



VISION:
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THE SCHOOL BOARD OF LEE COUNTY
Special School Board Meeting – M I N U T E S (Approved 9/26/06)
Tuesday—August 15, 2006 / 2:30 p.m.

Attendees: Mr. Steven K. Teuber, J.D., Board Chairman
Mrs. Jeanne S. Dozier, Board Member (arrived 2:33 p.m.)
Dr. James W. Browder, Secretary & District Superintendent

Mr. Robert D. Chilmonik, Board Member
Dr. Jane E. Kuckel, Board Member
Mr. Keith Martin, Board Attorney
Mrs. Denise Mangus, Recording Secretary

I. CALL TO ORDER – The School Board of Lee County, Florida, met on Tuesday, August 15, 2006 in the School Board Meeting Room for a Special School Board Meeting. Chairman Teuber called the meeting to order at 2:30 p.m. (Dr. Scricca was unable to be in attendance.) It was noted that a Good Cause Item of Personnel Recommendations/Administrative has been added. *Motion by Dr. Kuckel, and second by Mr. Chilmonik, carried 3-0 to accept the agenda presented as the Order of Business.*

II. PUBLIC COMMENT (Mr. Martin provided the Public Comment guidelines.) – none

III. SUPERINTENDENT'S RECOMMENDATIONS

A. Good Cause – Personnel Recommendation/Administrative

Motion made by Dr. Kuckel, and second by Mr. Chilmonik, carried 4-0 for Board approval of the administrative appointment for Shayne Murphy's transfer and change of assignment from Behavior Specialist, Lexington Middle to Coordinator (Beginning Teacher Programs), Curriculum and Staff Development effective August 21, 2006.

B. Petition for Termination of Employment—James Kossick (no one was present to speak on his behalf)

Motion by Dr. Kuckel, and second by Mr. Chilmonik, carried 4-0 to suspend James Kossick without pay—since he has requested a formal hearing—until such time that the Board receives and acts upon the recommended order or arbitration award.

C. Petition for Termination of Employment—Brenda Weatherspoon

Motion was made by Dr. Kuckel, and seconded by Mrs. Dozier, for the Board to terminate Brenda Weatherspoon from her employment with The School District of Lee County effective end of the day August 15, 2006. Mr. Bob Rushlow (SPALC) spoke on behalf of Ms. Weatherspoon, noting he normally doesn't do this; no attorney's known to currently represent her. Mr. Rushlow recently spoke to the Board on policy changes/need for educating employees—this is one example. The old policy had some implications re using the network for financial gain/commercial. A judge would determine if the employee had done anything wrong; there've been no problems except for the present. He hopes the Board would consider all; there's a program for progressive discipline, and we try to help/remediate—this is one of these employees. The District has appropriate discipline processes in place, and Mr. Rushlow feels this hasn't take place at the present time; there may be a need to look at it more seriously. The policy was changed after Ms. Weatherspoon was accused; he inquired if

there's been any time for employee discussions re District policy changes. Mr. Rushlow urges serious consideration, believing termination isn't warranted. Disciplinary action can be determined but he hasn't seen any progressive discipline; Mr. Rushlow would suggest remediating instead of terminating the employee.

Mr. Dodig, re Dr. Kuckel's inquiry, explained that Ms. Weatherspoon attended a pre-determination meeting with counsel; Ms. Weatherspoon had the opportunity to request a hearing with 21 days before an administrative law judge but she didn't. Mr. Dodig respectfully disagrees (with Mr. Rushlow) re the misuse of computers and that's why this was moved forward. Mrs. Dozier inquired as to a program in place to rehabilitate re the violated policy/significance of action and the reason going to straight to termination versus notifying employee of expectations. Mr. Dodig noted Ms. Weatherspoon had notice/the handbook which has unauthorized use and the policy in it; she noted leafing through it and not reading it with thoroughness. Re the progressive discipline question, it was felt to rise to the level of the recommended action due to the severity.

Mrs. Dozier suggested doing something proactive and not just handing out manuals—develop inservice training where each director talks to employees within their area. Like anyone else, a long-time employee can step way over the line and there was a period of time Ms. Weatherspoon was operating a business while the District was paying her; severe action was felt as the District wasn't getting their fair time since she was doing other things. Responsibility is taken very seriously; it's important that employees have signed for the handbook and though there may not be agreement, there's responsibility to look at the documents. Dr. Browder noted that what's being done is necessary for people to take their jobs seriously; he made a decision which was not taken lightly.

Mr. Chilmonik asked, re consistency, about warning steps/process. Dr. Browder noted, in any due process, warning is started with if merited. Based on that seen inside this person's work, other things were obviously utilized vs. District work; it is felt it was at the point of termination. Other situations involving e-mails between employees, both sides and individual basis looked at; there's consistency in what the District's doing. It was a thorough investigation and the pre-determination conference provided opportunity for her and counsel to explain; there was no indication she didn't know what she was doing (while doing it). Ms. Weatherspoon was entitled to a hearing but she didn't choose the opportunity for whatever reason. It was confirmed to Mr. Teuber, re his asking about determination of validity and termination, by Messrs. Martin and Dodig that a hearing would've done this.

Dr. Kuckel noted disappointment of Ms. Weatherspoon not following due process with the opportunity to explain, questioning not seeing her here today; there are many different aspects—business and religious—and with Ms. Weatherspoon sending flyers out to others about her travel, it's not an easy decision but Dr. Kuckel supports the Superintendent's recommendation. Mr. Teuber agrees with many things stated today; he appreciates Mr. Rushlow and has heard concerns about policy changes and how they affect employees. Since Ms. Weatherspoon didn't proceed with an administrative hearing for appropriateness of actions by an ALJ and non-attendance today by her, he supports the motion. Mrs. Dozier noted an e-mail of Ms. Weatherspoon (3/16 at 11:45), questioning to look at the need for the position. Dr. Browder thanked the Board for their discussion around personnel items, as it's important to hold such and talk out loud of what is needed to be done and what's important as we move forward; he noted not taking these matters lightly. *Motion carried 4-0.*

D. Administrative Law Judge's Recommended Order—Cynthia L. Kitchen (no one was present to speak on her behalf)

Motion by Dr. Kuckel, and second by Mrs. Dozier, carried 4-0 for the Board to adopt the Administrative Law Judge's Recommended Order and enter the Final Order terminating Cynthia L. Kitchen from her employment with the School District effective end of the day August 15, 2006.

IV. OTHER BUSINESS

A. Board Members' Comments/Reports – none

B. Attorney's Comments/Reports – none

C. Superintendent's Comments/Reports – none

D. Next Scheduled Meetings of the Board (today): 3:00 p.m., School Board Briefing; and 6:30, School Board Action Meeting.

V. ADJOURNMENT – There being no other business, Chairman Teuber adjourned the meeting at 2:52 p.m.

/dwm

MINUTES BOOK NO. 41 - FY07

Steven K. Teuber, J.D., Chairman

ATTEST:

James W. Browder, Ed.D., Secretary and District Superintendent

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