

**Special Board Meeting of the Board of Education
Independent School District No. 20
Caddo County, OK
Anadarko Public Schools**

Thursday, June 8, 2023 6:00 PM
Administration Building Board Room
1400 South Mission Ave.
Anadarko, OK 73005

1. Call to Order.

2. Roll Call.

Attendance Taken at 6:01 PM.

Clarissa Davilla: Present

Greg Delaney: Present

Renee Hill: Present

Jerry Marcum: Present

3. Discussion and vote to approve or not approve the engagement letter with Rosenstein, Fist & Ringold to advise the board during due process hearings of personnel.

Motion to approve the engagement letter with Rosenstein, Fist & Ringold to advise the board during due process hearings of personnel was made by Greg Delaney and seconded by Renee Hill. The motion passed.

Clarissa Davilla: Yea

Greg Delaney: Yea

Renee Hill: Yea

Jerry Marcum: Yea

4. Due process hearing for Michael Mitchell:

4.1. The board president shall convene the hearing, state the purpose of the hearing and introduce the parties. Board President, Greg Delaney, made the following statement: The reason for this meeting is to conduct a hearing on whether to reemploy or not reemploy Michael Mitchell. At this hearing, Mr. Mitchell is entitled to be represented by the council of his choice. The order of the hearing is governed by the Agenda. The Agenda provides that both the Superintendent and Mr. Mitchell are given the opportunity to make an opening statement; the Superintendent will then call his witnesses and present his evidence, with Mr. Mitchell having the opportunity for cross-examination; Mr. Mitchell will then present his evidence and call his witnesses which are subject to cross-examination; both sides will be allowed to call rebuttal witnesses; and then both sides will have time to make closing arguments to the Board. The

Board will then convene in Executive Session to discuss and deliberate on the termination or not of Mr. Mitchell and will return to Open Session to vote to adopt Findings of Fact; that is, what facts the Board finds have been shown from the testimony. The Board will then vote to reemploy or not reemploy Mr. Mitchell. This hearing is to be an informal administrative hearing that will not be governed by strict rules of evidence such as would be used in a court proceeding. Thus, the Board may hear hearsay evidence that it finds to have some merit in establishing facts. The Board President will make any rulings needed regarding testimony. Only witnesses and legal council or other representatives, if any, will be addressing the Board, and thus, no statements from anyone in the audience will be heard. Witnesses are also to be sworn to tell the truth during their testimony, which oath I will administer. The oath was administered to the witnesses, Jerry McCormick, Danny Harris and Michael Mitchell. The Board President noted that Mr. Mitchell was present with counsel, Blake Sonne.

4.2. Upon the request of either party, the president may exclude from the hearing room the witnesses not at the time under examination, except that a party to the proceeding and their representative shall not be excluded. Neither party excluded any witnesses from the hearing.

4.3. Opening statement by superintendent or his designee or representative.

Opening statement was given by Andy Fugitt for the administration.

4.4. Opening statement by Mr. Mitchell or his designee or representative.

Opening statement was given by Blake Sonne for Michael Mitchell.

4.5. Presentation of superintendent's evidence, followed by cross-examination of witnesses by Mr. Mitchell or his designee or representative.

Andy Fugitt presented the superintendent's evidence. Danny Harris testified and was cross-examined by Mr. Sonne. Jerry McCormick testified and was cross-examined by Mr. Sonne.

4.6. Questions by board members.

4.7. Presentation of Mr. Mitchell's evidence followed by cross-examination of witnesses by superintendent or superintendent's designee or representative.

Blake Sonne presented Mr. Mitchell's evidence. Mr. Mitchell testified and was cross-examined by Mr. Fugitt.

4.8. Questions by board members.

4.9. Presentation of rebuttal and surrebuttal evidence as necessary.

There was no rebuttal evidence. Administration exhibits 1-10 were admitted without objection. Mr. Mitchell's exhibits 1-11 were admitted without objection. The Administration objected to exhibit No. 12 because it was not produced until the day of the hearing. The Board President sustained the objection and exhibit No. 12 was not admitted.

4.10. Closing argument by superintendent or his designee or representative.

Andy Fugitt gave the closing argument for the superintendent.

4.11. Closing argument by Mr. Mitchell or his designee or representative.

Blake Sonne gave the closing argument for Michael Mitchell.

4.12. Consideration and vote to go into executive session pursuant to Title 25 O.S. 307 (B) (1) & (7) to deliberate on the non-renewal or not of Michael Mitchell.

Motion to go into executive session pursuant to Title 25 O.S. 307 (B) (1) & (7) to deliberate on the non-renewal or not of Michael Mitchell was made by Jerry Marcum and seconded by Clarissa Davilla. The motion passed.

Clarissa Davilla: Yea

Greg Delaney: Yea

Renee Hill: Yea

Jerry Marcum: Yea

4.13. Vote to acknowledged return to open session.

Motion to return to open session was made by Jerry Marcum and seconded by Renee Hill. The motion passed.

Clarissa Davilla: Yea

Greg Delaney: Yea

Renee Hill: Yea

Jerry Marcum: Yea

No votes were taken in executive session.

4.14. Board's president's statement of executive session minutes.

Board President, Greg Delaney, stated: While in Executive Session, the Board discussed and deliberated on the reemployment or not of Mr. Mitchell, pursuant to Oklahoma Statutes, title 25, Section 307 (B) (1) and (7). Attorney Bo Rainey was also

present. No other matters were discussed, and no votes were taken.

4.15. Discussion and possible vote to adopt findings of fact and conclusions regarding the employment of Michael Mitchell with Anadarko Public Schools.

Motion to adopt findings of fact and conclusions regarding the employment of Michael Mitchell and to accept the superintendent's recommendation for the non-reemployment of Michael Mitchell with Anadarko Public Schools was made by Greg Delaney and seconded by Clarissa Davilla. The motion passed.

Clarissa Davilla: Yea
Greg Delaney: Yea
Renee Hill: Yea
Jerry Marcum: Yea

Mr. Delaney read the following proposed findings as part of his motion:

The following findings are supported by the preponderance of the evidence.

1. Mr. Mitchell was employed with Anadarko Public Schools ("District") for the 2022-2023 school year as a teacher on a regular teaching contract. He was assigned to teach physical sciences at the District's High School. He is a probationary teacher.
2. On September 8, 2022, High School Principal, Danny Harris conducted an observation of Mr. Mitchell. Administration Exhibit No. 2. Mr. Mitchell was deficient in the areas of Classroom Management (Discipline, Lesson Plans, Assessment Practices) and Instructional Effectiveness (Adjusts Based Upon Monitoring). Mr. Mitchell received a copy of the observation document.
3. On September 19, 2022, High School Principal, Danny Harris gave Mr. Mitchell a pushpin due to the number of students failing his classes. Mr. Mitchell was advised to reevaluate his lessons and to re-teach certain areas. Administration Exhibit No. 3.
4. On September 28, 2022, High School Principal, Danny Harris gave Mr. Mitchell a Personal Development Plan ("PDP"). Administration Exhibit No. 4. Instructional Effectiveness - Adjusts Based upon Monitoring was noted. Among other things, Mr. Mitchell was again directed to adjust his teaching based on student grades and to be more active in the classroom. He was informed that failure to comply with the PDP could lead to a recommendation for dismissal or non-reemployment.

5. On November 16, 2022, High School Principal, Danny Harris conducted a follow-up of the PDP. Administration Exhibit No. 5. Mr. Mitchell was informed that there was a disconnect between what he was teaching and what students were learning. He was instructed to read "The Active Classroom" and to report back to Principal Harris. He was again informed that failure to comply with the PDP could lead to a recommendation for dismissal or non-reemployment.
6. On December 6, 2022, High School Principal, Danny Harris conducted a second observation of Mr. Mitchell. Administration Exhibit No 6. Mr. Mitchell was deficient in the areas of Classroom Management (Preparation, Discipline, Lesson Plans, Assessments Practices), Instructional Effectiveness (Explains Content, Monitors), and Professional Growth and Continuous Improvement (Professional Accountability). Mr. Mitchell received a copy of the observation document.
7. On February 13, 2023, High School Principal, Danny Harris conducted the third observation of Mr. Mitchell. Administration Exhibit No. 7. Mr. Mitchell was deficient in the areas of Classroom Management (Preparation, Discipline, Lesson Plans, Student Relations), and Instructional Effectiveness (Current State Standards, Explains Content, Monitors, Establishes Closure). Mr. Mitchell received a copy of the observation document.
8. On February 22, 2023, High School Principal, Danny Harris completed Mr. Mitchell's evaluation. Administration Exhibit No. 8. He was rated as less than effective in the areas of Classroom Management (Preparation, Discipline, Lesson Plans, Student Relations), and Instructional Effectiveness (Adjusts based upon monitoring). His composite evaluation score was 2.75, or needs improvement. Mr. Mitchell was provided with a copy of the evaluation.
9. In the evaluation, High School Principal, Danny Harris concluded that Mr. Mitchell: Inconsistently monitors student involvement and makes some effort to adjust instructional plans to engage more students. Inconsistently assesses mastery of the new learning to determine if independent practice or re-teaching is appropriate without making adjustments as necessary. There is little evidence that data is used from various assessments to modify instruction and guide intervention strategies.
10. At various times during the 2022-2023 school year, High School Principal, Danny Harris enlisted the assistance of the District Instructional Coach to assist Mr. Mitchell in improving his teaching.
11. Mr. Mitchell did not request any other assistance to improve his teaching.
12. Based upon Mr. Mitchell's failure to make adequate

improvement following the PDP and continued deficient performance, High School Principal, Danny Harris recommended to the Superintendent that Mr. Mitchell not be reemployed for the 2023-2024 school year.

13. On May 8, 2023, the Board of Education acknowledged the Superintendent's recommendation that Mr. Mitchell not be re-employed for the reasons outlined by High School Principal, Danny Harris, and voted to set a Board hearing for June 8, 2023. Administration Exhibit No. 9.

14. Mr. Mitchell received a copy of the Superintendent's recommendation and notice of the hearing via certified mail.

15. On May 26, 2023, the District's legal council provided an amended recommendation for non-reemployment to Mr. Mitchell's legal counsel. The amended recommendation did not contain substantive changes. Administration Exhibit No. 10.

16. Mr. Mitchell appeared at the Board hearing with legal counsel.

17. The above facts establish that Mr. Mitchell was given sufficient written notice of deficiencies in his teaching performance, reasonable assistance to correct the deficiencies, and a reasonable time to make correction.

18. The above facts also establish that Mr. Mitchell failed to correct deficiencies in his teaching performance after being given written notice of them, reasonable assistance to make corrections, and a reasonable opportunity to make correction.

19. Based on the above facts and these findings, Mr. Mitchell's conduct and performance amount to willful neglect of duty, instructional ineffectiveness and or repeated negligence in the performance of duty, and thus grounds for the non-renewal of his teaching contract for the 2023-2024 school year.

20. Upon the foregoing, Mr. Mitchell's teaching contract is not renewed for the 2023-2024 school year.

4.16. Discussion and possible vote to accept or reject the superintendent's recommendation for the non-reemployment of Michael Mitchell based upon the findings and conclusions adopted.

No action taken based upon action of Agenda Item No 4-15.

4.17. Vote to direct the administration to notify Michael Mitchell of the Board's decision including the findings of fact.

Motion to direct the administration to notify Michael Mitchell of the Board's decision including the findings of fact was made by Jerry Marcum and seconded by Renee Hill. The motion passed.

Clarissa Davilla: Yea

Greg Delaney: Yea

Renee Hill: Yea

Jerry Marcum: Yea

4.18. Vote to accept any resignations tendered since the last board meeting.

No resignations tendered.

5. Adjournment.

Motion to adjourn at 8:46 pm was made by Renee Hill and seconded by Clarissa Davilla. The motion passed.

Clarissa Davilla: Yea

Greg Delaney: Yea

Renee Hill: Yea

Jerry Marcum: Yea

President

Superintendent

Minutes Clerk