

**DOUGLAS UNIFIED SCHOOL DISTRICT 27
DOUGLAS, ARIZONA**

Board Room
Central Administration building

5:30 PM
December 22, 2009

**Special Board Meeting
Minutes of the Board**

I. PRELIMINARY MATTERS

CALL TO ORDER: Mr. Chuck Hoyack, President

PRESENT: Mr. Mario Ramos, Member
Mrs. Patricia Lopez, Member
Ms. Susan Kramer, Member
Mr. Ed Rivera, Member

Others Present: Earl Pettit, Superintendent
Mrs. Candyce Pardee, Legal counsel to Board
Ms. Edna Elias, Secretary

Also present were school administrators and other members of the community.

II. ACTION AGENDA

Executive Session for personnel matters pursuant to A.R.S. §38-431.03

(A) (3): The Governing Board may vote to enter executive session to receive legal advice from the Board's attorney on any matter listed on the agenda.

Motion was made by Mr. Hoyack to enter in to executive session, pursuant to ARS 38-431.03 (A) (3) to receive legal advice as it relates to action item II.A. Motion was seconded by Mrs. Lopez and carried with four aye votes, one nay vote.

Meeting adjourned in to executive session at 5:31 PM.

Motion was made by Mr. Hoyack to return to open session at 5:47 PM. Motion was seconded by Mrs. Lopez and carried with five aye votes.

Executive Session for personnel matters pursuant to A.R.S. §38-431.03

(A) (1): The Board may consider and discuss an investigative report prepared to gather information for the termination process of the Superintendent.

At this point Mr. Pettit requested that he would like to exercise his right to have this remain in public. Mr. Hoyack announced that this discussion will be made in open session.

Mr. Hoyack recognized Mr. Patrick Cooper and thanked him for his time and effort and especially for braving the elements tonight and travelling from Phoenix to attend the board meeting.

Mr. Cooper addressed the Board and distributed notebooks containing the investigation to each board member, Mr. Pettit, and Mrs. Pardee. He thanked everybody for their cooperation and he realized that it was a very difficult and long process. He was tasked to look at a number of elements back in October which he determined to be components, a term he used instead of allegation or anything that might persuade a person one way or another. Mr. Cooper stated that he thinks it is critically important to remind the Board that he was retained under the understanding that he would do a very unbiased, professional product which he knows he has accomplished. Mr. Cooper then provided the Board with his background.

Mr. Cooper continued by stating that with this investigation he developed sixteen areas that he looked in to and every person interviewed was asked the exact same questions. He emphasized that this is the most pristine document that is totally unbiased. He then apologized to the media present for not returning their calls or participating with them. He went on record to state that he has not looked at any electronic media or historical documents involving this investigation deliberately because he did not want to be influenced in any fashion other than the people that he spoke to. He referred to the executive summary (5 pages) at the beginning of the report. He stated to the Board that if they should take the time to read the entire document (311 pages) and does not include exhibits or amendments. He commented that it is very clear to him, as an outsider,

that there are some very, very strong emotional ties, not only between entities (Governing Board, superintendent, community, and unfortunately the employees) there is also individuals that he personally feels have been harmed emotionally by the duration of this. He personally wishes that the investigation had been done a little sooner, but aside from that he still believes he gleaned factual information. Mr. Cooper commented he has no outstanding documents pending, all that he requested he has received.

Mr. Pettit asked Mr. Cooper if he had been made aware, in the course of his investigation, of the email between three board members which indicate discussions in an attempt to terminate the superintendent with some dated as early as September 2008 and as recent as October 2009. Mr. Cooper responded “yes, sir”.

Mr. Hoyack then asked Mr. Cooper if he had been made aware of email communication between three board members regarding the termination of Mr. Pettit’s employment? Mr. Cooper responded that he would have to look at the emails. Mr. Hoyack then asked, but what did you just tell Mr. Pettit, that yes he had seen email communication. Mr. Cooper responded that the situation had been brought to his attention and that he had not been asked to look into that.

Mr. Hoyack then asked Mr. Pettit if he had any other surprises for them tonight or any other documents for them to read and that they would be happy to take them now. Mr. Pettit did not reply.

Mr. Cooper commented that when components were finally put to paper he deliberately made sure they were in random order, so as you see them you’ll notice that there are some components that are significant and that are very concernful and then there are some that are of lower stature. He treated every single component equally and gave each his undivided attention. He then reviewed the report summary:

Employee contracts – whether Mr. Pettit had the authority to sign contracts on behalf of the board or not. Mr. Cooper reviewed the documentation and statutes he looked at. Based on the national trends and the extremely competitive nature of obtaining qualified staff, his finding on this issue was there was no distinct intent for procedural violation on the superintendent’s part.

Student issue (underage student transferred from another school) – Mr. Cooper reviewed the documentation he looked at for this issue. The focus of this issue was if the superintendent required by policy to bring this particular student before the board in a formal manner. He stated he could not find any policy that dictated that and personally believes that it could have been a courtesy especially when it was brought to the board's attention through a principal because the child appeared to be and was underage at the school. He did not find Mr. Pettit responsible for any policy violation.

Right to privacy on the emails – Mr. Cooper stated that, in dealing with district employees and as a law enforcement officer, this gave him grave concern. He stated that he spoke to current law enforcement officers, who because this was not a criminal investigation, would not permit him to identify them in the report or use their agency (3 different) and also lawyers in labor issues which deal with this type of issues. Does an employee have the right to look at district emails? Reading emails – there is no policy and/or lawful violation even though it does cause concern because this district as well as other entities have privileged documents. Mr. Cooper stated that during interviews with Superintendent Pettit that was firmly discussed as far as documents that are formatted as privileged or attorney/client privileged if it pertained to DUSD ongoing events he has a right to look at them through proper channels and he stated that to that end there is no policy and/or law violation.

Real time access – Mr. Cooper stated that once we went from a coordinated act which he called a safety protocol of a person, any administrative employee, who has a belief that they want to look at an email, they have protocol to follow to walk down to ask for a particular timeframe, the director would put it on a disc and district protocol even states that it must be placed in a red CD holder and hand-carried to the individual requesting it. When Mr. Pettit asked to have the authority, in his perception, he's looking at information that he feels would be labor-intensive for the IT director and his staff, and why can't he have authority to look for himself – that permission was granted. Mr. Cooper stated that when he first started looking at that he personally had grave concerns with the legality of real time access and at that point he spoke to attorneys that deal with that particular area and aside from agreeing that there is grave concern, there is no violation of law as long as the equipment is district-owned. He found no violations on the superintendent's part. Mr.

Hoyack then asked about part B on this component. Mr. Cooper stated that, during questioning, he determined that in the sequence of when he was retained he read the notice of claim filed against the district by Mr. Pettit and felt it was important to ask every single person that he spoke to if they felt Mr. Pettit or had direct firsthand information that Mr. Pettit may have gleaned any information by viewing emails that he used in his personal notice of claim. He stated that he has personnel that indicated that they believed that he did but he had no concrete evidence, i.e. emails, etc., and that in discussing this with the IT director “it would take Microsoft personnel themselves to come in and forensically look back in the computer and look at what was taken, printed, etc. from his machine”. During questioning with Mr. Pettit, (Mr. Cooper stated that he is not quoting) that Mr. Pettit did acknowledge that something to the fact that did I see information that I looked at and said yes, oh wow, look at that or something like that, and to Mr. Cooper that was an admission that he had taken information. Whether he uses it or not he has not touched it because he was not asked to review the claim. He stated that he found that part B of this component needs to be deferred to legal counsel to see if there is a problematic issue there and most likely that would require more precise interviewing as to what the documents were, to see the documents and to determine if he used it for personal gain.

Contract violations and deliberate misinterpretations – Mr. Pettit’s contract does stipulate that he shall submit to the board a primary list of goals for the district and the board’s consideration. He researched this and looked at powerpoints, radio shows, newspaper columns, invitations to meet & confer, and these indicated to him goals, although they were not specifically addressed in an agenda format. So, to answer to the letter of district policy, yes, Mr. Pettit is in violation of that particular contract point (4.1), but Mr. Cooper stated that his conclusion was that he feels he clearly let his goals & objectives known. Mr. Pettit, when specifically asked, made a comment something like have I learned a lesson, of course, will it be documented as to here are my goals, of course. Mr. Cooper stated that in looking at hard facts, was the attempt made to bring it to the attention of the board, the community and the employees of the district, he believes it was. Did he follow the actual letter of his contract, no it didn’t.

Hostile work environment – Mr. Cooper stated that in his career he has dealt with hostile work environment pertaining to employees’ claims and

resolutions. He understands not only the turmoil that employees face but the effect that it has on overall morale, the effect it has on entities, the entire district and in this case it's even intertwined with the governing board and the community and unfortunately with the children of this district. Without a doubt, he is absolutely satisfied that there are people in this district that in their hearts thoroughly believe and live, in their hearts, in their belief and in their environment, in a hostile work environment and they have suffered emotionally, health issues, etc. He actually did an analysis of every single employee and spoke to the board and was given their belief of the situation prevalent here and it came out to 72% of people in this district who believe and/or believe that a co-worker currently lives in an environment that they would perceive to be a hostile work environment. He commented that this is very sad. From there, what is factual, firsthand information, he personally got involved as much as he could up to and including that some of the employees have resorted to documenting things in journal forms, in their computers, or in their personal notes, and have used those and examined those. He went on to say that there have been situations in America in which a group of people have fraudulently made documents in an effort to remove a person that is perceived to be against them. What he looked at is the sequence of events, sequential dates to make sure it wasn't written two days later. To properly validate the journal would take a scientific examination (i.e. ink, computer forensics, etc.). He repeated that there are people in this district that are harmed today, some of them are in this room today, that are physically harmed and emotionally traumatized by what has been going on. But, when he gets to the actual to what is required to establish by law a hostile work environment (reported documented events, by protocol). He stated that he does understand and that some employees felt that they could not file proper protocol because they felt that the proper protocol was the problem and what do you do in that situation? The law does offer but when it came to specific examples that are on record today or are reflected in your documents or in your timeline of any minutes there is absolutely no record of any kind of formal complaint reflecting a hostile work environment. Mr. Cooper continued by saying that he also looked at every single employee, not just the ones that he knew had taken the time to document when they perceived to be hostilities, and looked at each and every one of their evaluations of this year and previous years to determine if this administration through hostilities had harmed any individual in this district by means of reflections in their evaluations, demotions, firings, and there is absolutely no written reprimand. Mr. Pettit, during

his oral interview, he does provide oral discussions but he makes it very clear that he believes in his management policy that if it is a violation it is a written reprimand and it is documented. For that reason, he looked at all of the concerned parties' evaluations and he did not see any marked reduction in performance but there are some indicators that in the last couple of years an employee is rated at a certain level but not horribly different, no references to hostilities, no written reprimands. Also, in Mr. Pettit's file there is no documentation of providing hostile environments. Based on that, and he read verbatim because it is so important and he referred the board to pages 137 to 138, he specifically listed the district policies verbatim and he underlined what is required of all board members in the policies. He stated that he does not see that happening in this district, not by one person, but by many people. And not by individual, small groups, he sees it in entities; he sees it across the board that there are issues in the district. Having said that, his conclusions, if he were to have seen written documentation, if there would have been an employee that had been fired after they had been threatened to be fired, he would have gone out in America and found that person and interviewed them and asked them do you feel your termination of whatever and he would have pursued that. There are employees that truly believe they were threatened, but by law, it is not reflected, by standard, by policy. For that reason, in a clear conscience, he cannot in true fashion find one lone individual for the condition he sees in Douglas today. Without naming individuals, he can cite that the employees look to this collective board and the superintendent for the guidance, everybody deserves the right to work in the environment that they enjoy and they want to prosper. He commented that many employees, at this phase of the investigation, were in tears, which broke his heart, because they love their jobs and love doing what they can for children but they feel that in current conditions, because it was become so much intertwined, that nobody can understand the divisions, nobody can make clear which route to go, they don't know where to go and it is his conclusion that it is the board's responsibility and the superintendent's responsibility to provide the employees the clear guidance as required by policy and federal law.

Medical release – Mr. Cooper stated that in researching district policy, looking back at timeframe and minutes, the district policy specifically states that greater than five consecutive days of absenteeism for staff must be approved by the superintendent himself. The language does not say

what happens if the superintendent himself is on the medical leave, so he cannot cite under that policy that there is a violation.

English Language Learning program – Mr. Cooper stated that this was a hotly contested and previous investigation involving the English Language Learners program. He knew from Day 1 that this was a significant issue in this district and he has deliberately not read the investigative report because he did not want there to be a conflict of interest with himself and the person that wrote the investigation. On his own, through interviews with the people directly involved with that component of comparing both the English Language Learning program and the ELD (next section), employees did make a sound argument that a document that was presented to him, showed a timeline of events and documents that may or may not have been brought to this governing board in discussion. The claim is that it has not, but he is not a police officer and the claims are legal violations of the law and therefore he deliberately did not make any decision on components H and I and deferred those back to legal counsel if there is any type of violation of law identified. He further commented that the County Attorney here in Cochise County did send him a communiqué which he included in his conclusion, that the County Attorney does not oversee ELL violations that is exclusively a State matter. He stated that he did ask what actions were taken without telling him the results of the investigation, although he did include in the document statements from district minutes, statements from the acting superintendent Dr. Simmons, that clearly indicate that that investigation exonerated Mr. Pettit and based on that, if there is an allegation of legal violations it needs to go to the proper State law enforcement authorities, or federal.

Possible deliberate attempts to misinform the Board – Mr. Cooper stated that this also has to do with the timeframe when the alleged investigation, monitoring, whatever was determined to call it. Two agencies were involved in looking at the same issue. In that particular issue, was Mr. Pettit deliberately trying to scare the Board into reacting a certain way by using terms such as investigation, or was it merely just a review, and between an intentional act and an unintentional act. He looked at minutes, looked at the review, reviewed letter from Tom Horne via John Stoller indicating that his investigative team was here doing that particular process. They were here for a number of days looking at one particular item and Mr. Cooper's perception is that he could see where the

term investigation could be used. Was that a deliberate act to misinform the Board? He has no admission from Mr. Pettit that he did. Mr. Cooper stated that he cannot find documentation or formal instrument that he obtained that clearly state that he did, so he was exonerated.

Special meeting posting – Mr. Cooper stated that he understands that by this time it is apparent to an outside person looking in that there is conflict and in conflict there is personal beliefs and perceptions of what I instructed, what I am instructing you, what my directives are, insubordination. He looked at every single angle to determine what the factual basis was on this particular issue. And the perception of what phone call, what instrument he was using to talk on was totally irrelevant, the relevant facts are was the policy violated in the fact that Mr. Pettit was directed by the Honorable Governing Board president to produce a document and he failed to do that. Mr. Cooper collected the actual email, the correspondence between the superintendent and the president, with the timeframe being from 11:47 to when it is finally concluded after back & forth correspondence at 4:15. Is there a violation of policy in that the agenda was not posted, the agenda was posted; was it posted the way that the president wanted it and the president was not available? No....is it again in any form in district policy a clear violation that he can document that Mr. Pettit intentionally and deliberately postpone the minutes or have the meeting not occur, everything went according to the timeframe, it just did not occur in the fashion that it was requested.

Fingerprint and classification issue – Mr. Cooper stated that the employee involved is totally irrelevant, what is relevant is what is required by federal law, state law, by district policy, that documentation of certification must be on file, must be on record, etc. In reviewing this particular incident which was requested for review, not only did he look at the actual documents and went back to see if documentation was on record in a former State, which it was, there is absolutely no clear violation of policy on Mr. Pettit's part. Could he have provided the Board a heads-up or a "bring this to your attention"? Absolutely, in fact, he included in this document a message from your president asking him or bringing the question to Mr. Pettit's attention that he is concerned with that particular issue and Mr. Pettit response on page 187 is that he does not recall being asked that but he gave a response. Was it a necessity to bring it to the Board? No, because the certification was there, it turned out to be a clerical error and he physically listened to the voice

communication from ADE explaining the clerical error that had occurred in this particular case.

Fundraising activities – Mr. Cooper stated that again, understanding that historically, the Governing Board has always provided the authorization, he went back and looked at previous minutes, looked at contracts and some of the fundraisers which are in the exhibits and signatures were there. Now, the language of the contract, his interpretation of district language is that the activity is the organization itself (i.e. the formal soccer team, the formal baseball team, the formal band, etc., whatever is recognized as being a formal activity at district schools). District policy does not clarify that fundraising events done by a formal entity in order to raise funds for a board approved trip must also be approved by the Board. He commented that according to minutes Mr. Pettit agreed to allow Board to approve if that was their wish.

Right to privacy reference to telephone records – Mr. Cooper commented that this falls under the exact same laws and guidelines (federal & state, district policies that covers records including district cellular telephone records). If it belongs to the district, it can be viewed, not only by the superintendent but by any person showing a cause to look at that. Mr. Pettit was exonerated on that based on law.

Highly qualified teachers – Mr. Cooper stated that this was somewhat discussed in the ELL element of the investigation. He put together a series of questions because there was a perception that there was a problem here in Douglas not only in obtaining highly qualified teachers under State mandate, but retaining them and that is crucial. He looked at percentages and in looking backward there was a higher percentage of non highly qualified teachers previous to Mr. Pettit than you do under his administration. The State requires that the contracts must be in by a certain timeframe and Mr. Pettit imposed a timeframe a couple weeks before that which, in his opinion, was a sound managerial practice to give him a cushion, and his deadline was missed, not the State's deadline. To clarify that, Mr. Cooper looked at contracts and dates and interviewed the people and components that are directly responsible for the HQ, Mr. Pettit was not in violation.

Mr. Hoyack informed Mr. Cooper that this item was also divided into two parts. Mr. Cooper stated that incentive occurs nationwide in law

enforcement, private industry, and obviously in the race to obtain highly qualified teachers. Districts across this country are offering pay incentives, rewards, stipends, whatever you want to call it. That was approved by the Board with the authorization to do exactly that. The authorization was granted and followed through and there was a discussion, Mr. Cooper used \$1,000, if a person is told “I’ll give you \$1,000 if you sign this contract before next Thursday”, that is something to think about. When the person was told \$1,000, did that mean \$1,000 clear or \$1,000 understanding taxes may be taken out? Mr. Pettit, in the minutes, uses a “poker term” saying it was \$1,000 hard. Mr. Cooper stated that he is not a poker player and does not understand that term, but it was a concern of his that if the Board approved the \$1,000 and Mr. Pettit’s thinking to the person is that I gave my word to this person that you’re going to get \$1,000 cash if you sign, not \$700 because the government is going to take taxes, he believes it is \$1,000 so he instructs his employees when it is brought to his attention that taxes will be taken out. The individual components involved in that voice concern over again, the legality of taking money from one area to put into another area and Mr. Cooper stated that he understands that this is a part of day-to-day operation in corporate America, but his concern in breaking out part B which he was not asked to do but it appeared, was the additional monies to equate to \$1,000 cash – was it properly taken and approved to be used from a different source? He did ask the questions directly to Superintendent Pettit and to some of the people involved and got conflicting answers. He did make one phone call to the entity that he believes to be the funding source but did not get a return call and so he was not able to close the door on that particular issue. He commented that it is a legal issue that he does not feel qualified to address.

Whether the superintendent was deliberately or intentionally prohibited (his words) from inflicting discipline to an employee of this district – Mr. Cooper stated that this goes back to several issues and again he went back to look at timeframes, evaluations, board minutes, and he could not find anything that specifically prohibits. He knows that the person was put on reassignment, then taken off and so there is a battle going on over the precise methodology of addressing this particular issue but to say that Mr. Pettit deliberately withheld information, he could not find documentation to support that.

Mr. Cooper continued by saying that the rest of the documentation is strictly addendums that kind of correlate some of the things discussed and he is more than happy to answer any questions. Again, he apologized to the media for not discussing this and he also made it a point that he decided early on that he did not want any other person looking at this document prior to tonight so no other person has had an opportunity to look at it.

Mr. Hoyack reminded Mr. Cooper that item P was divided into two parts and asked a question on page 218 where it states Mr. Pettit was then asked if he would be willing to submit to a handwriting analysis, he responded of course. Mr. Hoyack's question was did the handwriting analysis take place? Mr. Cooper stated that he did collect handwriting samples of a couple of people including the two persons that were believed to have written it. He commented that he is not a handwriting analyst and if it was wanting to be done it should be done by AZ Department of Public Safety. He said that both parties he talked to both indicated the same responses as to who authored it, why they authored it and without being at the meeting, the superintendent claims that at the time the article was written he was not even present at the function. There was no for Mr. Cooper to determine that without seeing the sign in sheets. He encouraged the Board, if they feel it necessary, to send the card, which is in his possession to the agency. Mr. Hoyack requested that the card be returned.

Mr. Hoyack asked board members if there were any questions. Ms. Kramer thanked Mr. Cooper for his time. Mr. Ramos stated that it was a very thorough and clear investigation. Mr. Cooper stated that it was very difficult and he knows that there are hurt feelings and he urged nameless employees to look take the time to look at actual laws. Mr. Hoyack asked Mr. Cooper if the books were the board's to keep for their review and asked about other addenda and exhibits that will be coming. Mr. Cooper replied that yes, he does. The exhibits he will have to send hard copies of and the individual reports he can send electronically. The only other issue is that early on he made a decision about everybody that was interviewed and he feels very, very strongly that he gave his word to everybody interviewed that they would not be identified. If you release this report they will clearly be identified even though they have been given protective numbers and he explained the methodology of their identities

in the report. Just recently he was advised that that was lifted and there was no longer attorney/client privilege.

Ms. Pardee commented that at this point the Board has not waived attorney/client privilege.

Mr. Pettit clarified that on the cover page of the report his name is stated as Earl J. Pettit and it should be Earl F. Pettit.

Mr. Cooper stated that, just to clarify, his statement was involving the future release of exhibits and that Ms. Carl and he have discussed this and he redacted the client privilege reference and that they have also discussed the document that is in the addenda section and that is where he believes Ms. Pardee is referring to and he totally agrees with her.

Motion was made by Mr. Hoyack that the Board move in to executive session for the purpose of obtaining legal advice from the Board's attorney on matter II.B on the action agenda, pursuant to ARS 38-431.03 (A) (3). Motion was seconded by Mrs. Lopez. Motion carried with three aye votes, two nay votes (Kramer, Ramos).

Meeting adjourned in to executive session at 7:00 PM.

Motion was made by Mr. Hoyack to resume in open meeting at 7:04 PM, seconded by Mrs. Lopez and carried with five aye votes.

The Board may consider, discuss, and may take action regarding an investigative report prepared to gather information for the termination process of the Superintendent.

Motion was made by Ms. Kramer that the Board accept the report presented by Mr. Cooper concerning Mr. Pettit. Motion was seconded by Mr. Ramos.

Mr. Hoyack asked board members involved in the motion and second if they would consider adding to their motion that this document remain confidential for the time being since the five board members have not had an opportunity to read it in its entirety and there will be additional exhibits, addenda that they haven't considered yet and also because of the concern regarding confidentiality of district employees who were

interviewed. Mr. Hoyack moved that this document not be released to the public until the Board has the opportunity to read in its entirety.

Ms. Kramer agreed with Mr. Hoyack. Mr. Ramos also agreed.

Mr. Hoyack repeated the motion which was to accept and to keep the document as confidential to the Board until completion of its reading, not a public document yet.

Being no further questions or comments, Mr. Hoyack called for a vote on the motion on the floor. Motion carried with five aye votes.

Motion was made by Mr. Hoyack to move in to executive session for the purpose of receiving legal advice from the Board's attorney on matter II.C. pursuant to ARS 38-431.03 (A) (3). Motion was seconded by Mrs. Lopez.

Mr. Ramos asked if there was a necessity to make a decision on Mr. Pettit's employment based on the report already received. Mr. Hoyack responded that it was a question that he would like to ask in executive session with legal counsel.

Mr. Hoyack called for a vote on the motion on the floor. Motion carried with four aye votes, one nay vote (Ramos).

Meeting adjourned in to executive session at 7:07 PM.

Motion was made by Mr. Hoyack at 7:36 PM to return to open session, motion was seconded by Mrs. Lopez and carried with five aye votes.

The Board may consider, discuss, and may take action regarding the Superintendent's employment.

Motion was made by Mr. Ramos to renew Superintendent Pettit's contract for one or two years and to remove all restrictions implemented during the investigation and those before based on facts that we have received and review of the investigation. Motion was seconded by Ms. Kramer.

Mr. Ramos commented that it is time for this Board to put aside all personal reasons and focus on the duties we were elected to perform and to ensure academic achievement of all the students in our district and to

give our children the best chance to fulfill their dreams and reach their goals. In the months that have passed it has been very stressful and hard, not only for myself, but for administrators, staff, teachers, students, and parents. Precious time and money have been wasted trying to find a substantial to fire Superintendent Pettit. The loss of bright, intelligent directors and teachers has started and if we continue down the path we're going it will not end and we will neglect giving all our students the best possible chances of receiving their diplomas, not just because they earn 22 credits but because of all the knowledge they have learned from the best academic system we can give them so they can continue on the next step of their lives.

Ms. Kramer commented that she agrees with Mr. Ramos and we have used school district resources to basically investigate someone that was hired to make changes in our district. He has brought about those changes in the last year, year and a half. Two years since he's been here our schools have gone from four performing, performing plus schools and now all but two in our district are performing or performing plus. We have a lot of really good things going on in this district and it's all being overshadowed by this fight. By these accusations, these innuendos, and several times this has been brought up by various board members that this is just fighting amongst ourselves and it needs to stop and she agrees with Mr. Ramos. We need to just move on and the superintendent as far as everything we've been shown has not done anything wrong. She stated that she thinks at this point rather than continuing to question and wonder what's going on, what can we get him on, what else can we investigate, she is tired of it, and she is sure that staff is tired of it and the people of Douglas are tired of it. She mentioned that she just got another phone call today from someone in the community saying I hope you're not going to fire him tonight because Mr. Pettit is doing a good job.

Mr. Hoyack respectfully agreed that based on Mr. Cooper's report there is not enough there for the Board to continue with the move to terminate with cause and he does not believe there is any reason to continue the investigation of Mr. Pettit. He respectfully disagreed regarding Mr. Ramos' motion to extend contract for Mr. Pettit. Mr. Hoyack stated that Mr. Cooper had pointed out a number of concern areas and grave concern areas and a number of items that have been referred to legal counsel for a legal opinion in the 16 areas that he looked at. He commented that he did not agree with everything that Mr. Cooper concluded but he thinks he did

an excellent job and thanked him for his efforts. There is not enough there to continue for a termination of employment with cause, but he continues to believe Mr. Pettit's employment with the district needs to end at the conclusion of his contract. He stated that he was just explaining why he was going to vote not in favor of Mr. Ramos' motion.

There being no further questions or comments, Mr. Hoyack called for a vote on the motion on the floor. Motion failed with two aye votes and three nay votes (Hoyack, Lopez, Rivera).

Motion was made by Mr. Hoyack that the Board end the investigation and the Board reverse its decision made (October, perhaps September) to pursue termination with cause of Mr. Pettit as Superintendent. Motion was seconded by Mr. Rivera.

Mr. Hoyack commented that the initial reason for the investigation was to hire Mr. Cooper to determine whether or not this Board had reason for cause to pursue termination with cause.

Mr. Ramos asked Mr. Hoyack to repeat his motion.

Mrs. Lopez requested that the original motion be revised to include non-renewal of the employment contract. Mr. Hoyack stated that he is not prepared to add that to his motion and that it should be a separate motion altogether. He continued by stating that the Board needs to bring closure to what this all started out as which was a move to terminate with cause and his motion, in effect, ends that effort to terminate with cause.

There being no further questions or comments, Mr. Hoyack called for a vote on the motion on the floor. Motion carried with four aye votes, one nay vote (Lopez).

Motion was made by Mr. Hoyack that this Board determine that no extension of contract will be offered to Mr. Pettit's employment beyond June 30, 2010. Motion was seconded by Mrs. Lopez.

Ms. Kramer asked, after what they heard tonight, what was the reason? Mr. Hoyack replied that the reason was the areas of concern, grave concern and the matters that need to be referred to legal counsel. Ms. Kramer asked Mr. Hoyack to refresh her memory on what those were

because she only sees two. Mr. Hoyack responded that the email (item C), Mr. Pettit admitted and concern, although not specifically illegal; the real time, Mr. Pettit's admission and to use Mr. Cooper's language "I have grave concerns"; the goals and objectives, although not that big a deal, it is technically a violation of policy; the hostile environment, and he commented that he will be the first to admit that this Board and many others share the blame for that with Mr. Pettit, but as the CEO of the district, the work environment and the morale and the hostility that is felt by so many people is ultimately Mr. Pettit's responsibility; Mr. Cooper referred to legal counsel items H and I; and Mr. Cooper referred to legal counsel the pay incentive issue in item O. All of these things in cumulative lead Mr. Hoyack to suggest that Mr. Pettit's employment should end at the end of his contract.

There being no further questions or discussion, Mr. Hoyack called for a vote on the motion on the floor. Motion carried with three aye votes, two nay votes (Ramos, Kramer).

Mr. Hoyack asked if there were any other motions regarding item C – there were none.

The Board may consider, discuss, and may take action regarding approval of receiving reports for services rendered by Mr. Patrick Cooper, including paying for actual costs of his report.

Motion was made by Ms. Kramer that the Board pay Mr. Cooper for his services, according to the purchase order requests. Motion was seconded by Mr. Ramos.

Mr. Hoyack, just to clarify, asked if the total of the three invoices is \$29,181.00. Mr. Cooper replied that he has not totaled the invoices and there is still a fourth invoice coming in. Mr. Hoyack asked Mrs. Evans if this was the correct amount – she replied it was. So that is the amount that will be voted on tonight and there is another invoice coming.

Mr. Hoyack called for a vote on the motion on the floor. Motion carried with five aye votes.

III. ANNOUNCEMENTS

Mr. Hoyack asked for any announcements. Mr. Pettit addressed the Board that an event took place that he would like to announce so that it shows up on the record. He continued by stating that legal counsel to the Board directed the removal of his copy of the report, claiming attorney/client privilege. Mr. Cooper was hired by the Board and he is not an attorney, the report was presented in open session and he does not believe that attorney/client privilege exists as this is a report specific to his employment status and as such he is entitled to it.

Mr. Hoyack commented that he was confused and asked if Mr. Pettit is requesting to receive a copy of the report. Mr. Pettit replied that he was presented a copy at the time of the discussion then it was removed from his possession as the Board departed to executive session. He stated that he is not asking, he believes that he has a right to any material presented concerning his employment and this was specific to a termination process.

Mr. Hoyack deferred to Ms. Pardee for legal advice. Ms. Pardee replied that all she asked was for the removal of something that Mr. Cooper put in the report believing that attorney/client privilege was removed by this Board and it was regarding Ms. Carl's and should not have been in the report because it was not a part. Mr. Hoyack asked if, since Mr. Cooper is an employee of the district, can the Board direct Mr. Cooper to remove the two page letter of Ms. Carl's response to Mr. Pettit's letter and then hand him the remainder of the report? He then asked the Board, since it was not an agenda item, if they had an opposition to this.

Mr. Pettit commented that the document had been removed already by Mr. Cooper and he would appreciate if he could get the report back minus the document. Mr. Hoyack then asked Mr. Cooper to give Mr. Pettit a copy of the report.

Mr. Hoyack commented that, unfortunately, Ms. Carl was not able to be in attendance due to a death in her family and having to travel.

IV. ADJOURNMENT

There being no further business, motion was made by Mr. Hoyack to adjourn the meeting at 7:52 P.M. Motion was seconded by Mrs. Lopez. Motion carried with five aye votes.

Minutes prepared by Edna Elias, Superintendent/Governing Board Secretary.

These minutes were approved by the Board at their meeting of January 12, 2010.