

# **BOARD MINUTES**

## **September 19, 2019**

A special Board Meeting of the Trustees of Shepherd School District #37 was held Thursday, September 19, 2019 in the Board Room of the Administration Building. Chairman, Carl Openshaw called the meeting to order at 6:30pm.

Pledge of allegiance was recited.

Members present: Jeff Branson, Shane Flowers, Julie Hinkle, Carl Openshaw, Carl Parker, Shane Rekdal, and Shayne Vandivort.

Staff present: Interim Superintendent – Drea O’Donnell, Clerk – Janice Ripley.

### **HEARING OF THE PUBLIC**

None

### **NEW BUSINESS**

#### **Superintendent Termination, Possible Closed Session**

The Board Chair advised everyone in attendance, that Mr. Carter was given notice of this hearing and that there would be a motion to terminate his employment. He had the right to attend and have counsel support his position on the issue. Mr. Carter and/or his council were not in attendance.

As the presiding officer, the Chairman has the right to hold the meeting in open or closed session.

Montana law states that School Board meetings must be open to the public. The presiding officer determines if the meeting will be closed due to an individual’s rights of privacy outweighing the public’s right to know.

This matter pertains to the possible termination of the School Superintendent, the person who leads the School District as its chief executive officer, and his conduct while serving in that role. The public would be invited to speak on this matter. Mr. Openshaw reminded everyone, that if any portion of the presentation turned to a matter of confidential health care information, family issues, or student issues, he would consider closing the meeting at that time. He asked that if anyone wished to include that type of information, to please let him know beforehand so he could close the meeting during that portion of their statement. In the meantime, the meeting would remain open.

Mr. Openshaw then stated, next would be the presentation of evidence. He stated that he would like to present first and then ask for others to share their evidence.

Mr. Openshaw's evidence is as follows:

“After a Board meeting in August where he appeared to be very intoxicated and acting strangely, I spoke to him and shared my concerns. He told me that he has been sober for 10 years and denied that there was a problem. I wanted to believe him and gave him the benefit of the doubt. Since that conversation, I have discovered other situations in which he has not been truthful. On August 22, 2019, at approximately 10:00 am, the school resource officer gave Mr. Carter a breathalyzer test (to which Mr. Carter had consented), and it showed that he had been drinking. The results showed a BAC of .227 almost three times the legal limit. He then admitted he had been drinking between the hours of 3:00 and 5:00 a.m. that morning. I recommend that his employment be terminated. He was dishonest with me about his drinking, and we can no longer trust him to perform the duties of his position.”

Mr. Openshaw then asked the Board if they had any further evidence they wanted to present. Board member Julie Hinkle stated, she has heard since, that this is not the first time staff have suspected him of having alcohol on his breath during school hours. Mr. Openshaw then asked the audience if they wanted to add anything. After not hearing any further comment he asked that there be a motion.

A High School/Joint motion was made by Shayne Vandivort, seconded by Jeff Branson to terminate the employment of Superintendent Scott Carter, effective immediately.

An Elementary motion was made by Julie Hinkle, seconded by Shane Rekdal to terminate the employment of Superintendent Scott Carter, effective immediately.

Both motions passed unanimously.

Mr. Openshaw asked the public if they had any comment, and no one spoke up.

## **ADJOURNMENT**

Time of adjournment: 6:36pm.