

**MINUTES OF THE SPECIAL MEETING/EXECUTIVE SESSION
OF THE GOVERNING BOARD
SCOTTSDALE UNIFIED SCHOOL DISTRICT NO. 48**

March 20, 2018

A Special Meeting/Executive Session of the Governing Board of the Scottsdale Unified School District, #48, Maricopa County, was called to order at 3:21 PM, at the Scottsdale Unified School District Coronado High School, 7501 E. Virginia Avenue, Scottsdale, Arizona.

Board Members in attendance were Barbara Perleberg, President; Kim Hartmann, Vice President; Allyson Beckham; Pam Kirby; and Sandy Kravetz. Acting Superintendent Dr. Amy Fuller was also present. A quorum was present. President Perleberg led the audience in the Pledge of Allegiance.

Mrs. Perleberg moved to convene in Executive Session for:

- A. **Pursuant to A.R.S. 38-431.03.A.3 and A.4** - Discussion or consultation with the Governing Board's attorney(s) for legal advice and in order to consider its position and instruct its attorney(s) regarding the public body's position administrator contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (Superintendent; Chief Business and Operations Officer). The attorney(s) may appear in person or telephonically.
- B. **Pursuant to A.R.S. 38-431.03.A.3** - Discussion or consultation for legal advice with the Governing Board's attorney(s) concerning personnel procedures and other legal issues related to the possible dismissal(s) of District administrator(s). (Superintendent; Chief Business and Operations Officer). The attorney(s) may appear in person or telephonically.

Mrs. Kravetz seconded the motion. The motion was approved with a vote of 5 – 0.

At 5:49 PM, the Special Meeting reconvened.

Mrs. Perleberg, Governing Board President, stated that the Board recognizes that while it is usually the Superintendent who presents a Statement of Charges to the Board, the Superintendent cannot do so in this case because she is currently on leave of absence. Mrs. Perleberg asked Dr. Fuller, Acting Superintendent, to present the Statement of Charges against Administrator Louis Hartwell.

Dr. Fuller presented the Statement of Charges against Administrator Louis Hartwell and requested that the Governing Board take the following actions relative to the Statement of Charges:

- 1 That the Governing Board conclude, after having reviewed the Statement of Charges, that the District has sufficient cause to dismiss Mr. Hartwell, if the allegations set forth in the Statement of Charges are true;
- 2. That the Governing Board vote to provide Mr. Hartwell with notice of its intent to dismiss him from his employment, if the Governing Board makes the determination that his alleged conduct would be cause for dismissal;
- 3. That the Governing Board decide whether to hold a hearing on the dismissal if requested, or designate a hearing officer to hold the hearing, hear the evidence, prepare a record and issue a recommendation to the Governing Board for action; and
- 4. That the Governing Board place Mr. Hartwell on administrative leave of absence with pay pending the outcome of the dismissal process or other resolution of this matter or until June 30, 2018, whichever occurs first, and provide Mr. Hartwell with notice of the same.

Motion #104
Convene in Executive Session

Special Meeting
Reconvened

•Statement of Charges
Against Administrator
Louis Hartwell

Mrs. Perleberg responded:

“The Board is being presented with a “Statement of Charges” that may be issued by the Governing Board to Louis Hartwell. The document contains charges and details the facts supporting those charges.

The Governing Board is being asked to determine that the charges against Mr. Hartwell, if true, are cause for his dismissal.

We do not determine today whether the allegations are true or false, and this is not the time to delve into the details of the case. Rather, we only decide today whether the District would have sufficient cause to dismiss Mr. Hartwell if the allegations are proven.

The Governing Board is also being asked to provide Mr. Hartwell with notice of its intent to dismiss him from his employment if the Governing Board makes the determination that his alleged conduct is cause for dismissal.

If we vote to give the Notice of Intent to Dismiss, Mr. Hartwell will have 10 calendar days from the date he is served with the Notice in which to request a hearing. The filing of a timely request shall suspend the imposition of a dismissal pending completion of the hearing.”

Mrs. Perleberg then asked if a Board Member wanted to make a motion as to whether the allegations presented in the Statement of Charges presented by the Administration constitute cause for the dismissal of Mr. Hartwell, if true.

Mrs. Beckham moved that the allegations presented in the Statement of Charges would constitute good cause for the dismissal of Mr. Hartwell, if proven. Mrs. Hartmann seconded the motion.

The motion was approved with a vote of 5 – 0.

Mrs. Perleberg asked if there was a Motion to provide Mr. Hartwell with notice of the Governing Board’s intention to dismiss him from his employment with the District.

Mrs. Beckham moved that the Governing Board provide Mr. Hartwell with Notice of the Board’s intention to dismiss him from his employment with the District at the end of 10 calendar days after service of the Notice, unless he requests a hearing within 10 calendar days of the date he is served with the Notice. Mrs. Kravetz seconded the motion.

The motion was approved with a vote of 5 – 0.

Mrs. Perleberg asked if there was a Motion to provide Mr. Hartwell with notice of his placement on Administrative Leave of Absence with pay effectively immediately, pending the outcome of the dismissal proceeding, if requested, or other resolution of this matter.

Mrs. Kravetz moved that the Governing Board authorize the Board President to provide Mr. Hartwell with notice of his placement on Administrative Leave of Absence with pay and benefits effective immediately, pending the outcome of the dismissal proceeding or other resolution of this matter. Mrs. Hartmann seconded the motion.

The motion was approved with a vote of 5 – 0.

Mrs. Perleberg stated that the Governing Board will need to decide whether to hold the hearing itself if Mr. Hartwell request a hearing, or designate a hearing officer to hold the hearing, hear the evidence, prepare a record and issue a recommendation to the Governing Board for action. She asked if there was a Motion.

Motion #105
Good Cause for
Dismissal, If Proven

Motion #106
Provide Notice of
Intention to Dismiss

Motion #107
Provide Notice of
Placement on
Administrative Leave of
Absence

Motion #108

Mrs. Hartmann moved that if the parties do reach agreement on a hearing officer, the Governing Board designate Ben Hufford, Esq., to be the hearing officer in this matter. If Mr. Hufford is not available, then she moved that the Governing Board designate Harold Merkow, Esq., to be the hearing officer in this matter. Mrs. Kravetz seconded the motion.

Designation of Hearing Officer

The motion was approved with a vote of 5 – 0.

Mrs. Perleberg, Governing Board President, stated that the Board recognizes that while it is usually the Superintendent t presents a Statement of Charges to the Board, the Superintendent cannot do so in this case because she is the subject of the charges. Mrs. Perleberg asked Dr. Fuller, Acting Superintendent, to present the Statement of Charges against Superintendent Denise Birdwell.

•Statement of Charges Against Superintendent Dr. Denise Birdwell

Dr. Fuller presented the Statement of Charges against Superintendent Denise Birdwell and requested that the Governing Board take the following actions relative to the Statement of Charges:

1. That the Governing Board conclude, after having reviewed the Statement of Charges, that the District has sufficient cause to dismiss Dr. Birdwell, if the allegations set forth in the Statement of Charges are proven;
2. That the Governing Board vote to provide Dr. Birdwell with notice of its intent to dismiss her from her employment, if the Governing Board makes the determination that her alleged conduct is cause for dismissal;
3. That the Governing Board decide whether to hold a hearing on the dismissal if requested, or designate a hearing officer to hold the hearing, hear the evidence, prepare a record and issue a recommendation to the Governing Board for action; and
4. That the Governing Board place Dr. Birdwell on administrative leave of absence with pay and benefits pending the outcome of the dismissal process or other resolution of this matter, whichever comes first, and provide Dr. Birdwell with notice of the same.

Mrs. Perleberg responded:

“The Board is being presented with a “Statement of Charges” that may be issued by the Governing Board to the Superintendent.

The Governing Board is being asked to determine that the charges against the Superintendent, if true, are cause for dismissal.

We do not determine today whether the allegations are true or false, and this is not the time to delve into the details of the case. Rather, we only decide today whether the District would have sufficient cause to dismiss the Superintendent if the allegations are proven.

The Governing Board is also being asked to provide the Superintendent with notice of its intent to dismiss her from her employment if the Governing Board makes the determination that her alleged conduct would be cause for dismissal.

If we vote to give the Notice of Intent to Dismiss, the Superintendent will have 15 calendar days from the date she is served with the Notice in which to request a hearing. The filing of a timely request will suspend the imposition of a dismissal pending completion of the hearing.”

Mrs. Perleberg then asked if a Board Member wanted to make a motion as to whether the allegations presented in the Statement of Charges presented by the Administration constitute cause for the dismissal of Dr. Birdwell, if true.

Motion #109
Good Cause for Dismissal, If Proven

Mrs. Kirby moved that the allegations presented in the Statement of Charges would constitute good cause for the dismissal of Dr. Birdwell, if proven. Mrs. Beckham seconded the motion.

The motion was approved with a vote of 5 – 0.

Mrs. Perleberg asked if there was a Motion to provide Dr. Birdwell with notice of the Governing Board’s intention to dismiss her from her employment with the District.

Motion #110
Provide Notice of Intention to Dismiss

Mrs. Kirby moved that the Governing Board authorize the Board President to provide Dr. Birdwell with Notice of the Board’s intention to dismiss her from her employment with the District at the end of 15 days after service of the Notice, unless she requests a hearing within 15 days of the date she is served with the Notice. Mrs. Kravetz seconded the motion.

The motion was approved with a vote of 5 – 0.

Mrs. Perleberg states that the Governing Board will need to decide tonight whether to hold the hearing itself if Dr. Birdwell requests a hearing, or designate a hearing officer to hold the hearing, hear the evidence, prepare a record and issue a recommendation to the Governing Board for action. She asked if there was a Motion.

Motion #111
Designation of Hearing Officer

Mrs. Hartmann moved that if the parties do not agree on a hearing officer, the Governing Board designate Ben Hufford, Esq. to be the hearing officer in this matter. If Mr. Hufford is not available, then she moved that the Governing Board designate Harold Merkow, Esq., to be the hearing officer in this matter. Mrs. Kravetz seconded the motion.

The motion was approved with a vote of 5 – 0.

Mrs. Perleberg asked if there was a Motion to provide Dr. Birdwell with notice of her placement on Administrative Leave of Absence with pay and benefits effective immediately, pending the outcome of the dismissal proceeding or other resolution of this matter.

Motion #112
Provide Notice of Placement on Administrative Leave of Absence

Mrs. Kravetz moved that the Governing Board authorize the Board President to provide Dr. Birdwell with notice of her placement on Administrative Leave of Absence with pay and benefits effective immediately, pending the outcome of the dismissal proceeding or other resolution of this matter. Mrs. Beckham seconded the motion.

The motion was approved with a vote of 5 – 0.

Motion #113
Adjournment

At 6:00 PM, Mrs. Perleberg moved to adjourn the Special Meeting. Mrs. Kirby seconded the motion.

The motion was approved with a vote of 5 – 0.

Dated this 20th day of March 2018

The Governing Board of the Scottsdale Unified School District #48

Barbara Perleberg, President

Kim Hartmann, Vice President

Allyson Beckham

Pam Kirby

Sandy Kravetz

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