

Unofficial Transcript –Eanes ISD Board of Trustees Nov 5th 2007 Study Session

-The trustees met in closed session. This transcription begins as trustees resume open session. Unofficial audio recording compliments of Dianna Pharr.

Strickland – We are, have come out of closed session, back into open session, any action after coming out of closed session?(recognizes Mr Sayers)

Sayers – Ok, Thanks you Jim. I just wanted to reiterate the email that I sent to you all before in regard to this personnel matter.

In separate votes the board has done the following: they found that Dan Harper did not have good cause to leave his teaching position at Westlake High School, and the board proposed termination of his contract. These two events have created a significant mark on his record and sent the desired message to Eanes, that Eanes will not tolerate the breaking of contracts. As a result I believe that no further prosecution of Mr. Harper is necessary.

Therefore, I am requesting the following; That the board , This is my motion, I move that the board to direct the superintendent to immediately withdraw her SBEC complaint against B Dan Harper that she has filed with the Texas Education Agency.

Strickland- We have a motion is there a second.

Balthazar - Second

Strickland —Any further discussion

Monnig - I have a problem with the word prosecute, prosecuting.

Sayers- well, that's what SBEC will be doing.

Strickland – That's not part of the motion

Ok, is everybody clear on the motion

(Vote 5 for 2 against)

Strickland – (closing meeting) All right, we have upcoming meetings listed in your (interrupted by Balthazar)

Balthazar – Mr. President, could I make a motion.

Strickland - Yes, certainly

Balthazar – I'm disappointed that we didn't just clarify the issue and withdraw the motion, withdraw the complaint, but given that we did not do that I would like to make a motion that the board take action to support the superintendent in sending a letter to SBEC where we in fact clarify the remedy being sought, and that remedy being a note in his file.

Strickland– Is there a second

King seconds

Strickland – Is there a discussion

Sayers – Yes. I would say that this board and this superintendent has no authority to tell SBEC what to do. And SBEC, by filing the complaint, I would think that the superintendent and this board would know what the consequences would be. And the consequences are that this man could loose his license, his certification. It could be suspended. I know now its, now to go back and try to remove some of the allegations that have been made or weaken it, the fact that we still have an SBEC complaint against Dan Harper, I feel is wrong. And, if we're going to do anything, I think we should withdraw

it. We already had that motion and we didn't vote for it. I think it seems kind of silly to go in and ask SBEC to consider what this board now thinks they should do. Did we not know going in what the consequences were? Did our attorney not advise us what the consequences were? To go in and ask for that, I think, is not in the spirit of what we really should do.

Balthazar – And since I voted in the minority on the previous motion with you, I basically agree. But, given that that motion did not pass, I would like for us to clarify that the certification was never the intent, never the goal, and in fact, at this point we want to make sure those intentions are clear.

Sayers- Well I would like to clarify that I think going full bore after the certification was the goal and that's exactly what we heard from our attorney what the consequence could be.

Stone Well, I'll tell you what, I must have been in on a different discussion. What I understood was a range of consequences to be determined by, the, is it SBEC? Not that we were going after that so I want to make sure, very clear that's not my understanding when I voted. We understood what the range of consequences could be, their determination, not ours.

King – I would second that was my understanding as well...(.inaudible)

Sayers – what the range could be was the certification could be revoked

Strickland – yeah, nobody has ever doubted, nobody's ever...Robert (Durkee)

Durkee – Ellen, could you restate you motion, I want to make sure I have the verb right.

Balthazar – OK, help me with the words here anybody who wants to jump in.

Durkee - Was it direct or encourage the superintendent to send a letter to SBEC?

Balthazar – Encourage, that's a good word, encourage the superintendent to send a letter to SBEC clarifying any remedies sought in this matter.

Strickland – Any more discussion?

Sayers – What is that clarifying remedies?

Durkee – Proposed remedies. We're proposing a remedy.

King - Say that again?

Sayers – Could you specifically,, could you say what the remedy is that your asking for?

King – I like the other one before that you said...

Balthazar – help me with this

King – well, just change direct to encourage and...

Strickland - Did you say written reprimand? I don't remember

King – you just said...

Balthazar did I say note in the file

Durkee – oh, did you?

Balthazar – ok, what did I say(laughter)

(secretary?) You were fast and I didn't get the whole thing but you did say send a letter and at a minimum a note in his file.

corrected by multiple others – maximum

(secretary?) maximum a note in his file

King – that he left without good cause, I mean, what's the note

Balthazar – I think that we have already made a finding of good cause, or this board has made a finding of good cause, so I would encourage, basically, that if, as I have heard other board members state that the intention was not to go to the far end of SBEC issues,

but in fact to take a course that is set up in Texas for these actions and to indicate with some sort of..

Durkee – Does the superintendent have a little, some language there(asking Wellman), what does it say in the third paragraph there.

Wellman – (reading) that the district is seeking neither the revocation or suspension of Mr' Harpers certificate but is seeking rather a lesser remedy such as a notation in his file.

Balthazar – I think that's good language and I'll accept the modification to my motion.. (2 seconds of multiple comments unclear)

citizen – Alexander Charbonnet – Is there any way that I could be recognized?

Strickland – Sorry..

Sayers – Well, maybe so.

Sayers – Is there any way to ask that be, to direct the superintendent to send that letter, rather than encourage? Encourage(chuckles).. is not much of... I think this board needs to take some action and encouraging is not action.

Balthazar – well, because it's an administrative, well, I guess we could direct, I'm fine with just direct

Strickland – so, you're good? Do we have a second?

Balthazar – so I would like to make a motion that we direct the superintendent to send a letter to SBEC with (faces Wellman?)

Wellman – (reading) making it clear that the district is seeking neither the revocation or suspension of Mr. Harpers certificate, instead seeking a lesser remedy such as notation in his file.

King – Can I say some comment?

Strickland – Well..., I mean, yeah, we, we still have comment.

King - Because what we heard is that the whole filing of the complaint at SBEC process that there were typically hearings and that districts typically, it's typical for us to weigh in on that discussion and this just happens to be a more specific, earlier and more specific way of doing that.

Sayers – I would just like to point out that that was not part of the original complaint and that qualification on the complaint was not there, and that this is, you know if that's the best that we can get, you know, if we can't get withdrawal, which I think was a more appropriate thing then I'll support this, I think it sounds kind of silly, that we're asking for something that we have no control over.

Durkee – But in the hearing, if a hearing were to be held, would we get the chance to talk about this?(Inaudible answers) So in other words, we're just doing what we would normally do in a hearing via a letter.

Sayers – I think that the board and superintendents position has changed, so, that's fine.

Strickland- All right, any further discussion? All right, motion by Ms. Balthazar, second by Ms. King (vote 6 for 1 against)

Strickland – any other motions, any other actions by the board?

Meeting adjourns

Strickland encourages board to stay and listen to concerned citizens.

Charbonnet - My name is Alexander Charbonnet. I am a 2000 graduate of Westlake High School, I was a student of Mr. Harpers , and I am now the webmaster of freeharper.org where a lot of folks have signed up. It's really my opinion that the community has not been heard on this issue and that two votes were taken by the board but the agenda and minutes were insufficiently specific for anyone to know about it and I would really hope and encourage that there could be a meeting called where there's an opportunity for everybody to show up and to explain. First off, as far as, technically the position goes, you probably do have the right to prosecute, so to speak, for breaking the 45 day contract. As one of you all mentioned, if you have a contract that can be cancelled by one party then what's the point in having a contract and that's true, but the thing you need to remember is that you all and the district as a whole are the second party. All you have to do is accept his resignation. I think this is really giving the district as a whole a black eye as a community, as a school district, and its really endangered chasing off the Misages as well. Mr. Harper is gone anyway, and he was really the best Physics teacher in the world, there's no doubt about that. The Misages are in place to carry on his physics program here, and if they're chased off, then we've really lost. So, it.s my hope, my best case scenario coming here is that an emergency meeting could be called next week before the TEA has a chance to act on the complaint so the community can be heard and that a vote can be taken on withdrawing.

We launched the website Thursday afternoon at about 3:45 and as of 9:45 this morning there were 350 names so far, alumni from the class of 2010 which is currently in class all the way back to 1991. There are teachers, parents community leaders, so , it really is something that I think the community should be heard.

Strickland – What are their demands?

Charbonnet – The statement they signed up to says that we admit that Mr. Harper didn't do everything right. We're not impugning the boards motives on going after him but we stand against any action that could lead to the revocation of his teaching certificate, which would include a complaint to SBEC.

Strickland – OK

Dianna Pharr – And I'd like to say to that, first of all, thank you Clint, and I believe that the issues of teacher certification are absolutely in the control of this district, and they took control of that by submitting the complaint, and now that that action has occurred, the matter cannot be under the control of Eanes until they completely withdraw the complaint. That is what our district is demanding. (thanks Sayers again)

Charbonnet thanks Strickland for staying.

Audio ends