

MINUTES

Special Meeting of the

BOARD OF DIRECTORS

Corvallis School District 509J
1555 SW 35th Street
Corvallis, OR 97333

I. CALL TO ORDER AND ROLL CALL

Chair Gable called the meeting to order at 6:07 p.m. in the Central Office Board Room, 1555 SW 35th Street, Corvallis. Chair Gable dispensed with the calling of the roll and the secretary recorded those present as listed below.

BOARD MEMBERS PRESENT

Cyrel Gable, Chair
Sara Gelser, Member
Helen Higgins, Member
Kari Rieck, Member
Joan Demarest, Member

EXECUTIVE STAFF PRESENT

Dawn Tarzian, Assistant Superintendent
Sharon Thornagle, Student Services Director
Jeanne Holmes, Human Resources Director
Michael Ann McIlvenny, Special Education
Coordinator

PRINCIPALS PRESENT

Cathi Alden, Crescent Valley High School

A quorum was present and due notice had been published.

II. OVERVIEW OF THE HEARING PROCESS

Chair Gable announced that this is a special public meeting for the purpose of considering the dismissal from employment of a probationary teacher. (The meeting was held in open session at the teacher's request.)

Joel DeVore provided an overview of the agenda for the meeting and indicated that he would serve as legal counsel for the Board. He added that the District's legal counsel is Nancy Hungerford and that the employee, Catherine Roller, is represented by Steve Kenney.

Mr. DeVore read directly from a document entitled Hearing Overview (filed as Supplemental Item IV-31 in the official 2004-05 Board minutes).

III. DISTRICT'S PRESENTATION

Nancy Hungerford presented the case for the District:

- With a probationary teacher the standard for dismissal is any cause the Board deems sufficient. It is a lower standard than for a contract teacher because probation is a period of testing to determine if the teacher can do the work and if s/he is a good fit for the District.
- Give substantial weight to your administrators. You rely on them to ensure that the District remains in compliance with state and federal laws. With Life Skills students, there are substantial penalties if the District does not meet standards.
- The Board also entrusts its administrators to supervise staff. The students being discussed at this meeting have high needs; they are among the more severely disabled students the District serves. Because of that the District staffs the classroom quite heavily.
- District staff and specialists from the Linn Benton Lincoln Education Services District (LBL ESD) care for the Life Skills students. The Board will hear during the meeting that Catherine Roller did not welcome or use the services or advice of specialists. The Board employs all those staff to produce a high quality program but it depends on each person working together collaboratively, which is one of the concerns that led to this recommendation for dismissal.
- A mid-year dismissal of a probationary teacher is not usual but is allowed under the law. The administrators will tell you why, mid-year, the District and the Life Skills program and students are better off with a change in the teacher in this classroom.
- The administrators weighed the positive and negative aspects of a mid-year change. Such a change creates a transition but administrators will tell the Board that the recommendation is made for good reasons for the ability of the teacher to meet standards, lack of growth, and ongoing concerns regarding the safety and welfare of students. All of which led to recommendation of dismissal mid-year.
- The District will present evidence of a number of major areas of concern, including: Ms. Roller was hired as an experienced special education teacher in fall 2004; she was chosen for her experience with a Life Skills program; she had experience in Oregon and California. But in deciding to pick her out of other candidates it was because she was

someone with experience who could step in and do the job – she is not a teacher fresh out of college.

- By early in the school year concerns came to administration's attention. Assistants in the classroom came to administration with real concerns including bathroom issues, toileting issues, issues regarding administering medication. Those were really grave concerns.
- At that point, the District put the teacher on administrative leave and conducted an investigation, which was done during mid-late November. That investigation confirmed the concerns that were raised but went broader than that.
- When the teacher returned from administrative leave, she was placed on a plan of assistance. There was a lot of assistance provided for the teacher in the plan and some more was even added at the teacher's request.
- The plan was for a five and a half week period. The understanding was that at the end a judgement would be made whether or not to retain Ms. Roller.

Ms. Hungerford said the problems that were identified involved four major areas:

- A. Instruction was not aligned to goals/objectives of the individualized education program (IEP).

The IEP for handicapped students by law must be implemented in a way that is designed to produce educational benefit. The supervisor's concerns were that the plans for the students were not being implemented in such a way as to produce success. Sometimes instructional materials were not appropriate; there were concerns about students sitting for long periods of time doing activities that would not lead to progress on the goals and objectives; there were concerns about not using teaching methods designed for those students.

Ms. Hungerford referenced page seven of the transcript of the testimony of Pat Templeton, which was provided to the Board (filed as Supplemental Item IV-32 in the official 2004-05 Board minutes). Ms. Hungerford explained that Ms. Templeton is an experienced Corvallis School District teacher who teaches students with the same degree of developmental delay and similar disability conditions as the students in Ms. Roller's classroom. Ms. Templeton is the teacher who is covering Ms. Roller's classroom in her absence.

Ms. Hungerford said that, in relationship to the goals and objectives for the students in Ms. Roller's classroom, Ms. Templeton's testimony revealed:

- ◆ Picture schedules for some students, which are mandated by the IEPs, were not in place.
- ◆ Materials that were selected were not relevant to the goals and seemed to be busy work.
- ◆ Students were given inappropriate materials for math or reading.
- ◆ A student needed to have a picture schedule but it was not being used. Students with autism need predictability, because they have difficulty understanding changes; picture schedules are a vital part of their program and Ms. Templeton did not see those implemented by Ms. Roller.
- ◆ Of the five students with autism in the classroom, there were two essentially doing busy work. Ms. Hungerford said that Ms. Roller's supervisors also had similar concerns when they were in the classroom, but Ms. Templeton's testimony is significant.

B. Effective Communication and Collaboration With Staff, Including Specialists

Using the experience from the specialists and instructional assistants, who had experience with the students and the ability to problem solve is important. Those staff members felt they were not valued parts of the team.

C. Utilize Data Collection Systems

This is a valuable part of providing education to students to judge if students are making progress.

D. Safety and Health Concerns

These concerns continued to be a part of the ultimate decision to remove Ms. Roller from the classroom. There were two incidents, including failure to get all the students out speedily in a fire drill.

Earlier concerns resurfaced about bathrooming needs. There were concerns all through the fall about how that was accomplished, including having assistants of different genders change students. This is a classroom of older students who are past puberty. Those life functions need to be taken care of in a way that protects students and their comfort level in the classroom.

Student Services Director Sharon Thornagle responded to questions from Ms. Hungerford:

- Ms. Thornagle is the supervisor over all special education services for the District. She partners with Michael Ann McIlvenny, who is the special education coordinator for the District.
- Ms. Thornagle was principal at Highland View Middle School, which housed the Life Skills program, and co-principal at Westland Middle School, which also housed the Life Skills program. She was principal of the Farm Home School, which housed students with a variety of disabilities.
- Shortly after school started, when Ms. Roller and Ms. Thornagle were meeting with Ms. McIlvenny to talk about strategies, Ms. Thornagle became aware of difficulties in Ms. Roller's classroom.
- Before school started, there were additional assistants provided to Ms. Roller. Ms. Roller seemed professional and someone who could work with the program for a long period of time. The staff were paid for extra time worked so that the whole Life Skills team could be together before school started.
- Regular meetings were held; one issue was difficulty with communication. Ms. Thornagle and Ms. McIlvenny wanted to support Ms. Roller so they asked Kathleen Jackson, who has taught in Life Skills, to assist.
- At the end of October, Ms. Thornagle became aware that the assistants in the classroom had concerns about the health and welfare of the students. The concerns were serious enough that Ms. Thornagle called for an investigation. The concerns related to medications and toileting issues.
- Ms. Thornagle had a conversation with Ms. Roller about the concerns and told her they could affect her licensure. Ms. Thornagle interviewed specialists and assistants who were in the classroom. Those interviews resulted in even more significant concerns.
- After the investigation, Ms. Thornagle told Ms. Roller that there was a lot more that people shared than was expected when the investigation began. It was like a spontaneous download of concerns about the students.
- Only two students in the class have medication. The most significant concern relates to a student who needs medication at 12:00 p.m., which is specified on the guidance form by the student's physician. Ms. Roller regularly dispensed the student's medication one and a half hours late and sometimes up to two hours late. Ms. Roller was the person who usually dispensed the medication. The medication related to behavior and the medication

was given so late there was no educational advantage to the student. The student was having difficulty.

- The bathrooming issues were:
 - Having a female student aid toilet a male student.
 - Having a male assistant toilet female students.
 - Leaving students in the restroom too long, unattended, but with a voice attendant, like a nursery speaker.
 - The most significant concern was about a student in soiled diapers and the assistant being blocked from changing the student.
- During her investigation, Ms. Thornagle was told that regardless of the input staff gave Ms. Roller about things that had worked before, Ms. Roller wanted to do things her way. If she listened it was not a two-way discussion, it was just hearing, not true listening. That concern was raised from a number of different quarters, “She won’t talk with me; I can’t talk with her.”
- Ms. Roller publicly reprimanded the assistants.
- There was a lack of relationship with the specialists who worked in the classroom.

Director Demarest asked for further information about an educational assistant (EA) being blocked from diapering someone in a timely manner. Ms. McIlvenny elaborated that the EA was directed to not change a student who clearly needed to change. He had a rash. There was a difference of opinion between Ms. Roller and the EA, but there was corroboration by another person in the room who heard Ms. Roller.

Director Higgins referenced a supposed promise of one year of employment and asked about its accuracy. Ms. Hungerford pointed out that the law provides for non-renewal or dismissal of a probationary teacher at any time deemed in good faith sufficient. Because an employee is probationary, the board can terminate or non-renew that contract. Every probationary teacher knows his/her right to continue in the job can be interrupted.

Director Gelser asked whether the student’s rash was the result of that student not being changed, or whether a pre-existing rash increase the need for changing. Ms. McIlvenny said a pre-existing rash increased the need for changing.

Director Gelser asked whether or not parents were made aware of the changes to the medication schedules. Ms. Thornagle said she is unsure although Ms. Roller told her that she had talked

with the parent. There was no change in the paperwork or acknowledgement from the physician about changing the time of the dosage.

IV. TEACHER'S PRESENTATION

Steve Kenney presented the case for the teacher:

- Catherine Roller is a veteran teacher who tried very hard this year to meet the expectations of her supervisors.
- Ms. Roller made progress and responded to the mid-year progress report; that was noted by Ms. Roller's supervisors halfway through the five and a half week period.
- Ms. Roller is a qualified, competent teacher.
- Ms. Roller had five and a half weeks to do a lot of things: teaching, IEPs and human relations.
- The staff had worked together for a long time and were used to working well by themselves. Ms. Roller was told to institute consistency; some resistance is expected.
- It is unusual to pluck someone out of employment mid year, to make them relocate.
- The evidence does not warrant the immediacy of firing Ms. Roller in the middle of the year.
- The Board has options beyond just deciding whether or not to fire Ms. Roller. The Board could reinstate Ms. Roller and insist that she be on a program of assistance. If Ms. Roller does not make satisfactory progress, the Board could non-renew Ms. Roller's contract.
- Take lesser steps to satisfy the concerns of administration and the Board and still give Ms. Roller a chance to improve.
- There are parents at the hearing in support of Ms. Roller.
- The program of assistance specified that the District was supposed to make it possible for Ms. Templeton, who teaches the same class at a different school and is Ms. Roller's District-assigned mentor, to shadow Ms. Roller and give her feedback. Ms. Roller asked Ms. Templeton to shadow her. Ms. Templeton declined and Ms. Roller informed Ms. McIlvenny. The District dropped the ball entirely.
- Ms. Templeton believed that shadowing would have been important to Ms. Roller.

- A plan of assistance takes two: the plan part is “you will do these things”. There is also the “assistance” part. The assistance broke down.
- Ms. Templeton mentioned nothing about toileting, medical and fire drill concerns in her testimony. She had some professional disagreements with Ms. Roller that the materials were inappropriate. These are professional disagreements, doing things differently.
- Even though Ms. Templeton was Ms. Roller’s mentor from September through January, Ms. Templeton never noticed anything the District feels is so immediate and important. Ms. Templeton had said she and Ms. Roller really had not gotten to the nitty-gritty things about particular students. These are the things that the District says Ms. Roller did so badly, but her mentor, Ms. Templeton, never felt it important to bring a single one of these things up. There is a little bit of exaggeration going on here.

Ms. Roller responded to questions from Mr. Kenney:

- The Life Skills classroom at Crescent Valley High School (CVHS) is composed of 13 students with a wide range of needs. Ms. Roller explained the specific needs of the students.
- Regarding a student who was in a group home this year, Ms. Roller commented that the behaviors that had been extinguished had reappeared before the student ever applied to come into the classroom. There were a lot of extra resources that were brought in to work with the group home and classroom staff to determine how best to maintain the student so that he could avail of the educational opportunities in the classroom.
- Crescent Valley High School (CVHS) Principal Cathi Alden had told Ms. Roller she was glad Ms. Roller was at CVHS.
- Ms. Alden had told Ms. Roller that during the prior year, staff was always waiting for the other shoe to drop; the program was in crisis. Ms. McIlvenny had also acknowledged that. There were also challenges on a frequent basis and Ms. Roller was led to believe that things were 110% better on that front this year.
- Ms. Alden had walked Ms. Roller to her car on her last day with the District and apologized several times about Ms. Roller’s dismissal; Ms. Alden had said she was sorry it was happening to Ms. Roller. Ms. Alden had said it was not right and to let her know if there was anything she could do.
- Regarding the status of labor relations at the District, Ms. McIlvenny had told Ms. Roller that the contract was not finalized but that it would be signed within weeks. Ms.

McIlvenny did not tell Ms. Roller that bargaining had already been going on for six months.

- Ms. McIlvenny did not tell Ms. Roller that in the last four or five years, 40% of the special education staff had left the District.
- Regarding the plan of assistance and Ms. Roller's approach and attitude for working with Ms. McIlvenny, Ms. Roller is an experienced teacher who has raised three children and has had a variety of different work experiences. She approached work with Ms. McIlvenny as she has in every situation. Ms. Roller is accountable to a supervisor and employer. She will do her best to accommodate their wishes for getting things done. Ms. Roller was open to suggestions and made every effort to seek out assistance to do what she was asked to do.

Ms. Roller drew the Board's attention to the program of assistance (filed as Supplemental Item IV-33 in the official 2004-05 Board minutes) and led review of the document:

Item 1

- Ms. Roller said she did an extensive review of the IEPs after returning from administrative leave. During winter break, she spent the first week in the classroom working with the direction she had been given to further implement the IEP goals and find materials to support that.

Item 2

- Ms. Roller said she was in the classroom working with students and supporting the educational assistants all of the time unless the students were in elective classes; then they were under the supervision and direction of another credentialed teacher.
- During physical education time, the students were under the supervision of another credentialed teacher. Ms. Roller used that time to meet with teachers and people from the Benton County Health Department, etc.

Item 3

- The initial part of the plan required Ms. Roller to be out of the classroom doing observations. Each week she provided Ms. McIlvenny with a schedule.

Item 4

- Ms. Roller said this item was met. The change to having medications administered in the school office rather than in the classroom was made at Ms. McIlvenny's indication that

Ms. Roller's class was the only one in the District in which the medications were kept in the classroom. There was no clear best practice in Ms. Roller's classroom; that was resolved.

Item 5

- Relations with staff were strained from the very beginning. There was not enough time from the start of school for Ms. Roller and her staff to work together to prepare for students. All materials had been boxed up since June. Ms. Roller first met her EAs during the District-wide gathering of employees in August. Ms. Roller and her staff walked into a classroom and found everything in boxes; students were going to be arriving shortly.
- The classified staff did not work with Ms. Roller. Classified staff did not work over summer break.
- Ms. Roller interfaced with EAs and specialists on the intervention team.
- Ms. Roller has parents who are huge stakeholders. Since they place their children in the care of District staff, Ms. Roller placed a lot of emphasis on getting to know them. She said their feedback did not indicate any problems.
- An open house was held on December 17, 2004; parents and specialists that support the programs were invited. Ms. Roller asked parents to complete a survey; surveys were mailed to parents who could not attend, and self addressed stamped envelopes were provided. Surveys were kept anonymous so that the responses would be authentic. Ms. Roller drew the Board's attention to the compilation of survey responses (filed as Supplemental Item IV-34 in the official 2004-05 Board minutes).

Item 6

- Regarding data collection, Ms. Roller said she was unable to obtain from the District what had been used in the past and there was no evidence in the classroom of what was used in the past. Ms. Roller learned from staff at LBL ESD how to generate a data sheet; Ms. Roller established a notebook of the data sheets in early November.
- Once the program of assistance was implemented, while Ms. Roller was observing at a Corvallis School District elementary school, she saw a data sheet displayed prominently along the back classroom wall. The data sheets indicated that there was data collected in early November. Ms. Roller said she was dependent on EAs for so many things in the program, including data collection.

Item 8

- Ms. Roller read aloud the directive and said it stemmed from two intervention team members, including Paula Robinson, who provides the training for functional behavior assessments. Ms. Roller addressed criticism of her in the program of assistance about a re-review of a functional behavior assessment and support plan that was already developed. Ms. Roller said the Life Skills staff and she, as a team, chose to look at a student that they had been having ongoing problems with. Ms. Roller did not feel the time spent by the team reviewing these records was a waste of time because it is what the team wanted to do.
- Ms. Roller addressed another segment of item eight, regarding extended assessment. She said she attempted a couple of times to meet with the person on the intervention team that provides that support, but was not able to meet with that person until the first or second week of December 2004. Ms. Roller said that person had said she was in the process of scheduling training for all employees that would cover extended assessment. Ms. Roller said she was given a vague answer of “whatever you’re doing” when she asked that person what Ms. Roller should gather for the training scheduled for the Spring. Ms. Roller said she was cognizant that a formal data tracking system was not in place. There was a portfolio for each student that housed written assignments, etc.

Item 7

- Ms. Roller read aloud the item. She commented that all of the students with autism and those who needed visual schedules were all in the Corvallis School District the previous year. Some of the students came with visual schedules; some did not. It had been a focus of the autism team while Ms. Roller was on administrative leave. When Ms. Roller returned, no one could find the visual schedules. It was almost as if there was a poltergeist in the room.

Ms. Roller said the Life Skills program has a lot of pieces that need to be pulled together and meshed. She said her eyes were wide open coming in that it would be challenging. When things started happening, Ms. Roller said she was willing to adjust and make accommodations. Ms. Roller did everything humanly possible and has made significant progress; she feels that if she were given additional time, progress would continue to be made and in a reasonable amount of time, her supervisors would be satisfied with her performance and the program itself.

Ms. Roller said she asked for a hearing of the Board because there has been a long standing history in the Life Skills program and no matter who stepped in, there would have been challenges. Ms. Roller said she came to the District with a wealth of experience and training; she outlined her education and credentials. She said she does not know how anyone could have

been any more prepared than she was. She said she gave it her best shot; she apologized if it was not adequate.

Mr. Kenney distributed a spreadsheet entitled “Special Education Staff Turnover Since Michael Ann McIlvenny Employment Date (August 14, 2000)” (filed as Supplemental Item IV-35 in the official 2004-05 Board minutes). He referred to a comment he had made earlier in the meeting that 40% of special education teachers have left the District in the last four years, the years Ms. McIlvenny has worked for the District.

Ms. Hungerford asked Ms. Roller to verify her resume that was submitted to the District when she applied for employment with the District; Ms. Roller verified the document and a copy was given to the Board (filed as Supplemental Item IV-36 in the official 2004-05 Board minutes).

Mr. Kenney called upon parent Alvin McKay to testify:

- Mr. McKay’s son is in Ms. Roller’s class. Mr. McKay’s son is in his second year at CVHS, but he has been in the District since he was about two years old.
- Mr. McKay is on the special education advisory committee (SEAC) for Western Oregon University and at one time was the chair of Corvallis School District’s SEAC.
- Mr. McKay has been quite comfortable with what he has seen with his son’s progress.
- Some of Mr. McKay’s son’s work does not match with the IEP from last year, but his son’s interests change.
- Mr. McKay and his wife have made it clear to Ms. Roller that they not only disagree with some of the assessments of the specialists, they consider some of the specialists to be incompetent.
- Mr. McKay is hearing for the first time some of the things going on in the classroom. There are definitely differences in leadership styles this year from last year.
- Mr. McKay believes that the teacher needs to be in charge of the classroom and should make all the professional judgements.
- Mr. McKay has no reason at this point not to believe that Ms. Roller is doing a reasonable job.
- Last year was chaotic. Mr. McKay does not think that six months or a year would be enough for getting the program up where it should be.

- Mr. McKay is disappointed in the timing of the program of assistance. The short periods between Ms. Roller's removal before and after winter break were very disruptive to the students.
- Mr. McKay's son does not have issues of bathrooming and toileting and does not need the assistance of the staff.
- Mr. McKay's son does not require medication.
- Mr. McKay's son does not have autism, but Mr. McKay and his wife see one of the students with autism on a regular basis. Mr. McKay does not participate in the IEP process for that student.
- Mr. McKay has visited the Life Skills classroom a couple of times.

Ms. Hungerford referenced a situation involving a specialist employed by LBL ESD regarding a hearing aid that had been destroyed. Mr. McKay said that was due to modifications being made to the hearing aid. Mr. McKay said he and his wife do not feel that the hearing/speech people have the experience or supervision to do the job.

Director Demarest asked Mr. McKay how his son's progress this year compares with his progress last year. Mr. McKay said he is seeing more academic progress this year, whereas his son made more social progress last year.

Director Demarest asked about Mr. McKay's experience with the EAs in the classroom. Mr. McKay said he has known most of them for a number of years. Most of them are pretty good at what they do but there is a leadership difference. Ms. Roller comes in with a program she wants to implement, not knowing the District's background. The EAs have their way of doing things and there are bound to be some clashes.

Director Demarest asked how Mr. McKay became aware of the clashes. Mr. McKay said he heard about them for the first time during this hearing.

Director Gelser asked Mr. McKay if he plays a care-giving role for the student he referenced earlier. Mr. McKay replied that he does; the student stays with Mr. McKay's family daily, as the student's mother works.

Mr. Kenney called upon parent Patty Withrop to testify:

- Ms. Withrop's son is in his first year at CVHS.
- Ms. Withrop found out what was going on because she did not feel that very much was being shared with families about what the situation was.

- Ms. Withrop addressed Ms. McIlvenny and asked her to explain what a provisional teacher is. Ms. McIlvenny explained that a provisional teacher is a teacher in a three-year probationary period, which applies to all new teachers.
- Ms. Withrop's son is severely autistic; monthly follow-up IEP meetings are held. Each one was held when Ms. Roller was in the classroom; Ms. Withrop met with every member of the team.
- Ms. Withrop volunteers in the classroom once a week.
- Ms. Withrop did not know the specifics for Ms. Roller's dismissal.
- Ms. Withrop has seen an improvement in her son over last year at middle school.
- Ms. Withrop said that after hearing the previous testimony about a student with medication needs, Ms. Withrop figured out which student was being discussed. She said that when she was in the classroom, that student was sleeping at his desk. When Ms. Roller was in the classroom, that student was awake and participating in the music program. Ms. Withrop does not think a student should be sleeping in class unless the IEP calls for a nap.

Ms. Withrop responded to questions from Ms. Hungerford:

- Ms. Withrop's son needs help with bowel movements but he is not in diapers.
- Ms. Withrop does not have access to any other student's IEP and would have no way of knowing about any other student's IEP. Ms. Withrop would not know if the student referred to above has a provision for a rest break in his IEP.

Director Gelser asked Ms. Withrop if her son needs assistance with personal hygiene when he goes to the bathroom. Ms. Withrop said he does; he does not use the bathroom independently at school.

Director Gelser asked Ms. Withrop if she is aware of the gender of the person who assists her son in using the bathroom. Ms. Withrop said that it has always been a male assistant whenever Ms. Withrop has been there, but there might have been a need for one of the women to help her son if a man was not available.

Mr. McKay interjected that, in his work as a Special Olympics coach, he is aware that adults of different genders often accompany the athletes to the restroom.

Ms. Alden responded to questions from Mr. Kenney:

- Ms. Alden started working at CVHS as principal on July 1, 2003.
- At that time, there were two half-time teachers in the Life Skills class. One left after a series of illnesses and the other picked up the extra work and was assisted by another staff member. Last year the configuration was different at the end of the year.

Mr. Kenney asked Ms. McIlvenny how many teachers had been in the CVHS Life Skills class over the past eight years. Ms. McIlvenny explained: 10 years ago, there was a teacher there for a number of years; then Kathleen Jackson was there for three years; then a teacher was hired five years ago who had a baby and tried to do a job share (sharing the job responsibilities). She remained there in a shared role for four years. Karen Peterson has been in the program for four years but in a job share. There has been consistency in the program. Karen Peterson was recruited to work for the District as a very caring, competent professional. And the District's substitute teachers have been routinely used all 10 years.

Ms. Alden responded to further questioning by Mr. Kenney:

- With regard to Ms. Roller's testimony that Ms. Alden had said that things were so much better this year and that last year "we were waiting for the other shoe to drop", Ms. Alden said that she and Ms. Roller had talked about philosophical approaches. Last year was difficult because one of the job share people had become ill and was no longer able to work. The two people who started the year were not the same two who finished the year. Transitions are very difficult for students with special needs. Just as Ms. Thornagle and Ms. McIlvenny did, staff at CVHS welcomed Ms. Roller.
- Ms. Alden supervises the teachers in the building but not the teachers in the self-contained programs. She does not conduct evaluations for any of the staff in the Life Skills program, and she does not conduct observations of Ms. Roller. The EAs talked with Ms. Alden about their concerns but Ms. Alden did not document the concerns or follow-up on them.
- The Life Skills students participate in theater at the school and in the school's pep assembly.

Mr. Kenney asked Ms. Alden if she would be the supervisor of the Life Skills students when they venture outside of the classroom, if Ms. Roller were to let them "run amok". Ms. Alden answered in the affirmative.

In response to questions from Director Demarest, Ms. Alden said she believed the EAs at CVHS are professionals and are credible, and that they are fair in how they evaluate people.

Ms. Alden responded to questions from Directors Demarest, Gelser and Rieck:

- Ms. Alden was aware of Ms. Roller's program of assistance. Ms. Alden had asked Ms. Roller how things were going.
- It would not have been appropriate for Ms. Roller to ask Ms. Alden for assistance because Ms. Alden does not have a special education background. Ms. Roller participated in CVHS' monthly meetings.
- Ms. Alden attends some of the IEP meetings for Life Skills students, as do the two assistant principals at the school.
- Ms. Alden was saddened by the abrupt ending of Ms. Roller's position with the District, about the process that was used and not whether it was appropriate or inappropriate to dismiss Ms. Roller.
- Ms. Alden was aware of the meetings with Kathleen Jackson but did not have the specific details of the work that was being done.
- Ms. Alden could not recall whether the EAs were at school prior to the start of school but indicated that the schedules could be checked for verification. She added that things were boxed up and messy because of the construction at the school.
- Programs of assistance vary in length. Some are short due to safety needs of students, but six weeks to six months is a typical time frame. It is not atypical to have a six week long program of assistance.

Ms. McIlvenny responded to questions from Mr. Kenney:

- After the investigation, Ms. Roller was permitted to go back into the classroom.
- There was one investigation but some follow-up questions needed to be sorted out.

Mr. Kenney asked Ms. McIlvenny why she would permit Ms. Roller back into the classroom if things were as bad Ms. McIlvenny had said they were, if students were in danger. He added that if he were in charge and those students were in danger, he would not put that teacher into the room for one second.

Ms. McIlvenny said Mr. Kenney's timelines are inconsistent. The investigation concluded on January 24, 2005. At that time Ms. Thornagle met with representatives from the District's Human Resources Department, Jeanne Holmes and Jennifer Duvall. A decision was made to move for something that would support Ms. Roller's improvement. Ms. McIlvenny cautioned

Mr. Kenney that if he asks her to discuss her investigation, it could compromise agreements she had made with Ms. Roller, without Ms. Roller's permission to do so.

Chair Gable recessed the meeting at 8:54 p.m. She reconvened the meeting at 9:00 p.m.

V. DISTRICT'S REBUTTAL EVIDENCE

Corvallis School District Assessment Specialist Sue Holmberg responded to questions from Ms. Hungerford:

- Ms. Holmberg is the autism specialist with the District.
- Ms. Holmberg has worked with autism for 31 years.
- Ms. Holmberg had served as an autism specialist for LBL ESD.
- Ms. Holmberg had taught at Greater Albany Public Schools in the learning resource center and Life Skills.
- Ms. Holmberg had worked with autism for Early Intervention.
- Ms. Holmberg was in Ms. Roller's classroom at least twice a week. She would be in the room for varied times.
- Most of Ms. Holmberg's time was spent in the Life Skills classroom. Each visit lasted from one to three hours.

Ms. Hungerford said Ms. Roller maintained that she had implemented picture schedules in the Fall or at least when she came back from leave in December 2004. In response to a question from Ms. Hungerford, Ms. Holmberg said she was in the classroom in December 2004. She said the picture schedules were in place but they were not being implemented. She added that it is the special education teacher's job to do that.

Ms. Holmberg responded further to Ms. Hungerford's questions:

- Ms. Holmberg was aware of a student who had problems with vomiting. Ms. Holmberg got involved with that student at the request of the group home because the staff there thought they had hit a brick wall with the school. Ms. Holmberg set up a meeting with several people.
- The staff at the group home told Ms. Holmberg that they could not work with Ms. Roller.

- Ms. Holmberg was told by EA Trudy Ewing that she was having trouble working with Ms. Roller.
- There were other specialists who also had trouble working with Ms. Roller.
- Sue Holmberg tried to work with Ms. Roller but felt there was a lot of resistance.
- Ms. Holmberg suggested meetings so they could work on specific situations. They needed to work as a team.
- Ms. Holmberg experienced problems with Ms. Roller that she did not experience with the vast majority of other special education teachers.
- Ms. Holmberg provided assistance to Ms. Roller about how to work with her assistants.
- Ms. Holmberg spent more time in Ms. Roller's classroom than in other classrooms in the District not only because of the level of need of the students, but also because of Ms. Roller's needs. Ms. Holmberg wanted to help.
- For the students with autism in Ms. Roller's classroom, the instruction was not appropriate as far as the IEP goals.
- One of the students was in a group home. The developmental disabilities case manager of the group home, which is a different position than that of the group home manager, told Ms. Holmberg that staff from the group home and the professionals they hired from Portland were not able to get through to Ms. Roller. They would not work with her. A meeting was set to address the issues but then Ms. Roller went on leave.
- Ms. Holmberg knew Ms. Roller was on leave but did not know the type of leave it was.
- Ms. Holmberg knew, and felt it was good, that Ms. Roller was willing to go to the meeting to resolve issues.

In response to direction from Ms. Hungerford, Ms. Holmberg gave examples of why there was imminent danger in Ms. Roller's classroom and why Ms. Roller needed to be ejected from the classroom.

- Medications are not part of Ms. Holmberg's role, but changing the routine for students is. Changing routines sounds simple but it is not.
- Ms. Holmberg had concerns about the toileting needs she saw. Students who were not independent were unsupervised.

- Ms. Holmberg was present during the fire drill and had a concern about it. She helped where she could. She knew there was going to be a fire drill and she wanted to get the children prepared. When she saw the staff leaving the room, she stayed and helped the nurse get a medically fragile student out of the room. Ms. Holmberg did not talk with Ms. Roller about it.

Ms. Hungerford asked Ms. Holmberg if she should have said something, as a professional, that she had concerns about the students being in danger. Ms. Holmberg said it is not her job to supervise Ms. Roller; Ms. Holmberg felt that at that point her feedback would not have been well received. Ms. Holmberg shared her concerns with her supervisor.

Ms. Hungerford questioned Ms. Holmberg about the change in medication for a student and asked if the student had been prepared for the change. Ms. Holmberg said she heard there was no preparation and that the student was very upset.

Director Demarest asked Ms. Holmberg to explain further about the fire drill incident.

Ms. Holmberg explained:

- Ms. Roller helped get all the other students out but left the medically fragile student in the other room. The nurse did not know about the fire drill. The student was having a seizure and Ms. Holmberg did not feel it was right to put the student into the wheelchair at that time.
- The dynamics of the EAs in the classroom were very strained. It is hard to work under those conditions. Ms. Holmberg was not around last year to see if there was tension with the EAs.

Ms. Holmberg responded to questions from Directors Rieck and Gelser:

- The EAs have a good working relationship.
- The EAs were open to Ms. Holmberg's suggestions but there was always an undertone that the EAs had to run everything past Ms. Roller.
- The EAs accepted Ms. Holmberg.
- The nurse had not been told about the fire drill. Ms. Holmberg offered to help the nurse because fire drills are particularly hard on students with autism.
- Ms. Roller was out of the building when the child was seizing.

- The nurse could not leave the room to tell Ms. Roller that the student was having a medical event.
- The noise from the fire drill did not cause the seizure.
- All the other staff, the teacher and the EAs, were aware of the fire drill but the nurse was not.

Ms. McIlvenny responded to questions from Director Gelser:

- Ms. McIlvenny supervises the nurse.
- The nurse was not involved in the meetings with the EAs because the nurse does not function in the classroom in the same way as the EAs do.

VI. TEACHER'S REBUTTAL EVIDENCE

Ms. Roller said she learned of the fire drill while she was in a conversation with the speech specialist. Ms. Roller said she asked the instructional assistant to spread the word about the drill, but the word was not passed to the nurse. Ms. Roller said faux pas such as those happen sometimes.

VII. DISTRICT'S CLOSING ARGUMENT

Ms. Hungerford presented the District's closing argument:

- A major message is that Ms. Roller is a probationary teacher. This is a testing period to see if Ms. Roller can fit into the program and deliver the services to the degree the District needs them.
- There are no higher standards to let a probationary teacher go than non-renewal.
- Even though Board members are the decision makers, the people they entrust to meet certain requirements are the administrators and staff.
- If the District's IEPs are not met, the District is vulnerable to legal challenges and possibly being in violation of federal and state law.
- Administrators are the ones who keep the District in compliance.

- If there is a problem with students, the Board will expect that the administrators have a program set up so that the students are protected.
- If there is no educational benefit to the students, it is the administrative staff that bears the responsibility of that burden. They need to have the ability to make a judgement about whether they can remove someone from the classroom mid-year.
- As the Board looks at the program of assistance, it is obvious that there were a number of different resources for Ms. Roller, but she had to access them.
- Ms. Templeton did not get any contact about setting up the shadowing until the Monday after winter break. Ms. Roller wanted to have the shadowing that Thursday or Friday. That is unreasonable because Ms. Templeton had her own classroom to run. That is not the District dropping the ball, that is Ms. Roller waiting too long to set up the shadowing.
- This program of assistance offered more options for assistance than those available to the vast majority of probationary teachers.
- Remember the efforts in late Fall of bringing in Kathleen Jackson prior to the program of assistance.
- The bottom line is that it is administration's judgement, based on observations in the classroom and data gathering.
- Very important parts of the program of assistance were not met, especially that IEPs were not appropriate. That is a compliance issue. The fact that there were picture schedules that were not being used is a compliance issue. The teacher in the classroom is responsible for that taking place.
- It is also imperative to have relationships with the EAs so that Ms. Roller can get them to do what she needs them to do. It is not a question of insubordination – there is no evidence of that. The evidence is that Ms. Roller is not in compliance with the IEPs.
- Even when Ms. Roller developed lesson plans, the activities on them were not appropriate.
- Regarding working relationships, the Board needs to take into account that there is not a single staff member who spoke in support of Ms. Roller during this hearing.
- It is always possible that a teacher will have problems with one or another staff member. The testimony from others, including Sue Holmberg, is that no one can get along with Ms. Roller.

- There is plenty of evidence that Ms. Roller has destroyed the relationships in that classroom and it should give the Board great pause before putting Ms. Roller back into the classroom.
- Regarding the safety issues surrounding the fire drill, it is the teacher's responsibility to ensure that all students are removed from the classroom. But for Ms. Holmberg's ability to assist, there would have been a student who was seizing and a nurse struggling to get the student into a wheelchair and out of the building.
- Regarding the student whose diaper was unchanged, that is a problem that was not resolved.
- The administration needs to make a decision about the rest of the year – can they afford to have so much supervision and so many services of specialists, thereby depriving other classrooms? Is this a situation you can continue to afford this year, making it more difficult for everyone in special education to do their work?
- In administration's judgement it is time to make a change. Administration does not make that judgement lightly, but they feel that it is better to make a change now to get working relationships back in order and get services to students on their IEPs.

VIII. TEACHER'S CLOSING ARGUMENT

Mr. Kenney presented the closing argument for Ms. Roller:

- It is not a true statement that Ms. Roller did not have a single colleague speak on her behalf. Ms. Templeton is Ms. Roller's colleague. Mr. Kenney said he tried really hard to get Ms. Templeton to come but she had a religious conviction. Mr. Kenney said he did not know what it was but he did not question it. He said Ms. Templeton spoke with him yesterday but she would not come tonight.
- Ms. Roller accepted the criticism and got down to business to try to achieve the eight points in the program of assistance. Ms. Roller met three of the eight points in five and a half weeks.
- If Ms. Roller really wanted to point fingers she could.
- Ms. Roller is conciliatory.
- Ms. Roller is worth the investment.

- Ms. Roller is a good, competent person and if she is put back in the classroom tomorrow she will do good work.
- The District talked about a legal challenge – the boogeyman. The District has not offered a single piece of evidence that a single parent has even whispered that they will have one of those advocates represent them. Not a single parent has even broached the subject of a lawsuit.
- Ms. Roller has been with the District since September 2004 and not a single parent has come up with anything legal.
- The parents would have spoken up if they thought their children were being poisoned or not being changed. Two parents did not hesitate to speak up tonight.
- Ms. Roller is not a danger that needs to be expelled from the classroom in the middle of the school year.
- The Board can choose to non-renew Ms. Roller at the end of the year – it is much more palatable to a woman who has done her level best for the school District.

Ms. Hungerford made the following points:

- Ms. Templeton is not at the hearing. The comments she made, a transcript of which was given to the Board, are not supportive of Ms. Roller. Ms. Templeton's comments are based on her observations in the classroom.
- The three objectives that were met in the program of assistance were the easiest to meet. The issue regarding medication was met when the school's office staff took over dispensing medication. The other objective that was met was the schedule. If there are no activities in the lesson plan that meet the objectives of the IEP, there is still a substantial problem in terms of meeting that goal.
- Regarding Mr. Kenney's statement that potential legal challenges are the boogeyman, Ms. Hungerford said legal compliance is the Board's obligation whether or not a parent sues. A precedent should not be set that probationary teachers are kept in the classroom unless they are a danger to students.
- The Board's first responsibility is to students, not to any staff member.

IX. BOARD DELIBERATION AND DECISION

Chair Gable reminded Board members that their role is to uphold or reject the superintendent's recommendation for dismissal of Catherine Roller. She opened the floor for Board member deliberation before the vote.

Director Rieck made the following comments:

- Director Rieck's decision is based on the best interests of the students, not just if they are in danger.
- The Board's role is to provide an educational environment, not just a safe environment.
- Ms. Roller had no experience with autism yet she had trouble with the autism specialist. Both parties must seek improvement.
- Any special education teacher knows that data must be collected.
- Director Rieck expressed concern about the presentation of evidence about the number of employees who worked for Ms. McIlvenny, especially about the classified employees and their personal situations. She opined that there is no relevance to that data and it contains private information about employees no longer in the District.

Director Higgins made the following comments:

- The Board must focus on the students, looking out for their education and safety.
- The most important things in the program of assistance were not met.
- It appeared that Ms. Roller was given very adequate professional assistance but the approach she used was not adequate to be used in the allotted time frame.
- Ms. Roller did not take enough personal responsibility.
- It is clear that Ms. Roller's leadership style has created an environment that disenfranchised the staff: it is a one-woman show. A lot of assistants have tried to put it aside but it has drained a lot of energy.
- Putting Ms. Roller back in the classroom would probably cause more damage, not address the consistency issue and not be the best for students.

Director Demarest made the following comments:

- Director Demarest said she used the legal standard as to acting in good faith because this matter deals with a probationary period.
- Director Demarest addressed Ms. Roller and told her that she is not a bad person; she is just not the right person for this job. Director Demarest continued by telling Ms. Roller that she came into a situation that would have been a challenge for everyone.
- Solid interpersonal skills might be the number one requirement, more than the statutory requirements. Director Demarest said her experience is that people in Ms. Roller's field have strong personalities, but they have to be able to listen to the people that they supervise, especially if those people have a lot of skill and knowledge. Ms. Roller did not master that skill.
- It was a disservice to Ms. Roller for her representative to attempt to place the responsibility for following the program of assistance on the District.
- Ms. Templeton's testimony made it clear that the contact with Ms. Roller was socializing. It was Ms. Roller's responsibility to make that contact more than just socializing. Ms. Roller deserves credit for making the effort, but the situation was one that required quick, significant change.
- Director Demarest expressed hope the District could find someone to fill Ms. Roller's position.
- Ms. Roller's resume does not strike Director Demarest as a person who can handle the demands of the job. She added that Ms. Roller speaks very well.

Director Gelser made the following comments:

- Progress was made on some parts of the program of assistance; however, some very crucial parts were not met.
- Director Gelser said her biggest concern dealt with the communication requirements for students with autism. Their IEPs need to be ready to go. She said that having IEPs still in development in January really causes her concern because that really should have been in place at the beginning of the year.
- Director Gelser referenced the issue of IEP implementation, saying that she understands about professional disagreements but for a child with visual impairments, a large font would be a matter of practicality.

- Director Gelser addressed Ms. Roller, regarding her possible return to the classroom and completion of the year, and said that now that the supervisor has recommended termination and the EAs feel students are not safe, Ms. Roller would not be successful; therefore, the students would not be successful. The underlying factor must be what is good for the students.
- Director Gelser expressed concern about some of the words used to describe some of the children and conditions; Ms. Roller has raised awareness of ways in which the program could be improved before it moves to Corvallis High School. For the success of the students and staff at both schools, the program must be positioned in such a way that it is as strong as it can be.
- Director Gelser expressed regret at the way Ms. Roller's position is ending, and wished her future success. Director Gelser added that she could not imagine how Ms. Roller could be successful in the District, given the set of circumstances.

Chair Gable made the following comments:

- Chair Gable said her goal as a Board member is to see that the District is staffed with the very best people possible.
- Chair Gable said she feels that the Board's primary obligation is to meet the educational and safety needs of students to the best of its ability.
- Chair Gable said she does not believe that the Board has an obligation to teach and support teachers, particularly when their difficulties show up so early in their career with the District.
- Chair Gable said that under the circumstances, even just having some doubt about the adequacy of Ms. Roller's ability to come up to par, it is incumbent upon her to err on the side of what is best for students.
- Chair Gable concurred with Director Gelser that for whatever reason, some people are not successful in a situation. That appears to be the case in this situation.
- Chair Gable said she agreed that a mid-year dismissal is better for Ms. Roller and the students; it would be painful for Ms. Roller to go back into that situation. It is also important to re-establish some stability for the students in terms of their teacher prior to a huge transition to another building; that is one of the greatest reasons she is making the decision for dismissal mid-year.

Motion #40: It was moved by Director Rieck and seconded by Director Higgins, that the Board dismiss Catherine Roller as an employee for the reasons set forth by the Superintendent's recommendations.

The motion was voted on and passed unanimously.

Chair Gable addressed Ms. Roller, and said she knows Ms. Roller tried. Chair Gable said she is sure that the District's staff will do whatever is necessary for the program to be successful.

X. ADJOURNMENT

There being no further business before the Board, Chair Gable adjourned the meeting at 10:06 p.m.

Cyrel Gable, Chair

Dawn Tarzian, Assistant Superintendent

Prepared by: Julie Catala

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