

**Special School Board Meeting**  
Duluth Public Schools, ISD 709

Agenda

Tuesday, May 19, 2015

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

5:45 PM

1. **Call to Order**
2. **Roll Call**
3. **Audience - Related to Agenda Item Listed Below**
4. **Resolution SP-5-15-3269 – Censuring Art Johnston**
5. **Adjournment**

2

Member \_\_\_\_\_ introduced the following resolution and moved its adoption:

### **RESOLUTION CENSURING ART JOHNSTON**

WHEREAS, on June 10, 2014, the School Board authorized an investigation into allegations against Board Member Art Johnston;

WHEREAS, the detailed and comprehensive investigation report completed by independent investigator Mary Rice, substantiated a number of allegations against Member Johnston, including allegations that he improperly used his position as a School Board member to attempt to influence the outcome of a staff meeting on May 12, 2014, and that he physically assaulted the Superintendent and a fellow School Board member in front of students, parents, and members of the community following a June 4, 2014, graduation ceremony.

WHEREAS, on December 2, 2014, the School Board adopted Resolution HR-12-14-3215, proposing to remove Member Johnston based on the conclusions in Ms. Rice's investigation report and pursuant to Minnesota Statutes, section 123B.09;

WHEREAS, on December 9, 2014, Member Johnston requested a hearing to contest his proposed removal;

WHEREAS, on March 4, 2015, Member Johnston initiated a federal lawsuit against the School District and five School Board members, seeking, among other things, money damages for claims related to the proposed removal;

WHEREAS, representatives of the School Board and District Administration made multiple good-faith, but ultimately unsuccessful attempts to resolve Member Johnston's claims against the District;

WHEREAS, School Board members are expected to serve as role models for District students and staff;

WHEREAS, it is unacceptable for a School Board member to improperly use their positions of authority as School Board members or to physically assault or threaten to physically assault anyone, including District staff and fellow Board members;

WHEREAS, the School Board's primary mission is the education and well-being of the District's students; and

WHEREAS, Member Johnston's litigation against the District and his fellow School Board members has the potential to result in a drawn-out, time-consuming and

expensive legal process which would distract the School Board from focusing on its primary mission.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 709, Duluth, as follows:

1. Resolution HR-12-14-3215 is hereby rescinded to the extent that it proposes Member Johnston's removal from the School Board.
2. The hearing, regarding the proposed removal of Member Johnston from the School Board is hereby cancelled. The School Board will not take any action to remove Member Johnston from the School Board based on the conduct described in Resolution HR-12-14-3215.
3. Member Johnston is hereby publicly censured for his conduct on May 12, 2014, and for his conduct on June 4, 2014.
4. Member Johnston is hereby warned that any future attempts to use his position as a School Board member to improperly influence a District personnel matter, where he has a personal conflict of interest, or to engage in unwelcome physical contact, or threatened physical contact, with any District employee or School Board member may result in further consequences, including, but not limited to, removal from the School Board pursuant to Minnesota Statutes, section 123B.09.
5. The School Board reaffirms its commitment to setting a positive example for the District's students and staff by holding all School Board members to the highest ethical and professional standards, including prohibiting conflicts of interest and unwelcome physical contact by School Board members.
6. The CFO/Executive Director of Business Services is authorized and directed to make all arrangements necessary to cancel the removal hearing.

The motion for the adoption of the foregoing resolution was duly seconded by Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against:

whereupon said resolution was declared duly passed and adopted.