

Resolution of Censure

This Resolution of Censure made and entered into the minutes of the Kirkwood School District (hereinafter "the District" or "KSD") this ____ day of ____, 2020 by the Board of Education of the District upon motion and second, and approval by a majority vote, recites as follows:

WHEREAS Board of Education member Julie Backer (hereinafter "Backer") is a member of the Board of Education of the District and is subject to the Board Policies of the District including BBF and BDC and agreed upon internal Board Norms; and

WHEREAS Backer has willfully violated Board of Education Policies BBF and BDC and internal Board Norms to the detriment of the District; and

WHEREAS the Board of Education has voted to enter this Resolution of Censure to admonish Backer and inform the public that Backer is openly and willfully not complying with Board of Education Policies and Board Norms to the detriment of the District; and

WHEREAS the Board of Education believes that if the behavior and open defiance of Board of Education Policies is allowed to continue, there will be additional harm to the District; and

WHEREAS the Board of Education believes that Backer has violated Kirkwood Board of Education Policies to the detriment of the District as follows:

- 1) Backer violated Board of Education Policy BBF, Board Ethics, Rule 3, "Recognize that individual Board members have no authority to speak for or act for the Board," and Board of Education Policy BBF, Board Ethics, Rule 11, "Support the employment of staff members based on qualifications and not as a result of influence" and Board of Education Policy BBF, Board Ethics, Rule 5 "Delegate authority for the administration of the schools to the Superintendent," in that:
 - a) In Fall 2016, Backer met with the Superintendent and misrepresented that she spoke for Member Frost and another Member, and requested that the Superintendent leave the position a year early on his contract without any authorization of Board Member Frost or the Board;
 - b) In 2018, after the Board agreed to hire a Superintendent, Backer met with the new Superintendent and stated to him that "if he didn't take care of a certain administrator, he would have a short stay at Kirkwood;"
 - c) In 2018, Backer stated to District Administrators that it was her intention to "make the new Superintendent [her] bitch," and such statements were among reasons recounted by the Superintendent as justification for refusing to honor his contract;
 - d) In 2018, in text messages with Administration personnel, Backer stated that "there's a new sheriff in town and it's called the board of education, watch out ASC serious changes coming down!!" In response to the Administration personnel stating that "I thought they were great. We are all excited."

Backer responded with “Haha well we will see how “excited” everyone is when they realize that they’re not in charge anymore”;

- e) In the January 30, 2020, High School PPO meeting, after hearing a public explanation of the process of interviewing Superintendent candidates and then making a decision on a new superintendent, Backer disagreed stating to the crowd, “I don’t know about that, we’ll see how the interviews go,” she had previously stated to Board Member Frost and in defiance of previously defined Board consensus, that an in-house administrator should be added to the list of finalists so that he could be appointed, despite the fact that he had not applied for the position;
 - f) Prior to the January 30, 2020, High School PPO Meeting, Backer interacted with a District employee who was supporting the District on an issue that Backer disagreed with, stating that the employee needed to be “scared of [her].” The employee perceived the statement as a threat. The employee has reported the incident and has sought independent legal counsel; and
 - g) On January 28, 2019, Backer sent to the Superintendent a series of texts attempting to influence the Superintendent to declare a “snow day” badgering and lecturing the Superintendent for not paying attention to her at the same time the Superintendent was on conference calls with other Superintendents and weather experts.
- 2) Backer violated Board of Education Policy BBF, Board Ethics Rule 14, “Refrain from using their Board position for the benefit of family members, business associates, or themselves” and Board of Education Policy BBF, Board Ethics, Rule 13 “Avoid conflicts of Interest or the appearance thereof,” in that:
- a) On October 31, 2018, the attorney for the Special School District (“SSD”) wrote to the District about the practice of Backer appearing at IEP meetings of unrelated children, announcing that she was a KSD Board member and taking a position adverse to KSD knowing that she was in a position of conflict and could be called as a witness in a resulting US District Court lawsuit against KSD. At the time she served as the KSD representative on the SSD Board as well, so her conflict was further increased. She was alleged to be offering her services as political muscle due to her KSD Board position;
 - b) On January 3, 2019, the District was alerted by the Principal of an Elementary School that a parent intended to bring Backer to a meeting with the Principal concerning academic and/or behavioral issues. At the same time, that same Principal, who had interim status, was interviewing for a full- time position that would be decided by the Board;
 - c) On December 18, 2018, the Superintendent received an email from a citizen who was concerned because Backer had represented to a prospective house buyer in Kirkwood who was looking at a home in which Backer was working for as the listing real estate agent, that she could get the buyer’s child “an exception to place the child in another elementary school;”
 - d) In February 2018, Backer approached the incoming superintendent on a visit to the District after he signed his contract and proposed that he use her

as his real estate agent followed by uncomfortable emails pursuing the listing which “interfered with his relocation plans.” This was another reason cited by the new Superintendent for not honoring his contract; and

- e) In March 2018, Backer contacted an Elementary School Principal directly using her status as a Board Member requested FERPA and HIPPA protected information of a child at the school. When the Principal correctly refused, Backer first complained to the Superintendent, and then in an open session of the Board of Education four days later, publicly and unjustly criticized the Principal using personal professional disparagements. The severity of the behavior caused the Superintendent to stop Principals from making reports to the Board to protect the Principals.
- 3) Backer violated Board of Education Policy BBF, Board Ethics Rule 16 and Board of Education Policy BDC, Closed Meeting, Records and Votes, “Refrain from divulging confidential information presented during closed sessions” in that:
- a) On October 1, 2019, after learning from the Superintendent that she had been diagnosed with an illness and was exercising her contractual right to retire at the end of the 2019-2020 school year, the Board agreed in closed session to hold the news until scheduled announcement dates, and to refrain from disclosing the medical diagnosis out of courtesy to the Superintendent who was going into treatment. Thereafter, Backer requested a meeting and later texted to an Administrator, who had not been present in the closed session, disclosing the news about the Superintendent. She stated that the closed session information had also been shared with a Principal. Backer discussed and then texted the administrator discussing district level administrator positions for the same Principal. Backer stated that she wanted the Principal to get the Superintendent or Assistant Superintendent for HR position and wanted the Administrator to present the proposition to the current Superintendent. After being admonished Backer flippantly dismissed the need for discretion and told the administrator to “delete these texts.” Backer requested to be let in the back door of ASC to avoid detection, and then lied about the meeting when confronted by the full Board.
- 4) Backer violated Board of Education Policy BBF, Board Ethics, Rule 15, “Express personal opinion but once the Board has acted, accept the will of the majority” and Board of Education Policy BBF, Board Ethics, Rule 5, “Delegate authority for the administration of the schools to the superintendent” in that:
- a) On July 25, 2018, after the decision had been made to not retain a company, an organization that employed a social friend of Backer, Backer appeared at a Wellness Committee meeting and publicly berated the Superintendent in disrespectful and degrading personal attack that one employee who was present described as a “5 year old child who didn’t get her way.” The July 25th meeting was recorded by an employee of the district as a tool to help create accurate minutes. That employee is also a friend and/or ally of Backer. After that employee’s supervisor asked for the recording several

times and told the employee not to delete the recording, the employee deleted the recording anyway, which resulted in disciplinary action against that employee.

NOW THEREFORE, the Board of Education enters this Order of Censure, admonishing Julie Backer for willfully violating Board of Education Policies BBF and BDC to the detriment of the Kirkwood School District and informing the public that Julie Backer's behavior is in willful defiance of Board of Education Policies to the detriment of the Kirkwood School District.


Kirkwood R-VII School District

President

Date

Secretary

Date

 I remember that when Julie came to meet with me in the Fall of 2016, she said Darnel, Marie & I want to meet with you. Only Julie showed up. She then talked to me about retirement implying Marie & Darnel were you on Board. Good luck. Tom

Tom Williams
Superintendent from
2009-2017



-

\$1

+

In February of 2018, while meeting with Julie Backer in my office, Ms. Backer told me that she'd been at an administrator's home over the weekend and had told them, "I'm going to make [REDACTED] my bitch."

Nickie Conder

AT&T

11:21 AM



JB



Julie

10:45-12ish but should be available otherwise.

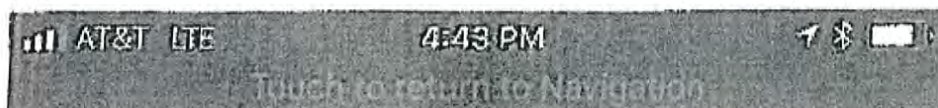
Today 9:12 AM

I can't wait to talk to you about the consulting firm that came in! Did you like them when you did the "retreat" with them in June? We loved them! There's a new sheriff in town and it's called the board of education, watch out ASC serious changes coming down!! 😊

I thought they were great. We are all excited.

Haha well we will see how "excited" everyone is when they realize that they're not in charge anymore





Julie

down!! 😊

I thought they were great. We are all excited.

Haha well we will see how "excited" everyone is when they realize that they're not in charge anymore

Today 4:07 PM

people better stop talking bad about me and the board members at ASC I've already heard things today from people in your office talking about me I am SO sick of it

In my office? We don't talk about board members.

Well you might want to remind [REDACTED] about that!



Wednesday, January 29, 2020:

I walked into the PPO meeting and Julie Backer was sitting behind Mike Havener. I started handing out flyers to the people attending the meeting. [REDACTED] was there and I believe [REDACTED]. The PPO president was there, their communication person and another person on their board. There were several other parents there that I did not know.

It was about 6:25 pm.

Julie said, "Chad might not be able to make it, he is trying." I said, Okay. She then said, "He told me you called me and where like..." "Are you coming? You need to be here..." I said, "I didn't say that..." she then whispered to [REDACTED] - loud enough for everyone to hear, "She probably wants Chad here because she is scared of me." I said, "What did you say, Julie?" [REDACTED] turned to me and said, "She said, you wanted Chad here because you are scared of her." I was shocked and embarrassed and wondered if she was threatening me.

At the end of our presentation on the same evening, [REDACTED] a parent, asked the board how the superintendent search was going. Chad Kavanaugh responded that there are a series of interviews scheduled for February and a decision will be made in March. Julie followed up by saying, all we can really say is that there are interviews scheduled, beyond that who knows what will happen.

After two failed search attempts in this district, that statement is damaging to the reputation of the board and the school district.

November 13, 2018:

She also yelled at me in a principal meeting and stated, in regards to the decision about what to do for overcrowding in our schools. She stated that ASC people tell principals NOT to tell Board members information. She accused ASC of hiding things. I asked [REDACTED] (who was standing there) if this was true, he said no.

She also stated in the same meeting:

"You won't be involved in the decision, [REDACTED] You do not even live here."

[REDACTED]



Michele Condon <michele.condon@kirkwoodschoools.org>

Re: statement

1 message

[REDACTED]@kirkwoodschoools.org
To: Michele Condon <Michele.Condon@kirkwoodschoools.org>

Sat, Feb 8, 2020 at 9:08 AM

Prior to the PPO meeting Julie asked [REDACTED] if she called Chad Kavanaugh and asked him to come to the meeting because she was afraid of Julie coming to the meeting.

[REDACTED] said she didn't hear what Julie said and then [REDACTED] repeated what Julie said to

Sent from my iPhone

On Feb 7, 2020, at 4:04 PM, Michele Condon <Michele.Condon@kirkwoodschoools.org> wrote:

Hi [REDACTED]

At the PPO meeting at KHS on Thursday, January 30, when [REDACTED] arrived, there was discussion about Chad's coming to the meeting. From what I understand, Julie made a comment about [REDACTED] being afraid of her. It was heard by a couple people there.

Could you please send me your statement of what you heard by Monday morning?

Thank you.

Dr. Michele M. Condon
Superintendent of Schools
Kirkwood School District

7

Leonard, Andy

From: [REDACTED]
Sent: Tuesday, February 4, 2020 3:58 PM
To: [REDACTED]
Subject: Statement Regarding the KHS PPO Meeting on 1/30/20

[REDACTED]

Here is a statement regarding comments that I heard at the KHS PPO meeting on 1/30/20 at 6:30 pm:

I had seen Julie Backer earlier in the day at ASC and she had mentioned that she was planning to come to the KHS PPO meeting.

I arrived for the PPO meeting around 6:20 pm. [REDACTED] and Julie Backer were already there. A few minutes later, Chad Kavanaugh arrived and sat next to Julie. As he was sitting, Julie said to Ginger, so you knew I was coming to this meeting and you called Chad because you are afraid of me. [REDACTED] asked her to repeat what she had said. I jumped in and said I never told [REDACTED] that you were coming and I repeated what Julie said. Then, [REDACTED] said she didn't know Julie was planning to come when she talked to Chad.

Later during the meeting, a parent asked for an update on the superintendent search. Chad said they plan to interview candidates soon and they hope to have a decision in March. The person that asked the question said wow, that's soon. Chad replied saying he didn't think it was too soon and that it will give them over a month to conduct interviews and make a decision. Julie then replied by saying I don't know about that, we'll see how the interviews go.

[REDACTED]

[REDACTED]

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February 5, 2020

The following is my recollection of a phone conversation I had with Julie Backer on January 10, 2020.

I called Julie to discuss agenda items for the January 13, 2020 Board meeting. I spoke to Julie about things on the agenda. Once I completed my update regarding the meeting Julie asked me to think about adding [REDACTED] to the slate of individuals in our Superintendent search.

She said she had been contacted by people who have asked us to "Vet" [REDACTED] during our Superintendent search process.

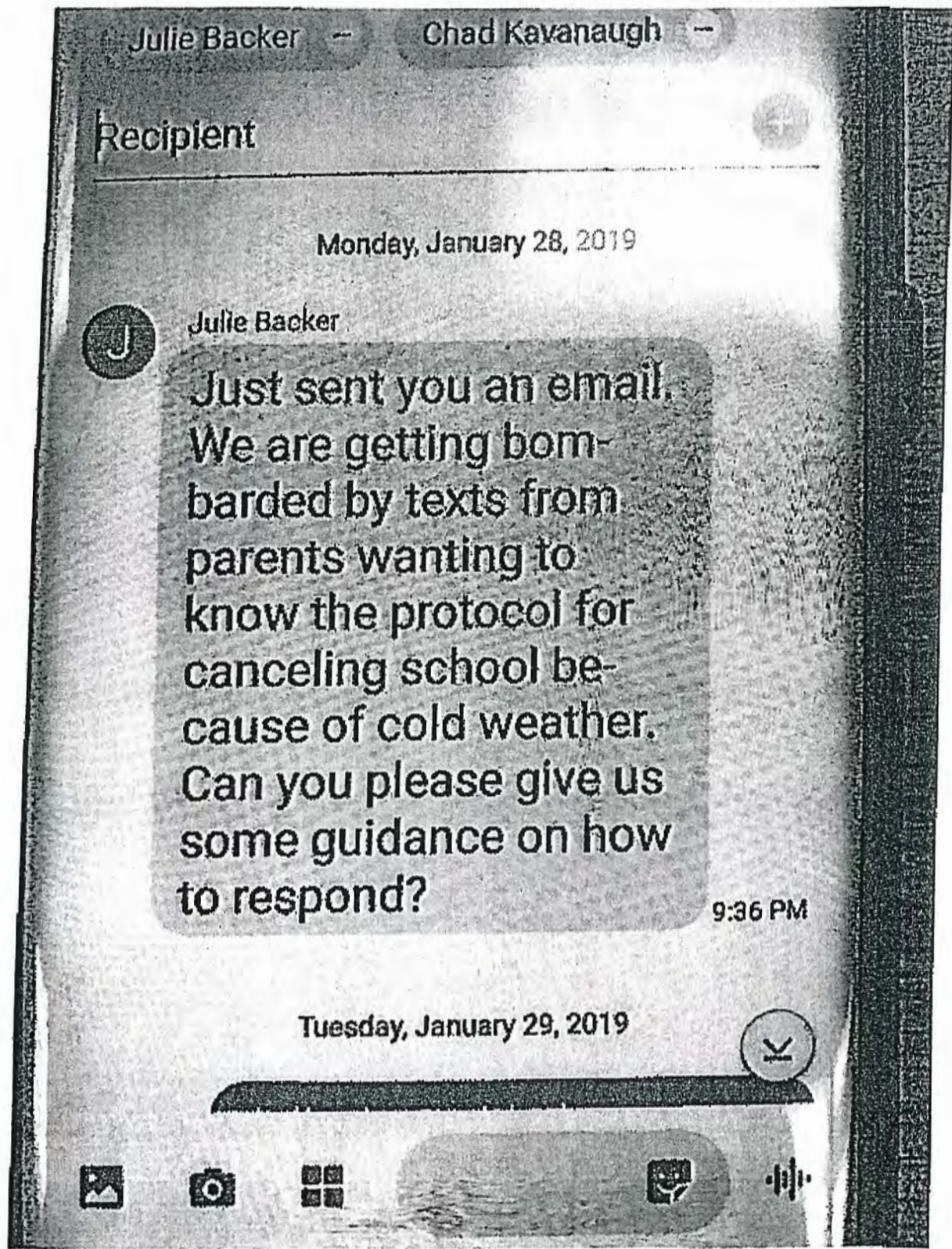
I told Julie [REDACTED] was not a candidate because he had not applied. Julie said he did not apply because he did not receive a call from me or from Brent Underwood. I told Julie that this would have to be a board decision and there had to be a majority to bring [REDACTED] into the discussion. I told her I would not be bringing [REDACTED] forward to the board for consideration.

Julie continued to press me to speak to the rest of the board and have them consider having [REDACTED] as part of the process.

Darnel Frost

5

Text 1 to MC



Julie Backer

Chad Kavanaugh

Recipient

Monday, January 28, 2019



Julie Backer

Just sent you an email.
We are getting bom-
barded by texts from
parents wanting to
know the protocol for
canceling school be-
cause of cold weather.
Can you please give us
some guidance on how
to respond?

9:36 PM

Tuesday, January 29, 2019



< New conversation
2 recipients

Julie Backer - Chad Kavanaugh

Recipient

Tuesday, January 29, 2019

mc

Julie, I provided you an email response. But always, I recieve national weather updates when systems like this are predicted, communicate with our busy providers and other area dupes. I tend to err on the side of caution when it comes to student safety.

10:17 AM



Julie Backer

I saw the email

10:18 AM




12:46  24%

< New conversation
2 recipients

Julie Backer -

Chad Kavanaugh -

Recipient 



Julie Backer

I saw the email 10:18 AM

mc

Maybe there are some additional soundbites you can pass on from this text. Last thing I want is to have someone in danger.

10:19 AM




Chad Kavanaugh

Talking points. 10:20 AM



Chad Kavanaugh

Arm your Board to spread the word

 10:21 AM



12:47 LTE 84%

< New conversation
2 recipients

Julie Backer - Chad Kavanaugh

Recipient

Chad Kavanaugh
Talking points. 10:20 AM

Chad Kavanaugh
Arm your Board to
spread the word 10:21 AM

Julie Backer
I just heard that
Webster is canceling
school tomorrow so I
am under the assump-
tion that Kirkwood is
as well is that correct 12:12 PM

Chad Kavanaugh




12:47 [status icons] 84%

< New conversation
2 recipients

Julie Backer - Chad Kavanaugh

Recipient

 Chad Kavanaugh

Well things are looking up. Looks like We will have school tomorrow. :).


1:57 PM

 Julie Backer

We are?????

How do you know

1:59 PM

 Chad Kavanaugh

Well at this point, no news means that we are not canceling school. Which is fine with me. It is 2:00


2:00 PM



2 recipients

Julie Backer

Chad Kavanaugh

Recipient



Julie Backer

She told [REDACTED] we
are cancelling school

2:01 PM



Chad Kavanaugh

Oh ok. I guess we are
let to know.

2:02 PM



Chad Kavanaugh

Last.



Julie Backer

Isn't that right Michele?

[REDACTED] told me that
Kirkwood is not having
school and neither



Julie Backer

Chad Kavanaugh

Recipient



Julie Backer

Isn't that right Michele?

[REDACTED] told me that
Kirkwood is not having
school and neither
is Webster I am just
waiting for some kind
of official email

2:03 PM



Chad Kavanaugh

I think the robo call just
came across

2:07 PM

Chad and Julie I am try-
ing to communicate with



< New conversation
2 recipients

Julie Backer —

Chad Kavanaugh —

Recipient

2:07 PM

Just trying to do my job



Chad Kavanaugh

The call just came over

Maybe. Maybe not

Can't tell. It was KSD
number. Oh well.

2:08 PM



Chad Kavanaugh

A response is quick
and easy. Just takes a
second

2:09 PM



Julie Backer

Yes responding to
board members is part



Julie Backer

Chad Kavanaugh

Recipient

of official email

2:03 PM



Chad Kavanaugh

I think the robo call just came across

2:07 PM

Mc

Chad and Julie I am trying to communicate with the other superintendents before releasing anything. Just trying to do my job.

2:07 PM



Chad Kavanaugh

The call just came over

Maybe. Maybe not



< New conversation
2 recipients

Julie Backer

Chad Kavanaugh

Recipient

second

2:09 PM



Julie Backer

Yes responding to board members is part of your job too. You could have sent that text to us hours ago. Not to mention the email that went out yesterday at 3:30 to all principals, everyone at ASC and Marie and Angie. Basically everyone but 5 board members.

At the very least



File

< Chad Kavanaugh, Julie Backer :
2:15 PM, Jan 29

(No subject)

Yes responding to board members is part of your job too. You could have sent that text to us hours ago.

Not to mention the email that went out yesterday at 3:30 to all principals, everyone at ASC and Marie and Angie. Basically everyone but 5 board members.

At the very least respond with a text that says I will let you know as soon as I know for sure.

James G. Thomeczek, Mo.
Robert J. Thomeczek, Mo., Ill., Ka.
John F. Brink, Mo., Ill.
Heidi Atkins Lieberman, Mo., Ka.

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www.TBlawfirm.com

October 31, 2018

VIA UNITED STATES MAIL

Mr. Andrew Leonard
Attorney at Law
McCarthy, Leonard & Kaemmerer
825 Maryville Centre Drive
Suite 300
Town and Country, MO 63017

Re: SSD/General: Board Member at IEP Meeting

Dear Mr. Leonard:

I am writing on behalf of the Special School District of St. Louis County (SSD). It has come to the SSD's attention that a member of the Board of Education of the Kirkwood R-VII School District (Kirkwood) has attended one or more IEP or other team meetings at the request of the parent. SSD unquestioningly recognizes a parent's right to invite individuals with knowledge or special expertise regarding the child, including a board member of a component district, to attend IEP meetings. 34 C.F.R. § 300.324(a)(6). However, the District is also aware that IEP teams should be insulated from undue influence by boards of education. For that reason, members of SSD's Board of Education refrain from attending IEP meetings.

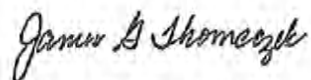
The concern of SSD is that it is informed that the Kirkwood board member announces her board status – both as a member of the Board of Education of the Kirkwood R-VII School District and as a member of the Governing Council of the Special School District. As you are aware, a member of a school district board of education, who does not have the authority of that board to speak on its behalf, is simply an invitee of the parent. Unless Kirkwood informs SSD that the board member is attending the IEP/other team meeting at the direction of the Board of Education of the Kirkwood R-VII School District, SSD will assume that the board member has no “board member status” at the IEP/other team meeting.

With this in mind, SSD respectfully requests that Kirkwood clarify whether the board member in question – Kirkwood's representative on SSD's Governing Council – is acting at the direction of the Board of Education of the Kirkwood R-VII School District. If so, we would encourage the Kirkwood Board to reconsider, and caution that the board member can attend only if invited by the parent. If not, should the board member attend IEP/other team meetings in the future, SSD will inform the IEP team members that the board member is acting without the authority of the Board of Education of the Kirkwood R-VII School District and is a private citizen attending at the request of the parent. SSD will require that the parent sign the appropriate releases permitting SSD to share information with the parent invitee and will inform the

parent that the confidentiality provisions that typically attach to school officials may not attach to private citizens.

I appreciate your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, reading "James G. Thomeczek".

James G. Thomeczek

cc: Dr. Don Bohannon
Ms. Kim Meyers

November 12, 2018

Mr. James Thomeczek
Attorney at Law
1120 Olivette Executive Parkway
Suite 210
St Louis, Missouri 63132

Re: Board Member at IEP Meeting

Dear Mr. Thomeczek:

This letter is to respond to your letter of October 31, 2018 regarding the KSD Board member and SSD Board of Governance member who has attended one or more IEP meetings. I delivered your letter to the Board. The Board asked me to communicate to SSD through this letter to you that the Board member in question is not acting at the direction of the Board of Education of Kirkwood R-VII School District.

Very truly yours,
MCCARTHY, LEONARD & KAEMMERER, L.C.

Andrew B. Leonard
General Counsel
Kirkwood School District

K:\KIRKWOOD\SCHOOL\2018 Thomeczek 11-12 ltr.docx

From: Michele Condon <Michele.Condon@kirkwoodschools.org>

Sent: Monday, January 7, 2019 10:27 AM

To: Leonard, Andy <aleonard@mlklaw.com>; Marie Kelly <marie.kelly@kirkwoodschools.org>

Subject: Confidential:

[REDACTED] and [REDACTED] have shared with [REDACTED] that they want their son to attend a different school. The child does not have an IEP or a 504.

They have contacted [REDACTED] to set up a meeting to discuss this and told [REDACTED] that they have asked Julie Backer to attend on their behalf. [REDACTED] plans to attend the meeting and will let me know if Julie attends.

Julie needs to know that she should not become involved. Let me know if you'd like to discuss how this will happen. My concern is that Julie earns the reputation as the board member who can get things done for families.

Dr. Michele M. Condon

Superintendent of Schools

Kirkwood School District

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Leonard, Andy

From: Marie Kelly <Marie.Kelly@kirkwoodschoools.org>
Sent: Saturday, December 15, 2018 4:29 PM
To: Michele Condon
Cc: Leonard, Andy
Subject: Re: School Board Concern

Thanks for the heads up, Michele. Andy, could we get on a conference call to go over the conflict of interest aspects of this situation? Given Julie is a real estate agent, is she acting in a way that could provide special monetary benefits to her? I have a meeting at 9:00 and at 11:00, and I am [REDACTED] so Monday afternoon or Tuesday would work best for me.

"Board members shall not favorably act on any matter that is designed to provide a special monetary benefit to the Board member, his or her spouse, or dependent children."

Thank you,

Marie

On Sat, Dec 15, 2018 at 8:53 AM Michele Condon <Michele.Condon@kirkwoodschoools.org> wrote:
Marie and Andy,

I received this e-mail from an NKMS parent. I think what is most concerning is the last sentence. I don't know if there is some history there, and while I can respond in a neutral way, this should be discussed with Julie.

It seems pretty out there that Julie would actually say this to a parent, but after her e-mailing [REDACTED] about granting the last parent about a change of schools, it is not out of the realm of possibility. It would definitely be a conflict of interest if this is true, particularly since Julie would benefit financially from the sale of the home.

----- Forwarded message -----

From: [REDACTED]
Date: Fri, Dec 14, 2018 at 8:47 PM
Subject: School Board Concern
To: <michele.condon@kirkwoodschoools.org>

>
> Hi Dr. Condon. It was nice to see you at the [REDACTED] even if the circumstances weren't the best.
>

> I have a concern I wanted to ask you about. I have a friend who recently moved within Kirkwood but the move changed her school boundaries that her children attend. Julie Backer was her realtor and told her she could get an exception granted for her. I was surprised to hear this as I thought the District's policy was for children to attend the school for which the boundaries they are living. Is this within the scope of practice for a school board member?

If this is something that you bring forward to the board I would appreciate that you not use my name. I am concerned for the possibility of retaliation to my family from Julie.

>
> Thank you for your time,



--
Dr. Michele M. Condon
Superintendent of Schools
Kirkwood School District

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In March of 2018, during a principals meeting at ASC, I received a phone call from Julie Backer regarding her request for information about a [REDACTED] student. The principal came into my office for the phone call. During the call, Backer stated that she wanted some information about this student because a friend of hers had been taking care of the student and she wanted some background on the child. I reinforced the same message the principal had provided to Backer, that information about this child was protected and we could not provide information to her about the child. Member Backer was displeased with my response, stating that she would just ask all the [REDACTED] parents about the kid because they all know what was going on.

Michelle Cantor



Agenda Item Details

Meeting	Nov 18, 2019 - Regular Board Meeting - 7:00 PM - ASC
Category	3. Consent Agenda 2**
Subject	3.02 Approval of Minutes for October 21, 2019 Closed Meeting
Type	Action (Consent)
Recommended Action	to approve the consent agenda for November 18, 2019

Items in this section are routine in nature or are among the many decisions that the Board has already determined are in the domain of the administration. The Board will consider approval of closed minutes for October 21, 2019.

Leonard, Andy

From: Michele Condon <Michele.Condon@kirkwoodschoools.org>
Sent: Tuesday, February 4, 2020 10:24 AM
To: Darnel Frost; Leonard, Andy
Subject: Fwd: Text

6



----- Forwarded message -----

From: Michele Condon <Michele.Condon@kirkwoodschoools.org>son@kirkwoodschoools.org> wrote:

Michele,

I have been diligently following the board norms around staff-board communication since they were adopted. I do not reach out to board members without your permission and I funnel all information requests through you. I am uncomfortable with the fact that not all of us in the cabinet are following the norms and I believe it has led to some having the opportunity to have stronger relationships with our board than others. This is the first time I am expressing this concern.

Secondly, when recalling the previous superintendent search, our internal candidates were not given the same opportunities of a confidential process that other candidates recieved. Whatever breakdown in the process occurred that leaked candidate information negatively affected those involved. In particular, one person almost had his family torn apart due to accusations that were made anonymously and outside of our district procedures. No one deserves to endure that when the process should have been strictly confidential.

To be transparent, [REDACTED] and I talked about his interest in an HR position back in the spring during a career discussion. I often ask our staff what their future interests are so I can make them aware of oportunities that may be suited to their personal plans. I have a good relationship with [REDACTED] and want his talents to be utilized and for him to enjoy his job. Many people know [REDACTED] is eligible to retire and we spoke briefly about the future if she were to retire. I told [REDACTED] then that I was always interested in the benefits position because it allows you to work with poeple in their time of need - usually due to health conditions. He expressed that he may be interested in a future in HR as this was around the time he was interviewing in [REDACTED]. He also knows [REDACTED] works at [REDACTED] and I shared recently with him [REDACTED] and that if [REDACTED] retires I would be interested in the benefits position because I was struggling to find care for [REDACTED] during all of our Monday evening events. He never said definitively that he was interested in an HR job.

Julie stopped by to see me this week and shared that Chad reached out to [REDACTED] as a friend and discussed his career options in the superintendancy or HR. She asked if I would discuss an endorsement for [REDACTED] with you. That afternoon, I heard about the agenda for Fridays meeting including the idea that names would be recorded of those who knew about your retirement. If any information was leaked, there would be an investigation. I called [REDACTED] and shared that information with him because I was not sure if he was told that the information was highly confidential and I didn't want him to inadvertently share with anyone. He said that he had not told anyone. I also texted Julie so she was aware of the directive and Ginger called Chad to let him know as well.

I have had my integrity unjustly called into question over the past few months and so I am respectfully requesting to not be involved in the superintedents search for any purpose other than to provide factual information.

I support [REDACTED] and believe that he has many strengths, however, it is not my job to select the Superintendent. I am confident that the Board will select the best person to lead our district. However, I am fearful as [REDACTED] friend that he might endure the same accusations that were made previously and I cannot be involved in a process that is not going

to be confidential for the protection of all the candidates. After the conversations this week, I am very concerned that we are already headed down that path again. Our candidates and their families do not deserve that.

Below is the text exchange between Julie and I.

February 4, 2020

I am requesting protection for my employment under District policy GBCBB. I was asked by my employer to recall two encounters with Ms. Julie Backer. Ms. Julie Backer is a board of education director and has the ability to negatively affect my employment. As noted below, she has stated that she would fire someone in order to hire someone she is more supportive of. Ms. Backer has threatened staff for talking about her in the lunch room and the members of ASC.

The following is my recollection of a conversation held in my office with Julie Backer on October 23, 2019.

Julie contacted me asking if she could stop by. She stated that she used the copy center entrance so no one would see her walk in. She wanted to discuss [REDACTED] future as superintendent. On Monday, Dr. Condon had announced her retirement to the BOE and also stated my desire to move to the director position, thus opening the head HR job. I told Julie that I didn't want to be involved in the search after what happened with the anonymous accusations during the last search. Those allegations almost destroyed his family and I didn't want my name associated with any process that can't be confidential.

Julie stated that Chad had already met with [REDACTED] since Monday and told him that he did not have four votes to be superintendent. Julie stated that she believed that Darnel Frost would change his mind about [REDACTED] if Michele endorsed him for superintendent. She asked me to convince Michele to support [REDACTED] and speak with Darnel and write a letter of recommendation for him as superintendent.

I told Julie that I thought [REDACTED] would be interested in the HR position since he applied for a similar role in [REDACTED] earlier that year. I shared that I wanted [REDACTED] to be happy in his career and if he wasn't interested in the superintendent then he might be interested in HR. Julie is aware that I am supportive of [REDACTED] and believe him to have many strengths.

She went on to state that her goal in the spring was to get [REDACTED] selected and then fire Michele from her position and hire [REDACTED] her replacement.

The following are screen shots of a text exchange between Julie Backer and myself on July 31, 2018 after the district hired EdCounsel to help improve board-staff relationships.

<u>Date/Time</u>	<u>Details</u>	<u>Device</u>	<u>Panel</u>
11/26/2019 7:46:03AM	Access Granted: Reader Unlocked	KHS 21-ENTRANCE NORTH of CAFETERIA (East Door)	KHS E HALL BY CAFE
11/25/2019 3:53:32PM	Access Granted: Reader Unlocked	ASC 04-Main Entrance (Vestibule Door)	ASC / North Middle
11/13/2019 4:53:34PM	Access Granted	ASC 05-BOE Conference Room 148 (South Door)	ASC / North Middle
8:53:41AM	Access Granted	ASC 05-BOE Conference Room 148 (South Door)	ASC / North Middle
11/8/2019 5:02:29PM	Access Granted	ASC 04a-Main Entrance (Interior Door)	ASC / North Middle
5:02:24PM	Access Granted	ASC 04-Main Entrance (Vestibule Door)	ASC / North Middle
11/4/2019 5:01:46PM	Access Granted	ASC 05-BOE Conference Room 148 (South Door)	ASC / North Middle
10/28/2019 11:28:28AM	Access Granted: Reader Unlocked	KHS 21-ENTRANCE NORTH of CAFETERIA (East Door)	KHS E HALL BY CAFE
10/23/2019 12:43:12PM	Access Granted	ASC 05-BOE Conference Room 148 (South Door)	ASC / North Middle
10/21/2019 6:44:03PM	Access Granted	ASC 04-Main Entrance (Vestibule Door)	ASC / North Middle
10/9/2019 4:24:11PM	Access Granted	ASC 04a-Main Entrance (Interior Door)	ASC / North Middle
10/7/2019 4:56:01PM	Access Granted	ASC 05-BOE Conference Room 148 (South Door)	ASC / North Middle
10/4/2019 11:23:58AM	Access Granted	KHS 21-ENTRANCE NORTH of CAFETERIA (East Door)	KHS E HALL BY CAFE
9/16/2019			



All Events Over Time

AT&T

9:39 AM



Julie

Wednesday 7:34 PM

I saw the agenda for Friday's meeting. When she tells principals they are going to list all of the people who know and if the word gets out, there will be a HIPAA violation investigation. I called him and said not to tell anyone and he said he hadn't. Ginger called Chad to tell him.

District Employee

Yes I know. Already heard from Chad.

Ginger is just trying to scare everyone! It's not HIPPA anyway, everyone knows she has cancer. Whatever! Good Lord! They will NEVER keep this secret until November 6th and Chad told Ginger that!!!

I just don't want someone



AT&T

9:39 AM



Julie >

Lord! They will NEVER keep this secret until November 6th and Chad told Ginger that!!!

I just don't want someone coming after [REDACTED] for it.

All Chad talked to [REDACTED] about was the HR job because he would never have four votes for superintendent. You would already talked to [REDACTED] about the HR job anyway.

Gotcha

Yesterday 1:16 PM

Do everything you can to get her to support him he only has one job on his mind. He's up for the fight
Delete this



Leonard, Andy

From: [REDACTED]
Sent: Tuesday, February 4, 2020 12:57 PM
To: Michele Condon; Leonard, Andy
Subject: Fwd: Wellness meeting conversation

----- Forwarded message -----

From: [REDACTED]
Date: Tue, Feb 4, 2020 at 12:47 PM
Subject: Wellness meeting conversation
[REDACTED]

I was in attendance at the Wellness meeting on July 25, 2018. There were staff members, community members and board members in attendance. The discussion was around the Anthropedia proposal. It was explained that we were not going to move forward with the proposal.

Julie Backer was upset and went off on Michele Condon. She blamed Michele for the lack of support for the program. She was inappropriate, disrespectful and degrading to Michele. In my opinion, I felt she acted like a 5 year old that didn't get their way.

[REDACTED]

[REDACTED]

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January 7, 2020

When I came to work that morning, I asked the usual question of Dr. Painter after a Board Meeting, "How did the Board Meeting go?". His response was, "You should watch it for yourself. Ginger will have it out on YouTube and you can watch it". I don't remember him responding anymore about it. Shortly after this a few others from the office came in and said it was a difficult board meeting and that Julie Backer had said a few things that disappointed people. They said it was as if she personally attacked the school administrators. I asked Ginger when the meeting would be out there and she said probably around 10:30. Another employee stopped me in the hall later that morning and asked if I had heard how Julie Backer had attacked the Superintendent in the meeting last night. I said I had heard about it but wanted to watch it for myself.

At lunch that day [REDACTED], [REDACTED] and myself were sitting at the table and I asked if they had heard about the meeting as well. I can't remember what they said. I said I had heard that Julie had verbally attacked the Superintendent and perhaps other Administrators. I said I was upset that the Board Members couldn't find a way to disagree and still be professional. We all agreed with this. We all said we wanted to watch it for ourselves.

January 8, 2020

At lunch that day there were [REDACTED] & [REDACTED]. I asked if anyone else had a chance to watch the video yet. They both said no and I said I had started watching it but hadn't made it that far yet. [REDACTED] said she called Julie Backer yesterday and said "Hey Girlfriend. I heard you went off on people at the Board Meeting last night and called people some names!". I gasped out loud and said "You did WHAT! Oh please [REDACTED] tell me you didn't do that." She said "What? I didn't say who said what I just said the things that people said about her." I said "I cannot believe you did that! I am so disappointed in you right now. I thought what was said here would stay here. I never never would have said anything if I knew that it was getting out to others. In particular to a school board member". She said "I never say who said what, I just say 'Someone told me'." I said "That doesn't matter". I sat there for a few more minutes then I left. I told [REDACTED] since she wasn't in the lunch room to be careful what she said because it was being repeated to others. [REDACTED] told me that the day before, after lunch she walked through the [REDACTED] and [REDACTED] told her "I'm going to call Julie Backer and find out what is going on". Later [REDACTED] told me she repeated this to [REDACTED]

Interventions with Julie Backer

April 28th 2018 - MSBA board training Patty Polster

October 31 - Got an SSD Letter

November 8th – Marie and Darnel meet with Julie about the SSD letter

May 2018 - Ed Counsel
Developing Board Norms

November 21- Darnel addressed Julie in closed session. At this meeting she did not do anything.

January 13- Darnel attempted to call Julie



Leslie Kittles <leslie.kittles@kirkwoodschoools.org>

FW: Board Training Opportunity

1 message

Duermeyer, Debby <Duermeyer@msbanet.org>

Wed, Mar 7, 2018 at 12:45 PM

To: "leslie.kittles@kirkwoodschoools.org" <leslie.kittles@kirkwoodschoools.org>

Cc: "Tilley, Janet" <tilley@msbanet.org>, "Polster, Patty" <polster@msbanet.org>

Hello Leslie,

We will invoice your district after the workshop is completed. However, based on the information in Janet's email below, I can estimate the cost for you:

\$450.00 for a 3-hour presentation, plus \$85.84 for mileage.

If you want to provide me with a purchase order number, I will ask that it be included on our invoice.

Thanks,

Debby Duermeyer

Leadership Development

573-445-9920, ext. 329 | duermeyer@mosba.org

Missouri School Boards' Association

2100 I-70 Dr SW, Columbia, MO 65203

From: Leslie Kittles [mailto:Leslie.Kittles@kirkwoodschoools.org]**Sent:** Wednesday, March 07, 2018 11:17 AM**To:** Tilley, Janet**Cc:** Michele Condon**Subject:** Re: Board Training Opportunity

Hi Ms. Tilley,

Would you be able to send me an invoice so that I can create a PO? At your earliest convenience.

Sincerely yours,

Janet Tilley

Director, Board Development

573-445-9920, ext. 379 | tilley@msbanet.org

573-355-0288 (cell)

Missouri School Boards' Association

2100 I-70 Dr SW, Columbia, MO 65203

p: 573-445-9920 | f: 573-442-9981

www.msbanet.org

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Ginger Cayce <ginger.cayce@kirkwoodschoools.org>

Fwd: Meeting - CONFIDENTIAL

1 message

Fri, Feb 7, 2020 at 10:13 AM

Sent from my iPhone

Begin forwarded message:

From: Marie Kelly <Marie.Kelly@kirkwoodschoools.org>
Date: November 8, 2018 at 5:28:31 PM CST
To: "Leonard, Andy" <aleonard@mlklaw.com>, Michele Condon <Michele.Condon@kirkwoodschoools.org>
Cc: Darnel Frost <darnel.frost@kirkwoodschoools.org>
Subject: Meeting - CONFIDENTIAL

Good evening,

Darnel and I met with Julie this afternoon and discussed the IEP situation. If you would like to talk about this on a conference call and go over the details, please let us know. I am available before 9:30 and after 11 tomorrow.

We discussed the potential challenges with Julie's continued attendance at IEP meetings and Julie shared some of the reasons she attended them. She didn't anticipate this would become a long-term situation when she first began attending them.

Our discussion went well. Julie read the letter from SSD's attorney and understands SSD's request for us to clarify our district's position regarding board members representing the KSD at IEPs. At this time, I don't think she will be attending the next IEP meeting. Things can always change though.

Julie would like to see a copy of the letter that Andy will be sending to SSD before sending it to them. How would you best like to handle this, Andy? Perhaps you, Julie and I could chat via conference call and you could read the letter to us? What would you recommend for the best way to share with the rest of the board?

Thanks so much for your work on this.

Marie



Ginger Cayce <ginger.cayce@kirkwoodschoools.org>

Fwd: Meeting - CONFIDENTIAL

1 message

Fri, Feb 7, 2020 at 10:13 AM

Sent from my iPhone

Begin forwarded message:

From: Michele Condon <Michele.Condon@kirkwoodschoools.org>
Date: November 8, 2018 at 10:04:56 PM CST
To: Marie Kelly <Marie.Kelly@kirkwoodschoools.org>
Cc: "Leonard, Andy" <aleonard@mlklaw.com>, Darnel Frost <darnel.frost@kirkwoodschoools.org>
Subject: Re: Meeting - CONFIDENTIAL

I have been told by Alyssa Taylor that Julie has been communicating with Bo Ricker about a transfer for the student from Keysor to Westchester.

On Thu, Nov 8, 2018 at 5:28 PM Marie Kelly <Marie.Kelly@kirkwoodschoools.org> wrote:
Good evening,

Darnel and I met with Julie this afternoon and discussed the IEP situation. If you would like to talk about this on a conference call and go over the details, please let us know. I am available before 9:30 and after 11 tomorrow.

We discussed the potential challenges with Julie's continued attendance at IEP meetings and Julie shared some of the reasons she attended them. She didn't anticipate this would become a long-term situation when she first began attending them.

Our discussion went well. Julie read the letter from SSD's attorney and understands SSD's request for us to clarify our district's position regarding board members representing the KSD at IEPs. At this time, I don't think she will be attending the next IEP meeting. Things can always change though.

Julie would like to see a copy of the letter that Andy will be sending to SSD before sending it to them. How would you best like to handle this, Andy? Perhaps you, Julie and I could chat via conference call and you could read the letter to us? What would you recommend for the best way to share with the rest of the board?

Thanks so much for your work on this.

Marie

Dr. Michele M. Condon
Superintendent of Schools
Kirkwood School District

PAGE NUMBER: 1
ACCTPA31

ARKWOOD SCHOOL DISTRICT R-7
VENDOR PAYMENT HISTORY

PAGE NUMBER: 1
ACCTPA31

-----VENDOR-----		PURCHASE		081099		CHECK NO		BUDGET CODE		-----DESCRIPTION-----		SALES TAX		AMOUNT	
INVOICE				P/F		DATE		TASK		CONTROL					
27439	EDCOUNSEL LLC	01902094	N					1123210810108100-6319		GOVERNANCE CONSULTING S		0.00			
27439	EDCOUNSEL LLC	01900557	F	447562				1125250813108130-6391		DK PROFESSIONAL DEVELOPMEN		0.00		1850.00	
27439	EDCOUNSEL LLC	0	F	07/26/18				1123110681106810-6317		DK GOVERNANCE EVALUATION		0.00		1950.00	
27439	EDCOUNSEL LLC	0	N	447855				1123110819108190-6319		DK SMART GOALS/BOARD NOR		0.00		9500.00	
27439	EDCOUNSEL LLC	01902094	N	448505				1123210810108100-6319		DK GOVERNANCE CONSULTING S		0.00		577.50	
27439	EDCOUNSEL LLC	01902094	P	12/14/18				1123210810108100-6319		DK GOVERNANCE CONSULTING S		0.00		315.00	
27439	EDCOUNSEL LLC	01902094	P	449270				1123210810108100-6319		DK GOVERNANCE CONSULTING S		0.00		210.00	
27439	EDCOUNSEL LLC	01902094	P	12/14/18				1123210810108100-6319		DK GOVERNANCE CONSULTING S		0.00		14402.50	
27439	EDCOUNSEL LLC	01902094	P	449620				1123210810108100-6319		DK GOVERNANCE CONSULTING S		0.00		14402.50	
TOTAL VENDOR		7783	P	01/25/19								0.00		14402.50	
TOTAL REPORT												0.00		14402.50	

KIRKWOOD SCHOOL DISTRICT R-7

VENDOR NO. 27439

Account	Purchase Order	Invoice Number	Amount	Description
1125250813108130 6391	01900557	6634	1,850.00	PROFESSIONAL DEVELOPM

27439

ED COUNSEL LLC

Kirkwood School District R-711289 Manchester Road
Kirkwood, MO 63122BUSEY BANK
(Void After 180 Days)

07/26/18

447562

AMOUNT

\$ *****1,850.00*

PAY THE SUM OF ***1850* DOLLARS AND *NO* CENTS**TO THE
ORDER
OFED COUNSEL LLC
2401 BERNADETTE DRIVE STE 117
COLUMBIA MO 65205Kirkwood School District R-7
11289 Manchester Road
Kirkwood, MO 63122ED COUNSEL LLC
2401 BERNADETTE DRIVE STE 117
COLUMBIA MO 65205

**KIRKWOOD SCHOOL DISTRICT R-7
BOARD OF EDUCATION**

SEND INVOICES TO:
KIRKWOOD SCHOOL DISTRICT R-7
ATTN: ACCOUNTS PAYABLE
11289 MANCHESTER RD
KIRKWOOD, MO 63122
314-213-6100, Ext. 7830 & 7829
Fed. I.D. No. 43-6004228

DATE: 07/25/18

PAGE: 1

PURCHASE ORDER NO.

01900557

V 27439

E ED COUNSEL, LLC

N 2401 BERNADETTE DRIVE STE 117

D COLUMBIA MO 65205

O

R

**NO SUBSTITUTION
OR ADDITION OF
ITEMS OR SERVICES**

S FINANCE OFFICE

H KIRKWOOD SCHOOL DISTRICT ASC

I 11289 MANCHESTER RD

P KIRKWOOD MO 63122

T ATTN:

O

TERMS: NET 30 DAYS		F.O.B		DELIVERY:	
--------------------	--	-------	--	-----------	--

ITEM	ITEM NO.	QUANTITY	U.O.M.	DESCRIPTION	UNIT PRICE	EXTENSION
01		1		PROFESSIONAL DEVELOPMENT	1850.0000	1,850.00

Michael Roney

REQUISITION NO. 19000671

CONDITIONS OF PURCHASE:

- Purchase order number must appear on all invoices, bills of lading, correspondence, and on all packages.
- Invoices must be in duplicate.
- Notification of any price change is necessary.
- Delivery must be prepaid unless otherwise agreed upon.
- Purchaser is tax exempt; if taxes apply, tax exemption letter will be sent.
- Items are inspected upon arrival. Goods rejected because of inferior quality will be returned collect; they are to be replaced only if authorized by us.
- Right is reserved to cancel all or part of order if shipment is not made as requisitioned on purchase order.
- If applicable, publisher agrees to submit a compliant NIMAS file to NIMAC. Distributors agree to notify publishers of their obligation to submit NIMAS files for purchased products to NIMAC. Files will be used to produce alternate formats as permitted by law for students with print disabilities.

APPROVED BY:

Michael Roney

PAGE TOTAL \$	1,850.00
TOTAL \$	1,850.00

ITEM #	ACCOUNT	AMOUNT	PROJECT CODE
01	1125250813108130 6391	1,850.00	

Accounts Payable Copy

VN 27439

OK to pay
val
7/25/18

July 9, 2018

PERSONAL & CONFIDENTIAL

Dr. Michele Condon
Superintendent
Kirkwood R-VII School District
11289 Manchester Road
Kirkwood, MO 63122-1122

Re: Invoice for Governance Services

Dear Michele:

Thanks for allowing us to work with you on recent governance services matters. We appreciate your confidence in us and trust you have been pleased with our services.

We are pleased to offer you a few options regarding your billing in the hope that it will make the payment of fees more convenient to you. If you prefer to have your billing statements sent to you electronically, rather than by regular mail, we now offer you an opportunity to receive your bill electronically. Additionally, you may elect to receive your billing statements by both electronic and regular mail. If you would like to receive billing statements via email, please contact our firm administrator, Laurie Grimes, at lgrimes@edcounsel.law and indicate the recipient's name and email address for billing purposes. Please also indicate if you would like to receive your invoices by regular mail in addition to email.

We now accept debit and credit cards in payment of our invoices. Should you wish to make a payment via a debit or credit card, please visit our website at www.edcounsel.law and click on the blue "PAY NOW" button on the lower right side of our homepage. A new page will load with another blue "PAY NOW" button for you to click which will take you to a secure payment gateway on which to enter your payment amount, invoice number and credit card information. Please contact our office at (573) 777-9645 and ask for Laurie Grimes should you wish to make a credit card payment over the phone. We currently accept Visa, MasterCard, Discover Card, and American Express.

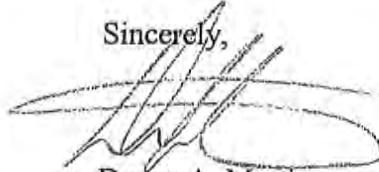
For your records, we also ask you to note the taxpayer identification number (TIN) for EdCounsel, LLC, which is 46-4338943.

Dr. Michele Condon
Superintendent
Kirkwood R-VII School District
July 9, 2018
Page 2

We hope these billing processes are more convenient and efficient for you as our client. If you have questions or comments regarding the foregoing, please do not hesitate to contact me.

We are excited about the opportunity to work with the Kirkwood R-VII School District and look forward to further developing our partnership in serving the children of your community through public education.

Sincerely,

A handwritten signature in black ink, appearing to read 'Duane A. Martin', with a large, sweeping horizontal stroke at the end.

Duane A. Martin

DAM/kcc
Enclosure