

SCHOOL BOARD  
 INDEPENDENT SCHOOL DISTRICT No. 15  
 St. Francis, Minnesota  
 January 26, 2015  
 Dialogue Session - 6:30 p.m.  
 Regular Meeting - 7:00 p.m.  
 4115 Ambassador Blvd.  
 M I N U T E S

The regular meeting was called to order by Chairperson David Roberts at 7:00 p.m. with the following members present: Directors Suzanne Erkel, Janet Hunt, Barbara Jahnke, Amy Kelly, Betsy Roed, Marsha Van Denburgh, and Acting Superintendent Troy Ferguson.

Others present were Director of Business Services Scott Nelson, Director of Special Services Tim Finn, Director of Curriculum Paul Neubauer, student representative Cassy Stierns, staff and community members.

**Board Calendar Dates:** Regular meetings held at 7:00 p.m. at Central Services Center, February 9, February 23, March 9, and March 23. Dialogue with the School Board will be at 6:30 p.m. prior to the regular meetings.

**Happenings Around The District –SFMS Domination Projects**

St. Francis Middle School (SFMS) social studies teacher Ms. Parson explained the World Domination Project program. Students begin by brainstorming, then a proposal process, followed by research, determine what information and how to present it. SFMS 6<sup>th</sup> grade students Veronica Tilc and Breckin Weiss presented their projects 1) Staying Green, 2) Why Dogs Eat Horse Trimmings.

**Site Report – Lifelong Learning Center – Ms. Vogtlin and Ms. Dupre**

Ms. Vogtlin, special services supervisor, and Ms. Dupre, program manager for Early Childhood Family Education (ECFE) and Preschool Place 15(PP15) provided the program report. Programs include PP15, ECFE, Early Childhood Special Education (ECSE) and Early Childhood Screening. In 2013-14 there were 325 children that participated in early childhood screening, 71 families are currently being serviced in ECFE programs, and 19 classes for PP15. Programs continue to be fully inclusive where children with disabilities participate in the same classroom with the same expectations and curriculum as their classmates.

**Consideration of Visitors**

None

**Agenda**

Motion was made to approve the revised agenda by Ms. Van Denburgh, second Ms. Jahnke.  
 Motion carried 7-0.

**Consent Agenda**

Motion was made by Ms. Hunt to approve the revised Consent Agenda, second Ms. Kelly.

- A. THAT the minutes of January 12, 2015 be approved as presented.
- B. THAT the Personnel Items be approved as presented.

NEW EMPLOYMENT									
Name	Position	Replacement for	Site	Position Status	Days/Year	Hrs/Day	Salary Level	Wage	Effective
Tovsen, Caitlin	Teacher	NEW	CCCS	CONT	186	8	TI-BA	\$39,696	2/17/15
Hoskin, Michael	Bus Driver	NEW	TRANS	CONT	172	8	B21-3	\$15.09	2/2/15
INTERNAL TRANSFERS									
Name	Current Position/ Location	Current Days/Hrs	Current Salary	New Position/ Location	Days/ Hrs	New Salary	Effective		

Hepburn, Dianna	Bus Rider/TRANS	172/6	\$13.52	Bus Driver/TRANS	172/6	\$14.02	1/26/15
Shampine, Tonya	Noon Educ Asst/CCCS	172/2.5	\$11.16	Kindergarten Educ Asst/CCCS	172/6	\$12.06	2/23/15
LEAVES OF ABSENCE							
			Expected Duration		Most recent assignment		
Name	Position	Location	From	To	Days/ Year	Hrs/ Day	
Anderson, Brianna	Teacher	SFE	12/22/14	3/9/15 Extension	186	8	
Kohn, Kathleen	Teacher	SFHS	11/13/14	2/23/15 Modified Extension	186	8	
Olson, Ione	Educational Assistant	TRANS	1/29/15	3/3/15	172		
Renter, Cheryl	Kitchen Manager	SFMS-B	11/5/14	1/14/15 Returned	178	8	
Schaff, Tyler	Teacher	SFHS	4/7/15	4/10/15	186	8	
Schaff, Tyler	Teacher	SFHS	5/8/15	6/30/15	186	8	
Todd, Debra	Teacher	SFE	9/22/14	4/6/15 Extension	186	8	
Voss, Janice	Educational Assistant	CSVC	9/2/14	6/1/15 Extension	172	7.25	
RESIGNATION/RETIREMENTS/TERMINATIONS/DISCONTINUANCE OF POSITION							
Name	Position	Site	Reason		Effective		
Johnson, Miranda	Educational Assistant	SFMS	Resignation		1/20/15		
Keys, Karla	Educational Assistant	CCCS	Resignation		1/13/15		

C. THAT Disbursements are approved as presented.

BE IT RESOLVED by the School Board of Independent School District No. 15 that these disbursements as presented, and excluding net payroll, be allowed and charged to funds as follows:

FundNo.	Description	Amount
01	General	\$ 960,384.85
02	Food Service	\$ 102,279.92
04	Community Services	\$ 31,266.83
06	Construction	\$ -
07	Debt Redemption	\$ -
09	Trust and Agency	\$ 9,121.26
20	Internal Service	\$ 35,421.62
47	OPEB Debt Service	\$ -
	<b>TOTAL DISTRICT</b>	<b>\$ 1,138,474.48</b>

- D. THAT the Revised Organizational Issues Resolution be approved as presented.  
BE IT RESOLVED by the School Board of Independent School District No. 15 that the School Board Directors' compensation be \$5,352.00 per year, the School Board Chair be \$5,960.00 per year, with a stipend of \$50.00 for negotiation committee meetings of four hours or less and \$100.00 for negotiation committee meetings exceeding four hours. Mileage will be reimbursed for meetings other than regularly scheduled School Board meetings at the current IRS approved rate established.
- E. THAT Gift Acknowledgements be approved as presented.  
BE IT RESOLVED by the School Board of Independent School District No. 15 that the following gifts be hereby accepted:  
\$200.00 (in kind), DRIVE Retirees, to CCCS donation of hats, mittens and scarves
- Motion carried 7-0.

## **Reports**

### *Student Report*

Cassy Stierns provided the student report. On January 17 Knowledge Bowl hosted *Rumble on the Rum*, Snow Week was January 19-23 included a talent show and roaring 20's dance theme. The Show Choir preview night is this evening, January 30 is the one act play *The Brick and The Rose*, and a new program called Building Saints begins where upper classmen go into freshman classrooms during academic times to mentor them.

### *Superintendent Report and Communications*

- Acting Superintendent Ferguson announced that Governor Dayton proclaimed January 26-30 as Para Professional recognition week. The title is Educational Assistant for ISD 15.
- Common time in PLCs is being resolved, ideas will be brought to Meet and Confer.
- Received email from Ms. Weiland that HOSA students attended the Mid Winter Competition and congratulated the students that placed at the event, Kylie Almendinger, Andrew Bode, Lindsey Chinander, Maddie Dreshar, Kaitlin McCann, Cassy Stierns, and Eric Sturdevant.
- Meeting with stakeholders will be held to talk about St. Francis Middle School (SFMS) sports.
- Mr. Kienitz researched three possible vendors, Board Max, Agendies, and Board Book. Board Book is recommended by MSBA.
- Congratulations to Mr. McLean who was nominated as the Minnesota Council for the Social Studies High School Teacher of the Year. He will be recognized at the Earle Brown Center on February 22.
- The School Board committee meeting schedule is posted on the website.

### *Dialogue Session*

Ms. Kelly reported that students from SFMS inquired about sports at SFMS, moving back to later start time, and the hope for a swimming pool in St. Francis.

### *School Board Member Reports*

Ms. Van Denburgh attended MSBA conference and negotiation session Bargaining Basics, Cabinet +3 meeting, and had a request from the American Indian parent committee to be on the agenda at the Board Meeting February 9.

Ms. Jahnke attended MSBA conference and negotiation session, Cabinet +3 meeting, St. Francis Elementary School site management council meeting, and substituted for a kindergarten class.

Ms. Erkel received an inquiry about the STEM program.

Ms. Kelly attended Schools for Equity in Education (SEE). A committee had been formed to report on what is happening with Q Comp, she provided a synopsis. Another topic at SEE was the legislature and the alternative facilities revenue program which allows only 25 districts to use. SEE's position is the state should make it equal to all school districts and let school boards decide.

Ms. Roed attended the MSBA conference.

Ms. Hunt attended two mentor task force meetings, Q Comp trainings, and Joint Standing Committee meeting.

Mr. Roberts attended PLC meeting, MSBA leadership conference and negotiating session, *Rumble on the Rum* at SFHS, Joint Standing committee, and encouraged people to attend SEE Day at the Capital on February 11.

### *Administrative Report*

2015-16 Budget – Mr. Scott Nelson

Mr. Nelson presented budget reasons for potential needed 2015-16 budget adjustments due to revenue decreases caused in part by estimated enrollment with fewer pupils in FY15 and FY16, employee contract settlement estimates, special education net cost of staffing additions, and non salary/benefit expense budget estimated increases which will require a potential needed revenue or expense adjustment by \$2.74 million.

Mr. Nelson noted that he met with the district's attorney regarding Anoka County property appraisal for the round-a-bout project on Bridge Street and requested Board consensus to have another property appraiser review the Anoka County appraisal rather than get a second complete appraisal. Ms. Erkel stated hearing the project was not taking place. Consensus from the Board was to proceed with appraisal review if it is confirmed with Anoka County that they are still moving forward with the round-a-bout project.

Mr. Nelson also noted that two vendors have been reviewed for the finance, human resources and payroll software. Recommendation will come to the School Board in February.

### **New Business**

*2014-2015 Teacher Seniority List*

First Reading.

### **Other Matters**

*Resolution Directing the Administration to Make Recommendations for Reductions in Programs and Positions and Reasons*

Motion was made by Ms. Hunt, second Ms. Jahnke.

THEREFORE, WHEREAS, the financial condition of the school district dictates that the School Board must reduce expenditures immediately, and

WHEREAS, there has been a reduction in student enrollment, and

WHEREAS, this reduction in expenditure and decrease in student enrollment must include discontinuance of positions and discontinuance or curtailment of programs, and

WHEREAS, a determination must be made as to which teachers' contracts must be terminated and not renewed and which teachers may be placed on unrequested leave of absence without pay or fringe benefits in effecting discontinuance of positions,

BE IT RESOLVED, by the School Board of Independent School District No. 15, as follows:

That the School Board hereby directs the Superintendent of Schools and administration to consider the discontinuance of programs or positions to effectuate economies in the school district and reduce expenditures and, as a result of a reduction in enrollment, make recommendations to the School Board for the discontinuance of programs, curtailment of programs, discontinuance of positions or curtailment of positions.

Motion carried 7-0.

*Approval to Re-establish the Director of Human Resources*

Motion was made by Ms. Van Denburgh, second Ms. Roed. Ms. Erkel inquired about the basis for this. Mr.

Ferguson communicated that this level of professional ability and quality expertise is recommended.

BE IT RESOLVED by the School Board of Independent School District No.15 to approve the reestablishment of the Director of Human Resources position and to promote the current Human Resource Coordinator into that position effective February 1, 2015, director step 1 of the salary schedule, and to recognize the Director of Human Resources position as part of the directors bargaining unit.

Motion carried 6-1, nay being Ms. Erkel.

*Approval of Comparable Worth Position Study Results*

Motion was made by Ms. Hunt, second Ms. Roed. Ms. Erkel stated that she is not in favor of salary adjustments at this time. Mr. Nelson explained the salary and position adjustments.

BE IT RESOLVED by the School Board of Independent School District No.15 to approve the adjustments to staff positions as determined by Bjorklund Consulting as well as the pay adjustments to the positions being adjusted.

Motion carried 6-1, nay being Ms. Erkel.

*Approval of 2015 Pay Equity Report*

Motion was made by Ms. Van Denburgh, second Ms. Hunt.

BE IT RESOLVED that the School Board of Independent School District No. 15 adopt the 2015 Pay Equity Report as presented.

Motion carried 7-0.

A recess was taken at 8:10 p.m.

*Closed Session to Discuss Attorney Client Privileged Information*

Those in attendance: Directors Erkel, Hunt, Jahnke, Kelly, Roberts, Roed, Van Denburgh, Acting Superintendent Ferguson and legal counsel Amy Mace.

Chairperson Roberts read the following resolution.

Closed Session: Motion was made by Ms. Hunt, second Ms. Van Denburgh. Vote: 7-0. Time: 8:17 p.m.

BE IT RESOLVED by the School Board of Independent School District No. 15 to move into closed session according to the Minnesota Open Meeting Law, Minnesota Statutes, Section 13D.05, subdivision 3(b), allows the School Board to close a meeting to engage in attorney-client privileged discussions. The Board seeks to meet with its attorney to discuss a pending litigation case, *Edward Saxton v. Independent School District 15, St. Francis, Minnesota*, Court File No. 02-CV-14-4507, including the employee's alleged claim for defense and indemnification. The District's attorney will provide the Board with an analysis of the pending motions in the case and discuss next steps with the Board. It would be detrimental to the District's interests for the Board to hold a public discussion with its attorney where any adverse party or their attorney could listen to or be made aware of the District's attorney's advice related to the potential claims. It is in the District's best interest for the Board to obtain legal advice in a confidential setting to maintain the attorney-client privilege.

Resume Open Meeting: Motion by Ms. Erkel that the open meeting be resumed, second Ms. Kelly. Vote: 7-0. Time: 8:43 p.m.

In closed session the School Board and the District attorney discussed legal strategy pertaining to pending litigation.

*Consideration of and Action on Employee's Claim for Defense and Indemnification*

Member Marsha Van Denburgh introduced the following Resolution and moved its adoption:

**RESOLUTION DENYING CLAIM FOR DEFENSE AND INDEMNIFICATION**

WHEREAS, the District is involved in a lawsuit captioned *Edward Saxton v. Independent School District 15, St. Francis, Minnesota*, Court File No. 02-CV-14-4507;

WHEREAS, Mr. Saxton's attorney filed and served a memorandum, dated November 21, 2014, in connection with the above-referenced litigation asserting the District is required to defend and indemnify Mr. Saxton on the claims asserted against him;

WHEREAS, Mr. Saxton's attorney sent the District's counsel a letter dated January 23, 2015, asking the District to defend Mr. Saxton against the same claims;

WHEREAS, the facts underlying the claims in the above-referenced lawsuit have been extensively investigated by the District;

WHEREAS, upon review of the facts uncovered in the course of the District's investigation, the School Board has determined that Mr. Saxton is not entitled to defense and indemnification on the claims asserted against him;

WHEREAS, the School Board has reviewed a letter informing Mr. Saxton of its determination that he is not entitled to defense and indemnification on the claims asserted against him; and

WHEREAS, the letter outlines the facts, documents, and reasoning supporting the School Board's determination.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 15, as follows:

1. To the extent Mr. Saxton's attorney's arguments in his November 21, 2014 memorandum are a request that the District defend and indemnify Mr. Saxton on the claims asserted against him in *Edward Saxton v. Independent School District 15, St. Francis, Minnesota*, Court File No. 02-CV-14-4507, the request is denied. The District also denies Mr. Saxton's attorney's request dated January 23, 2015 that the District defend Mr. Saxton against the counterclaim in the same lawsuit.
2. Chapter 466 governs tort claims against government entities and their employees. *See* Minn. Stat § 466.01 et seq. At this time, the District has not brought a tort claim against Mr. Saxton. Section 466.07 does not apply to breach of contract claims or the District's request for a declaratory judgment. Thus, there is no claim pending against Mr. Saxton that falls under Chapter 466, and the request for defense and indemnification is denied because there is no duty to defend and indemnify an employee related to a breach of contract claim or a declaratory judgment action.
3. Minnesota Statutes Section 466.07 does not apply to claims asserted against an employee if the employee was not acting in the performance of his or her job duties or if the employee is guilty of malfeasance in office, willful neglect of duty, or bad faith. Even assuming that Section 466.07 applied to breach of contract claims or the District had brought a claim against Mr. Saxton to which Section 466.07 applied, for the reasons set forth in the letter to Mr. Saxton, the School Board has determined that he is not entitled to defense and indemnification because he was not acting in the performance of his job duties and, even if he had been acting in the performance of his job duties, he engaged in malfeasance in office, willful neglect of duty, and bad faith.
4. The School Board hereby ratifies the letter outlining its determination not to defend and indemnify Mr. Saxton on the claims asserted against him and adopts the facts and reasoning set forth in the letter as the grounds for its determination.
5. The School Board Chair is authorized to sign the letter on behalf of the School Board and is directed to serve the letter on Mr. Saxton.
6. This Resolution, the letter to Mr. Saxton, and all documents identified in the letter to Mr. Saxton shall constitute the record supporting the School Board's determination.
7. By adopting this Resolution, the School Board does not intend to waive the right to argue Mr. Saxton has not properly submitted a request for defense and indemnification to the District. The School Board reserves the right to argue Mr. Saxton's request should be denied on the basis it was not properly submitted to the School Board for consideration.
8. Pursuant to Minnesota Statutes section 13.43, subdivision 2, the letter is private data on Mr. Saxton as it includes private personnel data.

The motion for the adoption of this resolution was duly seconded by Barbara Jahnke, and upon a vote being taken, the following voted in favor of the Resolution:

Suzanne Erkel, Janet Hunt, Barbara Jahnke, Amy Kelly, David Roberts, Betsy Roed, and Marsha Van Denburgh

And the following voted against the Resolution: none

Whereupon this resolution was declared duly passed and adopted.

The regular meeting was adjourned at 8:45 p.m.

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Barbara Jahnke, School Board Clerk