

Special Board of Education Meeting

Thursday, December 30, 2021 8:00 AM

City of Gering Council Chambers
1025 P Street
Gering, NE 69341



Minutes

1. GPS Board of Education Information

2. Opening Procedures

2.1. Open Meetings Act

Board President Peters noted that a copy of the Open Meetings Act was posted in the room in which the hearing was located. Board President Peters also noted that due and proper notice of the meeting was published in the Gering Courier on December 23, 2021.

2.2. Call to Order

At 8:02 a.m. on December 30, 2021, the Gering Public Schools Board of Education convened a special meeting for the purpose of conducting a hearing on the consideration of the cancellation or continuation of the employment contract of Rocky Schneider.

2.3. Roll Call

Present: Brian Copsey, Josh Lacy, B.J. Peters, Brady Shaul, Tracy Wiese, Mary Winn.

2.4. Excuse Absent Board Member(s)

3. Adopt Agenda

4. Discuss, consider, and take action to appoint a hearing officer and advisor to the Board for a personnel hearing.

Board President Peters turned the conduct of the meeting over to Josh Schauer, the attorney representing the Board of Education for the hearing on the administration's recommendation that the employment contract of Rocky Schneider be canceled.

5. Conduct personnel hearing concerning the employment contract of Rocky Schneider.

The board heard evidence concerning Mr. Schneider's employment.

5.1. Closed Session Deliberations

5.2. Reconvene in Open Session

6. Discuss, consider and take action to cancel, non-renew, continue or other action as deemed appropriate concerning the employment contract of Rocky Schneider.

Hearing Officer Schauer read the proposed Findings of Fact to cancel Mr. Schneider's employment as follows:

DECISION TO CANCEL EMPLOYMENT

On December 30, 2021, the Board of Education conducted a hearing to consider whether to

cancel the employment contract of Rocky Schneider. Mr. Schneider was present and was represented by Jeff Kirkpatrick, Attorney at Law. The Board of Education was represented by Jordan Johnson, Attorney at Law, and Karen Haase, Attorney at Law. Based on the evidence adduced at the hearing in the form of testimony and documents, the Board of Education makes the following findings and decisions.

1. Mr. Schneider is a certificated employee who was employed as a principal by Gering Public Schools for the 2021-22 contract year.
2. By letter delivered December 10, 2021, Mr. Schneider was notified of the possible cancellation of his contract.
3. By letter dated December 14, 2021, Mr. Schneider requested a hearing regarding the proposed cancellation of his employment contract.
4. On December 23, 2021, Mr. Schneider was given written notice of the time, date, and place of the hearing including the employment-related reasons for the proposed cancellation, the names of the witnesses who would testify at the hearing, and the documents which would be offered into evidence by the administration at the hearing.
5. Due and proper notice was given of the meeting of the Board of Education at which the hearing was conducted, as required by law, including the publication of such notice in the December 23, 2021 edition of the Gering Courier.
6. Based upon the evidence adduced at the hearing, the board of education finds that Mr. Schneider has failed to meet the expectations and standards for the performance of a principal at Gering Public Schools for the reasons set out in these findings.
7. Superintendent Regan directed district administrators to report to her significant or serious issues facing the district, its students, or its staff. Throughout the 2021-2022 school year, Mr. Schneider repeatedly refused to adhere to that directive and failed to report several significant or serious issues facing the district, its students, or its staff. Mr. Schneider failed to adhere to Superintendent Regan's directive himself and failed to ensure that his building administrators adhered to that directive. In doing so, he violated the minimum standards for professional practices which are set by the Nebraska Department of Education.
8. Mr. Schneider repeatedly refused to address significant issues facing the district, its students, or its staff in a manner consistent with the District's expectations, the expectations of his supervising administrator, the district's policies and procedures, the minimum standards for professional practices which are set by the Nebraska Department of Education, and the basic standards of professional and competent conduct expected of district administrators.
9. Throughout the 2021-2022 school year, Mr. Schneider repeatedly failed to demonstrate respect for his supervising administrator and to communicate with that administrator professionally and appropriately.
10. On Wednesday, December 8, 2021, Superintendent Regan met with Mr. Schneider to reprimand him for behaving in an unprofessional and insubordinate manner. During that meeting, Mr. Schneider stated his intent to resign at the end of the school year due to the position "being hard enough with a competent, supportive superintendent." Mr. Schneider implied that he was unable to meet the District's expectations with Superintendent Regan as his Superintendent. He indicated that he did not understand the District's expectations with respect to reporting, investigating, and addressing known or alleged sexual harassment

or sexualized misconduct.

11. Based upon the evidence adduced at the hearing, the Board of Education finds that Mr. Schneider has failed to meet the Board of Education's expectations and standards for the performance of certificated staff in Gering Public Schools.

12. Mr. Schneider has acted in an unprofessional manner; acted in an insubordinate manner; and neglected his duties. His conduct substantially interferes with the continued performance of his duties as a principal at Gering Public Schools.

13. Mr. Schneider breached his contract of employment by performing acts and engaging in conduct that is materially harmful to the district and which substantially inhibits Mr. Schneider's ability to discharge the duties of his contract.

14. In judging the credibility of the witnesses and the weight to be given to witness testimony and other evidence presented, the board has considered the following:

- a) The conduct and demeanor of the witness while testifying;
- b) The sources of information, including the opportunity for seeing or knowing the things about which the witness testified;
- c) The ability of the witness to remember and to communicate accurately;
- d) The reasonableness or unreasonableness of the testimony of the witness;
- e) The self-interest or lack of self-interest of the witness in the result of this case;
- f) The apparent fairness or bias of the witness or the witness's relationship to the parties in this matter;
- g) Any previous statement or conduct of the witness that is consistent or inconsistent with the testimony of the witness at this hearing; and,
- h) Any other evidence provided at the hearing that affects the credibility of the witness or that tends to support or contradict the testimony of the witness or other evidence.

15. The board of education has determined that the testimony and evidence presented by the school district are credible.

16. The evidence presented by Mr. Schneider at this hearing, to the extent it is inconsistent with the evidence of the school district, is not as credible as that of the school district. The testimony that Mr. Schneider presented in an attempt to excuse his conduct, neither justifies his behavior nor diminishes Mr. Schneider's responsibility for his actions.

17. In making its determination, the board limited its decisions to the education-related and job-related considerations set out in its findings.

18. The findings set out above, whether considered individually or in the aggregate, constitute just cause for the cancellation of Mr. Schneider's employment.

It is therefore the decision of the Board of Education that the employment contract of Rocky Schneider should be canceled and the same is hereby terminated effective immediately.

7. Adjourn

The meeting was adjourned at 7:43 p.m.