

# Minutes of Special Meeting

## The Board of Trustees Little Elm ISD

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A Special Meeting of the Board of Trustees of Little Elm ISD was held Monday, May 19, 2014, beginning at 6:30 PM in the Little Elm High School Lecture Hall.

PRESENT: Board President Stephanie Gregg, Board Vice President Cooper Begis, Board Secretary Sally Coleman, Trustee Christopher Williams, Trustee Elisa McAtee, Trustee Curtis Savage, Trustee LeAnna Harding and Superintendent Lynne Leuthard.

1. Call to Order Open Session in the Lecture Hall at the Little Elm High School on 1900 Walker Lane, Little Elm, TX 75068. The meeting was called to order by Board President Stephanie Gregg at 6:30 pm.
2. Spotlight
  - A. Honoring Outgoing Board Members  
Superintendent Lynne Leuthard honored and thanked for their services outgoing Board Members. The outgoing Board Members are Trustee Elisa McAtee, Trustee Sally Coleman and Trustee Curtis Savage.
3. The Board recessed into Closed Executive Session at 6:42 pm in the Conference Room as permitted by the Texas Open Meetings Act Code Subchapter 551.074, and 551.071. The Board and Superintendent discussed:
  - A. Personnel - 551.074
  - B. Private consultation with the Board's attorney (551.071)  
The Board reconvened at 7:28 pm.
4. Consultation with the Board's attorney when the Board seeks the advice of its attorney about: (1) pending or contemplated litigation; (2) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
  1. Discuss procedures for Level III Board hearings.

Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

1. Conduct Level III hearing regarding grievance filed by Ms. Sonia Badillo against LeAnna Harding.

Consultation with the Board's attorney when the Board seeks the advice of its attorney about: (1) pending or contemplated litigation; (2) a settlement offer; or (2)

on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

1. Consultation regarding Level III grievance filed by Ms. Sonia Badillo against LeAnna Harding.

Please read attachment for hearing minutes.

The Board recessed into Closed Executive session at 8:08 pm to deliver about the Level III grievance. The Board reconvened at 8:43 pm.

#### 5. Action Items

A. Consideration and possible action regarding Level III grievance filed by Ms. Sonia Badillo against LeAnna Harding

Trustee Christopher Williams made the first motion to approve the Level III grievance in part and deny the Level III in part, allowing the remedy of the appropriate and professional behavior of Ms. Harding's husband at district functions and events. If he needs to communicate with Ms. Badillo it needs to pertain to school related business, in writing and in a professional and respectful manner. Trustee Curtis Savage seconded the motion. The motion passed (6-0).

B. Adopt the Canvassing Returns and Declaring Results of the 2014 Board Election  
Board Secretary Sally Coleman made the first motion to approve the Canvassing Returns and Declaring Results of the 2014 Board Election. Board Vice President Cooper Begis seconded the motion. The motion passed (6-0).

#### 6. Administration of Oath of Office to Newly Appointed Trustees

Ms. Sonia F. Badillo administered the Oath of Office to Newly Appointed Trustees. Mrs. Melissa Myers, Mr. DeLeon English, Ms. LeAnna Harding and Mr. Alejandro Flores were sworn in.

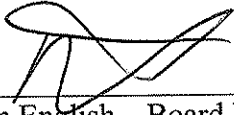
#### 7. Adjournment

The meeting adjourned at 8:53 pm.

Trustee DeLeon English requested to add and Item to the Agenda. Mr. English requested to have the election of officers. Board President Stephanie Gregg informed Mr. English that Items on the Agenda need to be posted 72 hours prior to hold the meeting.

The meeting adjourned at 8:57 pm.

These minutes were approved on June 16, 2014.



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DeLeon English – Board President



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Alejandro Flores – Board Secretary

Little Elm ISD - Level III - In Re: Badillo

1	SONIA BADILLO,	§
2	Grievant	§
3	vs.	§
4	LEANNA HARDING,	§
5	Respondent	§

LEVEL III GRIEVANCE HEARING

BE IT REMEMBERED THAT on the 19th day of May, 2014, the above matter came on to be heard before the Little Elm Independent School District Board of Trustees, at 1900 Walker Lane, Little Elm, Texas.

Panel:

MS. LYNNE LEUTHARD, Superintendent

Board of Trustees:

MS. STEPHANIE ARDOIN GREGG, President

MR. COOPER BEGIS, Vice President

MS. SALLY COLEMAN, Secretary

MS. ELISA MCATEE

MR. CURTIS SAVAGE

MR. CHRISTOPHER WILLIAMS

## Little Elm ISD - Level III - In Re: Badillo

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## APPEARANCES

## FOR THE BOARD OF TRUSTEES:

MS. MARIANNA M. MCGOWAN  
Abernathy Roeder Boyd & Joplin, P.C.  
1700 Redbud Boulevard, Suite 300  
McKinney, Texas 75069  
214-544-4000

## FOR THE GRIEVANT:

MR. DANIEL A. ORTIZ  
Law Office of Daniel A. Ortiz  
1304 W. Abram Street, Suite 100  
Arlington, Texas 76013  
817-861-7984

## FOR THE RESPONDENT:

MR. ANTHONY WAYNE REED  
The Reed Law Group, PLLC  
3245 W. Main Street, Suite 235-346  
Frisco, Texas 75034  
469-579-5739

## ALSO PRESENT:

MS. SONIA BADILLO, Grievant  
MS. LEANNA HARDING, Respondent  
DR. JENNIFER PORTER, Assistant Superintendent

## Little Elm ISD - Level III - In Re: Badillo

1                   PRESIDENT GREGG: We'll now reconvene to  
2 open session. It is 7:28 p.m.

3                   At this time members of the board will  
4 move to Agenda Item 4, which is to hear and consider the  
5 employee grievance filed by Ms. Sonia Badillo. All  
6 participants and attendees are requested to silence all  
7 telecommunication devices at this time.

8                   In accordance with Section 551.074 of the  
9 Texas Government Code, which is commonly known as the  
10 Texas Open Meetings Act, the board may conduct this  
11 hearing in closed session. However, Ms. Harding has  
12 requested open session and, as such, an open hearing is  
13 required.

14                   We will now begin the hearing. The time  
15 is 7:28 p.m.

16                   Welcome. My name is Stephanie Ardoin  
17 Gregg. I am the president of the board. For the  
18 record, today is Monday, May 19, 2014. The board is now  
19 convened in open session in accordance with Section  
20 551.074 of the Texas Government Code for the purposes of  
21 the hearing of the Level III grievance brought forward  
22 by Ms. Sonia Badillo in accordance with the Board Policy  
23 DGBA (Local).

24                   This proceeding will be recorded by a  
25 court reporter to ensure that an accurate record is

## Little Elm ISD - Level III - In Re: Badillo

1 kept. This portion of the proceeding in which the  
2 complainant and the administration present -- present  
3 their statements will be recorded by the court reporter.  
4 The board's deliberation and consultation with its  
5 attorney will not be recorded.

6 For the record, each person is asked to  
7 state their name, reason for attendance and relationship  
8 to the complainant, if applicable. We will start with  
9 the board members.

10 MR. WILLIAMS: Christopher Williams.

11 MS. MCATEE: Elisa McAtee.

12 MR. BEGIS: Cooper Begis.

13 PRESIDENT GREGG: Stephanie Gregg.

14 MS. MCGOWAN: Mari McGowan, attorney for  
15 the board.

16 SUPERINTENDENT LEUTHARD: Lynne Leuthard,  
17 superintendent.

18 MS. COLEMAN: Sally Coleman.

19 MR. SAVAGE: Curtis Savage.

20 MR. ORTIZ: Daniel Ortiz. I'm a lawyer.  
21 I represent Sonia Badillo.

22 MS. BADILLO: Sonia Badillo.

23 MS. HARDING: LeAnna Harding.

24 MR. REED: Anthony Reed, attorney for Ms.  
25 Harding.

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1                   PRESIDENT GREGG: Okay. At this time I  
2 would like to instruct all participants to please avoid  
3 talking when another person is speaking so that the  
4 transcript will accurately reflect the proceedings.  
5 Further, please endeavor to make your oral statements as  
6 clear and complete as possible. Remember that the  
7 transcript will not reflect gestures or any other form  
8 of nonverbal communication.

9                   This hearing will be conducted as an  
10 administrative presentation in accordance with  
11 applicable policies and laws. Since this grievance was  
12 filed against a board member, there have been no prior  
13 levels of hearing and, therefore, there is no prior  
14 record to forward to the board for consideration.

15                   This is not a formal legal proceeding and  
16 no strict rules of evidence or procedure will apply.  
17 This hearing is a Level III grievance under Board Policy  
18 DGBA (Local). Because this grievance is against a board  
19 member and includes allegations that may include claims  
20 under Board Policy DIA (Local), this hearing will  
21 constitute the investigation process required under DIA  
22 (Local). The board's determination this evening will  
23 also serve as the decision of the investigation under  
24 DIA (Local). All parties consent to this process.

25                   Each party will have an opportunity to

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1 make its presentation to the board. The parties will  
2 not be permitted to cross-examine each other. There  
3 will be an opportunity for the members of the board to  
4 ask questions of either counsel or any witnesses.  
5 However, the members of the board are not subject to  
6 questioning by the administration, complainant, legal  
7 counsel, if present, or any witness.

8           The complainant will present for her  
9 argument first. This presentation will be followed by  
10 the respondent's side. Both the complainant and the  
11 respondent will be allocated 15 minutes to make a  
12 presentation. If the complainant wishes to reserve a  
13 portion of the 15 minutes for rebuttal following the  
14 respondent's presentation, that is permitted.

15           Pursuant to the Open Meetings Act, this  
16 hearing is being conducted in open session. The vote  
17 will be taken in open session at the regular meeting  
18 this evening.

19           Does anyone have any questions as to how  
20 this hearing will be conducted?

21           MR. ORTIZ: No.

22           PRESIDENT GREGG: Are there any initial  
23 procedural matters that need to be discussed?

24           MR. ORTIZ: Who will be keeping the time  
25 for us?

## Little Elm ISD - Level III - In Re: Badillo

1 DR. PORTER: I will.

2 PRESIDENT GREGG: Dr. Porter will be.

3 MR. ORTIZ: Okay.

4 PRESIDENT GREGG: Now that we have  
5 reviewed the procedures for the hearing, it is time to  
6 determine the qualifications of the board members to  
7 hear and consider this matter. If any member of the  
8 board feels that he or she cannot do so, the board  
9 member should so state at this time and not participate  
10 in the hearing.

11 Let the record reflect that each member of  
12 the board present has indicated that he or she can  
13 consider the information presented at this hearing and  
14 make a decision in a fair and impartial manner.

15 Ms. Badillo, who will be making the  
16 presentation on your behalf?

17 MR. ORTIZ: We will share that tonight.  
18 I'll take the initial five minutes and then she'll take  
19 five minutes and we ask to reserve five minutes as a  
20 rebuttal.

21 And -- and every now and then, let me look  
22 over here. If you could wave like this after my five  
23 minutes, please.

24 DR. PORTER: I will.

25 PRESIDENT GREGG: You have 15 -- you have

## Little Elm ISD - Level III - In Re: Badillo

1 15 minutes to make your presentation to the board. You  
2 have -- do you wish to reserve a portion of your  
3 allocated time for any rebuttal? You just answered.

4 MR. ORTIZ: Yes, ma'am. Five minutes.

5 PRESIDENT GREGG: The Secretary of the  
6 Board of Trustees -- it won't be the Secretary of the  
7 Board of Trustees. Dr. Porter will keep the time and  
8 will indicate to you when you have -- approximately five  
9 minutes left? Is that what you said?

10 MR. ORTIZ: Well, when I've used five  
11 minutes, kind of wave or something, stomp.

12 DR. PORTER: Okay.

13 PRESIDENT GREGG: You may proceed with  
14 your presentation at this time.

15 MR. ORTIZ: Thank you very much.

16 Good evening, ladies and gentlemen of this  
17 of this honorable board. This is my privilege to  
18 represent Sonia Badillo. Sonia is a resident of Little  
19 Elm, a mother of three daughters, school-aged children,  
20 that -- a wife and a school district employee.

21 She's exercised her right to file a  
22 grievance. Your Policy DGBA (Local) provides for that.  
23 It also provides that one's to file a grievance without  
24 fear of reprisal. That, nevertheless, she files the  
25 grievance and presents tonight reluctantly, that

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1 reluctantly because this grievance is filed against a  
2 board member. And more importantly, this grievance is  
3 filed about conduct in a public place, a board meeting  
4 at the April 14th, 2014 board meeting.

5           And she's concerned, understandably, she's  
6 concerned about her welfare as a school district  
7 employee. But she proceeds nevertheless, because it's  
8 so important that -- it's so important because the  
9 Little Elm Independent School District, like every other  
10 school district in the state, that it is very different  
11 than every other business or corporation. It's very  
12 different because, you know better than I do, your  
13 business is to educate children. Very important. I  
14 can't think of anything more important.

15           It's all that more important that all of  
16 us tonight, that tomorrow, and every day, 24/7, conduct  
17 ourselves that -- in a fashion that our parents would be  
18 proud. As simple as that.

19           That Sonia at the April 14, '14 -- 2014  
20 board meeting, during a break the board went into closed  
21 session. Mr. Harding, in behalf of Mrs. Harding,  
22 approached Sonia. Sonia will better describe the event.  
23 But, at very best, it was rude and, very worst, it was  
24 extremely threatening.

25           And we're in Texas. We're in America.

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1 We're all glad to be here and we should feel lucky to be  
2 here. I do, because one of our most important rights is  
3 to agree to disagree. That's okay. That's okay. But  
4 to do so in a civil, obedient manner and not threaten.

5                   Allegations I don't even understand. It  
6 sounds like gossip to me. But serious it was and  
7 threatening it was, and so threatening Sonia filed a  
8 grievance. First grievance she's ever filed. As I said  
9 earlier, very reluctantly.

10                   That what I think speaks volumes, a staff  
11 member that wrote a statement. And this staff member  
12 doesn't have a dog in this hunt. Some neutral third  
13 party oversaw. And don't believe me and don't  
14 necessarily listen to Sonia. Don't listen to anybody  
15 here. Except the staff member has no reason to write a  
16 statement unless it wasn't right.

17                   What we're asking that -- is very  
18 reasonable. As a former board member, I can't imagine  
19 any board member not agreeing with this request. All we  
20 want is a safe -- a safe place to meet and to talk,  
21 exchange ideas, and for our children to have an  
22 opportunity to be educated and not see examples as  
23 occurred April 14th. That if we can't lead better, we  
24 have a problem in Little Elm.

25                   I get to leave Little Elm, go back home.

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1 I don't have children or grandchildren here. But you  
2 all do. All we want is a full investigation and for a  
3 reasonable, safe school district, but to do so 24/7.

4 And I've used five minutes. Sonia, you  
5 use five minutes.

6 MS. BADILLO: Yes. Good evening. I have  
7 always had a close relationship with the board. And in  
8 fact, Ms. Harding and I exchanged some personal emails  
9 about our kids. And I do want to say for the record  
10 that Mrs. Harding has never mistreated me.

11 But the night of April 14, 2014 her  
12 husband approached me. At first I couldn't understand  
13 most of the things he was saying because he was very  
14 agitated, but his body language and his tone of voice  
15 got out of control.

16 Since I couldn't understand what he was  
17 telling me at first, I asked him, "Excuse me. I  
18 couldn't hear you."

19 To what he responded, "It is not ethical  
20 what you're doing and you better think twice next time  
21 you have elections and try to convince a candidate to  
22 run against my wife." Again, all of this was within a  
23 threatening tone of voice and inappropriate body  
24 language.

25 My response to him was, "Mr. Harding, I do

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1 not know what you are talking about because that never  
2 happened."

3           While I was trying to talk to him, he kept  
4 interrupting me in a very ugly and disrespectful way.  
5 He proceeded to tell me that he had a lot of friends in  
6 Little Elm and that his wife was aware of what I had  
7 tried to do.

8           Again I tried talking to him, but there  
9 was no way he was going to listen to me. I also felt  
10 threatened.

11           He then proceeded to tell me that I had no  
12 idea who he was friends with. Then agitated as he was,  
13 I couldn't understand what he was saying. He just kept  
14 saying something about a teacher, to what I -- and that  
15 he wasn't going to give me the names.

16           To what I said, "Mr. Harding, I'm not  
17 asking you for names. I know it didn't happen, so I'm  
18 not worried about it."

19           You know, I do attend the elections  
20 conference every year and I do know that, you know, what  
21 you can do and what you cannot do at the ethical area.

22           Again I told Mr. Harding, you know, while  
23 he -- when I was able to talk, because I couldn't talk,  
24 "Mr. Harding, I can tell you that what you're telling  
25 me, it's not true." But you're entitled to believe

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1 whomever you want to believe."

2           At that time he proceeded to talk about  
3 Mr. Shon Joseph. He said, "That Shon Joseph. That Shon  
4 Joseph. I'm going to go look for Shon Joseph and he's  
5 going to have to hear me too. Shon Joseph has been  
6 going around the school asking people who LeAnna Harding  
7 is."

8           To what I said, "Mr. Harding, that is  
9 weird because I'm sure Mr. Joseph knows who your wife is  
10 since he is present at all of the board meetings and  
11 she's a board member."

12           Again his body language, his tone of voice  
13 were in a bully way. I felt threatened and bullied.

14           At this time I noticed that Dr. Porter and  
15 Mr. Gutierrez walked in the room. I found out later  
16 that a staff member who was witnessing how Mr. Harding  
17 was treating me and his body language had texted them,  
18 asking them to come inside the room and help me.

19           Once Mr. Harding saw that they walked in,  
20 he said, "I'm going to go look for Mr. Joseph," and he  
21 left.

22           Now, this also has to do with my job. On  
23 Friday there was an incident where I guess Mr. Harding  
24 went to -- came to the high school to see if I had  
25 posted the agenda in a timely manner. I'm assuming he

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1 went to the wrong door because he didn't see the agenda.  
2 And at that time he asked a student to be videotaped and  
3 saying that the agenda was not posted, when the agenda  
4 was posted.

5                   Now, as a parent, if a stranger comes up  
6 to my student and videotapes her and asks her to use her  
7 cellphone to tell the time on her cellphone and to say  
8 the agenda is not posted, as a parent, I am concerned  
9 because this is a stranger approaching my child, which  
10 could have been my child.

11                   Again, all of this happened the night of  
12 April 14 and it was in a very disrespectful manner,  
13 threatened, and I felt I was being bullied.

14                   And I also want to say, Ms. Harding,  
15 you've never done anything to me.

16                   MR. ORTIZ: I'll reserve the rest of my  
17 time, ma'am.

18                   PRESIDENT GREGG: Okay. Thank you.  
19 Members of the board, I am going to ask you to hold your  
20 questions, if any, until the conclusion of the  
21 presentation of both sides.

22                   Who will be making the presentation on  
23 behalf of the respondent?

24                   MR. REED: Anthony Reed, attorney for the  
25 respondent.

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1                   PRESIDENT GREGG: Mr. Reed, you will have  
2 15 minutes to make a presentation on behalf of the  
3 administration. Do you wish to reserve a portion of  
4 your allotted time for any rebuttal?

5                   MR. REED: Two minutes, if I'm allowed,  
6 yes.

7                   PRESIDENT GREGG: Dr. Porter will keep  
8 the time and will indicate to you when you have  
9 approximately two minutes left on your allotted time.  
10 You may proceed with your presentation at this time.

11                   MR. REED: To the superintendent and to  
12 members of the board, I appreciate the opportunity for  
13 my client to be here tonight and be heard. I'm an  
14 attorney, so I litigate. That's what we do. And we go  
15 to courtrooms and we battle over issues and we deal with  
16 procedures and concepts. And once again, we truly do  
17 appreciate the opportunity for her to be heard tonight.

18                   I am probably going to, because of my  
19 background, going to look at specific things that I have  
20 issue with. First and foremost, the fact that we're  
21 even here. My biggest question is why. Ms. Badillo  
22 herself just said, "I have no issue with you, Ms.  
23 Harding."

24                   But she's filed a grievance against a  
25 board member, not based on her conduct, but based upon

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1 her spouse's conduct. And unless DGBA (Legal), which  
2 specifically states that she violated a law within the  
3 workplace or unlawfully harassed an employee, unless  
4 there's some modification in there that says that her  
5 spouse's conduct imputes to her, I'm going to really  
6 need somebody to point that out to me. So I'm asking  
7 why, first and foremost, to the board.

8           But in addition, when I look at, you know,  
9 your harassment policy with regard to retaliation and  
10 discrimination, it specifically states that the District  
11 shall determine whether the allegations, even if  
12 proven -- so, okay. Fine. We have allegations. And  
13 let's say those allegations are proven by the letter of  
14 the way they're drafted, because I look at the  
15 allegations and all I saw was the spouse has supposedly  
16 become impassioned about an issue and has directed that  
17 toward someone in a way that appears to be very  
18 threatening.

19           And I'm not trying to belittle Ms. Badillo  
20 with regard to her response because if she felt  
21 threatened, she was threatened. I'm not saying that  
22 that's improper or any -- I'm not saying she's wrong.  
23 If she felt threatened, she felt threatened. But it  
24 wasn't my client's conduct.

25           And that's the issue that I've got here

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1 tonight because in the end, the end of that sentence I  
2 was reading says, even if proven, would constitute  
3 prohibited conduct as defined by this policy. And we're  
4 talking DIA (Local), the reason we're here. So if  
5 pursuant to your own policies it doesn't fall within the  
6 grievance guidelines, then why are we here?

7                   So we're all parents. I have a niece that  
8 graduated from this very high school about three or four  
9 years ago. I used to live in the Little Elm school  
10 district. My oldest daughter attended Hackberry  
11 Elementary School. I live in Frisco now and my kids  
12 aren't here, but they'll be back and they'll go to  
13 school in Frisco.

14                   So I understand the importance of what all  
15 of you do and what all of our requirements are as  
16 parents and understanding the safety and wellbeing of  
17 all of our children, and even more so the integrity of  
18 this board, your professionalism amongst yourselves and  
19 with one another.

20                   But I would hope, in reviewing this  
21 grievance, that you would think, as you probably will  
22 caution your spouse on a go-forward basis, the last  
23 thing you would want is to have to be called before your  
24 own board because your spouse committed conduct deemed  
25 to be in violation of a policy that doesn't even apply

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1 to them because they're not an employee and they're not  
2 the board. So first of all, I take issue with the fact  
3 that we're here because of those issues.

4 But in addition, I think it's our  
5 responsibility when we deal with these types of issues  
6 to lead by example. We all want to teach our children  
7 the right way to do things. There's right and there's  
8 wrong. It's very simple. And more often than not, we  
9 refer to higher authorities, whether it be the law or  
10 the Bible or how -- whomever we reference for guidance  
11 on those types of things.

12 But as the parents, as the leaders, you as  
13 the board for the school district and for the teachers  
14 and the people that work here, we're supposed to teach  
15 our kids very important things. And to me, one of the  
16 most important is accountability.

17 So the question for me tonight, after I  
18 ask why am I here, is who am I making accountable?  
19 We're talking about the conduct of my client's spouse,  
20 not my client. So are we holding the person accountable  
21 who supposedly committed the acts that were committed  
22 against the person filing the grievance, or are we  
23 trying to hold someone else accountable?

24 And if we are, is that the lesson we're  
25 trying to teach our kids? I want you to be responsible

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1 for someone else's conduct, not your own. You're  
2 responsible for what that person did. And here's the  
3 fun part. That's when you're talking to kids. But  
4 we're talking about adults.

5           Now, in a legal perspective, adults can be  
6 responsible for their kid's conduct. But adults  
7 typically aren't responsible for another adult's  
8 conduct. Now, I'm sure, you know, the esteemed counsel  
9 here, I'm sure we could probably find some laws and some  
10 situations and some fact matters that would create that.  
11 But stated here simply, if someone created apprehension  
12 in someone else, the person who did it should be held  
13 responsible, not someone else.

14           I think it's clear with regard to the  
15 conduct that's been exhibited, to the issues that have  
16 been raised and to your own guidelines, policies and  
17 procedures, that we really shouldn't be here tonight, at  
18 least Ms. Harding shouldn't be. And if there's some  
19 other governance that you have with regard to a third  
20 party's conduct, whether it be in a courtroom or through  
21 your own guidelines, maybe we should have someone else  
22 here tonight because, once again, as Ms. Badillo has  
23 specifically stated on more than one occasion, she has  
24 absolutely no issue with Ms. Harding. So if she doesn't  
25 have an issue, there shouldn't be a grievance.

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1 And I'll submit the rest of my time.

2 Thank you.

3 PRESIDENT GREGG: Thank you. How much  
4 time is left?

5 DR. PORTER: He used five minutes, 45  
6 seconds.

7 PRESIDENT GREGG: Ms. Badillo, at this  
8 time you have reserved approximately --

9 DR. PORTER: Four --

10 PRESIDENT GREGG: Four minutes.

11 DR. PORTER: And 53 seconds.

12 PRESIDENT GREGG: And 53 seconds for  
13 rebuttal. You may make your rebuttal presentation on  
14 behalf of the complainant.

15 MR. ORTIZ: Thank you very much.

16 Counsel makes a great legal argument.  
17 Thankfully, we're not in a court of law. His argument,  
18 I say wow.

19 A conspicuous bite, its complete absence  
20 is his failure to even attempt to dispute any of these  
21 very serious allegations which occurred April 14th, that  
22 instead they say there's a technicality.

23 It was clear to my client, and if it's not  
24 clear to you, ask her when you have the opportunity to  
25 ask questions. "My wife is aware of this." It was

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1 clear the gentleman was acting in her behalf as well. I  
2 would hope that the underlying conduct and the serious  
3 nature of these allegations and the fact that they  
4 failed to even attempt to dispute any of these  
5 allegations would cause serious concern.

6 We're asking for a safe environment here  
7 tonight, at the next board meeting and at school  
8 tomorrow, 24/7. How can you dispute that? I don't care  
9 if it's coming from Mr. Jones or Mrs. Smith or little  
10 Johnny. It doesn't matter. That you're obligated as  
11 members of the board to see to it that a full  
12 investigation is done and the wrongdoers are in fact  
13 sanctioned and, more importantly, a safe environment  
14 occurs.

15 MS. BADILLO: Mr. Harding did say that  
16 his wife was aware of it. And my question, I mean, now  
17 is why does he have to come to me. If Ms. Harding had a  
18 problem with me, she could have -- you know, she's the  
19 board member, he's not. She could have come and talked  
20 to me. Or if she had a concern, she could have gone to  
21 my supervisor and addressed her concern.

22 And also when Mr. Harding approached the  
23 student, he also said, "I am Frank Harding and I'm the  
24 spouse of a board member." So he used her title and her  
25 name as well.

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1 MR. ORTIZ: And Board Policy DGBA (Local)  
2 allows my client, also a school district employee, that  
3 she submit a grievance in a respectful, civil manner  
4 about any condition of work. And what occurred April  
5 14th was most definitely a condition of work.

6 I thank you very much.

7 PRESIDENT GREGG: Okay. Thank you.

8 Ms. Harding, at this time you have  
9 reserved approximately --

10 DR. PORTER: Nine minutes and 15 seconds.

11 PRESIDENT GREGG: -- nine minutes and 15  
12 seconds for a rebuttal. You may make your rebuttal  
13 presentation on behalf of the administration. Dr.  
14 Porter will indicate to you when you have approximately  
15 one minute remaining for your allotted time. You may  
16 proceed.

17 MR. REED: Thank you. It is a rebuttal,  
18 and even though I have nine minutes, of course, I'll be  
19 brief.

20 The main issue that I have with regard to  
21 what our esteemed counsel just recently said was that  
22 Mr. Harding acted on Mrs. Harding's behalf. There is no  
23 reference whatsoever in the grievance that states Ms.  
24 Harding sent Mr. Harding to do anything. She herself,  
25 through her own testimony before you right now, just

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1 said, "he said that she was aware and if she had an  
2 issue, then she should have spoken to me." But she also  
3 in addition to that said, "and I have no issue with  
4 her." Why are we here, talking about someone that is  
5 not here?

6                   And guess what? We need a safe  
7 environment is what the counsel says. We need to ensure  
8 that these types of meetings are not disrupted. And  
9 that unsafe environment is handled. Mr. Harding isn't  
10 here. If that was your issue, issue resolved. He's not  
11 here. He can't come here. He's not allowed. You  
12 presented an issue, you addressed an issue, issue done.

13                   So if our issue is we need a place that's  
14 safe, if the issue is someone caused a ruckus and that  
15 person's been dealt with, then what else are we doing  
16 now? Why are we taking this any further? Where are we  
17 going with this? The complainant has no issue with the  
18 respondent. Why are we here? The issue was a safe  
19 environment. Person causing disruption eliminated.  
20 Environment safe. Why are we here?

21                   So yes, you're right. I'm a litigator. I  
22 deal with technicalities. But, to me, I just believe  
23 that if I'm teaching my children a lesson, I don't  
24 punish one child for the other child's activity. If  
25 someone breaks a glass in the kitchen, that's the one

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1 who gets in trouble, not the one that comes behind him.  
2 And I don't think that we would be setting a very good  
3 example if we were to make Mrs. Harding responsible for  
4 a complaint that's purely drafted upon the conduct of  
5 her husband.

6           Now, fine, did I want to sit here and talk  
7 for eight minutes to defend whether or not his body  
8 language was horrible or anything like -- no. I wasn't  
9 there. And neither were any of us. And I believe Ms.  
10 Badillo. She felt threatened. Okay. But the threat's  
11 been eliminated. That's like saying you opened the  
12 closet for your kid and the boogeyman's not in there.  
13 He's not there. It's gone. There's no threat.

14           So I don't want us to continue to sit here  
15 and determine an issue which is a nonissue. I don't  
16 want us to sit here and have a grievance that doesn't  
17 fall within your guidelines, a grievance that has no  
18 basis in your own policy, a grievance that's not based  
19 upon the respondent's conduct. It doesn't make sense.  
20 And all it really does is just make me ask why.

21           So I really just pray that all of you take  
22 the opportunity to review what's in front of you,  
23 recognize that Ms. Badillo may have had an issue that  
24 still needs to be resolved, but this board is not the  
25 proper place to resolve it. And if anything comes of

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1 this and if there's any example that you need to provide  
2 to my client, then fine, we can advise her to speak with  
3 her spouse with regard to how they conduct themselves  
4 when they're on campuses. But he can't come on campus.  
5 So guess what? We shouldn't do that either because he  
6 can't even come anymore.

7                   So like I said, I really -- we appreciate  
8 the opportunity to be heard tonight and really just hope  
9 that you look at the entire situation and do what's  
10 right for all parties.

11                   And I submit the rest of my time. Thank  
12 you.

13                   PRESIDENT GREGG: Thank you. Members of  
14 the board, are there any questions we need to address?

15                   MR. BEGIS: Ms. Badillo, if -- your  
16 comment earlier about Mr. Harding coming on campus and  
17 approaching a student and videotaping, can you give us  
18 more clarification on specifically your understanding of  
19 what took place?

20                   MS. BADILLO: My understanding is that he  
21 came to see if the agenda had been posted within the 72  
22 hours. And I guess he went to the wrong door and didn't  
23 see it. So then he asked that student to, I guess,  
24 provide a statement on camera. So afterwards, you know,  
25 the student did. He then reported it.

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1 MR. BEGIS: Was that student in the  
2 parking lot or did he enter the building?

3 MS. BADILLO: I don't have that  
4 information.

5 PRESIDENT GREGG: Do you know what time  
6 it was?

7 MS. BADILLO: I don't know.

8 MR. BEGIS: Ms. Leuthard, do we have any  
9 information on where that took place?

10 SUPERINTENDENT LEUTHARD: Yes. It took  
11 place in front of the office. It was a female student  
12 who was here waiting to be picked up. It was  
13 approximately 6:03. We have a statement from that  
14 student that Mr. Harding did approach her and ask her to  
15 be a witness on video camera.

16 MR. BEGIS: Entered the building --

17 SUPERINTENDENT LEUTHARD: Entered the  
18 building --

19 MR. BEGIS: -- after hours.

20 SUPERINTENDENT LEUTHARD: And actually  
21 there was another student with her as well. The other  
22 student walked off. And he also approached a student  
23 outside in a car.

24 MR. BEGIS: Thank you.

25 PRESIDENT GREGG: Are there any further

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1 questions from the board?

2 MS. MCATEE: I have.

3 PRESIDENT GREGG: Yes.

4 MS. MCATEE: Sonia, I just want to make  
5 sure that I'm asking some clarity questions. Did you  
6 feel threatened by Mr. Harding?

7 MS. BADILLO: Yes, I did.

8 MS. MCATEE: And did you feel that he was  
9 acting for himself or for himself and his wife?

10 MS. BADILLO: The words he used, you  
11 know, he said, "My wife knows about this," you know, in  
12 a threatening way. And he was just agitated. He was  
13 just being a bully. He was trying to intimidate me and  
14 I felt threatened.

15 MS. MCATEE: I want to make sure that  
16 I -- do you feel like your job was being threatened?

17 MS. BADILLO: When he said, "You better  
18 think twice next time you try to do this," at that point  
19 I felt like he was threatening my job.

20 MS. MCATEE: Okay.

21 PRESIDENT GREGG: Ms. Badillo, as  
22 secretary to the superintendent, you also work very  
23 closely with the board. Part of your request for the  
24 grievance is that Ms. Harding will not be allowed to  
25 hold a leadership position within the board. That's one

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1 of your requests for -- for mediation or -- that's one  
2 of your -- forgive me.

3 MS. BADILLO: Remedies.

4 PRESIDENT GREGG: Remedies, thank you.

5 Do you feel that you could work with her if she is on  
6 the board? Do you feel that you could work with her if  
7 she is -- or do you think that -- do you feel -- I mean  
8 whether it's writing minutes or, I mean, just -- do you  
9 anticipate any concerns or issues or can you elaborate  
10 on why you requested those remedies?

11 MS. BADILLO: Well, right now I feel that  
12 if Mr. Harding is acting the way he is and bringing his  
13 wife's name, Ms. Harding's name, to approach me or  
14 approach a student, I feel like if she becomes, you  
15 know, a leader in the board, that that's just going to  
16 escalate and get worse.

17 PRESIDENT GREGG: Thank you.

18 MS. COLEMAN: I have a question for Ms.  
19 Badillo. Can you tell us how you made your decision to  
20 file a grievance and whether that was your decision on  
21 your own?

22 MS. BADILLO: It was on my own. The way  
23 I felt that night, I don't want another district  
24 employee to feel what I felt that night. And it's --  
25 we're supposed to work here. We're supposed -- this is

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1 not supposed to be a hostile environment. And the way I  
2 felt that night, I don't want any other employee of the  
3 district to go through it.

4 MR. WILLIAMS: I have a question on  
5 procedure. Can we just ask Ms. Badillo questions or can  
6 we ask Ms. Harding questions as well?

7 PRESIDENT GREGG: Yes.

8 MR. WILLIAMS: So I have a question for  
9 Ms. Harding. Ms. Harding, as the information was stated  
10 and the facts were stated or the information we were  
11 given was stated, I just want to ask this question. Do  
12 you condone the behavior that was reported out?

13 MS. HARDING: No. Actually, once I found  
14 out, when I was told about the grievance --

15 (Interruption by the reporter.)

16 MS. HARDING: I'm sorry. I'll speak up.  
17 I said that actually after I was told about the  
18 incident, he actually hasn't come back to any more  
19 meetings.

20 MR. SAVAGE: Ms. Harding, at what point  
21 were you aware of this incident?

22 MS. HARDING: Actually when Ms. Stephanie  
23 called me. Ms. Gregg, sorry.

24 MR. SAVAGE: And when was that?

25 MS. HARDING: A week later?

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1 PRESIDENT GREGG: It was Saturday.

2 MS. HARDING: Yeah. So --

3 MR. SAVAGE: That's the first time you  
4 heard of it?

5 MS. HARDING: That I heard of the  
6 incident, yes.

7 MR. BEGIS: (Inaudible).

8 (Interruption by the reporter.)

9 MR. BEGIS: I'd asked if this was part of  
10 the deliberation process or do we deliberate afterwards.

11 PRESIDENT GREGG: This is just the  
12 questions. Any further questions?

13 If there's no further questions, at this  
14 time the board will adjourn to executive session to  
15 consult with the board's attorney, pursuant to  
16 Section 550.071 of the Texas Government Code. The board  
17 will then reconvene into open session to deliberate and  
18 take action as appropriate. Therefore, if there are no  
19 objections, at this time I would ask that everyone  
20 adjourn to open meeting except members of the board, the  
21 superintendent and the board's attorney. Thank you very  
22 much for being here tonight. It is now 7:36 p.m. --  
23 8:08 p.m.

24 (Recess.)

25 PRESIDENT GREGG: It is now 8:43 p.m. and

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1 we are back in open session.

2           The first item on the agenda is we will  
3 open the hearing again for additional questions from the  
4 board.

5           MR. WILLIAMS: I have a question for Ms.  
6 Harding. Ms. Harding, just -- I just have one question.  
7 Were you aware that Mr. Harding was going to approach  
8 Sonia that night?

9           MS. HARDING: No.

10          MR. WILLIAMS: Thank you.

11          PRESIDENT GREGG: Are there any other  
12 questions? If there's no other questions, we will close  
13 the hearing at 8:43 p.m.

14          The next item on the agenda is  
15 consideration and possible action regarding the Level  
16 III grievance filed by Ms. Sonia Badillo against LeAnna  
17 Harding.

18          MS. MCATEE: I would just like to make a  
19 statement.

20          PRESIDENT GREGG: Wait. We need a --

21          MR. WILLIAMS: I move that the board  
22 grant the Level III appeal in part and deny the Level  
23 III in part, allowing the remedy of the appropriate and  
24 professional behavior of Ms. Harding's husband at  
25 district functions and events. If he needs to

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1 communicate with me, "me" being Ms. Badillo, I want it  
2 to be only if it pertains to school related business, in  
3 writing and in a professional and respectful manner.

4 PRESIDENT GREGG: Do we have a second?

5 MR. SAVAGE: I second that motion.

6 PRESIDENT GREGG: Do we have any  
7 discussion?

8 MS. MCATEE: I just -- I would like to  
9 address something that Mr. Reed brought up, is that  
10 there are policies and procedures in place and we have a  
11 policy -- a legal policy that is DGBA (Legal) and that  
12 is the right of all employees to file grievances  
13 regarding the terms and the conditions of their  
14 employment. And it is not our place to decide the  
15 validity of a grievance and to turn it away before we've  
16 heard a grievance.

17 So we question why we're here tonight, and  
18 we're here tonight because we have the legal obligation.  
19 And it's the right of any employee who wants to file a  
20 grievance to bring forward a grievance and it's our  
21 obligation as a board to hear that grievance. So I just  
22 would like to clarify that for everyone as the reason as  
23 to why we're here tonight.

24 MR. BEGIS: This is also a little unusual  
25 for us as a board because normally there's numerous

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1 stages to the grievance process. There's a Stage I,  
2 Stage II and Stage III. Because of the nature of this,  
3 Stage I and Stage II, which is normally the kind of  
4 discovery piece and there's some other things that  
5 happen during that, you know, we skipped that just  
6 because of where we're at today. So thank you for that  
7 statement, but it's also a little bit different case  
8 just in terms of where it sits today.

9           PRESIDENT GREGG: And then the last  
10 thing, just to remind everybody, that while we did a  
11 partial remedy, that we also have DIA (Local). So there  
12 is no retaliation for employees, for any employee that  
13 files a grievance in the district. So we want every  
14 employee to know that it is safe, that if you do have an  
15 issue, you will be heard. And we want everyone to know  
16 that this is a safe district. We will take care of you.  
17 You do have a right to be heard and you will be heard  
18 fairly. So with that --

19           MR. BEGIS: Any questions?

20           PRESIDENT GREGG: Any other questions or  
21 comments? All those in favor? Any opposed? Motion  
22 carries.

23           (Board meeting proceeds; end of Level III  
24 grievance proceeding.)

25

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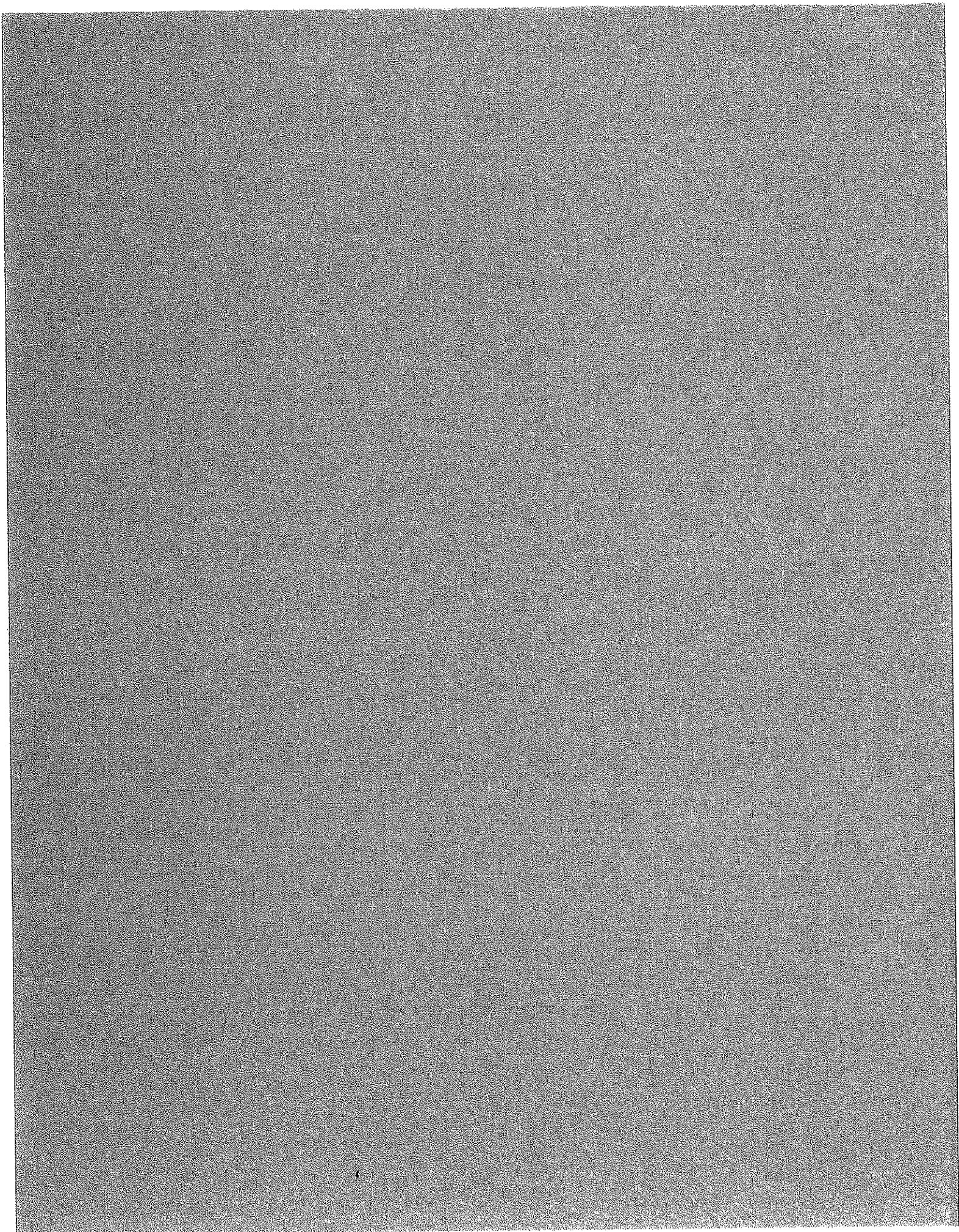
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2 I, Jill Johnson, Certified Shorthand  
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