

Minutes of the Special School Board Meeting

Of the School Board of Independent School District No. 709 held at the Historic Old Central High School, 215 North First Avenue East, Duluth, Minnesota 55802, on

Tuesday, May 19, 2015

Members Present:

Annie Harala
Art Johnston
Mike Miernicki
Judy Seliga Punyko
Bill Westholm
Harry Welty

Others Present:

Bill Gronseth, Superintendent
Melinda Thibault, Secretary
Bill Hanson, Deputy Clerk

Members Absent:

Rosie Loeffler-Kemp

- Chair Seliga Punyko called the special school board meeting of May 12, 2015 to order at 4:45 p.m.
- Roll Call
- Public Comment

Marcia Stromgren, no address provided, spoke to the school board to express her thoughts on the proceedings being dropped against Art Johnston.

Richard Paulson, no address provided, spoke to the school board to thank the board for dropping the hearing against Art Johnston and asked them to move on.

Loren Martell, 623 East 7th Street, spoke to the school board to encourage the district to reimburse Art Johnston for his legal fees and his feelings on the proceedings against him.

Rogier Gregoire, 321 Harbor Point Circle, spoke to the school board regarding his concern with the racism incident at Denfeld High School and the downplay of the incident.

- Resolution

Member Westholm presented the resolution:

RESOLUTION CENSURING ART JOHNSTON

WHEREAS, on June 10, 2014, the School Board authorized an investigation into allegations against Board Member Art Johnston;

WHEREAS, the detailed and comprehensive investigation report completed by independent investigator Mary Rice, substantiated a number of allegations against Member

Johnston, including allegations that he improperly used his position as a School Board member to attempt to influence the outcome of a staff meeting on May 12, 2014, and that he physically assaulted the Superintendent and a fellow School Board member in front of students, parents, and members of the community following a June 4, 2014, graduation ceremony.

WHEREAS, on December 2, 2014, the School Board adopted Resolution HR-12-14-3215, proposing to remove Member Johnston based on the conclusions in Ms. Rice's investigation report and pursuant to Minnesota Statutes, section 123B.09;

WHEREAS, on December 9, 2014, Member Johnston requested a hearing to contest his proposed removal;

WHEREAS, on March 4, 2015, Member Johnston initiated a federal lawsuit against the School District and five School Board members, seeking, among other things, money damages for claims related to the proposed removal;

WHEREAS, representatives of the School Board and District Administration made multiple good-faith, but ultimately unsuccessful attempts to resolve Member Johnston's claims against the District;

WHEREAS, School Board members are expected to serve as role models for District students and staff;

WHEREAS, it is unacceptable for a School Board member to improperly use their positions of authority as School Board members or to physically assault or threaten to physically assault anyone, including District staff and fellow Board members;

WHEREAS, the School Board's primary mission is the education and well-being of the District's students; and

WHEREAS, Member Johnston's litigation against the District and his fellow School Board members has the potential to result in a drawn-out, time-consuming and expensive legal process which would distract the School Board from focusing on its primary mission.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 709, Duluth, as follows:

1. Resolution HR-12-14-3215 is hereby rescinded to the extent that it proposes Member Johnston's removal from the School Board.
2. The hearing, regarding the proposed removal of Member Johnston from the School Board is hereby cancelled. The School Board will not take any action to remove Member Johnston from the School Board based on the conduct described in Resolution HR-12-14-3215.
3. Member Johnston is hereby publicly censured for his conduct on May 12, 2014, and for his conduct on June 4, 2014.
4. Member Johnston is hereby warned that any future attempts to use his position as a School Board member to improperly influence a District personnel matter, where he has a personal conflict of interest, or to engage in unwelcome physical contact, or threatened physical contact, with any District employee or School Board member may result in further consequences, including, but not limited to, removal from the School Board pursuant to Minnesota Statutes, section 123B.09.
5. The School Board reaffirms its commitment to setting a positive example for the District's students and staff by holding all School Board members to the highest ethical and professional standards, including prohibiting conflicts of interest and unwelcome physical contact by School Board members.
6. The CFO/Executive Director of Business Services is authorized and directed to make all arrangements necessary to cancel the removal hearing.

3 – Special School Board Meeting
May 19, 2015

M-Westholm, S-Harala, to approve Resolution SP-5-15-3266 – Censuring Art Johnston

M-Johnston, Welty, to substitute the following wording: “Resolution HR-12-14-3215 is hereby rescinded.” (strike all other wording)

Discussion continued regarding the resolution.

Upon a vote, the same failed 2-4 as follows:

Yea: Johnston, Welty

Nay: Harala, Miernicki, Seliga Punyko, Westholm

M-Welty, S-Johnston, to substitute the following wording: “I move that we strike the second Whereas in the resolution which reads: WHEREAS, the detailed and comprehensive investigation report completed by independent investigator Mary Rice, substantiated a number of allegations against Member Johnston, including allegations that he improperly used his position as a School Board member to attempt to influence the outcome of a staff meeting on May 12, 2014, and that he physically assaulted the Superintendent and a fellow School Board member in front of students, parents, and members of the community following a June 4, 2014, graduation ceremony.

Discussion took place regarding the amendment.

Upon a vote, the same failed 2-4 as follows:

Yea: Johnston, Welty

Nay: Harala, Miernicki, Seliga Punyko, Westholm

M-Welty, S-Johnston, to substitute the following wording: I move that we strike the fifth Whereas in the resolution which reads: WHEREAS, on March 4, 2015, Member Johnston initiated a federal lawsuit against the School District and five School Board members, seeking, among other things, money damages for claims related to the proposed removal

Discussion took place regarding the amendment.

Upon a vote, the same failed 2-4 as follows:

Yea: Johnston, Welty

Nay: Harala, Miernicki, Seliga Punyko, Westholm

M-Miernicki, S-Seliga Punyko, to call the question. Upon a vote, the same was approved 4-2 as follows:

Yea: Harala, Miernicki, Seliga Punyko, Westholm

Nay: Johnston, Welty

4 – Special School Board Meeting
May 19, 2015

Chair Seliga Punyko adjourned the meeting but it was pointed out that they still needed to vote on the resolution. Chair Seliga Punyko apologized for the error and asked that they vote on the resolution.

Member Johnston made point of order that she had adjourned the meeting and they couldn't come back and vote now. Chair Seliga Punyko denied his point of order and stated that it was a simple mistake and they would now vote on the original resolution.

Member Johnston appealed the decision of the chair. Chair Seliga Punyko denied his appeal stating they would now vote on the resolution.

Upon a vote to uphold the decision of the Chair the same was approved 4-2 as follows:

Yea: Harala, Miernicki, Seliga Punyko, Westholm

Nay: Johnston, Welty

Upon a vote on the resolution as presented, the same was approved – 4-2 as follows:

Yea: Harala, Miernicki, Seliga Punyko, Westholm

Nay: Johnston, Welty

➤ Chair Seliga Punyko adjourned the Special School Board meeting of May 12, 2015 at 6:18 p.m.