

The Indian River County District School Board met on Tuesday, February 5, 2013, at 12:30 p.m. The special meeting was held in the Teacher Education Center located at the J.A. Thompson Administrative Center, 1990 25th Street, Vero Beach, Florida. School Board Members attending were: Chairman Carol Johnson, Vice Chairman Claudia Jiménez, and Board Members: Jeff Pegler, Matthew McCain, and Karen Disney-Brombach. Dr. Frances J. Adams, Superintendent of Schools; and Suzanne D'Agresta, School Board Attorney, were also present.

### **Special Meeting**

I. OPENED SPECIAL MEETING – Chairman Johnson

II. PURPOSE OF THE MEETING – Chairman Johnson

Mrs. D'Agresta stated that the purpose of the special meeting was to take action on two issues requested by the parties in regard to the Employee Termination Hearing of Alan Seiden that was scheduled for February 7, 2013, at 9 a.m. Chairman Johnson noted for the record that neither Mr. Seiden nor his representative were present. She asked Dr. Adams to introduce those seated at her table. Dr. Adams introduced Ms. Denise Roberts, Executive Director of Human Resources; and Mr. Jason Odom, Attorney representing the Superintendent of Schools.

III. ACTION AGENDA

**A. Joint Motion to Continue Hearing Involving the Recommendation for Termination of Alan Seiden – Ms. D'Agresta**

The Parties filed a Joint Motion to Continue the Employee Termination Hearing of Alan Seiden that was currently scheduled for February 7, 2013. The basis for the requested continuance was the recent, unanticipated discovery of a significant number of emails that were relevant to the pending hearing and not previously disclosed. The Joint Motion was provided in the back-up materials for this Agenda. The School Board was required to review the Joint Motion and to make a determination whether to grant or to deny the Joint Motion to Continue. In the event the School Board granted the Joint Motion, the School Board would need to set the date for the Employee Termination Hearing. The Parties suggested April 11, 2013, April 18, 2013, or April 25, 2013.

Chairman Johnson called for a motion regarding the request by both parties to continue the Employee Termination Hearing of Alan Seiden that was scheduled to be held on February 7, 2013.

Mr. McCain moved approval of the Joint Motion to continue the termination hearing involving the recommendation for termination of Alan Seiden. Ms. Jiménez seconded the motion and it carried unanimously, with a 5-0 vote.

Chairman Johnson called for a motion to set the new Termination Hearing date regarding the recommendation for termination of Alan Seiden. Mr. Pegler moved approval to schedule the Hearing for April 25, 2013. Mr. McCain seconded the motion and it carried unanimously, with a 5-0 vote.

**B. Motion to Disqualify Agency Personnel (School Board) as the Hearing Officer in the Employee Termination Hearing of Alan Seiden – Ms. D’Agresta**

Mr. Seiden filed a Motion to Disqualify Agency Personnel, alleging the School Board was prohibited from serving as the Hearing Officer in the pending Employee Termination Hearing on the basis of personal interest. The Superintendent filed a Response in Opposition to the Motion to Disqualify. Both of these pleadings were provided in the back-up materials for this Agenda. The School Board was required to review the Motion and the Response; and to make a determination whether to grant or deny the Motion to Disqualify.

Chairman Johnson stated that Mrs. D’Agresta had some guidance to give to the Board prior to Board action. Mrs. D’Agresta advised the Board as to the type of hearing that was coming before the Board. She also advised them to look within to determine, individually, if they had any bias, prejudice, or personal interest in the case. Mrs. D’Agresta further advised the Board as to their governing responsibilities and statutory obligations. She spoke of the types of questions that the Board would address, their position sitting as a judge, presentation of evidence based on the evidence, and making decisions based on facts.

Chairman Johnson asked the Board if an individual Board Member had any bias, prejudice, or personal interested that would keep him/her from acting on any motion that was taken. Hearing none, Chairman Johnson called for a motion.

Mr. Pegler moved approval to deny respondent’s motion to disqualify Agency Personnel. Mr. McCain seconded the motion. Board Members spoke to the motion. Mrs. D’Agresta responded. The Board voted unanimously in favor of the motion, with a 5-0 vote.

IV. CLOSING COMMENTS – Chairman Johnson

Chairman Johnson asked Mrs. D’Agresta to go over the next steps. Mrs. D’Agresta stated that she would write the Order and distribute to the attorneys. She said that the Hearing would be held on April 25, 2013, at 9 a.m.

V. ADJOURNMENT – Chairman Johnson

With no further business, the meeting adjourned at approximately 12:50 p.m.