

MINNETONKA INDEPENDENT SCHOOL DISTRICT #276

**Service Center
5621 County Road 101
Minnetonka, Minnesota**

Minutes of December 29, 2021 School Board Special Meeting

The School Board of Minnetonka Independent School District #276 met in special session at 8:30 a.m. on Wednesday, December 29, 2021 in the Community Room at the District Service Center, 5621 County Road 101, Minnetonka, Minnesota. Chairperson Chris Vitale presided. Also present: Board members Katie Becker, John Holcomb, Mike LeSage and Superintendent Dennis Peterson, ex officio. Absent: Mark Ambrosen, John Odom and Lisa Wagner.

Chairperson Vitale called the meeting to order and asked that everyone stand and recite the Pledge of Allegiance to the Flag.

1. AGENDA

Becker moved, Holcomb seconded, that the Board approve the agenda as presented. Upon vote being taken thereon, the motion carried unanimously.

2. CONSIDERATION OF RESOLUTION TO IMMEDIATELY DISCHARGE AND TERMINATE THE CONTINUING CONTRACT EMPLOYMENT OF AN EMPLOYEE

Executive Director of Human Resources Dr. Mike Cyrus explained that the Administration was recommending that the School Board take action on a continuing contract employee (Employee A). The Administration's recommendation and the basis for such action are contained in Exhibit A, which is categorized as non-public personnel information. The Board received a confidential copy of Exhibit A prior to this meeting.

LeSage moved, Holcomb seconded, that the Board approve the resolution relating to this matter. Chairperson Vitale then read the following resolution in its entirety:

***RESOLUTION IMMEDIATELY DISCHARGING AND TERMINATING THE
CONTINUING CONTRACT EMPLOYMENT OF EMPLOYEE***

WHEREAS, Employee is a full-time continuing contract employee of Independent School District No. 276, Minnetonka, Minnesota ("the School District");

WHEREAS, in compliance with the Minn. Stat. 122A.40, subdivisions 9 and 13, the School Board on September 23, 2021 gave written notice to Employee of the reasons and statutory grounds for Employee's proposed immediate discharge (subdivision 13) and, in the alternative, reasons for proposed termination of continuing

contract (subdivision 9), together with a copy of the Board's September 23 resolution proposing the alternative actions;

WHEREAS, Employee made a timely written request for a public hearing before the School Board before it took final action on the proposed discharge and termination of continuing contract. Following an agreement granting Employee's request for a continuance from the original date set for hearing, the public hearing requested by Employee was held before Independent Hearing Officer James Martin and a quorum of School Board members on December 16, 2021, in accordance with Minn. Stat. 122A.40, subdivision 14. A court reporter recorded the proceedings at the hearing; and

WHEREAS, School Board members have reviewed the Independent Hearing Officer's December 28, 2021 Findings of Fact, Conclusions and Recommendation, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the School Board of Independent School District No. 276, as follows:

1. Based on its review of the record of the proceedings herein, the School Board hereby accepts the Findings of Fact, Conclusions and Recommended Decision of the Hearing Officer and concludes they are supported by substantial and competent evidence in the record;

2. The Hearing Officer's Findings of Fact, Conclusions and Recommended Decision, attached hereto as Exhibit A, are hereby adopted by the School Board as its own Findings of Fact, Conclusions and Recommended Decision in this matter and incorporated by reference herein;

3. The School Board, based on the Findings of Fact, Conclusions and Recommended Decision, determines that there is substantial and competent evidence in the record to sustain the grounds for proposed immediate discharge and employment termination of the Employee identified in Exhibit A, who is hereby immediately discharged and terminated as a continuing contract employee in accordance with Minn. Stat. 122A.40, subdivision 13;

4. Written notice of the School Board's final action to immediately discharge and terminate Employee's employment, in substantially the same form as provided in the attached Exhibit B, shall be signed by the Board Chair or Clerk and sent to the Employee, together with a copy of this Resolution; and

5. Exhibits A and B presently are classified as private personnel data under Minn. Stat. 13.43 and may not be disclosed to the public until there is final disposition following the School Board's action to immediately discharge and terminate Employee's continuing contract employment. The Superintendent is specifically

directed to maintain the private data classification of these materials in accordance with all applicable laws, including the provisions of Minnesota Statutes, Chapter 13.

Upon roll call vote being taken thereon, the following voted in favor: Becker, Holcomb, LeSage, and Vitale. The following voted against: none, whereupon the motion carried unanimously.

3. **CONSENT AGENDA**

Becker moved, LeSage seconded, that the Board approve Personnel Changes contained in the Consent Agenda. Upon vote being taken thereon, the motion carried unanimously.

4. **ADJOURNMENT**

LeSage moved, Holcomb seconded, adjournment at 8:42 a.m. Upon vote being taken thereon, the motion carried unanimously.

John Holcomb, Clerk