

MONTGOMERY COUNTY BOARD OF EDUCATION
Special-Called Meeting
September 21, 2023

MINUTES

The Montgomery County Board of Education convened in a special-called meeting on Thursday September 21, 2023, at 6:00 pm, to discuss employee concerns/resolution status. Board members present were Steven W. DeBerry – Chair, Tommy Blake – Vice Chair, Angela Smith, Bryan Dozier, Anne Evans, Lynn Epps, and Cindy Taylor.

Chairman DeBerry stated that this meeting is to allow the board to continue discussion of Employee Complaints. This item was tabled at the September 11, 2023, board meeting for discussion at a later time. The majority of the board members requested to address this item now instead of waiting for the next scheduled board meeting.

Chairman DeBerry then asked Dr. Ellis if he had any opening remarks he would like to make. Dr. Ellis stated that upon a request by the board Mr. DeBerry, Mr. Blake and I met with the two employees and Atty Max Garner. In this meeting we did our best to allay their concerns, but we were not successful and neither employee returned to work on Monday as requested. I fear that although one may return the other may not return. It was made clear to me in that meeting that in their minds the actions of Ms. Taylor have caused them enough strain and stress that they feel they cannot return to work.

Chairman DeBerry stated that he assured the employees that one board member speaking to individuals in public does not represent the board corporately. The board speaks as a group only when a decision is made, and a vote is taken. I feel confident that they understood that, however, in my opinion, the comments made to them by Ms. Taylor regarding retaliation on them or their family members' employment have had a very negative emotional and mental impact. These individuals were both in positions that had a direct impact with our students, and it is very unfortunate for our children because they will suffer the most from this loss.

Vice-Chairman Blake also spoke on the concern that the employees expressed about returning to our school system to teach as well as the concern for their children attending school here. Our bottom line should be the children and our concern for the comments that the employees feel prevent their children from safely attending school. Even with all our reassurances these employees still feel hesitant to return. We need these two employees, and it is going to hurt our school system if they do not return.

Chairman DeBerry then opened the meeting to other board members comments or discussion.

Ms. Smith stated that she would like to know if the family was asked why they chose to focus on Ms. Taylor's comments instead of the original incident that allegedly led to the resignation of an employee. Chairman DeBerry responded to this question. He stated that they did ask the mother if the employee had spoken with the principal regarding this matter and she said yes. I then ask if she was not satisfied with the principal's results, why did she not come to speak with Dr. Ellis? The mother stated that she did not know. Chairman DeBerry did state that Dr. Kevin Lancaster had also spoken with the former employee regarding the original incident.

Cindy Taylor stated that she had spoken to Dr. Jack Cagle regarding the conversation the former employee had with Dr. Kevin Lancaster. Ms. Taylor stated that the details given to her by

Dr. Cagle were not the same as what the former employee described to her. Ms. Taylor stated that since Dr. Cagle, being part of the superintendent administration, had spoken with the former employee it should be reasonable to assume that Dr. Ellis had been made aware of this situation. Ms. Taylor stated that she felt the former employee had seen no resolution to her situation and that is why she chose to reach out to her about what happened. Ms. Taylor stated that the former employee reached out to her, and she instructed her to write a letter describing her account of what took place and to send this letter to all the members of the board. Ms. Taylor stated that the letter described the fear some employees have of reporting issues and reaching out to the administration. Ms. Taylor also stated that she is unsure how the information in this letter was turned around to say that she created a hostile work environment or was a threat. Mr. Dozier responded by stating that by Ms. Taylor's statement of "they come after you" is where he feels the conversation changed and that we are dealing with two separate issues. The first being the original incident being an employee performance issue and the second being the conversation between the former employee and Ms. Taylor.

Mr. Dozier continued stating that he agreed had the first incident not happened then we would not be here discussing this incident. However, the issue is how Ms. Taylor chose to respond to the concerns and not following proper protocol is why we are here now.

Ms. Smith asked for clarification as to the purpose of this meeting. Chairman DeBerry stated that we are here to discuss the action of Ms. Taylor regarding her statement to the party that violates board policy in a manner that a board member should handle a complaint brought to them by an employee or community member.

Dr. Ellis stated that he would like to remind the board that he did receive two signed valid emails from two employees stating that the statements created a hostile work environment which was leading to emotional distress. Ms. Smith stated that the situation involving Ms. Taylor does not fit the definition of a hostile work environment. She felt like if Ms. Taylor made those statements there must be a reason. She would also like to know if we have investigated those reasons or if facts came forward regarding those incidents, would they be investigated? Mr. Dozier stated that Ms. Taylor has been asked but has been unwilling to share that information. Dr. Ellis responded that if an allegation was produced against an administrator, then it would have to be investigated.

Ms. Taylor referred to the letter published in the Montgomery Herald and that since that was published, she has received numerous phone calls regarding that particular employee's behavior. What resolution should have come from that investigation? Dr. Ellis stated that is a matter to be discussed in closed session as it relates to an employee and their performance. Attorney Max Garner stated that according to policy, it does not matter if the public is aware of an allegation against an employee, it cannot be discussed in open session by the Board of Education.

Mr. Blake stated that Ms. Smith was correct that policy and procedures were not handled correctly at that level but when they were brought to the board member that's when it became two different issues. That is when things did not go right. Ms. Taylor stated that she only told the family what they already knew by admission. However, Chairman DeBerry pointed out that in the recorded conversation, Ms. Taylor stated it first. Ms. Taylor stated that she does not know why they do not wish to return to Montgomery County Schools, but states that she is not the reason because she feels she did nothing wrong. She feels that things have not been going correctly and it is time to correct that. Chairman DeBerry responded that with that statement unfortunately he feels we will be back in this situation again in the future.

Chairman DeBerry then ask if there was any other discussion. Dr. Ellis then asked Attorney Garner what are the options for the board? Mr. Garner stated that if the board feels Ms. Taylor

violated board policy, they have three options. The first option would be to prepare a letter detailing the proper way it should have been handled, the policies violated and provide a copy of the policies. The second option would be a Censure Procedure which would be a public review process of what the board member did. The process would require written notice of a hearing date that would be set so that the board member would have an opportunity for their concerns to be heard. The third option would be to do nothing.

Ms. Epps stated that the two employees who are currently not coming to work earlier stated that if they could sit down with the board and a resolution could be agreed upon that they would consider returning to work. Do you feel a letter like this would help with them returning to work or do you feel it is too far gone at this point? Chairman DeBerry responded by saying that he feels they are expecting some form of formal action from this board for them to feel like there has been a resolution to this matter, but he states that even this may not be enough. Ms. Smith asked for clarification regarding the meeting with the family. Chairman DeBerry stated that as representatives of the board, Mr. Blake, Dr. Ellis, Atty. Garner, and he met with the family to try to come to a resolution. He also explained that if more than three board members are present then it would be considered a public meeting.

Ms. Smith requested clarification as to who would be receiving this letter and how this would resolve the issue at hand. Chairman DeBerry stated that if the board votes in open session to take formal action it will be public knowledge.

Ms. Epps then stated that in the letter it would detail in the policy how to handle a complaint. Atty. Garner responded that was correct. He stated that it would also contain copies of the policy and an explanation. This would be a formal letter and also would be for public knowledge.

Ms. Epps stated that this was a very difficult position to be in. She stated that she felt that we had lost two very good educators. She also would like to us do whatever we can to try and get them back as their only request is to feel they have a safe place to work and for their children to go to school. We as a board should support that and if any type of retaliation should take place, they should be able to report that to us. Chairman DeBerry and Mr. Blake both stated that they expressed that to them in the meeting, but it still appears that they do not feel comfortable.

Ms. Evans stated that in her experience working in Montgomery County Schools, she may not have always felt she could go to her principal, but she always felt she could go to an administrator or the Central Office. She also stated that this is a very difficult position to be in. We have all probably received complaints/concerns and we want to be a fixer, but we have to recognize that we are not individually the fixer. I do believe in the protocols because I have been in the school system and as a board member, we have to model those protocols.

Ms. Taylor stated that she did not attempt to resolve the issue. I did not tell her that I would or that I could, but I told her where to go to get it resolved.

Chairman DeBerry then asked if the majority of the board would be in agreement for a letter to be sent. Ms. Smith stated she is not in agreement. Mr. Blake, Mr. Dozier, Ms. Epps, and Ms. Evans agree. Ms. Evans stated that we need to show that we work together because we are here for the kids and the teachers. Chairman DeBerry then asked for a motion of approval to request that Attorney Max Garner to submit a letter to Ms. Taylor outlining again the duties of a board member for handling complaints whether it be employees or community members. Also, reminder of the board of education code of ethics. Mr. Blake made the motion with Mr. Dozier seconding.

Ms. Epps asked if we could have a discussion now that we have a second to the motion? Chairman DeBerry stated that they could. Ms. Epps asks if they could have a compromise and

have the letter sent to every board member as a reminder on how to handle complaints and the proper chain. Attorney Max Garner stated that would be an amendment to the motion.

Dr. Ellis requested to address the board. He stated that if statements such as “they go after family” continue to be made we will be right back here. My concern is these two employees. I want to make sure that we also do not send a message to them that their concerns have not been heard and I want to see them back at work. This began when these employees put their concerns in writing. If another employee were to put their concerns in writing about me, I would expect you to deal with it also. The employees need to know they have a mechanism to handle a concern regarding a board member as well. These two individuals need to be back working with children. That is my main focus and why we need to resolve this situation.

Ms. Epps stated that with each board member receiving a copy of the letter, the paper publishing the information and also noting that all board members received this letter, it will provide an outline for everyone to read. This outline will be there for those that submit the complaints as well as the ones who receive the complaints.

Attorney Garner stated that the motion was on the floor in the second therefore we need to address the amendment to the motion. Mr. Blake stated that he approved of the amendment to the motion, but he would like the letter to state that Ms. Taylor was the reason for the letter. Mr. Dozier agreed. Attorney Garner stated that whatever the board approved he would provide. Chairman DeBerry asked for approval of the original motion with the amendment. The motion carried unanimously with the board.

Chairman DeBerry then asked for a motion to go into closed session to discuss personnel issues and consult with the board attorney. Bryan Dozier made the motion, with Anne Evans seconding. The board approved entering into closed session unanimously.

After returning from closed session, Chairman DeBerry asked for a motion to adjourn the meeting. Angela Smith made the motion, with Cindy Taylor seconding; the meeting was duly adjourned.

The next regular meeting will be held on Monday, October 2, 2023, at 6:30 pm in the Central Office Boardroom.

Steven W. DeBerry, Chairman

Dale Ellis, Ed. D., Secretary