

A: The suspension period was due to end before the Superintendent's return. Chair (PSD) felt the issue needed immediate attention due to the serious nature.

Q: What is prompting the allegation of "failure to delegate authority"?

A: I was placed on hold, not provided immediate contact with Superintendent's Designee, phone calls not returned by timeline requested. Kept waiting for long period of time. Designee did not have authority to handle situation; Superintendent did not seem to understand the seriousness of the situation.

Q: Was Attorney Vreeland the same attorney who was consulted for advice initially?

A: No, John Zawistoski was consulted initially.

I would prefer the questions come from the Chair and not the Superintendent at this time.

Q: At what PSD meeting were the letters of reprimand approved?

A: Special Meeting, noted in the minutes (PSD), perhaps 5/14/08 or 5/15/08; those minutes are not available at this time.

Tracee Oakman Rupe read an e-mail regarding the matter (omitting confidential information); referenced comments: Looks like expulsion hearing 8PM tomorrow. Hope to hold at CO to provide privacy. Referenced comments: concerns regarding denial of contact with Designee; spoke with John Z; only night board can have a quorum; family's rights. Has to be emergency meeting 5/13.

Tracee Oakman Rupe stated she recalled the meeting (PSD) on 5/14 was initially scheduled to review a personnel file at Central Office. This meeting was denied. Another meeting was scheduled for 5/14 at 4PM at PHS for same purpose. The letters of reprimand were written after the 4PM meeting. Hearing (meeting) held 5/14 at 8PM at Central Office. Letters sent by board members present.

Q: Did Michelle Folger attend hearing?

A: Yes

Attorney Miranda, referenced statute 1162 & 1163 authorized the Principal or the Superintendent to handle the suspension issue. Was the Principal involved in the process?

Also referenced statute 1166 (definition of weapon); school must have policy and adhere to law. Hearing could have happened at the recommendation of the Principal, not only Superintendent.

A: Not the issue.

Attorney Miranda questioned: if the issue was a crisis which had to be dealt with immediately; what happened to the other eight days? Why did the board wait until the last possible day to ask for a hearing?

A: The Superintendent was out of town; board initially waiting for Superintendent to return. Superintendent suggested postponing the hearing until her return; this was not acceptable to Chair as she felt it needed the Superintendent's immediate attention.

At this time the Chair (RSWSU) asked if there were any further questions. Hearing none, and hearing no closing remarks from Attorney Vreeland, the Superintendent was given her opportunity to respond.

Cheryl Chedester stated that she disagreed with the charge of inappropriate delegation of authority. She stated everybody in the Supervisory Union, including Board members has been given her contact information and provided updated information as necessary. She was away on medical leave, but although she was not in the office, she was available if needed via phone and via e-mail. She can't speak directly regarding the circumstances regarding the PSD Chair's statement she was denied access to the Designee as she (Cheryl Chedester) was not in the office. She stated she has never objected to the use of Central Office space for meeting use.

Superintendent Chedester continued; she was speaking with Dean of Students Nancy Schwaner on 4/30/08 regarding an unrelated issue, when Nancy asked her if she had been informed of the student incident. As she had not been notified, Cheryl asked Nancy for the information. Upon hearing of the issue, the Superintendent instructed the Dean to make a detailed bulleted report of what was happening and to be sure her immediate supervisor was aware. She received the bulleted report from the Dean of Students on May 1st. As the matter was still under investigation, no further information was available at that time.

Superintendent Chedester and Superintendent Designee Michelle reviewed the policies regarding timeline for response for hearing/suspension etc.

Attended a meeting at WVS the afternoon of 4/6 (5PM), did not return to the office after the meeting. Preparing for travel on 5/7/08. Traveled out of state early AM on 5/7/08. Checked e-mail on 5/13 responded to e-mail received from Principal Oakman dated 5/9.

Had not received additional report (materials) on issue prior to leaving for WVS meeting on 5/6/08. Suggested since she had not been fully briefed on matter, hearing to be postponed until she returned.

Read entire e-mail response to Principal Oakman dated 5/13 in which she indicated that if allowed by policies and procedure, Designee may handle; requested Principal Oakman research law, policy etc and make recommendation.

Superintendent Chedester commented that she did respond timely and as she had not received the materials prior to her departure, she suggested postponing the hearing until her return. If the hearing was to take place prior to her return, she would have conversation with Michelle Folger. Cheryl indicated she was available by phone to Michelle Folger if needed, and that Michelle should rely on the recommendation of Principal Oakman, as Cheryl had not been fully briefed on the issues.

Cheryl Chedester also commented that it was understood that she was to keep the RSWSU Board Chair apprised of her absences, but she was not required to let everyone else know. She did understand the gravity of the situation (referenced e-mails).

The following questions/statements were made by board members or attorneys to Cheryl Chedester: Q=questions posed by board members (unless otherwise specified); A=answered by Cheryl Chedester (unless otherwise specified).

Tammy Holcomb commented that the first time Cheryl learned of the student incident (of 4/30) was 5/1 by Nancy Schwaner. The next time she heard anything was an e-mail sent by Principal Oakman on 5/9.

Attorney Vreeland stated there was sufficient details to indicate seriousness of incident even though Superintendent did not have full details, as incident was still under

investigation. Attorney Vreeland asked the Superintendent to confirm that Michelle Folger had the authority to authorize use of the conference area. Why couldn't Michelle Folger agree to allow the use of the conference room?

Attorney Miranda objected. Michelle Folger did not contact Cheryl Chedester regarding the use of the conference room. This was not brought up.

Attorney Vreeland: questioned delegation of authority, scope of which from CGC to MF- Why couldn't MF give permission to use conference room.

Cheryl Chedester: request not denied.

Attorney Vreeland: Mary Jo had to wait to see if conference space could be used.

Tracee Oakman Rupe commented that the initial request for the conference space was in regard to a personnel file review, initially to be held at the same time as the hearing. The personnel file review was denied.

The issue is that the Chair (Mary Jo) was denied access to the Superintendent Designee or Central Office staff upon request.

Cheryl asked if MJT was provided opportunity to leave voice mail message for Michelle. MJT responded no, she only left a verbal message with Kelley Services Temp. Mary Jo left message with Kelley temp. then came into the Central office the following day and spoke with Michelle Folger.

Michelle Folger was asked and answered: Michelle was attending a conference at the Killington Grand as Director of Curriculum, representing the entire SU. The information provided at the conference was important, and Michelle was the only experienced SU person at the meeting to gather in information. Michelle stated that she had received two messages from Central Office (on behalf of Mary Jo Teetor) and that she told Central Office staff she would respond to Mary Jo once she had opportunity to speak with the Superintendent. Michelle explained that she always conferred with the Superintendent if she had any questions regarding issues presented to her as designee.

Questions posed to Michelle Folger:

Q: How many times have you functioned as Designee?

A: Numerous times.

Q: When was the first time you found out about the 10-day suspension?

A: Discussed student issue with Nancy Schwaner on 5/1 preliminarily. Vaguely aware of the 10-day suspension.

Q: Do you hold a Superintendent's License?

A: No

Q: Do you hold a Principal's License?

A: Yes

Questions posed to Dean of Students Nancy Schwaner:

Q: Had the student(s) been identified when the Superintendent was first notified of the incident on 4/30?

A: I had names of students allegedly involved by the following morning (5/1/08); however the investigation was on-going; with all students identified by May 2, 2008. The suspension end day would be May 16th. Notification was provided directly to the student due to student's age.

Reports prepared by me (Nancy Schwaner) on 5/6, could not deliver to Central Office due to other job responsibilities/obligations. Information to be picked up by Central Office staff, but was not (reason unknown as to why not able to pick up); I hand delivered information to Central Office (to Michelle Folger) the following morning 5/7.

Question posed to Cheryl Chedester:

Is there anyone else the Superintendent can delegate authority to besides Michelle Folger?

A: Yes, however, the Board approved Michelle Folger's appointment as Designee.

Hearing no further questions: the Chair (RSWSU) called for a motion to move into the deliberative phase.

Motion made by Helen Mango, seconded by Anne Robbins to move the board into executive session for deliberation on personnel matter. Motion carried.

Motion made by Kimberly Mathewson, seconded by Tammy Holcomb to move out of executive session at 1:05 AM. Motion carried.

Attorney Miranda read the following statement: "The board has heard the proposed employee reprimand and has concluded the concerns raised do not rise to the level of a reprimand. However, all parties involved need to consider concerns raised regarding communication issues."

Motion made by Tammy Holcomb, seconded by Charity Downs to approve the statement. Motion carried.

The Chair suggested that due to the time (1:05AM) with additional items still to be heard (one more executive session and one more issue) that the board reconvene/recess to 7/2/08. Discussion ensued.

Motion made by Charity Downs, seconded by Helen Mango to recess the meeting to July

3, 2008 at 6:30 PM at the Wells Village School. Motion carried.

Respectfully submitted,

Jan Dente, RSWSU Recording Clerk