

INDEPENDENT SCHOOL DISTRICT NO. 625
Saint Paul, Minnesota
MINUTES OF THE SPECIAL MEETING OF THE BOARD OF EDUCATION

June 9, 2009

I. CALL TO ORDER

The meeting was called to order at 4:34 p.m.

II. ROLL CALL

PRESENT: Mr. Brodrick, Ms. Street-Stewart, Ms. Carroll, Mr. Conlon, Ms. Kong-Thao, Superintendent Carstarphen, Marilyn Polsfuss, Assistant Clerk

Mr. Goldstein arrived at 4:41 p.m.

Mr. Hardy arrived at 4:42 p.m.

III. ORDER OF THE AGENDA

The Chair stated the items on the agenda included:

- Presentation of the Probationary Teacher Non-Renewals
- Proposed Layoff (Discharge) of Tenured Teacher for Discontinuance of Position
- Discontinuance of Extended Year Work Experience Coordinator Positions and Proposed Demotion of Tenured Teachers
- Discontinuance of Extended Year Work Experience Coordinator Positions and Proposed Demotion of Probationary Teachers

IV. NEW BUSINESS

A. Presentation of the Probationary Teacher Non-Renewals

The Executive Director of Human Resources and Employee Relations provided a summary of the non-renewal process used in 2009. Minnesota Statute 122A.41 which applies to cities of the first class (Minneapolis, St. Paul and Duluth) defines the probationary period as being the first three years of consecutive employment. Case law provides that during that probationary period individuals may be non-renewed for any reason. Common reasons for non-renewal typically include licensure, performance (not meeting expectations), budget or a combination of relevant reasons. The magnitude of the budget shortfall this year there are many more non-renewals than in previous years.

The Executive Director then went on to review the process and timing of the performance review process for probationary teachers.

QUESTIONS/DISCUSSION:

- How transparent was the process for all teachers? The process used over the years is very transparent. The teachers recognize they are on a probationary period, that their performance is very important and that it will be measured and they will be reviewed based on that performance. Any supports needed by the teacher would be addressed in the process as well.
- A concern was raised that the observation piece is new and has been not explained and there was inconsistency in process and receipt of reports. With regard to the non-renewal process and the observations, this has been the process for many years. All probationary teachers are promised they will be observed at least twice during the year

and as part of that process additional training can be provided as needed. Additionally they have a mentor and other supports are provided.

- It was noted by a Board member that under law the basis for non-renewing does not require most of what the district does (observations, reviews, mentors). Probationary teachers can be non-renewed for any reason.
- What factor had the greatest impact on non-renewals this year? The composite factors (performance, budget and other relevant factors) had a greater impact this year than ever before; most were due to budget reasons. There are usually very clear reasons an employee has not met expectations and been non-renewed.
- What about the Teaching Fellows? Fellows are probationary teachers and subject to same criteria as any other probationary teacher. Fellows' licensure focuses on hard to fill areas: math, science, bi-lingual ed. and special ed. Even these areas are being cut due to budget considerations. Fellows did not receive any special consideration.
- What is Fellows' licensure? Fellows hold a temporary limited license. So, from the District point of view, the person with the temporary limited license is on an equal status with a non-tenured teacher seeking tenure? Is that consistent with State law with regard to seniority and tenure? The General Counsel responded that the Teacher Tenure Act provides that provisional licensure is applied subservient to regular licensure in the case of layoffs. If you are laying off, you must lay off on the basis of seniority and licensure (regular takes precedent over provisional). Non-renewal is not a lay-off. The Executive Director added that with non-renewals, even in the third year, if there is any uncertainty that would be the time to non-renew to avoid giving tenure.
- It was recommended that next year it be made clearer on how Fellows relate to other probationary teachers.
- How did non-renewals break out relative to performance? 26 were non-renewed due to performance factors, less than 20%. This year non-renewals are primarily due to budgetary factors (81%). Those non-renewed for budgetary reasons should not be affected in their future career by this non-renewal. In total there were 549 probationary teachers for 2008-09. 118 in year 1, 233 in year 2 and 198 in year 3. 43, 65 and 34 were non-renewed in those years, respectively.
- The District's goal is to keep the best teachers in front of kids in classrooms — quality in the classroom.
- There are two different letters sent out to non-renewals. One to those non-renewed for performance receive a letter reflecting this along with information on the process for appeal. Those non-renewed for budgetary factors receive a letter stating that and it should not have an impact for them. This group could potentially reapply to SPPS and if they were in their third year when rehired, they would become tenured.
- Assistant Principals are separate and are on a tenure track.
- It was recommended that the questions be logged and Q&A provided in future years addressed the areas where questions arose.
- Probationary staff are not recalled, they can reapply to postings.

MOTION:
actions.

Ms. Carroll moved approval, seconded by Mr. Conlon, of all four recommended

- A question was raised on what the cost savings would be for the discontinuances? The savings would be \$41,756. The reduction was the result of an analysis of the transition services provided to Title I students. It was found the work could be completed during the first two weeks of school without jeopardizing services.
- A request was made that information be provided on the Assistant Principals (APs).

The Executive Director of Human Resources stated in recent year SPPS has not non-renewed APs. This year due to budget it became necessary. Performance data and an interview process was used to determine the non-renewals of the APs. The interview process was based on the district's core competencies for principals using the Lowinger

Framework. In total nine AP non-renewals are being brought forward, all are non-renewed for budgetary reasons.

- Are all of the assistant principals in their first, second or third year non-renewed. No, there are still some remaining from these groups (5). These individuals have the right to go back into staff as teachers. Eight have elected to do this.
- Concern was expressed that the last three actions came before the Board without their prior knowledge that they would be coming. Administration stated this was one small part of the cuts made under Special Ed as outlined in the budgetary reductions provided to the Board over the last several meetings. Small cuts such as these were made throughout the entire organization in order to get to the \$25 million reduction required for this year.
- Administration clarified the fact that the letters had already gone out to the individuals affected by the discontinuances in May. Delay in making these reductions would cause delay in decisions in where other cuts could be found and be disruptive to staff and to staffing efforts in a domino effect which would impact the work of the department.

MOTION: Mr. Conlon called the question and moved discontinuance of discussion. The motion died for lack of a second.

- Special Education is working to improve transition services and determine where efficiencies can be found and implemented. This area is one which can be done without damaging services in any way. This is a rethinking how services are provided/delivered.

MOTION: Mr. Goldstein called the question and moved an end to discussion. Motion seconded by Mr. Conlon.

The motion passed with the following roll call vote:

Mr. Brodrick	No
Ms. Street-Stewart	Yes
Ms. Carroll	Yes
Mr. Conlon	Yes
Mr. Hardy	Yes
Ms. Kong-Thao	Yes
Mr. Goldstein	Yes

MOTION: Ms. Carroll moved approval, seconded by Mr. Conlon, of all four recommended actions which state:

- (1) That the Board of Education approve the non-renewal of the 142 individuals listed and that a letter be sent on behalf of the Board, as required under Minnesota State Statute, giving notice of non-renewal to each individual
- (2) That the Board of Education discontinue one position of Business Education Teacher at Arlington Senior High School.

That the Board of Education accepts filing of the charge that Sean Gullikson be laid off (discharged) for discontinuance of position under Minn. Stat. § 122A.41, subd. 6(a)(5).

That the Board of Education, through the Executive Director, Human Resources/Employee Relations, notify Sean Gullikson in writing that:

- It has been proposed that he be laid off (discharged) for discontinuance of position under Minn. Stat., § 122A.41, subd. 6(a)(5),
- He may request in writing a hearing before a Board of Education appointed hearing officer within 10 days after receiving the notice of proposed layoff (discharge),
- If he so timely requests a hearing, it shall be granted, and

- If he fails to request a hearing within ten days, he is considered to have acquiesced in the proposed discharge and he shall be discharged as of June 11, 2009 without any further action of the Board of Education, subject, however, to recall rights as may be provided by the applicable collective bargaining agreement.

That the Board of Education hire and appoint Richard J. Miller, in the event Sean Gullikson requests a hearing, to conduct a hearing and present to the Board of Education his written findings of fact, conclusions and recommendations.

- (3) That the Board of Education discontinue the extended year Work Experience Coordinator positions effective August 1, 2009 of Elizabeth Cole-Degroot, Bonnie B. Jackson, Karla Jauhola, David G. Katz, Constance M. Kilbane, Rick Rivard, Carey Marie Schroeder, Timothy J. Stowman and Jerome Paul Utecht.

That the Board of Education accepts filing of the charge that Elizabeth Cole-Degroot, Bonnie B. Jackson, Karla Jauhola, David G. Katz, Constance M. Kilbane, Rick Rivard, Carey Marie Schroeder, Timothy J. Stowman and Jerome Paul Utecht be demoted to basic contract year positions by reason of discontinuance of their extended year positions under Minn. Stat., § 122A.41, subd. 6(a)(5).

That the Board of Education, through the Executive Director, Human Resources/Employee Relations, notify Elizabeth Cole-Degroot, Bonnie B. Jackson, Karla Jauhola, David G. Katz, Constance M. Kilbane, Rick Rivard, Carey Marie Schroeder, Timothy J. Stowman and Jerome Paul Utecht in writing that:

- It has been proposed that he/she be demoted for discontinuance of position under Minn. Stat., § 122A.41, subd. 6(a)(5),
- He/she may request in writing a hearing before a Board of Education appointed hearing officer within 10 days after receiving the notice of proposed layoff (discharge),
- If he/she so timely requests a hearing, it shall be granted, and
- If he/she fails to request a hearing within ten days, he is considered to have acquiesced in the proposed demotion and he/she shall be demoted as of August 1, 2009 without any further action of the Board of Education, subject, however, to recall rights as may be provided by the applicable collective bargaining agreement.

That the Board of Education hire and appoint Richard J. Miller, in the event Elizabeth Cole-Degroot, Bonnie B. Jackson, Karla Jauhola, David G. Katz, Constance M. Kilbane, Rick Rivard, Carey Marie Schroeder, Timothy J. Stowman and Jerome Paul Utecht requests a hearing, to conduct a hearing and present to the Board of Education his written findings of fact, conclusions and recommendations; and

- (4) That the Board of Education discontinue the extended year Work Experience Coordinator positions effective August 1, 2009 of Paul J. Buethe, Michele Kelly, Gregory Owen Moon and Terry Lee Talbot.

That the Board of Education demote effective August 1, 2009 Paul J. Buethe, Michele Kelly, Gregory Owen Moon and Terry Lee Talbot to basic contract year positions by reason of discontinuance of their extended year positions.

That the Board of Education, through the Executive Director, Human Resources/Employee Relations, notify E Paul J. Buethe, Michele Kelly, Gregory Owen Moon and Terry Lee Talbot in writing that he/she is demoted effective August 1, 2009 for discontinuance of position under Minn. Stat., § 122A.41, subd. 2(a) and Minn. Stat., § 122A.41, 6(a)(5),

The motion passed with the following roll call vote:

Mr. Brodrick	Abstain
Ms. Street-Stewart	Yes
Ms. Carroll	Yes
Mr. Conlon	Yes
Mr. Hardy	No
Ms. Kong-Thao	Yes

Mr. Goldstein Yes

V. **ADJOURNMENT**

MOTION: Ms. Carroll moved the meeting adjourn. Motion seconded by Mr. Conlon.

The motion passed with the following roll call vote:

Mr. Brodrick	Yes
Ms. Street-Stewart	Yes
Ms. Carroll	Yes
Mr. Conlon	Yes
Mr. Hardy	Yes
Ms. Kong-Thao	Yes
Mr. Goldstein	Yes

The meeting adjourned at 5:44.p.m.

For clarity and to facilitate research, these minutes reflect the order of the Agenda and not necessarily the time during the meeting the items were discussed.

Prepared and submitted by
Marilyn Polsfuss
Assistant Clerk, St. Paul Public Schools Board of Education