

**Eureka City Schools Board of Education**

2100 J Street, Eureka, CA 95501

**Special Meeting**

12:00 PM

**January 13, 2017**

**MINUTES**

**A. CALL TO ORDER OF OPEN SESSION**

President Ollivier called the session to order at 12:07 p.m.

Members Present: Johnson, Ollivier, Davis, Taplin, Duncan

Members Absent: None

Staff Present: Van Vleck, Alexander, Will, Harris

**B. PLEDGE OF ALLEGIANCE TO THE FLAG**

**C. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

No public comment on closed session items.

**D. CLOSED SESSION (Closed to Public)**

President Johnson moved the meeting to closed session.

Members Present: Johnson, Ollivier, Davis, Duncan, Taplin

Members Absent: None

Staff Present: Van Vleck, Alexander, Will

Legal Advisor to the Board: Damara Moore, Esq.

- (1) Employee discipline, dismissal, release, appoint, accept the resignation of or otherwise affect the employment status of a public employee (GC § 54957)

**E. RECONVENING OF OPEN SESSION**

At the request of Respondent Timothy Regan's attorney, Peder Thoreen, President Johnson moved the meeting to open session regarding Closed Session Item D(1).

Members Present: Johnson, Ollivier, Davis, Taplin, Duncan

Members Absent: None

Staff Present: Van Vleck, Ziegler, Alexander, Will

Legal Advisor to the Board: Damara Moore, Esq.

*Open Session was recorded stenographically by Jennifer Yang, a Court Reporter with KCW Court Reporters & Video Services (1018 Second Street, Eureka, CA 95501, tel: 707-443-7067).*

**F. CLOSED SESSION (Closed to Public)**

President Johnson moved the meeting to closed session at 6:14 p.m. for deliberation regarding Closed Session Item D(1).

Members Present: Johnson, Ollivier, Davis, Duncan, Taplin

Members Absent: None

Staff Present: None

Legal Advisor to the Board: Damara Moore, Esq.

**G. RECONVENING OF OPEN SESSION**

President Johnson reconvened the meeting at approximately 8:30 p.m.

Members Present: Johnson, Ollivier, Davis, Taplin, Duncan

Members Absent: None

Staff Present: Van Vleck, Will

**H. REPORT OUT FROM CLOSED SESSION**

**TIMOTHY REGAN - PROBATIONARY DISMISSAL HEARING BEFORE THE  
EUREKA CITY SCHOOLS BOARD OF EDUCATION - DECISION SUMMARY**

After hearing testimony, reviewing all evidence submitted by both parties, and conducting its deliberations, the Board voted as follows on the motions before it:

***Is Timothy Regan owed back pay from the date of his release through the date of the hearing?***

5 AYES, 0 NAYS.

The Board President stated that Education Code section 44948.3 does not authorize reliance on Education Code section 44939 to suspend without pay pending dismissal.

***Did the District prove that Timothy Regan is evidently unfit to serve as a resource teacher for Eureka City Schools?***

0 AYES, 5 NAYS

The Board President stated that there was not sufficient evidence to support a finding that Timothy Regan possesses a fixed character trait rendering him evidently unfit to teach.

***Did the District prove that Timothy Regan persistently violated or refused to obey school law of the State or reasonable regulations prescribed by the Governing Board?***

5 AYES, 0 NAYS

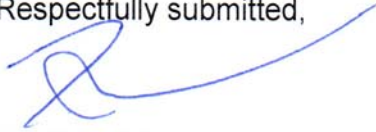
The Board President stated that the District proved Timothy Regan refused to obey school laws of the State or reasonable regulations in the form of refusing to perform his assigned job as resource teacher which he was contractually obligated to perform.

The Board President announced it is the determination of the Board that Timothy Regan is due back pay from the date of his unpaid suspension until January 13, 2017. Further, the Board upheld the decision to dismiss Timothy Regan on the basis of refusing to perform his assigned job duties.

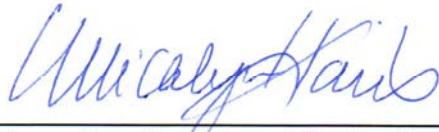
**M. ADJOURNMENT**

President Ollivier adjourned the meeting at 8:44 p.m.

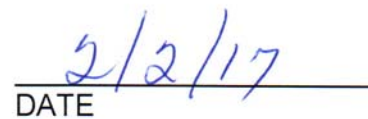
Respectfully submitted,



Fred Van Vleck, Ed.D.  
Secretary of the Board of Education



Recording Secretary, Micalyn Harris

  
CLERK OF THE BOARD  
DATE

The next regular meeting will be held February 2, 2017 at 7:00 p.m. in the Boardroom #116 at 2100 J Street, Eureka, CA.