



**XAVIER CHARTER SCHOOL
SPECIAL BOARD MEETING MINUTES
Location: 1218 North College Road
5:30 pm, October 28, 2010**

MISSION

The mission of Xavier Charter School is to instill in students a love of perpetual learning, an aspiration for personal achievement, and the capacity to become cooperative contributors of society.

Board Members Present: Joan Hurlock, Jeff Bulkley, Emily Huber, Shawn Willsey, Teresa Berry

5:30 PM – Welcome and Introductions

EHuber called the meeting to order and the board recited Xavier's mission.

- ❖ **Approval of Agenda** – SWillsey moved to approve the agenda. TBerry seconded. Motion passed unanimously.
- ❖ **EXECUTIVE SESSION PURSUANT IDAHO CODE SECTION 67-2345(1)(b)**
TBerry moved to enter executive session pursuant Idaho Code 67-2345(1)(b). SWillsey seconded. Roll Call Vote: SWillsey: aye; TBerry: aye; JBulkley: aye; EHuber: aye; JHurlock: aye. The motion carried and the board entered executive session.

Following executive session, EHuber introduced the school's attorney, Diane Tappen, who would serve as the hearings officer for the meeting. DTappen provided an overview of the procedure that would be followed at this special meeting. The meeting was called for the purpose of hearing a petition to remove Teresa Berry, Jeff Bulkley, and Shawn Willsey from the board of directors. DTappen noted that the school's bylaws and the Idaho Nonprofit Corporation Act governed the process. DTappen also noted that the meeting was originally scheduled for Tuesday, October 26, 2010, however, it was rescheduled to October 28, 2010 to accommodate the petitioners' schedules.

DTappen outlined the meeting procedure as follows: the individual submitting petition and the board member in question would each have 15 minutes to speak in public. Afterwards, the board will enter executive session to consider the petition and testimony. The board member in question will not attend the executive session regarding the petition against that board member nor sit with the board while the petition is being brought against them. The parties were instructed to limit their discussion to the issues on the petition. After the Board members consider the petition and testimony in executive session, the board will resume the open meeting and vote on the petition. For the record, DTappen noted that Theodore R. Larsen, attorney representing Andrea Dayley regarding this petition, disagreed with the procedure and asserted that the recall provisions governing school district trustees should apply. DTappen then responded to numerous questions from those present.

❖ **Petition to Remove Teresa Berry**

DTappen indicated that the first petition under consideration was the petition to remove Teresa Berry from the Board. TBerry took her seat away from the board and Andrea Dayley was called to present her petition.

DTappen began by stating for the record that this is a hearing to consider a petition for the removal of Teresa Berry from the Xavier Charter School Board of Directors, held on Oct 28th 6:28pm. Diane Tappen Hearing Officer appointed by the Board. Present are Andrea Dayley and Teresa Berry. DTappen read the petition to remove TBerry from the Board of Directors for the following reasons: “violating the charter of the school in failing to provide a facility that ensures the safety of the students by providing a dance floor and an area designed for dance instruction, and creating a hostile work environment between the Board of Directors and the teachers resulting in distrust and alienation between the teachers and the Board.” DTappen then turned the time over to ADayley.

ADayley began by noting that she filed this petition as a concerned parent not as a member of the Parent Faculty Association. ADayley stated that board members misconstrued the vision of Xavier, and she does not support them changing the vision of the school. She stated that unplanned tours of the school caused teachers to be afraid, that there is a lack of respect, and teachers are joining the IEA. Further, she stated she could not support the board, as supported by Paragon officials, in their approach to handling a personnel issue. DTappen reminded ADayley to discuss the issues involved in the petition. Theodore Larsen, ADayley’s attorney, introduced himself and again objected to the procedure outlined by DTappen. TLarsen noted that the board should avoid the appearance of impropriety, and the three directors on the petition should abstain from voting at this meeting. Other individuals were also given the opportunity to reaffirm and support the statements shared by ADayley. Mike Burr reiterated that the floor in the multipurpose room is not an appropriate dance floor and endangers student safety. He stated that TBerry had toured the facility unannounced with men in suits, and it upset teachers because they did not know who the individuals were. He stated that teachers are joining the IEA and said that teachers are afraid. He stated that the board had put a gag order in effect on all school employees, and made additional allegations regarding the teacher/board relationship. Shawn Walker stated that board members have acted together to undermine the vision of the school and to undermine Mrs. Fulcher. DTappen re-directed Mr. Walker to address the items on the petition.

Teresa Berry was given the chance to respond. TBerry first addressed the tours that she was helping to facilitate. The tours were associated with St. Luke’s Hospital and were conducted in collaboration with a committee to attract new doctors to the community by showing them the choices in the public schools in the area. She indicated that she and the members of that committee spoke with Mr. Biggers, the vice principal, and the tours were approved. TBerry stated that she did take guests into a few classrooms and apologized for the disruption. She stated that she never intended to disrupt class and wanted to show potential new community members the great things going on at Xavier. TBerry stated she has learned that she should be more sensitive about going into classrooms. TBerry clarified that the board has never issued gag order for all staff members. Further, she stated she was not a member of the board of directors when the facility was designed and approved, but she did vote to approve the purchase of a dance floor, and it was her understanding that the administration was collecting those bids.

Following TBerry's comments, JBulkley moved to enter executive session. Roll call vote: SWillsey: aye; JBulkley: aye; EHuber: aye, JHurlock: aye. The motion passed unanimously and the board entered executive session pursuant to Idaho Code 67-2345(1)(b).

JHurlock moved to resume the open meeting. All board members voted to resume the open meeting. EHuber stated that each board member, excluding TBerry, would vote on whether to remove TBerry from the board of directors. SWillsey abstained. JBulkley abstained. EHuber and JHurlock voted against removing TBerry from the board. TBerry retained her director's seat.

❖ **Petition to Remove Jeff Bulkley**

EHuber proceeded to the petition to remove Jeff Bulkley and turned the time over to the hearings officer, and JBulkley took a seat away from the board of directors. DTappen began by stating for the record that this is a hearing to consider a petition for the removal of Jeff Bulkley from the Xavier Charter School Board of Directors, held on Oct 28th 7:30 pm. Present are Andrea Dayley and Jeff Bulkley. DTappen read the petition to remove JBulkley from the Board of Directors for the following reasons: "violating the charter of the school in failing to provide a facility that ensures the safety of the students by providing a dance floor and an area designed for dance instruction, and creating a hostile work environment between the Board of Directors and the teachers resulting in distrust and alienation between the teachers and the Board." DTappen then turned the time over to ADayley.

ADayley asked that the record reflect that she reiterated the complaints she brought earlier with regards to TBerry to apply against JBulkley. JBulkley was given the opportunity to respond. He noted that he did not take part in the design of the facility. He stated the Cindy Fulcher and Renee Robbins were in charge of the design, and he loves the building and is happy his children attend Xavier. He noted that he is disappointed that people feel there is a hostile work environment, but there are other issues that the board must work around.

TBerry moved to enter executive session. SWillsey seconded. Roll call vote: SWillsey: aye; JHurlock: aye, EHuber: aye; TBerry: aye. The board entered executive session pursuant to Idaho Code 67-2345(1)(b).

SWillsey moved to resume the open meeting. TBerry seconded. The motion passed unanimously. EHuber stated that the board, excluding JBulkley, would now vote on whether to remove Jeff Bulkley from the board of directors. SWillsey abstained. TBerry and EHuber voted against removing JBulkley from the board of directors. JHurlock voted to remove JBulkley. JBulkley retained his director's seat.

❖ **Petition to Remove Shawn Willsey**

DTappen began by stating for the record that this is a hearing to consider a petition for the removal of Shawn Willsey from the Xavier Charter School Board of Directors, held on Oct 28th 8:30 pm. Present are Andrea Dayley and Shawn Willsey. DTappen read the petition to remove SWillsey from the Board of Directors for the following reasons: "violating the charter of the school in failing to provide a facility that ensures the safety of the students by providing a dance floor and an area designed for dance instruction, and creating a hostile work environment between the Board of Directors and the teachers resulting in distrust and alienation between the teachers and the Board." DTappen then turned the time over to

ADayley. ADayley re-iterated the previous comments about the lack of a dance floor and creating a hostile work environment against Shawn Willsey.

Shawn Willsey was given an opportunity to respond. SWillsey began by noting that the petition alleges that the board has violated the charter of the school by not providing a dance floor. He pointed out that dance is not included in the charter at all, and Fine Arts is defined in the charter as art and music. He expressed his support for dance but noted that it is not a violation of the charter to not have a dance floor at this point. Next, he stated that the board has not discussed changes to the floor plans for the school while he has been on the Board. He has seen floor plans that were signed by Renee Robbins in October 2008, and those floor plans did not include a dance floor and did include the multi-purpose room as it was built. He also stated that he voted in favor of Mrs. Fulcher's recommendation to approve the hire of a second dance teacher. Regarding hostile work environment, he stated he is a teacher by trade, and his children attend Xavier. He noted that several staff members were his former students, and he maintains good relationships with them. He has volunteered on several occasions and never had a negative interaction with teachers, students, or staff at the school. He concluded by noting that communication between the staff members and the board is run through the administration.

After hearing the testimony, TBerry moved to enter executive session. JHurlock seconded. The board voted unanimously to enter executive session pursuant to Idaho Code 67-2345(1)(b).

JBulkley moved to resume the open meeting. TBerry seconded. The motion passed unanimously and the open meeting was resumed. EHuber called for a vote on whether to remove Shawn Willsey from the Xavier Charter School Board of Directors. JBulkley abstained. EHuber, TBerry, and JHurlock voted against removing Shawn Willsey from the board of directors. SWillsey retained his seat.

TBerry moved to adjourn the meeting. JHurlock seconded. The motion passed unanimously and the meeting was adjourned.