

February 26, 2018

Members of the Danville Board of Education

Ms. Paige Matthews, Chairperson
Ms. Susan Matherly, Vice Chairperson
Ms. Lori Finke, Member
Mr. Steve Becker, Member
Mr. Troy McCowan, Member

RE: Letter of Complaint from Concerned Staff and Citizens

We issue this letter to formally lodge a complaint regarding elected members' of the Danville Board of Education violation of open meeting laws, actions taken that indicate bad faith and violate the public's trust, and disruption of the educational process through inappropriate behaviors and conduct.

We are advising you that all actions leading to your declaration of a "vacancy for the position of superintendent" at the February 19, 2018 meeting of the Danville Board of Education will be investigated thoroughly. This includes all correspondence (written, electronic and text messages related to board business), a review of minutes and recordings of prior board meetings and actions taken, and conversations held between members of the Danville Board of Education and with staff and community members.

This is necessary due to the actions of certain members of the board of education. You have conducted board business in a manner that flies in the face of openness and transparency, by acting to address the personal agendas of the few, rather than the wishes of the many. As constituents of the Danville Independent School District, we have no other choice but to respond forcefully, following action taken at the board of education meeting February 19, 2018. Your conduct is in direct violation of Danville Schools Policy 01.53 and has been disruptive to the educational process the past four years. Specific examples are outlined below:

Open Meeting Violations Related to the February 19, 2018 Board of Education Meeting:

- 1. The meeting violated KRS 61.840 as it relates to meeting room conditions.** The regular called meeting of the Danville Board of Education was held in the flex room of Danville High School. The meeting was presided over by Chairperson Paige Matthews who did not accommodate attendees with adequate space and seating. Many stood in the back of the room, along the sides of the room, and overflowed into the hallway and the loft area. Microphones were available to board members, but their inability to speak into them and the room's acoustics made for difficult hearing with clarity.

Given the Chairperson did not address the meeting room conditions, pursuant to KRS 61.846(1), we may seek relief, if necessary, from state officials to compel the Danville Board of Education to void the February 19 meeting, and to hold it a second time in a space large enough to accommodate all attendees with adequate seating in the same room.

Members of the Danville Board of Education

Page 2

2. **Public comment.** Item number 8 of the agenda (Reserved for the Public) allowed for public comment regarding the superintendent's contract prior to discussion of the contract.
 - a. The public comment segment of the meeting was manipulated by the Chairperson who did not call individuals to comment in order of their signatures on the comment sign-in sheet. Individuals who gave positive comments were called first and individuals who provided negative comments were called last, creating a seamless transition to support the Chairperson's motion to declare a vacancy of the superintendent's position.
 - b. Members of the audience observed Chairperson Matthews use her mobile phone during the public comment time of the agenda. In addition, two individuals saw text messages bearing the Chairperson's name pop up on the phone of the individual they were seated next to during the public comment time. This can also be observed on the videotape of the board meeting available on the district's website. This is unacceptable behavior. Ms. Matthews' behavior indicates a personal narrative and shows lack of respect or concern for the voice of the district's stakeholders.
 - c. Two individuals gave public comment regarding personal and specific matters related to their child and referenced their principals. This sort of behavior, tacitly encouraged by the Chairperson by permitting it to happen, conflicts with policy and procedures pertaining to the division and assignment of roles, demeans the affected school principal, and further erodes public confidence in the leadership by its constituents. The Chairperson chose to ignore the simple remedy of calling these individuals out of order.
3. **Discussion of superintendent's contract.** The meeting agenda listed this discussion as the last item of the meeting. Following public comment, the Chairperson made a motion to "declare a vacancy." The motion carried, and the vacancy was declared by a vote of three (Paige Matthews, Susan Matherly, Lori Finke) to two (Steve Becker, Troy McCowan). Citing "discussion" on the published agenda, and then voting to vacate the superintendent's position, represents an intentional effort to mislead the public about the proposed action of the board. No discussion regarding the contract was held.
4. **Collusion.** Following the motion to declare a vacancy by the Chairperson, board members Paige Matthews, Susan Matherly and Lori Finke read prepared written statements to validate their vote to declare a vacancy. Board members Troy McCowan and Steve Becker were unaware of the impending motion and did not have prepared statements. This indicates the three board members colluded to declare the vacancy well in advance of the meeting, thus violating KRS 61.810 (2), which is specifically aimed at prohibiting a private set of less than quorum meetings attended by members collectively constituting a quorum for the purpose of avoiding requirements of the statute.

Board Actions Indicating Bad Faith and Violation of Public Trust:

- 5. Lack of justification to vacate.** No reason, proof or justification was given to support the motion to declare a vacancy of the superintendent's position. Board member Steve Becker maintains he is unaware of reasons cited to vacate. It is incomprehensible and unconscionable that a decision that has such far-reaching implications for the future of our entire community cannot or will not be explained by those making the decision. It insults and demeans every citizen of this community who cares about our children's education. We believe board members need to explain the rationale for nonrenewing the superintendent's contract and declaring a vacancy.
- 6. Inappropriate board member behavior.** Chairperson Paige Matthews' behavior following the adjournment of the meeting was unbecoming of one who is charged to lead our school district's board. When approached by a staff member, the chairperson's response was, "You don't even live in the district!" The staff member is a school district stakeholder. Board members must be held to higher standards and we believe an apology is in order.
- 7. Board lacks confidence in staff.** Given the large number of current and former staff and administrators who attended the meeting and read letters in support of Superintendent Keith Look, it appears three of the board members (Paige Matthews, Susan Matherly, Lori Finke) do not value the professional expertise of district staff. These board members failed to listen and properly assess input. The board dealt a decisive and massive blow to the morale of the teachers who work so diligently every day to ensure our children receive a quality education. That vote of "no confidence" of the staff will linger for years and will be extremely difficult to overcome.

Other behaviors displayed and actions taken that cause discord and chaos, reflect a lack of ethics, create barriers that prevent school leaders from being effective, and diminish the opportunity for students to receive a high quality education:

- 8. Failure to communicate with stakeholders.** Given the climate regarding the superintendent's contract, community members, staff and others submitted written correspondence and made phone calls to board members. With the exception of one board member, there is no acknowledgement or communication back to these individuals. It is especially important when considering the decision to vacate that the voice of the people was not heard.
- 9. Public comment at board meetings.** Stakeholders are given the opportunity to address the board for three minutes under a public comment section. Stakeholders typically exceed the time limitation. The Chairperson does not "call time" on these individuals but allows them to continue speaking. This adds time to already long meetings and points to a Chairperson who does not conduct meetings in accordance with procedure and policy.

10. Lack of strategic plan. From the board of education there is no visionary leadership or associated understanding of the district's long-term needs for its students and stakeholders. Superintendent Keith Look assembled a committee of certified and classified staff to develop a well researched and aligned plan which gave mission and vision and provided administrative direction for meeting student needs.

Staff members were excited to see a plan being drafted and that goals were being established. For months, real work, much time and energy, and effort were spent developing a draft plan. When the plan was presented to the board of education for input, it was abruptly shut down by the former Chairperson. The committee members questioned the board as to why, or if they preferred the group head in a different direction. Board members gave no explanation for their response. This caused much frustration for the committee members who spent countless hours building a plan for success in the Danville Schools.

The current board of education has not developed a strategic plan. Specific board members continue to display negative and unproductive actions such as this in working with the superintendent and the administrative team. There is no clear vision for the district today.

11. Public humiliation of principals. At a special called board meeting September 28, 2017, K-PREP, end-of-course exams, and ACT assessment results were presented. The results included narrowing achievement gaps, the high school achieving distinguished status for the first time, and the middle school making significant gains (barely missing the proficient mark). Specific board members refused to celebrate the achievements or congratulate the principals. These scores meant the district would no longer be a focus district due to the reduction in novice scores. Instead, they compared the scores to other districts. Most conversation was directed at the high school principal with comments such as "still not as good as Boyle County and still below the state average." The work of a principal is to lead instruction, and it is an ongoing process. For board members to dismiss the value of large instructional gains is defeating. While teaching and learning exists in a constant improvement cycle, the board should have celebrated the progress and honored the work of the students, teachers and leaders. There were no positive or encouraging words. The conversation was accusatory and negative.

12. Rejection of recommended policy. The district's five principals, the school resource officer, and the Kentucky Center for School Safety recommended the board adopt a policy to require student backpacks to be stored in lockers during the school day. The request was based on numerous safety issues that put students and staff at risk.

The board chair refused to consider the request at the September 12, 2016 work session and suggested SBDM councils make the decision. The principals protested that one council may adopt but another may not, and the safety of ALL students was important and required

district policy. This is an historical example of the board's unwillingness to support the professional expertise of the staff while supporting their own personal agendas.

13. Attempt to discard MAP assessments. During the board's 2016 summer retreat, specific board members decided they wanted to discard MAP assessments because a small group of middle school parents were not pleased with the accelerated policy at the middle school. In response, principals reported how MAP data is used to drive instruction and promote students in and out of groups. Students connected to these board members were not being assigned to accelerated classes based on the MAP data.

Again, because a select few were dissatisfied, the board attempted to make drastic changes to appease this small group. Principals stated that all K-8 students take MAP three times a year and that data is extremely useful for student achievement. Principals stood their ground and were eventually told MAP assessments would remain in place. It was evident board members were unhappy with this decision but could not come up with any alternatives.

14. Chairperson solicited negative comments about superintendent.

During a Miss Teen Kentucky celebration hosted at the high school, Chairperson Paige Matthews, approached a teacher and requested she attend the next board meeting to give negative commentary about the superintendent. When the teacher did not agree, the Chair responded with, "You don't like him, do you?" The teacher was encouraged to attend a board meeting and make comments about the superintendent. When the teacher expressed she was uncomfortable with that (speaking about her boss), she was told she could do it anonymously.

15. Attempts to interfere with supervision of school district personnel. Board member Susan Matherly asked a principal if the district's secondary instructional supervisor conducted his job. She also stated that she did not see him produce anything, asking, "How has he helped us?" This is a good example of overreach and interference by a board member in the area of personnel which is clearly the superintendent's responsibility to manage and evaluate. Further it is another example of encouraging a negative culture and creating a hostile working environment for all district employees directly involved.

16. Special called board meeting at 8 a.m. New Year's Eve. The Chairperson called an 8 a.m. meeting on New Year's Eve to review over budget bids on Toliver renovations. The board accepted the bids. The LPC chairperson implored the board to pause and reassess the situation as a decision was being made to invest all board funds in the oldest facility of the district. Superintendent Keith Look encouraged the board to explore all possible options and others pleaded with the board not to move forward with any bids at the time. The board had 60 days to make the decision but chose to proceed by trimming and removing much needed items from the plan. This is another example of the board's unwillingness to support the professional expertise of the staff.

Members of the Danville Board of Education

Page 6

Going forward, we expect board members to carefully consider how they handle major decisions and put personal agendas aside for the betterment of our community and our district.

We respectfully request a public apology from Chairperson Paige Matthews for her inappropriate comment directed at a staff member following the February 19 meeting.

The board must carefully examine policies and procedures for communication outside a board meeting that may constitute violations of the Open Meetings Law. We request mandatory training for our board members on these policies and procedures.

We request board members Paige Matthews, Susan Matherly, and Lori Finke make public the reasons they voted to vacate the superintendent's position.

We encourage our board members to visit ALL schools on a regular basis, not just those of their children. Discussion to find meaningful ways to engage with all schools should take place. Without firsthand knowledge and personal interaction with staff and students, board members lack important perspective needed to make the most informed decisions on behalf of the entire district.

We request board members to respect the professional expertise of district staff in the management of our schools. They are highly trained and qualified to make the best decisions for our students.

We ask board members to develop a strategic plan to provide vision for the district, bringing clarity to all stakeholders regarding the district's goals and how they will be achieved.

We encourage board members to refrain from using personal devices during board of education meetings to ensure full attention is given to the district's business. We also request that retention of all previous correspondence (written, electronic and text messages) should the information be requested and needed.

We urge board members to lead with the highest ethical standards and integrity. Anything less is unacceptable and a disservice to our children.

We ask all board members to evaluate and reflect on their motives for serving on the Danville Board of Education. That reflection should include an analysis of their actions and the alignment of those actions with the constituent wishes of an at-large, independent district and the policies, statutes, codes, and regulations that govern their decision-making.

Members of the Danville Board of Education

Page 7

The Danville Independent School District is a diverse, unique and high-achieving district. Because of Superintendent Keith Look's expertise and vision, highly effective educators lead our schools. We have exemplary academic courses and opportunities, extracurricular activities, and athletic programs at all levels. This is what makes us proud and what drives the district toward the future.

In closing, please know that we are grateful for your service. Given our children's future is at stake, our sole purpose in writing this letter is to ensure elected members of the Danville Board of Education work in unity, model the highest ethical standards, inspire shared vision for the future, and remain focused on the educational welfare of all students. Know that we stand ready to work with you to bring about a productive and healthy working relationship among all stakeholders of the Danville Independent Schools.

Respectfully,

Concerned Staff and Citizens of the Danville Independent School District Community

See attached signature pages

Copy to:

Honorable Vince Pennington, Attorney, Danville Board of Education
Honorable Kevin Brown, General Counsel, KY Dept. of Education
Dr. Stephen Pruitt, Commissioner of Education, KY Dept. of Education
Honorable Andy Beshear, KY Office of Attorney General

**Signature Page for Letter of Complaint to Members of the Danville Board of Education,
dated February 26, 2018**