

March 9, 2009
Date

Special Called
Kind of Meeting

Teachers' Center
Where Held

Dr. Steve Stokes, Chairman
Presiding Officer

Members Present:

Dr. Steve Stokes
Mrs. Margaret Johnson
Mr. Jimmy Addison
Mrs. Brenda Guilford
Ms. Gayla White
Mr. Chris Maddox
Dr. Hays McKay

Members Absent:

The Chairman, Dr. Steve Stokes, called the meeting to order.

Mr. Franklin Jones led in prayer.

The Chairman led the Pledge of Allegiance.

Ms. Gayla White made a motion seconded by Mr. Chris Maddox to approve the Agenda as recommended by the Superintendent. The motion carried unanimously. Voting was as follows: "YEA" – Jones, Guilford, White, Maddox, Stokes, Addison, McKay. "NAY" – None. "ABSTAIN" - None.

Dr. Steve Stokes introduced Mr. Jere Segrest, Board Attorney.

Mr. Jere Segrest, Board Attorney, stated the purpose, Mr. Chairman, of the meeting tonight is to consider the termination of Andrew Sewell, Principal at Dothan High School. This is simply the beginning of the procedure. The Board will not be determining his guilt or innocence or being or will not consider any evidence at all tonight. They will be simply acting on the recommendation of Dr. Nichols. Dr. Nichols will be reading into the record a written recommendation which will be a part of the Board minutes and I think it will be offered to the media. This is the beginning of the procedure. Mr. Sewell will be afforded his constitutional rights by a Circuit Judge or a mediator appointed by a Circuit Judge. In other words, Mr. Sewell, if the Board by majority acts on the recommendation that Dr. Nichols is about to make then Mr. Sewell will have the right to appeal that process, which will go to the Circuit Court. He will file his Notice of Appeal with the Superintendent's office and from there the Superintendent will be filing a Petition in the Circuit Court asking for a Judge to be appointed to give Mr. Sewell a full evidentiary hearing within 45 days of the filing of the Notice of Appeal and that is how he afforded his constitutional rights. This is an unusual procedure. In fact, this is the first time that I have ever dealt with the procedure and we have had to fashion the recommendation and motion. Dr. Nichols will be reading his recommendation into the record.

Dr. Sam Nichols addressed the Board stating there are two matters that I will ask you to vote on tonight. One will be a recommendation and the other will be a resolution. First the recommendation:

***"RECOMMENDATION PURSUANT TO SECTION 16-24-(B)-3,
CODE OF ALABAMA, 1975, AS AMENDED
TO TERMINATE PRIOR TO THE END OF THE SCHOOL YEAR
PROBATIONARY PRINCIPAL, ANDREW SEWELL, A/K/A
ANDREW DWRIGHT SEWELL, TEACHER NUMBER 321227, SSN 417-13-5375***

The purpose of this recommendation is to terminate the probationary contract of probationary principal, Andrew Sewell, a/k/a Andrew Dwight Sewell, prior to the end of the school year and to afford said probationary principal the hearing process described in Section 16-24(B)-3, Code of Alabama, 1975.

The recommendation is based upon the following reasons set forth in Section 16-24-(B)-3(e)(1): (a) Immorality; (e) Failure to fulfill the duties and responsibilities imposed upon principals by this code; (f) Willful failure to comply with board policy; (i) Other good and just cause; and (k) Failure to perform duties in a satisfactory manner.

The facts supporting the above reasons are as follows:

(A) *Engaging in an inappropriate or an illegal, personal or sexual relationship with a minor student attending Dothan High School, who was entrusted to his care and said relationship continuing until she reached the age of majority.*

(B) *An arrest warrant issued out of the District Court of Houston County, Alabama, by the Judge of said Court charging Andrew Sewell with contributing to the delinquency of said minor child.*

(C) *Each violation or improper contact with said minor constituting a separate offense, resulting in immorality, neglect of duty, failure to fulfill his duties and responsibilities imposed upon him as Principal of Dothan High School, which is likewise a willful failure to comply with board policy and constitutes other good and just cause and failure to perform his duties in a satisfactory manner.*

In the event of a majority vote of the board cancelling the probationary principal's contract, as recommended, pursuant to 16-24(B)-3(e)(1), Code of Alabama, 1975, within ten days of the receipt of notice to the probationary principal notifying him of the action of the Dothan City Board of Education to cancel his contract for cause as provided in subdivision 1 of (e)(1) of 16-24(B)-3, the probationary principal may, by filing written notice to the Superintendent, request a non-jury expedited, evidentiary hearing before the Circuit Court of Houston County, Alabama. The Superintendent shall provide notice to the Circuit Court promptly after receiving such notice from the probationary principal. At the hearing the employing board shall bear the burden to prove by preponderance of the evidence that the cancellation is solely for the causes set forth in subdivision (1) and this notice.

Dated this 9th day of March, 2009.

Dr. Sam Nichols addressed Dr. Stokes stating this is my recommendation.

Dr. Steve Stokes stated the first action we have to do is decide if we wish to vote in favor of the recommendation by Dr. Nichols if so then we will move for Resolution to terminate the contract. Dr. Stokes asked if there were any questions for Dr. Nichols or any comments by the Board.

Ms. Gayla White made a motion seconded Mrs. Brenda Guilford to accept the Superintendent's recommendation (as stated above). The motion carried unanimously. Voting was as follows: "YEA" – Jones, Guilford, White, Maddox, Stokes, Addison, McKay. "NAY" – None. "ABSTAIN" - None.

Dr. Sam Nichols stated the second item before you tonight will be a Resolution adopted by the Board of Education. Dr. Nichols read as follows:

"Presented at a special meeting of the Dothan City Board of Education on Monday, March 9, 2009, at 5:00 p.m.

Superintendent, Sam Nichols, made a written recommendation pursuant to Section 16-24(B)-3, Code of Alabama, 1975, as amended, to terminate probationary principal, Andrew Sewell, a/k/a Andrew Dwight Sewell, Teacher number 321227, SSN 417-13-5375, prior to the end of the 2008-2009 school year. A copy of said recommendation is made part of this resolution.

The Superintendents recommendation, being unanimously approved, it is directed by the Dothan City Board of Education that a copy of the recommendation, along with a copy of this Resolution be served upon the contract principal, Andrew Sewell, by regular mail, certified mail, and personal service, at the last known address, to inform him of the action of the board cancelling his contract for cause as set forth herein.

The board is aware that the contract principal has been charged with contributing to the delinquency of a female child during her minority, and therefore does not wish to infringe upon the constitutional rights of the principal to a fair and impartial trial in the Juvenile Court of Houston County, Alabama.

The board is aware that the contract principal has the right to appeal this action of the board cancelling and terminating his probationary contract and obtain a full evidentiary hearing in the Circuit Court of Houston County, Alabama, pursuant to Alabama law.

This is to certify that the above is a true and correct copy of the Resolution of the Dothan City Board of Education passed at its special meeting on Monday, March 9, 2009, at 5:00 p.m., with the Superintendent's recommendation attached.

Dr. Sam Nichols stated I make the recommendation to adopt the Resolution.

Dr. Steve Stokes stated we need a motion for approval.

Ms. Gayla White made a motion seconded by Mr. Chris Maddox to accept the Superintendent's recommendation of the Resolution as presented (as stated above). The motion carried unanimously. Voting was as follows: "YEA" – Jones, Guilford, White, Maddox, Stokes, Addison, McKay. "NAY" – None. "ABSTAIN" - None.

Dr. Steve Stokes stated that completes our Agenda as approved by the Board.

Mrs. Brenda Guilford made a motion seconded by Ms. Gayla White to adjourn the meeting. The motion carried unanimously. Voting was as follows: "YEA" – Jones, Guilford, White, Maddox, Stokes, Addison, McKay. "NAY" – None. "ABSTAIN" - None.

The meeting adjourned at 5:09 p.m.

Approved: March 16, 2009

Dr. Steve Stokes, Chairman

Sam Nichols, Superintendent, Secretary