



Board of Education

Minutes

The Board of Education

A Called School Board Meeting of the Board of Education of Fort Smith Public Schools was held Wednesday, May 12, 2021, beginning at 5:30 PM in the Service Center, Bldg B., 3205 Jenny Lind, P.O. Box 1948, Fort Smith, AR 72901.

Mr. Hanesworth, president, called the meeting to order. Other board members present were Ms. Talicia Richardson. Mr. Dalton Person, Ms. Yvonne Keaton-Martin, Ms. Dee Blackwell and Mr. Wade Gilkey. Ms. Susan McFerran was absent. Dr. Terry Morawski, Superintendent, Mr. Martin Mahan, Deputy Superintendent, Ms. Zena Featherston Marshall, Executive Director of Communication and Community Partnerships, Ms. Sherri Penix, Assistant Superintendent of Human Resources and Campus Support, Dr. Chris Davis, Supervisor of Human Resources and Campus Support and Ms. Nadine Brooks, Secretary to the Superintendent were also present.

Mr. Hanesworth stated that the board was meeting for an employee open hearing. Mr. Hanesworth stated that he would recuse himself and leave the meeting due to a personal relationship with some of the family members of the employee. He yielded to Mr. Ben Shipley, Hearing Officer. Mr. Shipley addressed Mr. Marshall Ney, Fort Smith Public School's attorney, representing the District Administration to present the case and Mr. Nathan Mendenhall representing Ms. Carie Harris, Fort Smith Public School employee. Ms. Richardson, Vice President Board Officer presided over the hearing.

Mr. Ney and Mr. Mendenhall presented their cases by questioning Ms. Penix, Assistant Superintendent of Human Resources and Campus Support and several witnesses.

Ms. Richardson requested a break for board members at 7:30 p.m. The hearing reconvened at 7:45 p.m. After the break Mr. Mendenhall and Mr. Ney continued questioning witnesses. Board members questioned witnesses periodically throughout the hearing.

Ms. Harris was the last witness questioned by Mr. Mendenhall. Mr. Shipley asked attorneys if they wished to rest or present closing arguments. Mr. Ney and Mr. Mendenhall both confirmed that they rest. Mr. Mendenhall requested a break. Mr. Shipley recessed the hearing at 9:10 for a five minute break. The hearing resumed at 9:15. Mr. Shipley asked both attorney if they wished to present closing statements. Both attorneys provided closing statements.

At 9:26 p.m. Ms. Keaton Martin made a motion, seconded by Mr. Gilkey, to deliberate on the information presented in executive session. The vote passed 5/0.

Board members came out of executive session at 11:05.

Mr. Person made a motion, seconded by Ms. Blackwell, to continue the contract of the teacher under such restrictions, limitations, or assurances as the board of directors may deem to be in the best interest of the school district:

Those conditions of continued employment followed:

- 1) Completion of professional development, without pay, above District requirements of twenty (20) hours, to include: Ethics, Substance Abuse. To be completed within three (3) months.
- 2) Prohibited participation in extra-curricular activities up to and including:
Sponsor/co-sponsor responsibilities, attendance at on/off campus activities; and
Attendance at District sanctioned events/activities where students are involved for the remainder of her employment with the district.
- 3) Suspension of her employment, without pay, for three (3) months, effective immediately.

The vote passed 4/1 with Ms. Richardson opposing.

Ms. Richardson moved forward with the written conclusions stated below.

Allowing persons not of legal drinking age, including a District student, to consume alcohol in the teacher's home (Item 1 in the termination letter);
Passed 3-2

Failing to properly report the incident to the District student's parents (Item 3 in the termination letter);
Passed 3-2

Failing to promote the health, safety, and welfare of the District's students in violation of District Policy No. 3.27 (Item 4 in the termination letter);
Passed 5-0

Failing to maintain a professional relationship with each student, both in and outside the classroom, in violation of Standard 1 of the Code of Ethics for Arkansas Educators (Item 5 in the termination letter);
Passed 4-1

The District has lost trust and confidence in the teacher (Item 6 in the termination letter);
Passed 3-2

Engagement in conduct which materially interferes with proper performance of duties (Item 7 of termination letter); Failed 1-4

Just and reasonable cause exists to terminate employment (Item 8 of termination letter)
Passed 3-2

The following item was withdrawn.

Failing to properly care for the District student when she had a severe reaction to the mixture of alcohol in her system (Item 2 in the termination letter was withdrawn by Mr. Ney during the hearing.

ADJOURN

There was no further business and the hearing adjourned at 11:15.

Talicia Richardson, Vice President

Dee Blackwell, Secretary