

**Minutes of Leyton Public Schools
Board of Education Personnel Hearing/Special Meeting
March 26, 2018**

At 10:00 a.m. on March 26, 2018, the Leyton Public Schools Board of Education convened a special meeting for the purpose of conducting a hearing on the consideration of the nonrenewal or continuation of the employment contract of Brandi Woten. Upon roll call, members present were:

	For	Against	Abstain/Recused
Jed Benish	<u> X </u>	<u> </u>	<u> </u>
Cary Linton	<u> X </u>	<u> </u>	<u> </u>
Jennifer Powell	<u> X </u>	<u> </u>	<u> </u>
Colleen Cruise	<u> X </u>	<u> </u>	<u> </u>
Kevin Henke	<u> X </u>	<u> </u>	<u> </u>
Rob Rushman	<u> </u>	<u> </u>	<u> Absent </u>

Conduct of the meeting was turned over to Tim Thompson, the attorney representing the board of education and serving as hearing officer for the hearing. The board heard evidence concerning Ms. Woten's employment. At 2:27 p.m., Mr. Benish moved to deliberate the matter of Ms. Woten's employment in closed session. Mr. Linton seconded the motion. Roll call vote:

	For	Against	Abstain/Recused
Jed Benish	<u> X </u>	<u> </u>	<u> </u>
Cary Linton	<u> X </u>	<u> </u>	<u> </u>
Jennifer Powell	<u> X </u>	<u> </u>	<u> </u>
Colleen Cruise	<u> X </u>	<u> </u>	<u> </u>
Kevin Henke	<u> X </u>	<u> </u>	<u> </u>
Rob Rushman	<u> </u>	<u> </u>	<u> Absent </u>

At 3:37 p.m., the board reassembled in open session.

Hearing Officer Thompson read the proposed findings of fact and decision not to renew Ms. Woten's employment which are attached to these minutes and made a part of these minutes. Mr. Henke moved to adopt the findings of fact. Mr. Linton seconded the motion. Discussion ensued.

Roll call vote to adopt the findings:

	For	Against	Abstain/Recused
Jed Benish	_____	_____	<u>Recused</u>
Cary Linton	<u>X</u>	_____	_____
Jennifer Powell	<u>X</u>	_____	_____
Colleen Cruise	<u>X</u>	_____	_____
Kevin Henke	<u>X</u>	_____	_____
Rob Rushman	_____	_____	<u>Absent</u>

Mrs. Powell moved to adjourn the meeting at 3:48 p.m. Mrs. Cruise seconded the motion. Roll call vote:

	For	Against	Abstain/Recused
Jed Benish	_____	_____	<u>Recused</u>
Cary Linton	<u>X</u>	_____	_____
Jennifer Powell	<u>X</u>	_____	_____
Colleen Cruise	<u>X</u>	_____	_____
Kevin Henke	<u>X</u>	_____	_____
Rob Rushman	_____	_____	<u>Absent</u>



Jennifer Powell, Board Secretary

BEFORE THE LEYTON PUBLIC SCHOOLS
BOARD OF EDUCATION

IN THE MATTER OF) FINDINGS OF FACT
THE EMPLOYMENT OF) AND DECISION
BRANDI WOTEN) NOT TO RENEW EMPLOYMENT

On March 26, 2018, the Board of Education conducted a hearing to consider whether to renew or to not renew the employment contract of Brandi Woten. Ms. Woten was present and was represented by Cindy Copich, Nebraska State Education Association representative. The school district's administration was represented by Steve Williams, Attorney at Law. The Board of Education was represented by Tim Thompson, Attorney at Law. Based on the evidence adduced at the hearing in the form of testimony and documents, the Board of Education makes the following findings and decision.

1. Ms. Woten is first-year probationary certificated employee who was employed as a teacher by Leyton Public Schools for the 2017-18 contract year.
2. By letter delivered March 6, 2018, Ms. Woten was notified of the possible ~~cancellation~~ ^{non-renewal} of her contract.
3. By letter dated March 6, 2018 and received March 6, 2018 Ms. Woten requested a hearing regarding the proposed ~~cancellation~~ ^{non-renewal} of her employment.
4. By letter dated March 20, 2018, Ms. Woten was given written notice of the time, date, and place of the hearing including the employment-

related reasons for the proposed nonrenewal of contract, the names of the witnesses who would testify at the hearing, and the documents which would be offered into evidence by the administration at the hearing.

5. Due and proper notice was given of the meeting of the Board of Education at which the hearing was conducted, as required by law.
6. Based upon the evidence adduced at the hearing, the board of education finds that Ms. Woten has failed to meet the expectations and standards for the performance of a teacher in Leyton Public Schools for the reasons set out in these findings. Ms. Woten failed to follow administrative directives regarding the self-critiquing of students and behaved in an unprofessional manner when she posted the following on her social media account: "Going to say it What the fuck am I doing in this damn bass-ackwards place??"; "there's so little making me want to teacher there"; and "The board and admin are the problem[.]"
7. Based upon the evidence adduced at the hearing, the Board of Education finds that Ms. Woten has failed to meet the Board of Education's expectations and standards for the performance of certificated staff in Leyton Public Schools.
8. Ms. Woten has acted in an unprofessional and insubordinate manner; violated the requirements of school policies and Rule 27; and her

conduct substantially interferes with the continued performance of her duties as a teacher at Leyton Public Schools.

9. In judging the credibility of the witnesses and the weight to be given to witness testimony and other evidence presented, the board has considered the following:

- a) The conduct and demeanor of the witness while testifying;
- b) The sources of information, including the opportunity for seeing or knowing the things about which the witness testified;
- c) The ability of the witness to remember and to communicate accurately;
- d) The reasonableness or unreasonableness of the testimony of the witness;
- e) The self-interest or lack of self-interest of the witness in the result of this case;
- f) The apparent fairness or bias of the witness, or the witness's relationship to the parties in this matter;
- g) Any previous statement or conduct of the witness that is consistent or inconsistent with the testimony of the witness at this hearing; and,
- h) Any other evidence provided at the hearing that affects the credibility of the witness or that tends to support or contradict the testimony of the witness or other evidence.

10. In making its determination, the board limited its decisions to the education-related and job-related considerations set out in its findings and the basis for non-renewal is work-related, specific to her classroom duties and obligations, and is not based on any constitutionally impermissible reason.

It is therefore the decision of the Board of Education that the employment contract of Brandi Woten should not be renewed for the 2018-19 school year and the same is hereby terminated effective at the end of the 2017-18 contract year.

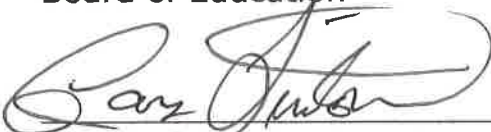
After the above findings and resolution were read in their entirety, Board Member Henke moved for passage of the motion. Board Member Linton seconded the motion. After discussion and on roll call vote, the board members voted as follows:

	For	Against	Abstain/Recused
Jed Benish	_____	_____	<u>recused</u>
Cary Linton	<u>✓</u>	_____	_____
Jennifer Powell	<u>✓</u>	_____	_____
Colleen Cruise	<u>✓</u>	_____	_____
Kevin Henke	<u>✓</u>	_____	_____
Rob Rushman	_____	_____	<u>absent</u>


The above resolution, having been consented to by a majority of a quorum of the Board of Education, was declared passed and adopted by the Board President at a duly held and lawfully convened meeting in full compliance with the Nebraska Public Meetings Law.

Dated this 26th day of March, 2018

Leyton Public Schools
Board of Education


BY: 
Cary Linton, Vice President

ATTEST:


Jennifer Powell, Secretary, Board of Education

ACKNOWLEDGEMENT AND RECEIPT

I, Brandi Woten hereby acknowledge receipt of a complete copy of the above Findings of Fact and Decision Not to Renew Employment on this 27th day of March, 2018.


Brandi Woten