

MARLBORO COUNTY SCHOOL DISTRICT
Marlboro County School Board
Special Called Board Meeting
Marlboro County High School Media Center
Monday – July 24, 2017 - 6:00 p.m.

Present: Ms. Lucy Parsons, Chair
Mrs. Barbara Ohanesian
Mr. Michael Coachman
Mrs. Janice Bright
Mr. Danny Driggers
Mr. Macky Norton
Ms. Nan Fleming
Mr. Jackie Branch

Absent: Rev. Artemus Woods

- A. Call to Order:** The Chairperson called the meeting to order at approximately 6:00 p.m.
- B. Invocation:** The invocation was given by Mr. Coachman
- C. Notification of News Media:** In accordance with the S.C. Code of laws, Section 30-40-80(d), as amended, the following were notified of the time, date, place and agenda for the meeting: Marlboro Herald-Advocate, WBSC, The Cheraw Chronicle, WCRE, WJSG-FM, Northland Cable, The Laurinburg Exchange, The Morning News, The Community Times, WEGX-FM, WLMC, WEWO/WAZZ and Chesterfield County Shopper.

Approval of Agenda: Mrs. Ohanesian made a motion to approve the agenda, Mr. Driggers seconded the motion and the Board unanimously approved the agenda. Rev. Woods was absent. Ms. Parsons stated that it had come to the Board's attention that the agenda had been inadvertently not been placed on the web site and then she turned the meeting over to the vice-chair, Mr. Danny Driggers. Mrs. Connie Anderson spoke up and told the Board Chair, Ms. Parsons, that she had posted the agenda on the web site. Ms. Parsons thanked Mrs. Anderson and stated that the matter had now been taken care of. Attorney Ken Childs requested that the matter be noted in the minutes. Mr. Driggers proceeded with the next item on the agenda.

- D. Employee Grievance (Public Hearing Requested)**
Mrs. Ohanesian made a motion that the Board takes the Superintendent's grievance filed on July 20, 2017 under advisement and that they asked all named or interested parties respond in writing concerning the grievance to Board member, Macky Norton and that the Board consider thereafter the grievance at a subsequent meeting noting that 1. That by Board policy the decision to hear a grievance is discretionary with the Board. 2. The grievance was added to the agenda without prior consultation with the Board Chair or Vice- Chair according to both parties; and 3. Arguably the grievance procedure itself was not followed according to our Board policy. Mr. Driggers asked if there was a second and Ms. Parsons asked Mr. Norton if he was going to second it. Mr. Norton stated he would and Mr. Norton then seconded the motion. The motion was presented for discussion. Mr. Coachman stated as far as this not following policy, the Board had not been following policy; he said our policy states that the agenda should be made by the Superintendent and the Board Chair. We are paying an attorney to make an agenda and that violates our policy. He stated so if you are going to violate one policy and not another on, I think the grievance is being heard. He went on to say that the Superintendent's Contract was on the agenda and if we are going to discuss her contract and she has a grievance, why wouldn't we listen and be fair. Mr. Driggers asked if there was anyone else who would like to speak. Ms. Fleming stated she concurred with Mr. Coachman.

She stated that when the Board prompts members like Mr. Norton for a second that does not look good to the people here. She stated it was on the agenda and she felt that it should be honored and breaking Board policy has not been something the Board has adhered to in the past and it's been requested and she knows the motion has been made and seconded and she has had her say on the matter. Mr. Branch stated he wouldn't have a big issue in hearing it but he doesn't feel it should be heard in public. Mrs. Bright stated that if it had been put on the agenda to be heard then she wanted to hear it. Mr. Driggers asked if there were any other Board members who would like to say something. Mr. Driggers stated that his understanding was that they were going to hear the grievance but it was going to be postponed until we have all the evidence. When you have a grievance against someone, I think that the person who it is against should have the right to put together something for the Board to review as well as the person who has the grievance; they should have the right to put something together for all the Board to review. . I think what the motion was saying was to postpone until we had both sides of the story and then they could move forward on it. Attorney Pride came before the Board and stated that he did concur with Mr. Branch that the matters of the grievance should not be aired publicly and he requested that the Board go into executive session for further discussion on this matter because he, as Dr. Tillar's attorney had some comments and matters he would like to bring forward but he would like to not have that done publicly. Attorney Childs stated that he understood Mr. Branch's point and he thought Mr. Pride was going to say that the grievant had the right to a public hearing which is South Carolina law if it involves an employment matter. In this case, as he understands the motion is that the case will be taken under advisement and the parties will submit their positions on the matter and the Board can then decide how it wants to proceed in an orderly way. Mr. Driggers asked if anyone else would like to speak and Mr. Pride stated that to take it under advisement and decide it later would make it moot because the chairman would have acted tonight. He stated that this was so personal and touchy that he would prevail upon the Board to go into executive session. He stated he didn't want to take up a great deal of their time but that he did agree with Mr. Child's that the Chairman had the right to a public hearing and if she would prefer him to discuss it publically he would. Mr. Driggers stated that the chairman had not requested a public hearing. Mr. Pride stated he had misunderstood Mr. Childs and Mr. Driggers stated he misunderstood MR. Pride. Mr. Driggers asked if there were any more comments and Mr. Coachman stated that the Board needed to solidify reconfiguration. He stated that the children needed to know where they were going and they were a council of people and the children need to know where they are going to school. The most important thing is our schools. He stated the superintendent's contract is not right now. He stated he felt some discussion should be added to the agenda about this matter because these students go back to school in two weeks. Mr. Driggers told Mr. Coachman that he appreciated his information but the only discussion now was the employee grievance. Mrs. Ohanesian called for the question, the motion carried 5 – 3 with Mrs. Bright, Mr. Coachman and Ms. Fleming voting against. Rev. Woods was absent. Mr. Driggers stated again that the motion gave both parties to take it under advisement and bring forth information to make a very valid determination and this was not putting this off. Mr. Driggers requested someone make a motion to go into executive session. Mr. Coachman stated he had one more question. He asked if they do not hear the grievance and the Board goes into executive session to discuss the Superintendent's contract would that violate any of her rights. Mr. Driggers asked Mr. Coachman to repeat his question and Mr. Coachman told him that the lawyer was going to answer him. Mr. Driggers stated that the lawyer had not been recognized yet to repeat the question for him. Mr. Coachman stated that if the Board went into executive session and discussed the Superintendent's contract could that cause repercussions by not discussing her grievance first. Mr. Driggers told Mr. Pride that this should first be addressed by the Board's counsel and that he would be given an opportunity after that to speak. Mr. Childs stated that the Board had done nothing but agree to take this matter under advisement and to hear a grievance was discretionary. The Board could choose to hear the grievance or not to hear it and I think you make that decision after you have all the information in front of you which you do not have now. He stated he respected Mr. Coachman's question and he thought it was a very good question and he didn't know what the Board was going to do in executive session except discuss the superintendent's

contract, which they have the right to do; now if they took some action it could impact the situation. Mr. Pride stated that what they were going to do is violate the Superintendent's right to due process, because what you are going to do is decide after the fact if there is any merit to her grievance. You are going to allow the chairman of the Board to participate on her contract and she is complaining about her employment being discussed by the superintendent with her secretary, that's a serious situation, but yet you are going to let the chairman sit there and vote on the contract in executive session. Mr. Driggers spoke up and told Mr. Pride they would not be voting in executive session. Mr. Pride asked the Board that if later on they felt the matter had merit how could you address it then, because it would then be moot. He stated they are asking that they not let the superintendent participate. Mr. Driggers asked Mr. Pride what did he mean when he said, not let the superintendent participate, participate in what. Mr. Pride stated he was sorry he meant not let the chairman participate. Mr. Driggers told Mr. Pride let me figure this out now, we have a grievance from an employee that we want both sides of the story on because there is an accusation from an employee about some of the Board members doing things that were not correct. But that we are more concerned about the fact that our superintendent has a grievance also is that what we've got, two grievances here. Mr. Pride said no, the superintendent filed a grievance. Mr. Driggers stated so we have two grievances here is that what you are saying. Mr. Pride asked him why he would try to play that game with him. Mr. Driggers stated he wasn't playing a game; I want you to tell me what we have. Mr. Pride states that he had been very clear on what he was saying. I was saying to you that the superintendent had filed a grievance, which the Board has a copy of and he hopes they have read it definitively, and hopes they understand it, against the chairman of the Board for discussing her contract. Chairman of the Board says she's through don't worry about this. That's the accusation and a very serious one and it has been documented too. Mr. Driggers asked if the grievance was what the Superintendent said the chairman said. Is that the grievance? Mr. Pride stated that if he had read it then he knows that's the grievance. Mr. Driggers said he wanted to make sure because the grievance came from someone else too, he just wanted to make sure. Mr. Pride stated he didn't know anything about any other grievance; he was down there for one grievance. Mr. Driggers stated fair enough. Mr. Pride stated that's the one Dr. Tillar filed tonight to be heard prior to any action being taken. Mr. Childs repeated what the Board had decided and that the Board was going to take this under advisement and they would make no decision about the grievance and if it becomes appropriate later on to make a decision they can still do so. He also stated that he thought this motion was proper and he urged the Board to adopt it to take the grievance under advisement so they could have all the facts presented to the Board and then the Board could decide how they want to proceed. Mr. Driggers said the motion had been made, seconded and approved and he asked someone to make a motion to go to executive session. Mrs. Bright told Mr. Driggers she had something to say, she stated that if what was on this agenda was that serious, why are they not waiting until all the Board members are present, she said we have put things off before because Mrs. Ohanesian or others couldn't be here. Why have we not put this off until all Board members could be present? Mr. Driggers stated the only Board member missing was Mr. Woods. Mrs. Bright stated he was an important Board member. Mr. Driggers stated yes he was and there had been several meetings when Mrs. Bright couldn't be there so they have operated without all Board members in the past. Mrs. Bright stated the point was that this was a very important issue and we should have all Board members present. Mrs. Ohanesian made a motion that the Board go into executive session. Ms. Parsons reminded Mr. Driggers to state why they were going into executive session. Mr. Driggers stated they were going into executive session to discuss Superintendent's Contract and other employment matters. Ms. Fleming told Mr. Driggers she wasn't ready, she needed to understand this. Ms. Fleming asked if the Board chair was going to participate in the discussion of the grievance and she is the perpetrator. Mr. Driggers started to answer Ms. Fleming and she stated that she wanted legal to answer. Mr. Childs stated that he realized it was confusing but the fact is that the discussion of the grievance was not on the executive session agenda. The motion was that the Board had taken this matter under advisement and I have explained that in order to make an intelligent decision you have to have all the information and facts in front of you which you don't have. Ms. Fleming stated ok, she wanted to understand, so the only thing that is

going to be discussed in executive session is the superintendent's contract and employment matters. Mr. Driggers stated that was correct because that is what was on the agenda. Ms. Fleming stated she saw conflict because the Board chair was going to be involved in the discussion of the superintendent's contract and a grievance has been filed against her so she cannot be objective. Mr. Childs stated with all due respect, Board members can take that into account. If she expresses an opinion that is bias or ill-founded then you can take that into account. He also stated that he was sure they were familiar with the principles that a person is presumed innocent until proven guilty in this country; all we have right now are charges. Mr. Pride stated that was in criminal cases and this was not a criminal case. Mr. Childs stated the fact is there are legal issues here for example he stated he wasn't sure this was a proper grievance, he didn't think the Board had the authority to exclude one of its members from a discussion. Ms. Fleming stated that he may think that but she was on the Board and she thinks these two issues are related and if she is going to set on the Board and be a part of it she feels it is a violation. Mr. Childs told Ms. Fleming she was entitled to her opinion. Ms. Fleming told Mr. Childs that he had been to these meetings before and not once had he come to her and said I am the school board's attorney here is my email address, phone number or fax number. If you have anything you can call me. Ms. Fleming stated that he had come in like a henchman and had spent 166 hours on the superintendent's contract. Mr. Driggers tried to take control but Ms. Fleming continued with the statement that Mr. Childs had come here to destroy this district. She told him he came as a lawyer and asked him had he gotten the Board together and given them any direction? Mr. Driggers asked Ms. Fleming to control herself please. Ms. Fleming stated Mr. Childs could defend himself. Mr. Driggers said I don't want him to defend himself; I'm trying to keep this meeting on track and what we were speaking about. Ms. Fleming stated she didn't want to do anything pretty in the public meeting and go in the back and do something ugly. She stated that if they were going to be ugly then let's be ugly out here. Mr. Driggers stated they had a motion to go into executive session. Mr. Branch seconded and the motion passed 5 – 3 with Mr. Coachman, Mrs. Bright and Ms. Fleming voting against. Rev. Woods was absent.

- E. **Executive Session:** Mrs. Ohaneseian made a motion that the Board go into Executive Session. Mr. Branch seconded the motion. The motion carried 5-3 with Mr. Coachman, Mrs. Bright and Ms. Fleming voting against. Rev. Woods was absent.

No Decision made No Action taken on Executive Session Items

Open Session: Upon a motion by Mrs. Ohanesian, seconded by Mr. Branch the Board unanimously voted to go back into Open Session. Rev. Woods was absent.

Dr. Tiller recommended to the Board two resignations and one election. Mrs. Ohanesian made a motion that the Board approves two resignations and one election as recommended by the administration, seconded by Mr. Norton and the Board approved the motion unanimously. Rev. Woods was absent.

Ms. Parsons made a motion stating: I move that the Board act tonight to place Dr. Helena Tillar on personal administrative leave from her position and all duties as district superintendent with full pay and benefits, noting that the Board's action tonight is based on the Board's majority belief and conclusion that the Marlboro County School District and the community need different direction and leadership. I move that we authorize the Board officers in consultation with legal counsel to take the necessary and appropriate steps to implement the Board's decision in this matter. The Board wishes Dr. Tillar the best in her future endeavors, expresses appreciation to Dr. Tillar for her past service to the district and promises to deal professionally and appropriately with her in concluding her employment relationship with the district. The Board of course reserves the right to modify or vacate today's action should such action be in the district's best interest. Mr. Driggers stated there

had been a motion and asked if there was a second. Mr. Norton seconded the motion. Mr. Driggers asked if there was any discussion. Mr. Coachman asked what grounds is this being done on, are you basing this on any grounds because this is the first we are hearing of this. He stated there had to be some discussion somewhere because this was very well put together. Ms. Parsons referred the question to Mr. Childs and Mr. Driggers said he wasn't sure they should address this type of stuff, he wanted discussion right now. Ms. Fleming asked what reason was being given for putting Dr. Tillar on administrative leave usually when someone is placed on administrative leave it is a policeman and he's killed somebody, She asked Mr. Driggers to tell her the community why Dr. Tillar was being placed on administrative leave and you have not given a time frame, is it temporary or is it permanent. Ms. Parsons stated this is the motion. Ms. Fleming stated I heard the motion but I'm asking for a reason. Mr. Driggers stated this is a discussion and Ms. Bright stated yes but we can't have a one sided discussion we have got to have answers. You don't have anything leading up to this , not you are not doing your job, nothing, there is nothing in writing to lead up to this. Ms. Fleming stated that you normally talk to the person and give them time to improve but none of that has happened in due process so give a reason why and maybe I could support you. Mr. Driggers said ok and ask if anyone else had anything else to say. Mrs. Bright said of course none of ya'll have to say anything because you all have already had your discussion. Mrs. Bright asked what gives y'all the right to do this and I do say y'all because I was not part of that majority that voted to do this. Mr. Driggers stated no one has voted yet. Mrs. Bright asked Mr. Driggers what the paper said; she said it said the majority. Mr. Driggers responded that if the majority voted for it then it would be the majority. Mr. Coachman stated from the discussion he has seen from the Board chair, he said pay attention to the Marlboro Herald, read the paper from last week. The Marlboro Herald distinguished what we are firing the superintendent over, are those facts in the Marlboro Herald what we are firing the superintendent over, and is that one of the main reasons. You've not given us anything, so we are going to buy her contract out, place her on administrative leave and think we can get away with it without being seen. He went on to say they were placing this county in jeopardy. There's no reason, no leadership and the kids don't even know where they are going to school at, where we are going to make improvements at and you are going to destroy this entire community based on hate. Mrs. Ohanesian stated that was not true. Mr. Coachman stated there was no other reason, give him a reason and maybe he could understand this thing. Mr. Branch stated that if he recalled correctly the last time the Board voted they decided where our kids were going to go. He said he didn't think they voted to leave them in limbo they knew where they were going. A gentleman from the audience asked where AMI was going. Mr. Branch responded that it was his understanding they would stay where they are. Mr. Driggers said it was time to call for the question and Mrs. Ohanesian called for the question. The motion carried 5- 3 with Mrs. Bright, Mr. Coachman and Mrs. Fleming voting against. Rev. Woods was not present. Mr. Coachman stated that he was against this motion and he removed himself from anything that could occur because of this motion such as lawsuits against this district, he was not a part of it. Ms. Fleming asked Mr. Childs if they had a super majority tonight, and if they had the right to do this. And Mr. Child's stated yes they have the right to do this. She then asked Mr. Pride and he stated that this was nothing but a pretext and really they were terminating her. Mr. Driggers stated it wasn't termination it was administrative leave. Mrs. Parsons made another motion that the Marlboro County Board of Education file a Declaratory Judgement Action in the South Carolina Circuit Court to determine the term of Dr. Tillar's employment contract with the district and the legality of South Carolina Law in provision 11 (C) added to the contract by amendment in November , 2014. Mr. Driggers asked for a second and Mrs. Ohanesian seconded the motion. Mr. Driggers asked if there was any discussion. Ms. Fleming asked if Ms. Parsons was saying Dr. Tillar was being given declaratory judgement. Went on to state she thought they needed to go to court. Mr. Driggers stated that was fine Nan you can go to court with her. Mr. Coachman spoke up and stated so basically we are going to buy out for three years at \$850,000 for Dr. Tillar's contract. He stated he was through with this. Ms. Fleming stated she did not care it was only money. Mr. Driggers ask someone to call for the question and Mrs. Ohanesian called for the question. The motion carried 5 – 3, with Mr. Coachman, Mrs. Bright and Ms. Fleming voting against. Rev. Woods was absent. Ms.

Parsons made another motion stating: Mr. Chairman I move that the Board designate John Lane, a current district employee, to serve as acting superintendent effective immediately with all authority and duties conferred upon a school superintendent by South Carolina Law State Board of Education regulations and district policy. I further move that the Board officers with consultation with legal counsel take the necessary and appropriate steps to implement this decision. Ms. Fleming seconded the motion. Mr. Driggers asked if there was discussion. Mr. Coachman asked had Dr. Lane already accepted the position and had it been discussed with Dr. Lane. He asked Dr. Lane to come up. Mr. Childs spoke up and stated he was sure the Board would discuss with anybody they were considering naming Superintendent. Mr. Driggers stated yes they did. Mr. Childs stated in executive session and he thought that would be proper. He recommended they go back into executive session with an employment matter and go from there. Mr. Coachman asked Dr. Lane if he was ok with this. Mr. Driggers called for the question Mr. Coachman asked if he had accepted the job already. Mr. Driggers stated they would find out in a few minutes. Mr. Coachman asked if they were going to ask him before they vote, he may turn it down. Dr. Tillar asked to speak before Dr. Lane. She stated what was occurring there this evening was a personal vendetta and it had been that way for a while. She stated she loved Marlboro County and she loved the school district. She also said she loved and respected each and every one of the employees and they have worked very hard. She stated she thought it was very important for them to understand what's important and keep what's important on the table. What's important on the table is the children and that is what's most important is the children. Dr. Tillar stated that she thought you could tell there was definitely a meeting before the meeting because the Board chair, they already had written statements of what she was going to say. She assured everyone that all was well with her, because the Lord sent her here for a term to serve them and she has done that. She also told everyone to not worry about her because she was going to be ok. She told Dr. Lane if this was something that he thought he would like to take on, he had her total support. She said she didn't know how they were going to have her on administrative leave and you running things, but whatever she could do to help him she was just a phone call away. She told Dr. Lane to not even put himself through the stress of speaking just sit down and don't even worry about it. Mr. Driggers thanked Dr. Tillar and called for the question. The motion passed 4 – 3 with Mr. Coachman, Mrs. Bright and Ms. Fleming voting against, and Mr. Branch abstained. Rev. Woods was absent. Mr. Coachman said the vote was 4-4 that abstains meant no. Ms. Parsons stated it was the majority of the vote. Mr. Driggers asked Mr. Childs to address that and he said it was the majority of the vote. Dr. Tillar addressed Mr. Childs and told him he had never advised the Board that the Board chair should not be voting. Ms. Fleming stated he had advised them nothing. Mr. Driggers stated there was nothing else on the agenda so someone move to adjourn. Mrs. Ohanesian made a motion to adjourn. Mr. Norton seconded the motion. Dr. Tillar's mother stood before the Board to speak and Mr. Driggers told her there was nothing on there for public speaking. She began to speak by saying my daughter and then she became very distraught. Mrs. Bright told her to not upset herself and Dr. Tillar told her that it was ok, she was ok. Dr. Tillar's mother told the Board she was going to pray for them.

- F. Adjournment:** Upon A motion by Mrs. Ohanesian seconded by Mr. Norton the Board unanimously approved to adjourn the meeting.

APPROVED:

Barbara Ohanesian, Secretary

Lucy Parsons, Chairman