

Soldier Hollow Charter School Board of Trustee Meeting

January 17, 2023

3444 West 3000 South, Heber City, Utah

(All times listed are approximate. The Board reserves the right to vote on any item on the agenda)

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The Mission of Soldier Hollow Charter School is to utilize place-based education to foster autonomous, lifelong learning through knowledge of and responsibility for the environment.

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**Welcome (Call to order) and Roll Call: (5:30 pm)**

Closed session

Ryan Taylor call to order 6:41pm Tyler Partridge, KristiAnn Asarian, Ryan Taylor, Erin Merryweather, Amy Lusby, Michael Thorwegan, Erin Preston (attorney)

**Public Comment: (6:30 pm)**- The public may address any issue not related to items already on the agenda. Please refer to our Public Comment at Board Meetings Policy for procedures.

-Erin Preston counsel was called regarding situation related to Director Bennion in the fall of this year. Cohabiting with subordinate and a question of how to address a potential conflict of interest. On Oct 4 there was a board meeting called to discuss what constitutes a conflict of interest. No disclosure as of Oct 4 - by the board or Ms. Bennion at that time of any conflict of interest. Nov 24 Ms. Bennion was arrested and charged with a class b misdemeanor assault and domestic violence in the presence of a child. Pretrial protective order keeping her from the school. No contact with her children and school and did not disclose that to the SHCS board or school. Had to have been disclosed within 48 hours or as soon as possible to board chair or any member of the board. November 30 is when the school was notified by Utah Professional Practices the oversight body for educators sent an email to the board chair stating that they had been notified by BCI that Ms. Bennion had been arrested on Nov 24 a flag was placed on her account in CACTUS and they would schedule an expedited UPAC hearing (Was scheduled for Feb 16, it no longer is). Emergency meeting by the board was held that night after which Ms. Preston (with board direction) sent an email to Ms. Bennion and resent the next day notifying her that she was not allowed back to the school. Almost immediately received communication from Ms. Bennions attorney. Jan 4 - Ms. Preston sent Ms. Bennion's attorney an 8-page letter with board concerns as well as requesting information regarding the incident which was also requested by UPAC. Asked 14 questions relevant to her ability to do her job. Jan 9 - received an email from Ms. Bennions's attorney that did not answer any of the questions and included the statement, "SHCS has unfortunately become a place where Ms. Bennion no longer feels good about devoting her professional time and energies." Jan 6 additional charges were filed against Ms. Bennion, including tampering with a witness - (3<sup>rd</sup> degree felony) and violation of a protective order (class a misdemeanor). Additional documentation has been made public. UPAC hearing for Feb 16 - because of the felony and nature of other charges no longer option to have expedited investigation. Note that Tampering with a witness and violation of protective order, also did not report to the board within the 48-hour time line. Based on the totality of the information recommended by Ms. Preston to the board to consider possibly terminating employment of Ms. Bennion based on failure to report to the board, failure to report those charges to the board, failure to disclose her conflict of interest, failure to disclose she was prohibited from access to the school, and refusal to provide explicatory information for the board to consider. As of right now the only thing the board has to consider is what is in the public record.

-Ryan Taylor open to public comment - please come up to the podium and state your name for the record, as brief as you can.

-Bridgette Osguthorpe -question about financials of the school and ongoing fundraising - status of grants? Concerns about who is overseeing the grants. Jamie has been working on grants totaling \$140k that were due in December, what is the status. As well as \$300 donation, what is the status of that. Major concerns of Dave and Sarah Phillips being the only ones that oversee the finances and would like to understand better the boards role in that.

-Kathy assisting on grants and Ryan will find out status on those. Tyler Partridge and Rich Eccles introduced...Grants for Utah schools that Rich has been helping Dave and Kaara with. They are going fine and have been submitted on time. Rich has no specifics on the \$300k but the \$140k are all in Utah grants. Very strict oversight and Dave and Sarah don't have much to do with finances. Dave and Sarah really only purchasing after requisitions are approved by Dave and Rich. Dave mentions he shares financial and grant concerns.

-Emilia Richins - court documents from 2 documents stating that Jamie can be on campus why isn't she allowed at these meetings to defend herself or at least be present to hear what is being said about her?

-Ms. Preston - a pretrial amendment on the initial 3 charges that does allow her at the school but not to students.

-Emilia - Just at meetings, not to students, defend herself or not but to hear

-Ms. Preston-There has never been a prohibition of her talking to the board. Board stated that they were advised that she not be at the school. Specifically stated that she cannot come. She was told that she was told not to come. The information sent to her was with regards to the protective order.

-Emilia - when we asked the board at the last meeting they were advised by their attorney for her to not be present.

-Tyler Partridge - believe it is in reference to the initial email sent to Jamie at the beginning of December to not come to the school. Since then we have had additional conversations with her where we have noted that she is free to speak with us.

-Does she know there is a board meeting and that she is allowed to come?

-Erin Merryweather - the board meetings are public posted publicly at least 24 hours prior.

-But she was told by you that she was not to come. She was supposed to stay away from parents, students, staff, anything that had to do with SHCS. Last week, minute 20:12 Tyler Partridge, "she can go out and talk about whatever she wants and that's fine" but that is not what you sent to her.

-Ms. Preston – what I sent to her was in reference to the protective order that was in place that she had not informed us of. That she was in violation of that protective order.

-Laura Littman - we shouldn't sacrifice every child based on her children being here. If she can't be here because her children are here and the other parent is forcing that issue, he should take the child out.

-Ms. Preston – Her children are students at this school. No accommodations can be made; no requests can be made to interfere.

-Laura Littman – But you are interfering with everybody with every child here.

- And her violation of the protective order was her son seeking her out.

-Laura Littman – If the father doesn't want children near her he needs to take them out. Instead of involving everyone else

-Leis Overlie - Repeat information from her attorney about her intent to work here

-Erin Preston – "SHCS has unfortunately...(quoted above)"

-Dana Blazzard - she did disclose to one of the board members the day after it happened and has a text asking for additional information before the board met.

-Ms. Preston – there was a statement made to one board member regarding the protective order in reference to the divorce. She had a duty to disclose the arrest and the criminal charge, not the wording in divorce decree.

-Ryan Taylor – If we were to hire Jamie today in any capacity would she be hired or allowed in the building

-Erin Preston - Jamie could not currently pass a background check because she is flagged.

-Ms. Preston - Mr. Bennion does not have a role based on any school or legal documentation

-Grant Hagen? – I don't want someone that has not passed a background check around my student.

-Cara Hunter – Many people are aware of the list of questions sent to Jamie. Parents have done research on the questions. Jamie asked if she could respond in person rather than going through an attorney for thousands of dollars. Board denied. Will the board tell us what the questions are? Can you please read Question 14 Section D paragraph 1

-Ms. Preston – 1.) How could Ms. Bennion practically resume her duties as director given the current pretrial protective order issued by the justice court without involving SHCS staff or infringing on the rights of her children as SHCS students. Referring to comments of staff preventing students to having access to her. 2.) UPAC hearing question of professional ethics – SH requests Ms. Bennion supply all of her documents for further review no later than Friday, January 6 at 5pm. A copy of the Sheriff's report of Ms. Bennion's arrest, and a letter explaining circumstances surrounding Ms. Bennion's arrest as well as any other pertinent information she wishes to share. (Same as UPAC request). 3.) Failure to report – Why did Ms. Bennion fail to report her arrest in a timely manner (48 hours)? Why did she fail to notify the school of the child protective order filed by the justice court? 4.) Employment issues including claims of discrimination failure to disclose conflicts – When and how did Ms. Bennion inform the board of her LGBT status?

-Can you clarify where it says...why that's asked?

-Ms. Preston – This is relevant only to claims that she has made that the board discriminated against her with knowledge of that status. Why is it believed that that status is public? When and how does Ms. Bennion believe she notified the board and/or staff of her relationship with a subordinate? Relevant to required disclosure conflict of interest statement between her personal interests and professional responsibilities.

-There was a board meeting before about this and figured it out.

-And there are other people that work under other people at this school that are related or married.

-Supervisor/supervisee, and active director whose wife is right below him.

-Tyler Partridge – it's not that can't happen it's that it has to be disclosed

-Ryan Taylor – there is no direct reporting chain. Dave can't approve a raise or time off, there is a separation of duties, the supervisory relationship goes through a 3<sup>rd</sup> party, the board so that he can't give his wife a raise.

-Erin Preston – gone over in a public meeting what constitutes a conflict of interest and what are appropriate lines of authority. Ms. Bennion hired both Mr. and Mrs. Phillips knowing of the relationship.

-But now Sarah answers to Dave so that's a conflict of interest.

- Tyler Partridge – it's not that it can't happen, it needs to be disclosed so we can have reporting so that there is not the opportunity for conflict.

- Ryan Taylor – Mrs. Phillips does not report to Dave

-Dave Phillips – first one to bring that to the boards attention. Discuss with them openly on a regular basis.

-Erin Preston – 5.) Board requests Ms. Bennion provide substantiation for her claim that the board require her to disclose her divorce and same sex relationship with a teacher per quotes in attorney letter. 6.) Acting with a conflict of interest – When did Ms. Bennion notify the board or staff of a relationship with a subordinate and address actual or perceived conflict of interest created by that relationship given her oversight of a state charter, the SH staff? 7.) What was the basis of Ms. Bennion issuing said subordinate a 24% increase in her salary at the beginning of this year? Did she disclose her relationship with that subordinate to anyone at the school prior to the issuance of that raise? What is Ms. Bennion's explanation for the failure to document the subordinates absent, sick days, days of vacation time, consistent with her management duties overseeing?? 8.) We would ask Ms. Bennion to respond to the concern posted above. 9.) A staff moral/culture survey – Does Ms. Bennion have an explanation as to how should would address the concerns of the staff? 10.) The board welcomes Ms. Bennion's explanations of this behavior and basis for claims against individuals (specific claims made against board members and staff members). 11.) What plans does Ms. Bennion have to regain the trust of the board and staff necessary for her to return to a position working with and reposting to these individuals

-Katherine Lavender – Standard state issued survey sent out every fall? Same survey, done annually.

-Natalie Ballon – was it (survey) before criminal investigation – yes

-Bridgette Osguthorpe – do you have a conflict of interest based on your relationship with Jamie

- Erin Preston sent texts when she found out she was going through a divorce, but has not since she has taken on the attorney role on behalf of SHCS

-The letter sent out was there a requested response of Jan 6

--Tyler Partridge – yes that was extended and a conversation with Jamie where we told her it would be ok to request more time. She was aware that she could request more time and she was also aware that she could answer them herself in writing. Has the right to use her attorney.

-Could she meet with you in person now to answer them.

-Tyler Partridge – she could meet with us in person. We requested that she give us the answers in writing. But she could also meet with us in person whenever.

-Erin Preston - Request was sent on Jan 4 and received a response of non-response on Jan 9. On Jan 6 she was charged with the felony and the additional violation of the protective order.

-Dana Blazzard – False that the board was not aware of the relationship because they made comments about gay pride things to her before the closed session.

-Tyler Partridge– Made aware of the rumors Ms. Bennion is cohabitating with a teacher because she is going through a divorce. (October) Perceived conflict of interest. Removing perceived conflict of interest, change reporting requirements where the individual no longer reports to Jamie. It was not specifically disclosed. The board specifically said they don't care its none of our business because we can go with the perceived conflict of interest no-one in the school needs to know but we do need to deal with the perceived conflict of interest. It was not disclosed by Ms. Bennion. It was not until December, after she was put on leave, in a letter from her attorney that she claimed that she disclosed to us all that she was LGBT, in a relationship with someone in the school back in June and I had not known and went through an entire meeting with her in October where we didn't specifically ask her to disclose it at all and she suggested (don't want to put words in her mouth) that it wasn't true. Specifically said we don't need to know.

-What did you say about June

-Tyler Partridge – The letter from her attorney in June where she claimed discrimination said that she disclosed

-Ms. Preston – Dec 1 - letter from attorney said Ms. Bennion came out in June of this year and decided to leave her husband for a woman. Also present for the meeting in October where there was no disclosure the only discussion was that they were roommates. Conflict of interest issue – there is no conflict if it is disclosed and dealt with. Addressed in the SH policy. Available online Policy (SHCs website) 01-105

-Is that form applicable to any employee at the school, yourself and the board members?

-Erin Preston – If it falls within there being a conflict of interest, yes, but I'm not aware of there being a conflict of interest. Relationships have been disclosed. There have been rumors of other conflicts those have been investigated and have been found to be inaccurate.

- Where would we find those records?

-Erin Preston – Input from people in the school, community about conflicts of interests. Most of them being friendships with Jamie being a conflict of interest. Friendships with Jamie does not constitute a conflict of interest.

-I think it depends if you are friends with her husband or just Jamie or just her husband

-Erin Preston – I am not aware of anyone on the board who is friends with just her husband. I have never met her husband, I am not friends with her husband, I have spoken with him on the phone just once.

-Any forms that exist for any of the board members?

-Erin Preston – there are no conflicts of interest. Ms. Bennion has students at the school and some of those students have relationships with the students of board members.

-I mean the board conflict of interest outside of children.

-Rich Eccles – the board fills those out annually

-Tyler Partridge – those have been signed and we reviewed them. There have been no conflicts of interest that have been reported.

-So the board is reviewing the board's conflict of interest forms?

-Yes

-Erin Preston – I wasn't aware that the board filled those out. I disclosed my relationship and they know it. If you have something else that you wanted to ask I just ask that it not be disparaging.

-Nate Washington – Information brought up about Ryan viewed as a possible conflict of interest – won contracts with Steve Bennion – has this been recorded and approved? Won a contract with the school. According to the bylaws this is a conflict of interest – I would like to hear that relationship and how it affects your ability to make a decision as the board president allegedly – other board members that have relationships with both of the Bennions (both sides). To me it looks like a conflict of interest. I called your employer and asked the person who answered the phone if she could speak of your work if you were able to take bids for the expansion of the school and she said that you had helped in acquiring that bid. Asked if that benefits his superiors or himself and she said well of course it does. Won the job with an HOA and Steve Bennion was the previous or current job.

– Ryan Taylor - A job with an HOA that Steve Bennion became the president prior to being TO board president – unaware that Steve was involved with that. The claim of the school time was donated and no checks have been issued to his company. Went out to RFP and had a selection committee to select the architect and hired a contractor. They were struggling to find a structural engineer and I offered to provide the structural engineering for the school to get it moving in a timely manner. Since you notified the state I hope it gets investigated. I assume it will get investigated. But I have received no checks and won't as long as I am a member of the board.

-Erin Preston – no member of the board is compensated.

-Nate Washington – discussion about email regarding Jamie's leave being sent out before the holiday and hope it can be sent out again to make sure everyone has seen it.

-Tyler Partridge – I think we got out of that meeting and thought it should be sent out as soon as possible.

-Nate Washington – We feel like we are not heard

-Ryan Taylor – we thought we were doing good, that there was an easy solution to send out the information as soon as we did after that meeting.

-Terha Findarle – Came for some clarity- disgusted feel like Jamie has been railroaded. I don't believe anything the board says. Very conflicting. Very sad about all of this. Could have been fixed with some communication. Her personal choices are her own. I would love to see if she wants the opportunity to prove herself. I don't know what to believe. I'd like to know where we go from here. I would like to have some clarity before the end of the meeting.

-Nobody knew that we were changing direction. Couldn't do it without dragging her personal life through it. Can we get new board members? I have felt in the dark. The board wanted the parents to stay in the dark. When you don't that we are looking for a new director. What is going on with the school?

-Tyler Partridge – I will say that as of October there was no thought of replacing the director even to the end of November.

-Shana Smith – I didn't know when the board meetings were. Is there some part of her divorce proceedings that prevents her from giving you the information you're asking for? Up into this point I didn't know and I work here. Is there a way for us to continue until this is resolved legally?

- Ms. Preston – There was no discussion prior to Ms. Bennion's arrest on 11/30/23.

-You just said in October you had discussion of her cohabitating

-Erin Preston – Totally separate, there was nothing that came out of that that was problematic. What triggered this was her arrest and it was something that we found out about after the fact and notified about from the State Office of Education by the UPAC division. Has been going on – there has been communication that this was going to be resolved, there has been a desire to not make anything public until they actually knew specifics of what was going on and with assurances that this was all going to be settled. At the last meeting with the request from parents to provide more information is when I found on court records that there had been a second charges filed. And those were significant.

-the felony charges were her son running in and wanting to give her a hug and wanting to know where his mom was?

-Erin Preston – the record states for itself and I would disagree with your characterization.

-You werer holding an emergency board meeting last Thursday that nobody knew about because it was put on the Utah.gov website that day. It was rumored to be closed but it was a public meeting. You were going to fire her and we didn't even know that we didn't have a director, that she was put on leave. So we were going to get notice that she was being fired and we didn't even know she was on leave?

-Tyler Partridge – There's a lot of information. I am a board member. Last week when I was told there was a meeting I was not expecting to fire Jamie.

-But it said personnel action

-Tyler Partridge – we have been dealing with a personnel action for 2 months. We have had many "Emergency" board meetings where we have listed them 48 hours in advance but we have been meeting a lot more as a board over the last 2 months because of the ongoing issue.

-But nobody knew there was an issue

-Tyler Partridge – the teachers were told when she was first put on administrative leave. We did not send anything out to parents. That was decision made to keep it personal to Jamie

-Shana Smith – it was not sent to all staff did not know she was on leave. I heard through another teacher who asked me how I felt as a parent.

-Ryan Taylor – We heard you on Thursday about the communication issue and I don't disagree. The intent was to not have to explain all of these details if we didn't have to. They are people.

-But you didn't tell us anything. There is basic information that could have been given.

-Anne Strub? – Charter schools are a government agency how do procurement lobbying rules affect this school

-Erin Preston - this school is bound by state procurement laws and has followed state procurement laws. The RFP was followed

-Anne – Even with Ryan

-Erin Preston – That's the opposite of a conflict where he is donating time

-Anne – His value later to win future bid with the school

-Erin Preston – There are no future bids with the school

-Ryan Taylor – I understand what she is saying that I do this pro-bono in order to win future bids. I have no intent of doing a futre bid and I most certainly won't do it while I'm on the board.

-Erin Preston – just to add the architect and/or contractor chooses the engineer, not the school.

-Mike Bronson – Erin Preston has the best interest of the school. I have a lot of faith in her and what she is doing she doesn't have an axe to grind, the board is doing the best they can. Hats off to the entire board for everything they do and the time they put in. I love Jamie, she has been a great principal.

-Nate Washington – managing a crisis – what is the plan moving forward? What is the time line? Is Dave doing this by himself is there someone else helping him? How are we going to get the wheels back on track is there a draft of a plan going forward?

-Ryan Taylor – there's a start of a plan. We haven't made a decision yet. We can't get together just to get together. We have to publicly notice it, it has to go through a process. Temporary or perminant we have an assistant director, we have asked one of the teachers that has some administrative background to step in and help and we have reached out and have a proposal from a consultant that can help. We have not decided to hire. That is \$100/hr. We also have Rich.

-Can any decision be held until there are formal charges?

-Can Jamie be here for the board meetings? Going forward if there are more, can she come when she is being discussed?

-Erin Preston – sent an email to her once the school had received notice that there was a criminal protective order to not come to the school. Ms. Preston has never communicated whether she could come to board meetings. Erin Preston sees no reason why she can't be here as long as those in the protective order are not here. How long it can go on? The expedited hearing with UPAC has been withdrawn based on the felony charge and could go on possibly a year. Her advice to the board is to weigh what you know and is it in the best interest of the school?

-Ryan Taylor - What do other schools/charter schools do? The board has been very cautious.

-Erin Preston - Other schools have fired after a non-report as soon as the 48<sup>th</sup> hour is over. She cannot pass a UPAC (cannot pass a background check).

-Why have 2 judges cleared her to be on property? The divorce judge allows her to be at the school, but the other does not. Every allowance has been made.

-Erin Preston – There is a divorce judge that has issues a protective order that is very broad. There are 2 judges. This judge has filed a pretrial amendment that allows her to be technically at the school but with the same restrictions of being around kids. We have to infer the worst based on the information we have on the case.

-Ryan Taylor – There is the protective order but there are also the flags on the CACTUS system about who can be on site with the students.

-Erin Preston – On the first arrest there was a domestic violence tag is very serious and will be a flag on an educator license if not withdraw the license. A felony is that much worse. Neither has been removed.

- on record Jamie is welcome at the board meeting?

-Ryan Taylor - yes

-Ava Treu – How do the teachers feel about this? I heard that many of the teachers don't want to be here if Jamie is not here? What does that mean for our kids?

-Erin Preston - Survey responses indicated many teachers didn't want to stay with her as principal.

-Ryan Taylor – There is a divide forming and the longer this goes on the bigger the divide will be. I don't like to make decisions lightly. Our responsibility to is to students and their safety. Student safety is 1<sup>st</sup> priority, 2<sup>nd</sup> to the school, and 3<sup>rd</sup> to the individual. We thought we could keep going into February but based on the new information it could go on a lot longer.

-Addie Taylor – The biggest problem hearing about this last week, had no idea what was going on. I was sending emails to Jamie to specific things that were not being responded to. No response. If I would have known that she was gone I could have communicated with someone else. More transparency and communication

-Are you updating policies and procedures – it's on the list, higher on the list now

-Elise? My interest is current and future - I think we need to take caution in putting allegiance in one person or one stance. No good in not being able to hear or learn from the other side. Circle the wagons...to support our school, students, and teachers. Support Ms. Bennion and her kids but allow us to move forward.

-Seth Hunter – Jamie Bennion is not a felon – she is a great person. Our school is much better off with her than without her. I request that we take a little more time to gather the real information. If it is pending on legal matters that ...I am requesting more time.

-Earlier you said you had given her more time, what does that time look like?

-Tyler Partridge – that was in response to the letter that was sent with the questions. We told her she could request more time.

-Nate Washington – If you decide a timeline and we move forward without her – and her charges are dropped – is there recourse?

-Erin Preston– 2 parts – of everything is dropped she is eligible for rehire, that would be based on any information that came forward, I can only advise based on information that we have.

-Nate Washington - If you move forward with someone else, you hire someone else and charges are dropped is there any reason for the school...lawsuits against the school? Is that one of the reasons

-Tyler Partridge – Even if the charges are dropped, we have a situation where our director did not report the arrest, she went to court that day then came to a board meeting and reported to the board some information did not disclose the arrest. After we asked for more information, we got some but not as much as we wanted. A second time where the director did not report.

-Nate Washington – She is on paid leave, you are still paying her on what basis? Is it a CYA basis?

-Erin Preston – Keep kids safe, follow the law, tax payer – You're asking a tax payer questions – How long does she continue to get paid...as the evidence continued to mount it became a bigger point of analysis – that is something the board needs to continue to look at.

-Ryan Taylor – there was a point where we thought this could be resolved quickly

-Is there a law that states how long a teacher can receive paid leave for?

-Erin Preston – there's not but there's a state charter board where the president is looking to see if the school is handling the situation correctly. It's subjective. All human resources issues have a human element makes them not easily categorized.

-So there's a possibility of bringing someone else in and still paying her.

-Yes that is one option.

-promoting a teacher from within the school is not going to be great for moral. Also disruptive to children and classrooms. If you are choosing someone for a temporary situation called an interim director and have greater resolution in the coming school year in a more cohesive place.

-Has any teacher specifically said they will leave if Jamie doesn't come back...that is a rumor. Have they notified you guys?

-Ryan Taylor – I haven't heard anything. There has certainly been support, but I don't know.

-Kaara Peterson – (5<sup>th</sup> grade teacher) I'm deciding tonight if I am returning. Something similar to this at the Colby school where I witnessed the division of teachers and parents and it trickled down to the students. It is happening here now. Working hard together. We are maintaining. Kids are getting what they need. Either move forward and do what's in the best interest of our students. Take the advice of rallying around. We are all suffering.

-Katherine Lavender – I am a pediatrician, I am also the board president's wife, that is my conflict. As professionals who are charged with the safety and welfare of students we are held to a higher standard. My understanding is that we have no choice. We have a person who cannot come back until her background check has cleared. Now we can make a choice to divide or rally the wagons. We have done this before. Let's figure out where we go from here, how to bring our teachers together. Hiring a new principal is not a quick process, it can take months. These teachers are going to ask to recommit by March without knowing who their new boss is. Give the teachers some security. Stop talking about things that are beyond our control. Let the legal system play out. Now we need to figure out what's best for our students and our teachers.

-Can the board tell us what teachers have shown interest in that position? I think that is relevant.

-Ryan Taylor – No, we have asked Kaara to help but that is different than stepping in as an interim director. I don't think we have broached the subject with any of them.

-David has been named the interim director, is that correct?

-Ryan Taylor – no he is still the assistant director. We have not named an interim director.

-Ms. Kaara is a teacher to one of my children, would she leave if she was asked to be interim director?

-Tyler Partridge – that is probably how it would work but we have specifically talked and said we do not want to remove a teacher. The priority is the teachers in the classrooms.

-Ryan Taylor – the thought that we would remove a teacher mid-semester is not desirable.

-Jamie Bennion – I did request a verbal opportunity to address the questions. And I was told no by Tyler and Amy. I didn't want to pay an attorney to write the letter when I could explain it in words and we could have a conversation and we be adults and we could work through this and I was told no. I want nothing more than the best for this school. I apologize for the mess. I want nothing more than to be here. I have had no communication for over 40 days. I requested communication multiple times and didn't receive any. I paid my attorney to tell the school that they were missing out on grants. I care about this school and your kids. And I would love an opportunity to talk to the board and go through those questions. I was told at the end of November that I could have no contact with parents, students, teachers, or anyone associated with the school. I kept my word. Which is why I didn't respond to texts and messages.

-Can you talk a little bit about not alerting the board about what was going on. Is there something we don't know? I'm a little bit concerned about keeping that deception. And I think that's what we are having to look at right now.

-Jamie Bennion – I did notify a board member within 48 hours, I had a conversation with a board member. I was not aware; it did not get brought up in the board meeting we had later. I told someone and it didn't get brought up in a closed session we had in this room and I was asked to leave. Nothing was said about it. The next day my email was shut off. I was sent a you are on leave letter to the email that was shut off and I found out I was on leave from staff.

-If you are on paid administrative leave shouldn't your email still be on?

-Jamie Bennion – I don't know; I didn't ever get any messages. I received 2 emails then from December 3 to January 9 I had no communication from the board and I asked for it.

-Do you feel professionally that you are the adequate person to do that, to heal your staff

-Jamie Bennion – From what I know and from the teachers that have reached out to me I feel that yes without a doubt I could walk back into this building and we could kick some major ass. The relationships that we have that we could do that. Is everyone going to agree with that, probably not? Am I going to mend those relationships, yes. It will take work. I am willing to do that.

-You're not legally allowed to be here. How do we move forward to we hire someone else, it's the timeline?

-Jamie Bennion – I have 2 judges that say I can be here.

-If Jamie is allowed to be here and we are looking for an interim director, with her protective order, and being on paid administrative leave, there is stuff she could still be doing either after hours or from home.

-David Phillips – Last year was the most spectacular year I have had in education. What I am going through right now is not something I would never choose to be going through as a 2<sup>nd</sup> year administrator in a school. No one here is winning. I cannot continue to work here with the things that I know and the things I have experienced. I will not continue to work here under the circumstances, I will stay here as long as I possibly can, but everyone in this building is suffering, everyone is carrying the weight of this. Last year the partnership Jamie and I had was phenomenal but that partnership is gone. I will respect any decision of the board and if they decide to bring Jamie back I wish you all the best of luck. We need a decision and I request the board make a decision.

-If she is able to come up with her with such humility, why wouldn't you be able to

-He does not need to answer

-Samantha Hughes – The school does not operate with an administration that is divided. Our entire staff is divided.

-A solution or a temporary solution – keep her on paid leave and let her do her job from home.

-Erin Preston – An educator was arrested, cited or charged with the following offenses shall report the arrest, citation, or charge within 48 hours. This is not reporting there is a protective order this is reporting there was an arrest, citation, or offense.

-Jamie Bennion – The arrest was reported. It was communicated to Erin Merryweather

-That you had been arrested for domestic violence?

-Jamie Bennion – yes

-Erin Merryweather – what you told me was that the cops were there, you'd been set up. You said there's something in place and I repeatedly asked what does this mean for the school? And to start off the conversation I was very careful when we met that I wanted to be there as a friend. If this is a board issue, when we talked about it you were very distraught. You did not tell me you were arrested and that you spent the night in jail.

-Jamie Bennion – I did

-Erin Preston – the initial arrest was on the 24<sup>th</sup>, she had until the 26<sup>th</sup>. The second charge was on December 6 she had until December 8<sup>th</sup>.

-Erin Merryweather – I asked several times can you give me anything, I don't know what you're telling me

-Jamie Bennion – You sent me a text asking to give me information and the next day I was given a gag order

-Was that within the first 48 hours

-Jamie Bennion – no I told her within the first 48 hours

-Will this come down to the board.

-Yes, this is a board decision

-I would like to second the request to move forward to hear the board's decision. We will need a decision; it will give momentum to move forward to everyone.

-I feel like before a decision is made Jamie deserves an opportunity to answer those questions.

-Erin Preston – she has had an opportunity to answer those questions. It did not have to come through her attorney. I had to communicate to her attorney. The answer back was that there wasn't going to be an answer and the documents weren't going to be provided. The board is not in a position to consider whether that is a financially viable option for Ms. Bennion. We were notified that she was represented by council and at that point the only communication I could have and I could have on behalf of the board was through her attorney.

-I understand that but she is here tonight saying she would like an opportunity to have a conversation and to provide the information that you all want.

-Jamie Bennion – and I did request it, I requested it before

-Tyler Partridge – We disclosed that we had a conversation where we would like the answers in writing. And you can request more time.

-Amy Lusby – We requested answers in writing because we would like to have documentation that goes along with the answers that we need to consider

-Tyler Partridge – when there are conflicting stories you need documentation

-I think there's a way to accomplish both goals. Documentation can be sent to reference but a lot of this is complicated and to write all of that up I don't know how you would do that.

-Jamie Bennion – I received the letter with a little over 48 hours to respond and with conflicting dates. One was Friday and the other was Monday, either way it was less than a week.

-Documentation that needs to be given can be given, the conversation can be recorded, you can transcribe it so you have everything in writing, but those are complex answers. To be able to have an exchange is valuable to both sides to be able to ask clarifying questions.

-She was offered that.

-Are you saying the board offered a conversation

-Erin Preston - offered her a chance to respond.

-I don't understand why a verbal conversation is so off the table

-Tyler Partridge – she gave to us in writing specific allegations and made statements that we needed to understand and she gave us the first ones in writing, give us the second ones in writing.

-I think the media would agree that the questions were very intrusive, none of anyone's business. There are some of the questions that you can't ask, you just can't ask them.

-Erin Preston – she didn't answer any of the 14 questions and she didn't provide the documents that were requested including the police report and an explanation of what happened. If she would like to do so that's entirely up to her, but answering any of the questions would have been helpful.

-I think that she has to be careful because she has 3 different situations going on

-Erin Preston - You are right, if I had a client who could be compromised in one area by answering in another area I would tell her not to answer that's not the school or the boards fault but that does leave the board in a position where they don't have answers.

-Erin Preston – UPAC and the school have asked for a copy of the sheriff's report and a letter explaining the specific circumstances surrounding Ms. Bennion's arrest. Along with any other pertinent information she wishes to share. We have not received that. I can't speak for the board. If she is willing to share that it is up to her. That was written by UPAC when there was one set of charges, not 2.

-Jamie Bennion – I do have a UPAC hearing scheduled in February.

-It's been canceled

-Jamie Bennion – I already have it scheduled

-Erin Merryweather – I would like to motion that we go into closed session. Pending litigation

-Ryan Taylor – I have a motion

-Michael Thorwegen – Second to go into closed session

-Are you allowed to vote in a closed session

-No

-Ryan Taylor – I have a motion and a second, any discussion on the motion

-Why did you stop people from talking

-Ryan Taylor – I think we would like to confer with the attorney so we can continue the conversation is the way I understand it. I have a motion and a second I need a roll call to go into closed session.

-Tyler Partridge, KristiAnn Asarian, Ryan Taylor, Erin Merryweather, Amy Lusby, Michael Thorwegen

-Erin Merryweather - 1042 January 17 Roll call Tyler Partridge, Kristann Asarian, Erin Merryweather, Amy Lusby, Michael Thorwegen. Ryan Taylor has left, he has a medical condition, he has excused himself.

Statement from Erin Preston – Upon analysis Jamie Bennion has had 54 days to tell her side of the story. She was not told to go on administrative leave until November 3 which she received on December 1. Assuming she interpreted that as she couldn't talk to the board, she still had from November 24 – to December 1 to notify the board of her arrest. The notice she claims she gave to Erin Merryweather was 3 days after the arrest, not 48 hours. It was in a conversation where Erin Merryweather specifically told her she was talking to her as a friend not a board member, but even within that conversation Ms. Bennion did not say that she was arrested or charged as is required by law. The second violation for which she is charged of felony tampering with a witness and violation of a protective order took place on school grounds on November 28 before she was asked to go on administrative leave. At that point in time she still had not told anyone of her arrest and had not disclosed the criminal protective order. SH did not receive notice of her arrest until UPAC, the State Office of Education sent an email to the school on December 1. Lastly, there's other information out there in the public record that the board is choosing not to disclose for the sake of minor students involved.

-Amy Lusby – I have a motion. I move to terminate Ms. Bennion's employment with SHCS effective immediately.

-Erin Merryweather – do I have a second

-Tyler Partridge – I'll second that

-Erin Merryweather – All in favor

-All aye

-Erin Merryweather – motion passes. We will move all other agenda items to another date.

-Michael Thorwegen – motion to adjourn January 17 at 10:46pm, all in favor

**Reports: (6:40 pm) Board Committees Report– Board Action may be required – (10 min)**

1. PTO (Parent Teacher Organization):

- Proposals -
- Recent events -
- Fundraisers -
- Future events and preparations -

2. Financial Accountability Committee: (15 min)

- Financial statement from prior Month Rich Eccles and Tyler Partridge -

3. Facilities and Transportation updates:

4. Capital Fundraising – (15 min)

- School field trips- fundraised monies
- Wish List for the school--School Projects
- Landscaping update

5. Academic Excellence - (10 min)

6. Executive Committee Report: (10 min)

- Policy updates -

6. Report: (Board action may be required) (20 min)

- Director –
- Assistant Director –
- Special Ed Director –

**Action Items:**

- Accept the Financial report from
- Approval of the Meeting minutes from prior months
- Possible HR action regarding Director Jamie Bennion – Amy Lusby motion to terminate the employment of Jamie Bennion effective immediately, second Tyler Partridge, all in favor
- Financial Access -

**Adjourn meeting:** motion to adjourn

Closed Session: Soldier Hollow Charter School reserves the right to enter into a closed executive session for one or more of the purposes outlined in §52-4-205 of the Utah Code of Open and Public Meetings Act.

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