

**Agenda**  
**Board of Directors Meeting**  
**Math & Science Academy**  
**Friday, March 09, 2012 – 9:00 AM**  
8430 Woodbury Crossing, Woodbury, MN 55125

1. Call to Order by Craig Creeger (Chair) at 9:00 AM

2. Roll Call of Members:

Craig Creeger – Chair (Present)	Michelle Kurkoski (Present)
Cheri Howe – Vice Chair (Present)	Lisa Anderson (Present)
Cyndi Bluhm – Treasurer (Present)	David Halstead (Present)
Rachael Erickson – Secretary (Present)	Alison Creeger (Student Rep.) (Absent)
Jerry Hall (Absent)	Judith Darling BKDA – CFO (ex-officio) (Absent)
Sandeep Chandak (Present)	Paul Simone (ex-officio) (Present)

3. Approval of Agenda

Order of New Business was changed; A and B (below) were switched.

Agenda stands as amended.

4. Open Forum

- **Paul Simone:** Mr. Simone handed out a letter of intent not to return that will be presented formally at the March 22 board meeting. He will abdicate the role of Operations Director will be effective at the end of this school year. Mr. Simone also specified that this is a personal growth opportunity.
- **Cyndi Bluhm:** Mrs. Bluhm read a prepared statement (see attached).
- **Patricia Guerra:** Mrs. Guerra read a prepared statement (see attached).
- **Stacy Bartlett and Susan Mooney:** Mrs. Bartlett and Mrs. Mooney read a prepared statement (see attached).

5. New Business

a. **Discussion of creation and implementation of performance plans**

- **Motion that the Board of Directors reaffirm and clarify the job description of the Academic Director; specifically, the Academic Director has the authority to create and implement the teacher evaluation process, including Teacher Growth Plans and Performance Improvement Plans.**

Moved by: Sandeep Chandak Second: Cyndi Bluhm

Discussion: The job description of the Academic Director (AD) states that he will be in charge of evaluating the teachers; however, the job description of the AD does not state that he will create the evaluation process. Discussion among the board members whether the creation of the evaluation process is implied in the AD job description.

- **Motion to amend previous motion to state: “Academic Director implements evaluations, employee review process, and PIPs.”**

Moved by: Michelle Kurkoski Second: Lisa Anderson Vote: 6 Approve: Craig Creeger, Cheri Howe, Rachael Erickson, Michelle Kurkoski, David Halstead, Lisa Anderson, 2 Opposed: Cyndi Bluhm, Sandeep Chandak

b. **Discussion of teacher evaluation process**

- Rachael Erickson handed out and explained the review process documents that Bruce Monroe, Cyndi Bluhm and Rachael Erickson created.  
Discussion: There was discussion about what could be used in the evaluation process including items in the personnel file as long as the teacher is made aware of these items. There was additional discussion about how many files are kept and what items from these files can be used in evaluation. Consensus was that any items that could be used in the evaluation process are made known to the teacher beforehand. The review process documents were modified and will be brought before the staff for discussion at the next staff meeting.

c. **Motion to rescind and destroy all outstanding Personal Improvement Plans (PIP) implemented during the 2011-12 school year and put on hold teacher evaluations, excluding teacher observations, until the Board has established and approved a teacher evaluation process.**

Moved by: Cheri Howe Second: David Halstead Vote: 6 Approve: Craig Creeger, Cheri Howe, Rachael Erickson, Michelle Kurkowski, David Halstead, Lisa Anderson; Abstain: Cyndi Bluhm and Sandeep Chandak

Discussion: According to the current teacher evaluation policy that is in our staff handbook, teachers will evaluate each other and the Operations Director will observe and evaluate each

teacher. The PIP document is not our current policy for teacher evaluation and therefore it can not be used to evaluate a teacher until a new policy is created and implemented (which is happening in item B). There was further discussion about when the Academic Director was hired, it was implied that he would be creating an evaluation process and therefore the PIPs should stand as written.

d. **Discussion of non- contract extension**

Discussion: Our contracts at Math and Science Academy are at-will. Any employee can be terminated at any time and no reason need be given.

e. **Discussion with Ken Thielman**

Craig Creeger, Board Chair, read the following statement: "During the discussion that is about the take place, there is a possibility that personal information directly related to you may be said. Do you choose to proceed with this discussion in an open forum, or would you rather the meeting be closed?" Ken Thielman indicated that he wanted the meeting to remain open.

Discussion : Paul Simone stated that Ken and he had an Lauderhill hearing and that many issues had been resolved. Discussion continued about using respectful language when addressing our peers. Ken stated that he wanted there to be honest discussion about what was happening at the school and his intention was never to intimidate anyone or hold any secret meetings; his intention was to be as open as possible.

f. **Motion to adjourn meeting**

6. Adjourn at 12:10

Moved by: Cyndi Bluhm

Second: Cheri Howe

Vote: Unanimous

"February 3, 2011

*Dear Math and Science Academy Board of Directors;*

*We stand before you tonight to [I stand before you to] ask the MSA Board of Directors to collectively look at and reevaluate its grievance and chain of command procedures. Based on years of failed attempts to resolve issues that have been either ignored or resolved ineffectively, we are [I am] respectfully requesting a revamping of the grievance process and a timely update on this matter.*

*To substantiate our concerns, we will be providing each member of the board with a timeline documenting our efforts to work out our grievances individually, in a variety of small group settings, through the Director, through consultants, through BOD vice chairs, through BOD chairs, and through the BOD as a whole. To this point, none of these approaches have produced the results necessary to ensure MSA's continued success, and many of the same, serious problems remain.*

*We are asking you to do your job. We are [I am also] asking you to provide oversight that has been lacking for far too long. Handing our concerns off to the personnel committee, [D]iscussing and promising to resolve issues in micro-groups, [and] merely reacting with temporary, un-enforced solutions, hiring out consultants, and/or passing it off as a follow up to the directors initiatives (which, it should be noted, have only recently produced action and most of which are still outstanding) have not worked in the past and will not be acceptable, logical, or sustainable for our future. We are [I am] asking you to work from the bottom up to rebuild MSA's structure for accountability using the entire BOD to develop this structure and ensure its tenets are upheld for all staff members of MSA."*

For those of you who are new to the board, this is a portion, word-for-word, of the statement I read to the MSA Board of Directors on February 3, 2011. In light of the recent "situation," it seems that, sadly, these issues – a futile grievance process, ineffective leadership, sporadic accountability, fair and ethical treatment of all employees, and the questionable sustainability of MSA - are still pertinent, are still endangering the school community, and are still demanding resolution.

After reading this statement last February, we handed out a document that was written in timeline form and, as worded in our original statement, was intended to "[document] our efforts to work out our grievances individually, in a variety of small group settings, through the Director, through consultants, through BOD vice chairs, through BOD chairs, and through the BOD as a whole." This document was to serve as a written example of our attempts to resolve long-standing issues, concerns, complaints, grievances and allegations.

Many of you know this story. Some have heard it through rumor and innuendo, or, unfortunately, the disclosing of confidential information by BOD members over the past couple years. We still stand by our original timeline of events as representation of mismanagement, poor leadership on multiple levels, and disregard for established policies. In a last ditch effort to get some response from the BOD, Stacy and I

presented our grievance in open forum. Shocking? Yes. But the Board chair knew full well of our presentation, we had also contacted a lawyer to ensure what we were doing was legal, nothing personal was disclosed in our verbal comments, and our grievances were not publically aired (we were very aware of the personal nature of our complaints, and we were concerned about protecting involved persons without airing our dirty laundry in public). Rather, we wanted our request for action in the minutes and submitted confidential backup documentation to the BOD members in the hope that by looking at all the issues that had been accumulating for years, some action would be taken.

This past week, I was approached by two board members who served during the 2010-2011 term. Essentially, both acknowledged our attempt to resolve “situations” similar to the one at hand, and said they were now beginning to see and understand the frustrations we were experiencing.

Unfortunately, during these conversations, several unexpected, distressing themes became evident: 1) the timeline we presented was unclear and was perceived as a character attack, 2) because it was unclear, some board members chose to distance themselves from us, and 3) the perception remains that we were unethical in our approach.

So today I stand before you, the present Board and staff, not to address anyone specifically, but to implore the community as a whole to take whatever steps may be necessary to preserve the original intentions, aspirations, and integrity of the school. It is my opinion that the following accusations be vigorously investigated, addressed, resolved, and then publically reported:

### **1) The current, ineffective grievance process.**

By February, 2011, still nothing had been done. Many concerned employees continue to complain, although admittedly, some were quite happy with the way things were. According to Policy 103, with which we were fully compliant, *“The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or follow-up, including any appropriate action or corrective measure that was taken.”* This was not done.

**Policy 103, Complaints – Students, Employees, Parents, Other Persons** states, *“The Math and Science Academy take seriously all concerns or complaints by students, employees, parents, or other persons.*

*Employees may report concerns or complains to MSA. While written reports are encouraged, a complaint may be made orally. A person may file a complaint at any level of MSA. If the complaint involves serious allegations, the matter shall promptly be referred to the BOD who shall determine whether an internal or external investigation should be conducted. In either case, the BOD shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow-up relating to the complaint. The designated investigator shall ascertain details concerning the complaint and respond promptly to the appropriate administrator concerning the status or outcome of the matter. The appropriate administrator shall respond in writing to the complaining party concerning the outcome of the investigation or follow-up, including any appropriate action or corrective measure that was taken.*

It needs to be known that, aside from the Board Chair, to whom I made it clear I did not, at the time, trust, not one board member contacted us for clarification or better understanding of our concerns and allegations. Despite following the stated grievance processes, our original concerns and allegations remain primarily unaddressed and unresolved.

## **2) Ineffective leadership**

**Policy 209 Code of Ethics** regarding individual Board member responsibilities states, among other things, that members (including those who are ex-officio) will “vote his/her conscience after informed discussion<sup>1</sup>, recognize the integrity of predecessors and associates and appreciate their work<sup>4</sup>, be primarily motivated by a desire to provide the best possible education for the students of the school district<sup>2</sup>, ensure that the school is properly run<sup>2</sup>, make decisions by voting in Board of Directors meetings after all sides of debatable questions have been presented<sup>1</sup>, hold the director responsible for the administration of the Math and Science Academy<sup>2</sup>, assure that the Math and Science Academy will be administered by the best professional personnel available<sup>2</sup>, refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole Board of Directors for proper referral according to the chain of command<sup>3</sup>, present any personal criticisms of employees to the Director<sup>3</sup>, provide support for the employees of the Math and Science Academy so they may perform their proper functions on a professional level<sup>4</sup>, comply with all school district policies as adopted by the Board of Directors<sup>1,2,3,4</sup>, recognize that school district business may be legally transacted only in an open meeting of the Board of Directors<sup>3</sup>, take no private action that will compromise the Board of Directors<sup>3</sup>, and guard the confidentiality of information that is protected under applicable law<sup>3</sup>.

Based on this policy as well as Policy 103, it is my understanding that all complaints be presented in writing to the whole Board of Directors and be thoroughly investigated so that informed discussion and voting in the best interest of the school can follow<sup>1</sup>. Such information can then be used to ensure that the school is properly run, and that MSA will be led by the best professional personnel available (at all levels)<sup>2</sup> This would most likely include full consideration of recommendations made by the Academic Director. The policy further clarifies that such investigation not take place in private, micro-conversations with other board or non-board employees that may compromise the school or disregard the confidentiality of information<sup>3</sup>. Further, these types of conversations do not seem conducive to protecting the integrity of individuals (including non-board employees). Rather, this policy makes it clear that personnel are to take steps to professionally support all employees regardless of personal bias<sup>4</sup>.

## **3. Consistent accountability at all levels**

**Policy 514 Suspected Misconduct and Dishonesty** states, among other things, that “It is the responsibility of every employee, supervisor, manager, and board member to immediately report suspected misconduct or dishonesty to the director. Any reprisal against any employee or other reporting individual because that individual, in good faith, reported a violation is strictly forbidden. Due

*to the important yet sensitive nature of suspected violations, effective professional follow up is critical. While persons other than the director appropriately concerned about “getting to the bottom” of such issues, should not in any circumstances perform investigative or other follow up steps on their own. Concerned but ununiformed persons represent one of the greatest threats to proper incident handling.*

Despite the clarity of this policy, we were outwardly labeled “unethical” by the Board Chair, Ken Thielman, and, perhaps, others. Based on the fact that employees continue to believe that we behaved unethically despite our attempts at following the stated grievance process to report misconduct, I can only assume that this label was bestowed upon us.

Despite our timeline of unaddressed and unresolved allegations, the Board Chair stated to me that he did not believe there were any problems with leadership.

Ken has since told me he does not believe we behaved unethically, and that he wanted to support us but did not know what was going on. So, in an attempt to gather information to determine whether or not there was truly a leadership problem, Ken came to me personally to ask me about the problems I felt existed. At the time I expressed that I did not trust that confidentiality would be maintained, nor did I want to discuss details that might result in legal consequences. This was clearly frustrating for him. At one point, he asked how I could do this to Paul considering he had been kind to me during a personally difficult year. Later in the conversation he suggested that if I didn’t like the way things were, I should, perhaps, leave.

Ken also went to individual board and non-board member employees in an attempt to assess whether or not they felt Paul treated the sexes differently and whether there was truly a leadership problem. Upon learning of this, I asked him to stop because I was concerned he was “stirring the pot.” He told me he agreed and allegedly stopped.

Unfortunately, I see similar intimidating and/or manipulative conversations, widely-shared, biased opinions based on improper investigation, and blatant disregard for confidentiality taking place once again regarding the current situation. In fact, as I make this statement, I am fearful of the repercussions this will have on me. We MUST hold all Board members and employees accountable for actions that do not uphold our current policies.

#### **4. Fair and ethical treatment of all employees**

***Policy 103.5 Whistleblower Policy** states we “have an “Open Door Policy” [that] encourages board members and employees to share their questions, concerns, suggestions or complains regarding the Math and Science Academy and its operations with someone who can address them properly. If an employee is not comfortable speaking with the Director or is the employee is not satisfied with the Director’s response, the employee is encouraged to speak with anyone on the Board whom the employee is comfortable in approaching. No employee who in good faith reports a violation or a law or regulation requirement shall suffer harassment, retaliation or adverse employment consequence. An employee*

*who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. The Compliance Officer will acknowledge receipt of the reported violation or suspected violation by writing a letter (or e-mail) to the complainant within five business days. All reports will be promptly investigated.*

Perhaps at this point, it goes without saying that the timeline of grievances we presented to the Board was our attempt to have them appropriately addressed. We were not attacking an individual's character; we were attempting to present information substantiating what we feel was evidence of ineffective leadership at many levels. This misunderstanding of perceived intent coupled with the label of "unethical" behavior resulted in Board members who admittedly chose to distance themselves from us rather than investigate our claims. We quietly suffered as Board members, the Director, and other teachers refused to make eye contact or converse with us.

It is my opinion that we acted in the best interest of the school at large, followed the grievance process as written, and behaved ethically by maintaining confidentiality of situations and even protecting those against whom we made accusations. Despite this, we were clearly ostracized. One non-board member recently told me she had no idea what was going on, but that she had heard we were trying to get Paul fired. I encourage you to investigate the motions we made in closed session if you still believe this to be true.

The accusation of unethical behavior was, to me, the biggest blow. Never in my professional career have I acted unethically, nor have I been accused of this. For clarity's sake, here is the definition:

Devoid of scruples; oblivious to or contemptuous of what is right or honorable

Where were we showing contempt for what was right? When were we dishonorable? Our primary concern from our initial meeting with John and Paul in 2009 was confidentiality, making sure Paul was seen in a positive light, in that we wanted him to suggest the Initiatives. We asked the BOD to read about the issues, and did not state them, assuming we would have a follow-up response.

What is dishonorable in this?

This new label spread until other employees were using these very words. How could you try to fire Paul!? You were so unethical! Literally, as Stacy has noted, some BOD members were no longer speaking to us.

To add a further layer of complication, non-board members seemed to be quite well-informed of the confidential issues in our timeline.

I believe we were targeted as bad people because we attempted to get the BOD to act when that body did not want to.

It was made clear to us on multiple occasions that we were simply to drop this because nothing was going to be changed or improved.

That is the history of inaction by a variety of employees and BOD members and that obviously segues into (and is the cause of) the mess we have today.

Based on all this information, it should come as little surprise then, that, once again, people are afraid to stand up for what is right, feel manipulated, bullied or belittled, fear they, too, may be shunned, and are hesitant to perform thorough, unbiased, confidential investigations. And how ironic that is, because today our job is the most secure it has ever been. We now have two people in management, a board who is starting to see the dysfunctional trends, and observations providing a paper trail of our effectiveness in the classroom. I truly see this meeting as an opportunity to reclaim MSA, move forward as a group knowing we have a lot of hard work in front of us, follow and enforce our policies, without exception, from here on out, and ensure that all people who bring issues to the Board of Directors are treated with the respect they deserve.



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Math and Science Academy  
Board of Directors Meeting  
March 9, 2012  
Patricia Haynes-Guerra

Good morning to all. I would like to begin by reading just a couple of small verses from one of my favorite authors, Kahlil Gibran.

I am a kind word uttered and repeated  
By the voice of Nature;  
I am a star fallen from the  
Blue tent upon the green carpet.  
I am the daughter of the elements  
With whom Winter conceived;  
To whom Spring gave birth;  
I was Reared in the lap of  
Summer and I slept in the  
Bed of autumn.

But I look up high to see only the light,  
And never look down to see my shadow.  
This is wisdom which man must learn.

A flower this must be. It should be taken care of with some knowledge, dedication, and respect. These same things are needed for an organization to blossom. I feel that we have fallen short from these three entities in our own organization in the past few years.

As an experienced teacher and one of the original staff members, I felt that the beginning of this school year (2011-2012) was heading towards a path of positive improvement with a new evaluation format. It would be beneficial to all of us teachers to be observed and discuss constructive criticism to enhance our teaching techniques. This, in turn would encourage us to try new suggestions in our teaching to possibly develop better methods in our classroom.

Every organization needs progress, and yes, we can improve ours in many areas. We can discuss improvements as a staff diplomatically. So this brings me to the letter or message that was read at the Board of Directors on February 16, 2012. This message had quite a sad and uncomfortable mood. It stated many negative remarks about the school's management. It was presented in a very discouraging and inappropriate construction.

The enthusiasm that I felt at the beginning of the school year was now taken away from me after listening to this message. This kind of communication is simply threatening.

I have had my share of verbal and emotional abuse towards me at MSA for the past 12 years. Yet, I never returned the favor to whoever has done this because that is just unprofessional and unacceptable in a workplace!

Consistency, clarity, communication, and integrity should evoke our work at MSA together, for you and I.

Like the flower, let's keep watering our school with knowledge, dedication, and respect. Let's work as a team! After all, we are here most importantly for the students. Let's learn our wisdom!

Hello everyone,

I just want to say that it's mind-boggling to me that an issue that started from some confusion over the process and forms for evaluation of employees at MSA has turned into what it has become over the last three weeks. I can understand some confusion over a process that is new to the school, but to turn it into a political battle with terms such as "us versus them" and threats, manipulation, teachers feeling intimidated for not agreeing with divisive comments in e-mails, etc. is the wrong way to go with the issue.

This school hired an Academic Director for this year to implement an employee review process and help improve teacher excellence, and to also hold accountable those who have areas in need of improvement. This is about serving the students who attend this school and this community. We seem to keep forgetting that basic purpose of any school in the conversations I've heard during and since the February 16<sup>th</sup> board meeting.

The board responded to concerns voiced at that board meeting in February and has worked to complete the steps outlined in the summary statement from that meeting. However, two things needed to happen early in the process that did not happen. First, I was pushing for the leadership to have a conversation with the staff or issue a clarifying statement early on that would let everyone know we are listening and working on the confusion. Second, when the first divisive e-mail started circulating which has clearly damaged morale and unity at the school, I was begging leadership to stop this from continuing. Leadership declined to do either of these steps and the confusion continued to grow and the e-mails and side meetings continued to happen.

In the absence of any action from the administration, some of us on the board attempted to step up and try to help by listening to concerns of teachers and trying to find solutions. The result of that, apparently, is that we who are trying to lead in the absence of leadership have been called out in not-so-secret meetings as those trying to "make all the decisions without any input from teachers". This is unbelievable to me. After 8 years of serving this school, including more than 3 years on the board, serving as treasurer in a time of great transition, sometimes feeling like it's a full-time job...for not a dime...I am being characterized by some as someone who is "against" the teachers. I have never been against any teacher. I am, however, someone who will stand up for those who feel targeted, manipulated, intimidated, or just uncomfortable with a divisive atmosphere if I feel there's anything I can do to help.

My hope this morning is that we will all put aside all the drama and divisive rhetoric of the last few weeks and work together to solve the confusion that started this crisis, and that we will be able to move forward without all this distraction that is taking away from the main purpose of this school....educating the students of MSA with excellence.