

**Des Moines Public Schools
Special Meeting of the Board of Directors
1800 Grand Avenue
October 10, 2012, 6:00 p.m.**

The October 10, 2012, special meeting of the Des Moines Public Schools Board of Directors to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and/or to review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for the governmental body's possession or continued receipt of federal funds was called to order at 6:00 p.m.

Present: Boesen, Caldwell-Johnson, Elsbernd, Howard, Jongewaard, Murphy, Sweeney
Absent: None

Also in attendance for the meeting were:

Patricia Lantz, legal counsel for the Board
Superintendent Thomas Ahart
Drew Bracken, legal counsel for the Superintendent
Kevin Johnston, assistant football coach at Lincoln High School

Kevin Johnston confirmed that he requested the meeting be held in open session.

Ms. Lantz stated this meeting before the Board of Directors of the Des Moines Independent Community School District is to determine whether the Board should accept the recommendation of the superintendent to terminate the contract of Kevin Johnston effective immediately.

Mr. Johnston confirmed that he received a notice of the hearing date, time, and location, and that he is not represented by an advocate or attorney.

Conflict of interest statements from the Board of Directors were made as follows:

Ms. Caldwell-Johnson stated her son was a participant in the Lincoln High School football program and does not believe that will impact her ability to be impartial.

Ms. Boesen currently works with one of the coaches; however, not closely, and believes she can be very fair and impartial.

Mr. Howard stated he worked in the district for 35 years and dealt professionally with the HR department and with one of the investigators; however, he believes he can maintain his professionalism and be impartial.

A binder with material being covered was provided to each board member and Mr. Johnston. The reasons for the superintendent's recommendation to terminate the employment of Mr. Johnston were presented by Mr. Bracken.

As assistant football coach at Lincoln High School, Mr. Johnston was directly or indirectly responsible for the mistreatment of a sophomore student in the following ways:

1. By punishing the sophomore for merely expressing his opinion outside of school via Twitter.
2. By verbally abusing the sophomore.
3. By allowing other coaches, including an unlicensed coach, to verbally abuse the sophomore.
4. By allowing students on the varsity squad to verbally abuse the sophomore.
5. By engaging the bullying and harassment of the sophomore and/or allowing others to engage in bullying and harassment of the sophomore.
6. By subjecting the sophomore to conditions harmful to learning.

7. By allowing the use of unreasonable means to punish the sophomore.
8. By allowing the use of corporal punishment to punish the sophomore.
9. By failing to make reasonable effort to protect the health and safety of the students involved in the situation and/or creating conditions harmful to student learning.
10. By conducting professional business in such a way that you allowed the student or students to be repeatedly exposed to unnecessary embarrassment or disparagement.

Mr. Bracken stated the student has the constitutional right to express his opinion via Twitter during nonschool time at a nonschool location and not be subjected to punishment for doing so. Mr. Bracken further reviewed the information compiled which lead to the superintendent's recommendation to terminate the coaching contract of Mr. Johnston.

Mr. Johnston presented and read a statement to appeal the findings of an investigation and provided comments in response to the reasons for termination.

Following deliberation, a motion to approve the superintendent's recommendation was made by Ms. Boesen, seconded by Mr. Jongewaard.

Aye: Howard, Boesen, Murphy, Elsbernd, Sweeney, Jongewaard
Nay: Caldwell-Johnson

Motion carried 6-1.

Meeting adjourned at 7:25 p.m.