

CASCADE PUBLIC SCHOOLS
RESPONSE TO THE “DID YOU KNOW” DOCUMENT ACCOMPANYING A PETITION
JANUARY 16, 2018

OVERVIEW

On December 4, 2017, the Board of Trustees received a document titled “DID YOU KNOW” together with a Petition in reference to Superintendent Justin Barnes. The Petition contains over 20 pages of signatures. At the December 19, 2017 Board of Trustees meeting, the Board discussed and approved of an adhoc committee to review the contents of the “DID YOU KNOW” document. The committee consists of 3 trustees, namely Val Fowler, Chair of the Committee, Blake Standley and Deanna Hastings. The Committee was charged with reviewing the claims set forth in the “Did You Know” document, researching the claims to determine the validity of the claims, and reporting the Committee’s findings to the Board in January of 2018.

Collectively, the Committee has spent in excess of 30 hours researching the claims contained in the “Did You Know” document. In addition, the staff have spent in excess of 10 hours of time assisting the committee. We have taken the claims seriously and, as you can see from the time we have devoted to this matter, we have taken our responsibilities seriously. As you can see from the responses set forth herein, the Committee found that many of the claims are statements in isolation without the full context of the subject matter, issues that have been decided by the Board with full knowledge of the facts and impacts on the District, or unsubstantiated.

The following sets forth the introduction contained in the “Did You Know” document along with the Committee’s findings on each of the claims set forth in the document.

INTRODUCTION CONTAINED IN THE “DID YOU KNOW” DOCUMENT

The “Did You Know” Document contained the following introductory statement:

DID YOU KNOW?

The Cascade School Board of Trustees will soon begin contract negotiations with school superintendent Justin Barnes. We need to let them know, in no uncertain terms, that they cannot renew his contract. Please read this information, contact your school Board members, and tell them that Justin Barnes can no longer be our superintendent.

RESPONSE TO EACH CLAIM CONTAINED IN THE “DID YOU KNOW” DOCUMENT

1. 55 staff members have left our school since August 2013, Mr. Barnes’s first year in Cascade.

Board Response: 45 full time and part time employees including bus drivers, custodians, kitchen assistants, administration, secretaries, and teachers have left the District. According to letters of resignation, 10 retired, 30 took promotions or changed fields, spouses left area, and were 4 nonrenewed.

45 employees left the District that were seasonal, after school help, coaches, drivers ed instructors, and substitute bus drivers, custodians, kitchen assistants, or teachers. Of those, 1 was terminated. Others, according to letters of resignation, found full time jobs or left due to family circumstances. The school Board was informed of every employee movement.

2. Following Mr. Barnes's suggestion, the school board froze the funds from the technology levy that the community passed in 2012.

Board Response: At the August 15, 2017 Board meeting, Trustees Deanna Hastings, Blake Standley, and Rick Cummings discussed that they had talked with community members about tax increases and maintenance repairs. They felt the Board should consider not levying the full Technology permissive levy. This decision was made to lessen the burden of tax impact to taxpayers from Building Reserve permissive levy under Senate Bill 307 to use for deferred maintenance. The finance committee reported that the technology needs for the District are budgeted starting in November, with funds being appropriated in July and August for the next year. Feeling comfortable that the technology needs for the year had been met, the Board voted to freeze \$15,000 of the technology funds, in hopes of being able to reappropriate the monies to the FY19 budget, and reduce the tax requirement of taxpayers to fund the Technology Levy for that year. It was agreed that the funds would remain frozen unless they were needed for an emergency situation.

3. Student's technology needs will no longer be met while the money that we are taxed will be spent as the Superintendent recommends.

Board Response: Answered in previous statement.

4. According to Barnes, the school's PA and intercom systems need to be replaced. Instead of using technology funds for these repairs in full, Barnes has applied for an Intercap Loan which is allowed under the Permissive Levy that the Board passed in 2017 that does not require a community vote.

Board Response: Board Trustee Blake Standley recalls the intercom being brought to the facilities committee in September of 2017. Mr. Barnes and Head of Maintenance reported that the intercom system was aged and beyond repair. Because of safety concerns, the facility committee agreed that funds needed to be allocated. On October 10, 2017, the finance committee met to discuss the allocation of funds to the concerned areas that were provided by the facilities committee. The finance committee then ranked the concerns. The finance committee agreed that deferred maintenance is a problem that needed to be dealt with for the benefit of the District.

The option of an intercap loan of \$120K for 3 years at 2.5% was agreed upon to cover \$82,113 for the old gym unit heaters/hot water system, \$28,825 for the PA System, \$20K for the sewer system, \$18K for the sound system in new gym and \$3K for the portable sound system. Loan payment would be made from the Deferred Maintenance permissive levy approved by the Board at the August 15, 2017 meeting. The rest of the repair expenses were to be paid for with Building Reserve funds and \$15K from the tech fund that the Board had originally frozen. This strategy was approved by the Board at the October 17, 2017 Board meeting.

A Special Meeting was called on December 8, 2017. Mr. Barnes and the District Clerk explained that there was a problem with the terms of the intercap loan because the verbiage in the intercap contract had not been amended by State Legislation upon instatement of Senate Bill 307 for the Building Reserve permissive levy. The District would have to take on a 10 year loan, payable in 3 without penalty of prepayment, in the General Funds, as opposed to the Building Reserve Funds. A second option was proposed and approved by the Board to use monies from the Bus Depreciation Funds (via a safety transfer MCA 20-9-236), Flex Funds, Technology Funds, Interlocal Fund, and Building Reserve Funds to fund the deferred maintenance projects.

5. The boiler system has been in disrepair for years; instead of repairing the boilers, he recommended to replace the school's floors to the tune of \$48,000 while reporting in the December 2015 Minutes that the repairs would be \$11,500 to 12,000. Additionally, the roof, that has needed attention for years, continues to leak on these brand new floors.

Board Response: The Cascade District had 2 boiler systems. The boilers have passed inspection every year since 2010. The District has been looking at the effectiveness and efficiency of them for years. As problems arose, fixes were done because totally replacing the system was too expensive. The December 2015 minutes read “carpet vs tile throughout building quote of \$11,500 - 12 K” (difference). At a Special Meeting on May 29, 2016, flooring was discussed and tabled. In early June of 2017, the Board was contacted about choosing vinyl flooring for school hallways. On June 22, 2017, the District entered into a contract with Pierce Flooring and that contract was paid September 19, 2017 using funds from the Interlocal Agreement. The total for all flooring replaced at CHS was \$52,157, CL#5194, October 12, 2017 Agenda. Expenditures were approved by the Board at the October 17, 2017 meeting. In the code violation reported on August 8, 2017 from The Hartford Steam Boiler Inspection and Insurance Company, it was stated “Leakage has developed at a section gasket lower right rear of boiler.” This system is the one that was decided on to replace with something more effective and efficient using funds discussed in bullet #4.

6. Mr. Barnes's salary is \$95,328, making him Class C's highest paid superintendent.

Board Response: The Board designated a Negotiations Committee to negotiate the terms of Mr. Barnes's employment contract with the District. The Negotiations Committee makes recommendations to the Board regarding the terms of Mr. Barnes's employment contract and the Board ultimately votes on the terms of that contract. Mr. Barnes's salary for the current year (2017-2018) is \$99,828. In comparing Mr. Barnes's compensation package (base salary, health insurance, deferred compensation, etc.) to other similarly sized Class C schools, it is important to look at the overall salary and benefits that Superintendents receive. By way of example, while many Superintendents have health insurance as a benefit, Mr. Barnes' current contract does not include a provision for health insurance. The overall increase in salary and benefits for Mr. Barnes from the 2016-2017 to 2017-2018 contract years was an 8% increase; 3% overall administrative, plus a onetime 5% longevity raise. As a side note, it is vital to the success of our District that we remain competitive in recruiting and retaining a highly qualified Superintendent to operate the District on a day-to-day basis.

7. Mr. Barnes's salary has been raised by over \$25,000 dollars in his short tenure. By contrast, the board gave the teaching staff a 0% raise in 2017.

Board Response: The negotiations committee includes three Board members and the teacher's union representatives. The teacher's union elected to **NOT** do the 1% raise on the base due to budget for fiscal year 2018. This was discussed and voted on amongst the teachers' union and brought to the negotiations meetings. The teacher's did however receive their steps and lanes raise (years of service and educational degrees) which amounted to an overall average of 3% raise in 2017-2018. All administration, including Mr. Barnes, received a 3% raise, mentioned in Bullet #6.

8. In addition to his disproportionate salary, for the past four years, Mr. Barnes has lived rent-free in a home provided by the taxpayers.

Board Response: Mr. Barnes' contract stipulates that he reside in District housing. Per Mr. Barnes' contract: "4.12 District Housing - As a condition of employment and as business necessity, the Superintendent is required to live in housing that is provided by the District in order to enable the Superintendent to properly perform the duties of his employment with the District."

9. He has chosen to spend taxpayer dollars on unneeded clerical staff to lighten his own workload instead of spending funds in the classroom where they belong.

Board Response: Per the March 21, 2017 Board Agenda: In July 2015, the board approved a number of safety renovations. The facilities committee, together with McKinstry and the sheriff's department, determined that relocating the main student office would greatly improve security by routing visitors through one main entrance, resulting in high traffic volume in one main entrance. This move added to the high volume of morning phone calls and visitor check-ins, as well as increased the duty requirements beyond one staff member. The recommendation for an additional staff member was approved by the Board.

10. Taxpayers are funding a full-time technology director when most other similarly sized Class C schools operate with no full-time technology director and find more efficient means to handle the IT needs.

Board Response: There are 4 similar sized class C schools that have full time IT employees. 10 are contracted or part time. We are fortunate to have a full-time IT staff person dedicated to meeting the technology needs of the District, the staff and the students we serve. Technology has been identified by the Board and the Staff in the Strategic Plan as one of our priorities over the 3-5 years. Having a staff member experienced in technology hardware, software and applications furthers the established goal of the District.

11. Mr. Barnes lied to the Board and community when explaining his reasoning for an additional front-office secretary. (See attached documentation)

Board Response: Same response as bullet #9. At the March 21, 2017 Regular Meeting, the Board accepted the recommendation and the rationale and ultimately determined to hire.

12. Most Class C schools operate with less administrative staff than Cascade. Belt, which has higher enrollment numbers, operates with a superintendent, one principal, one secretary, and a

business clerk. Mr. Barnes has a personal secretary, a main office secretary, a front office secretary, a clerk and two principals. (See attached spreadsheet)

Board Response: 4 out of 12 Class C schools, including Cascade, have 3 administrators and 4 clerical staff. 8 out of 12 Other Class C schools have less.

13. Mr. Barnes has entered into an unprofessional, adulterous relationship with one of his subordinates, the maintenance supervisor. This relationship could end up costing the district thousands of dollars in legal fees. At minimum, it merely adds to the list of his unfortunate choices demonstrating poor decision making on his part.

Board Response: Personal issues are just that: "personal." Off duty conduct is not relevant unless there is a disruption of school operations.

14. In the September 19, 2017 Board meeting, Mr. Barnes stated that he believes this relationship is no one else's business regardless of the potential liability it presents.

Board Response: Answered above.

15. After he entered into the inappropriate relationship, Mr. Barnes recommended and the board approved a \$1/hour raise for all custodians.

Board Response: After an extended vacancy of custodial employees and no applicants for the position, Mr. Barnes recommended a raise of \$1.50-\$2.50/hour to entice applicants. The raise would ultimately be less of a financial impact to the budget than the overtime hours currently being paid to the few custodians on the payroll. A Special Meeting was held on August 31, 2017 to discuss the recommendations to increase custodial salaries. The Board approved the increases.

16. In an effort to 'avoid' a conflict of interest, Barnes assigned the maintenance supervisor supervisory duties to the 7-12 principal, whom he supervises.

Board Response: The conflict of interest was addressed when Mr. Barnes removed himself from direct supervision of the Maintenance Supervisor. There has been no grievance reported from 7-12 Principal over this change.

17. Montana State Law 50-74-30 states "...a license is required to operate boilers and steam engines..." yet the past two maintenance supervisors, including the current maintenance supervisor, have not held this license meaning the school must pay another person/company for the expertise in addition to the full salary for the maintenance supervisor.

Board Response: Cascade Public Schools is legally covered under the umbrella of A.T. Klemens in regards to MCA 50-74-30, which means our custodians are not required to have boiler licenses. It was determined that the previous supervisor **was** in training to get boiler licensure and left before getting licensed. The previous two **had** their boilers licenses. Our current Maintenance Supervisor has obtained all the training and education necessary to take the test to become licensed.

18. Mr. Barnes's executed employment contract and house rental agreement with the school was requested on 11-6-17. The original housing agreement that the Board put out to the public states

that the superintendent is required to pay \$900/month to the district but there is no record of this payment ever taking place.

Board Response: Mr. Barnes contract was provided on November 21, 2017. Cascade Policy #7540 states “Cascade Public School housing is maintained for the purpose of providing housing for staff of the Cascade Public School. However, housing may be rented to qualified community applicants after faculty and staff needs have been met.....If no staff member is interested, the Board may rent the house to a community member. Policy #7540F1 outlines that rental agreement which shows the community member would pay \$900 as monthly rent.

19. Among other enrollment decreases, our school has lost over 13 students since last spring, due to parents being fed up with Mr. Barnes and the actions of the board. This loss has effectively cost the district tens of thousands of dollars.

Board Response: We had 32 student from the 2016-17 school year who did not re-enroll at Cascade. Of those 32 students, 4 left because of Board decisions, these numbers come from actual student enrollment information from May 2017 and August 2017. For 2017-2018 School Year the total new student enrollments were 48 students. To note ANB enrollment numbers are submitted to OPI in October and February of each year. For the last two school years we have lost approximately 29 students, prior to the 2016-2017 school year we do not have numbers for non-returning students. For the last three school years we have averaged approximately 29 new students at the beginning of the school years.

20. Mr. Barnes commissioned the 7-12 principal and the title 1 teacher, who has been tasked with curriculum direction, to institute a new K-12 writing curriculum that ends with requiring seniors to write nine research papers of 15-20 pages each. These excessive changes were made due to “[declining] test scores” according to the 7-12 principal in an October 12, 2017 Courier article.

Board Response: As per Policy #1005 SG: The Board of Trustees of Cascade School District are committed to embracing and monitoring data, even when the information is negative, using analysis of data to drive continuous improvement through teaching and learning. The Board will view data as a diagnostic tool, without the emotional response of assessing blame. As a Board we will continue to identify specific student needs through data, and justify decision based on data, knowledge and informed perspective, rather than on the basis of opinion, power or political persuasion. 10.55.701, ARM. Adopted on November 15, 2016.

Data was used to show a need for changes. All teachers were invited to be part of a team to look at changes needed. Several teachers participated. Some did not. But they were all invited for input.

21. Since Mr. Barnes was hired, the district has operated at a loss, but instead of cutting back on administrative and clerical staff or refusing to take a pay increase, Mr. Barnes has done the opposite.

Board Response:

A district is legally restricted to the budget set forth and adopted by the Board of Trustees before the beginning of the fiscal year. Expenditures are legally not allowed to exceed revenues at the conclusion of the fiscal year, therefore, it is not possible for a district to “operate at a loss.”

MCA20-9-133. Adoption and expenditure limitations of final budget. (1) When the trustees determine and set the amount of the budget for each budgeted fund, they shall enter the amount in the portion of the budget form provided for the reporting of the final budget and the presiding officer and clerk shall sign the budget form. The resulting budget constitutes the final budget and the appropriations for the district for the current school fiscal year.

...the trustees and all officers and employees of the district are limited in making expenditures or incurring liabilities to the total amount of each fund's budget. Transfers from any appropriation item to another appropriation item within a fund's budget or transfers between different funds or between the final budget and a budget amendment may be made as provided by **20-9-208**.
...money of the district may not be used to pay expenditures made, liabilities incurred, or warrants issued in excess of the final budget established for each budgeted fund.

22. Mr. Barnes has subjected our teachers to increased monitoring and even suspended an employee for three days without pay when the employee didn't take roll for a senior class AFTER the seniors had graduated.

Board Response: Cascade School Board Policy #3121 states: Since accurate enrollment and attendance records are essential both to obtain state financial reimbursement and to fulfil the District's responsibilities under the attendance laws, staff shall be **diligent** in maintaining such records. It is the teacher's responsibility to be **diligent** in taking roll.

Per Collective Bargaining Agreement:

Article 2 - Teacher Rights and Responsibilities

Nothing contained herein shall be construed to deny or to restrict any teacher such rights as he/she may have under Montana and federal law. The Board agrees that individual teachers shall have the rights of association, self-organization, and the designation of representatives of their own choosing in compliance with 39-31-201, RCM. No teacher shall be disciplined, reprimanded, reduced in rank or compensation without the following steps, A through C, having been implemented sequentially by a school administrator:

- A. Oral warning
- B. Formal written warning or reprimand to cover the following:
 1. What happened?
 2. Reason for warning or reprimand.
 3. What changes are expected?
 4. Suggestions for improvement with timetable.
 5. What will take place if no change is forthcoming or the situation giving rise to the warning or reprimand is repeated?
 6. The teacher shall have the right to file a written response to the formal warning and have the response placed in his/her personnel file.
- C. Disciplinary action, which may include, but is not limited to, suspension discharge, termination, non-renewal or dismissal of the charges leading to the hearing.
- D. In cases where the action(s) of the teacher is of such a nature as to seriously and adversely affect the educational processes corrective discipline of the teacher may be brought before the Board of Trustees for a hearing of the issue.

- E. No tenured teacher shall be disciplined, reprimanded, reduced in rank or compensation, terminated or discharged without just cause. Discharge and termination do not include nonrenewal without cause under Section 20-4-206, MCA.

In summary, the Board has not taken this Petition or "Did You Know" document lightly. We know that there are a 20+ pages of signatures attached to the Petition. We also recognize that we do not know what people were told as they signed the Petition. With that said, we believe it important that we factually respond to the claims in the "Did You Know" document. As you can see, the Committee worked diligently to respond to each of the above-referenced claims.