

**School Board Minutes**  
**Montpelier Public School District #14**  
**214 7<sup>th</sup> Ave**  
**Montpelier, ND 58472**  
**Special Meeting**  
**March 20<sup>th</sup>, 2024**

**Board Members Present:** President Scott Harms, Brock Naze, Wade Dally, Tony Roorda, Vice President Abram Valenta, Robert Froehlich, and Kyle Throener.

**Also Present:** Superintendent Phil Leitner, and Business Manager Amy Maurer.

**Also Attending:** Sara Wilson, Mary Hilgeman, Julie Williams, Alyssa Middleton, Brian Middleton, Scott Lynch, Dustin Lien, Jodean Nelson, and Tyson Witt.

The meeting was called to order by President Harms at 6:00pm. The running of the meeting was turned over to Vice President Valenta to allow Mr. Harms to report on his review of a personnel complaint.

A summary of Mr. Harm's report to the to the board as presented to them verbally and/or by written report is as follows:

A complaint was received (Ref. Policy KACB-E1 Complaints About Personnel) along with supporting statements from a parent on January 24<sup>th</sup> regarding an interaction between her child and a teacher. Due to what she found to be an unsatisfactory initial response to her earlier requests, Superintendent Leitner was included in the complaint. Per policy, complaints against teachers are initially handled at the lowest level of administration and complaints against the superintendent are conducted by the board president. The review was held concurrently for both individuals by the board president due to the lack of independence between the reviews.

Mr. Harms conducted interviews with Mr. Leitner and several other individuals. The review and analysis of the complaint are performed under the authority of the school board president. The board president's authority is limited to finding non-compliance with policies adopted by the board.

The complainant claims are:

- 1) Physical and emotional harm was caused to her child due to improper interaction between her child and a teacher.
- 2) A lack of Crisis Prevention Institute Training (CPI) contributed to the child's injury and emotional harm.
- 3) CPI Training is required to physically interact with the child.
- 4) The superintendent's initial informal response was unsatisfactory.

The original video evidence which passively monitors the premises was lost due to storage limitations. The video storage space is recycled every 30 days. The complaint to the board president was received after that time so interpretation of the interaction was left to those who reviewed it during the initial informal complaint to the administration.

A summary of the event is as follows: The child was seated on a school yard bench due to an interaction with another student and was allowed additional time to be alone when re-approached by the teacher. Recess ended and remaining staff and students began exiting the playground while the child refused to exit the playground. The teacher realized her own students were now un-supervised and proceeded to physically prompt the child, which resulted in a negative response. Additional staff arrived and the situation was resolved. The child was suspended due to the previous interaction with the other student. Parental informal complaint was submitted. Parental formal complaint was submitted.

Mr. Harms found that the claim that physical harm to the student was not substantiated by any of the interviewees that had reviewed the video. Physical interaction with students is governed by school policies "School Conduct & Discipline" and "Restraint or Seclusion Policy". In addition to school policy, physical interactions are governed by IEP or 504 agreements. In this situation a speech IEP was in place, but did not include restrictions or modifications for interacting physically with the student. No other behavioral modification plans were in place at the time of the incident. He found that policies were appropriately applied when the student was seated on the bench by the teacher. He found the "Restraint and Seclusion" policy wasn't applicable as the attempt to bring the student inside is considered a physical prompt and excluded by the definitions in that policy.

He found that the claim surrounding a requirement for CPI training and the lack of training contributing to injury and emotional harm cannot be substantiated by a review of policy. While the teacher was not "Safety Care" trained at the time, she had been trained in crisis prevention at her previous employer and claims to have used her previous training during this interaction. While recognizing Safety Care as good practice there is no policy requiring the training as a pre-requisite for physically interacting with a child. Neither could a legal requirement be found at the time.

While the resulting outcomes of the teacher-child interaction were undesirable, the actions of the teacher are found compliant with policy and IEP's in place at the time.

Regarding the superintendent's handling of the informal complaint, a finding of compliance for the teacher's actions requires the same outcome for the superintendent.

Actions:

The allowable outcomes from this analysis are described in policy KACB-E3 Section 10.

In response to the remedies requested by the complainant: 1) Termination of the teacher's employment with the district is not recommended as the teacher has been compliant with the policies in place at the time. No wrongdoing is recommended instead. 2) While the remedy does not align with any described outcomes in policy KACB-E3, communication of 504/IEP/BMP plans is required. However, a policy governing this communication does not exist and the organizational gap is recognized by the investigator.

Since the complaint filing, the district has made several improvements to enable a team-oriented approach:

- 1) Radios have been purchased allowing the playground supervisor to communicate more effectively with the team if a situation arises.

- 2) Safety Care Training has been conducted by more staff with an informal goal of having everyone attend the first day de-escalation methods.
- 3) The parent has proactively engaged the team in developing a 504 plan to address the needs of the child.
- 4) Additional communication has been flowed to employees from administration reinforcing appropriate interactions with students.

These improvements should be instantiated by procedures implementing policy to ensure continuity.

As recommending a policy change is not an outcome described by KACB-E3, it is the position of the school board president that the superintendent propose a policy governing communication of IEP/504 plans with employees that interact with the student. The policy should describe the recurring familiarization training as well.

During the interview process, a second organizational weakness was discovered: No staff members were willing to claim knowledge of the school district's policies or point to written procedures applicable to this complaint. It is the position of the school board president that the superintendent proposes a policy requiring the periodic training of employees on district policy applicable to their position. The training should also include pointers to the repository containing the precedures implementing the policy.

The third and last issue is the alignment of the surveillance retention period and the complaint filing deadline (180 days) in KACB-E.

In the spirit of continuous improvement, these requests will be placed in the superintendent's semi-annual evaluation.

The school board discussed the complaint and the board president's findings.

Roorda made a motion, seconded by Dally, to approve the recommendations in the report with a modification that the complaint policy be modified to require any surveillance video applicable to the event be retained until the complaint is resolved. A roll call vote was taken: Naze-aye, Dally-aye, Throener-aye, Roorda-aye, Froehlich-aye, Valenta-aye, Harms-abstain. Motion carried.

**Adjournment:** The meeting adjourned at 6:25pm.

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Scott Harms, Board President

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Amy Maurer, Business Manager

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Approval Date