

**LINCOLN COUNTY SCHOOL DISTRICT  
BOARD OF TRUSTEES REGULAR MEETING MINUTES**

**THURSDAY, NOVEMBER 9, 2017 - 6:00 P.M.**  
LINCOLN COUNTY SCHOOL DISTRICT OFFICE  
1191 EDWARDS STREET, PANACA, NV 89042

**Members Present:** Ty Mizer, Patrick Kelley, Carolyn Harr, Wade Poulsen, Peggy Rowe  
**Superintendent:** Pam Teel  
**Principals:** Stephanie Vincent – Pioche Ele., Brian Higbee – PVES, Raymond Wadsworth – MVMS, Cherry Florence – Caliente Ele., Pete Peterson – Panaca Ele., Cody Christensen – C.O. Bastian, Mike Strong - PVHS

**Call to Order Pledge of Allegiance**

President Mizer called the meeting to order at 6:00 P.M. and led the Pledge of Allegiance.

**Public Comment**

Roberta Hess-Park read a letter addressed to the board. See attached.

**Approval of the Agenda**

Trustee Poulsen made a motion to approve the agenda, motion seconded by Trustee Harr; motion carried.

**Approval of the Minutes for the Regular Meeting Held October 12, 2017**

Trustee Poulsen made a motion to approve the minutes for the Regular Meeting Held October 12, 2017, motion seconded by Trustee Rowe; motion carried

**Letters**

Trustee Harr - Read letter from Charleen Bowman - notification of retirement at the end of 2018-2019. It will be placed on agenda next month.

**School Reports**

Pioche Elementary – Mrs. Somers – Summit Learning Presentation –From her point of view, it is going very well. Personal Learning Time – they all work at their own pace to pass off their content areas. Kids do learn at different levels, and this program allows students to move on as they master concepts. Kids are working on different things every day. They have all had to learn study habits. I do not force them to sit down and learn. They see what they have to do and they learn what works best for them. It has pushed them to be independent. They like the pressure to keep up with the pacing guide, but they also like that they can take longer if needed. Tyler – I like how when one part concept assessment turns red and our class hates red. It pushed you to turn it from red to green. Mrs. Somers – There is a pacing guide that shows them when they have to have certain things done. It helps them to make goals to pass things off, and they are driven to do well and stay on track. Whole class is doing well with it. At first, it was a struggle. There were tears, sadness and pressure. They have to think in ways that they have had to think. They have to think outside of the box. They have adapted well to the pressure. Tyler – I also like how you can work on at your own pace. I can work ahead and not have to stay back. Mrs. Somers - He can prove that he knows something and then move on. He is good at math and is a good example of that area. One might be good at English. The kids always know when they are going to turn red. Some of them have to take the content assessment eight times before they pass it. They really have to know it. It is challenging for teacher, but I like it. It forces me to sit with every kid and some point I am sitting down with each kid individually and helping him or her with what they are struggling with. It will not let a kid fall through the cracks. It makes me work harder to make sure students understand. There was one project in math that was challenging. The kids were at their give up moment. They got through that. The curriculum is all set up and right at your fingertips and user friendly. My daughter is in the class and after school, we will talk about what we are learning. They are really engaged in the learning. They have to take the ownership for it. They will help each other. They always work in groups to fill out study guides and take notes. They have learned that they cannot spend all of their time helping others or they get behind. Every kids is motivated.

Panaca Elementary – Lori Stackhouse –Field Trips - Our K-3 went to Staheli Farms and learned about the food chain. 4-6 Grades went to the Pahrnagat Wildlife Refuge. I recommend that if your school has not been there to go. We hiked and we had stations we went to. My favorite station was the duck wings. We did bird watching and all the kids enjoyed it. Our PTG has had two movie nights. They sponsored a Fall Festival instead of the carnival. At first, the parents were not too happy about it. They thought it was a little expensive as they were charging admission and for the food. The PTG and Mr. Peterson decided to have some free stuff like cotton candy and popcorn. We had about 100 kids that came. It was a good fundraiser. We had an honor roll assembly. Mr. Peterson gave out one hundred dollars. If a student is on the A-B honor roll, they get a silver dollar. If they get all A's, they get ten dollars. We had six 4.0 students. Last year we had one. We had our parent teacher compacts last week. We had 98.5 percent of parent's attend. We had our

Veteran's Day assembly yesterday. Justin Frehner was our speaker. The high school band and choir came and performed. At the end, they announced for all the veterans to stand. We had more there than I can remember. Mr Peterson – he really enjoys going to shows in Las Vegas and he was able to get tickets to the Blue Man Group for our Golden Wildcat Trip. We have committed children to earn their golden wildcat.

MVMS – Mr. Wadsworth – Things are going really well at the middle school. We had our first pride trip of the year. We had 53 out of 74 students attend. They earn it through their good behavior and citizenship. While we there, on two separate occasions and locations, the people working made comments about how well behaved the students were. Specifically when we went to eat lunch at the different locations, the workers all said how well behaved and super polite they were. We had our Veteran's Assembly yesterday, and Michael Anderson spoke. It was a great experience. The students asked lots of questions. Mrs. Harr attended. Good way to end the week.

LCHS – Matt Cameron – We had a great fall season of sports. Football is competing this weekend in Lovelock. Volleyball had a good showing in Laughlin. We had four kids who competed at state cross-country. Atlanta Farms had equipment down and they came and asked the high school to come up and harvest potatoes to use as a fundraiser. They came home with four hundred 50 lb. bags of potatoes. They worked really hard. 22,000 lbs. is what they ended up with. We have been meeting on Fridays working on an intervention program for the high school students to help those who are on grade check. We just implemented that this week. There is a twenty-five minute period for those who have D/F's or missed tests. They will have the opportunity to get more one on one help to improve their grades. In January, we will receive some training on the MAPS testing on how to use those results and to find out where the students are lacking. Show choir concert, they always do a fantastic job. We had a Veteran's Assembly. Annie is coming up next week. There is always a lot going on.

Caliente Elementary –Cherry Florence – The quarter ended. We had 100 percent of parents attend our student led compacts. Our students were fortunate to be invited to the Pumpkin Patch. They do a phenomenal job. So many volunteers care about our kids. Neat people that are there to help our kids with something they can enjoy. I appreciate them. We had Safety Week in October. We had Smokey the Bear come. Thanks to the BLM and the Caliente Fire Department for being there and helping the kids understand the dangers and how to protect themselves. Safety is a concern. We want to make sure our kids are safe. We appreciate their volunteering too. We also have Dan Hunt, our counselor, who did Red Ribbon Week. It teaches about the danger of drugs. We are fortunate to have him in our school very Wednesday. He meets with kids individually. Character Counts Week – Where they learn about self-respect and caring for other people. We had the Great Nevada Shake Out. Our PTO is phenomenal. They did our carnival for Halloween. We had a packed house. We have people who volunteer for a lot of that too. They are raising money for a new sound system and we hope to have it for our Christmas Play on Dec 7<sup>th</sup>. The LCAT will have a Gingerbread Run on Saturday. All the money they raise goes to the elementary school. They are another group of people supporting our school. We had our honor roll assembly on Halloween and had a costume parade. Our Pre-K and Kindergarten went to the hospital. It is fun for us to give back to the community too. Nurse Jean came this week to check hearing and vision. It is nice to have her in our schools. She is there if we have any issues. We appreciate her. Veterans' Day assembly – Kudos to Laura Tibbetts and Leslie Jackson. They did a great job. We appreciate our veteran's and all they do for us. Lexia – an online program – if students have met their levels, I will read it over the loud speaker. We had one student in 5<sup>th</sup> grade who completed nine units over the weekend. It is neat to have the parents encouraging their students. We have a grandmother of a student who comes and volunteers weekly to teach art to the students. Mrs. McCleary does a great job. We will have Predator Prey on the 30<sup>th</sup> of this month. Our 4-6<sup>th</sup> grades, go up the canyon. They look forward to it. They all want to be there. Our band concert was great. Mr. Lester does such a great job with the kids introducing them to music and rhythm. We continue to have parents in PE. We are trying to up our numbers in the lunch program and we have almost all of them are eating. Lunch is doing well. Kudos to those who work in that program.

COB – Mr. Christensen - Things are going along at C.O. Bastian. We had more than half of our students on the honor roll. We have credits earned through independent study courses. We are short a few teachers. The other teachers have proven to be resilient and have stepped up. They are doing good things for these kids. We really appreciate them. We have had Intramural Championships. Mr. Thornock is trying some non-traditional sports in our program. We did Ultimate Frisbee for our championships. It was a little different for the kids, but I think it is a good thing. I really appreciate that he is expanding their horizons. We have had two graduations. We are hoping we have another graduation a week from Tuesday.

PVES – Mr. Higbee – Mrs. Stirling is a fantastic teacher. She does an amazing job. Lynette Stirling – 2<sup>nd</sup> grade Teacher. We did go on a field trip to the corn maze in Moapa. We had a great time. We have been going for the last five years. They do a wonderful job. There are many different activities and two different mazes. Our Kindergarten and 1<sup>st</sup> grade went to the Pumpkin Patch in Caliente. They had a great time. We also had our compacts and had 100 %. As a teacher, it is one of the best times to talk to the parents about their student's strengths and weaknesses. I look forward to those times to really discuss their academic as well as their social and other things they are doing in the classroom. We had our Halloween Parade around the church. Most of the town come out for it. Everyone looks forward to it. It is a great time. To go along with Veteran's Day, in my classroom we are learning about

the American Flag. What is on the flag? We broke apart the Pledge of Allegiance to learn what the words mean. Showed pictures what her students drew about what the words mean. We are doing a research project and learning that there is more than one way to publish that project. We have been talking about habitats. Showed some of the habitat projects. We are having a good time. They enjoy working together on projects. It helps them to come together and work as a team to get things accomplished. I really enjoy the 2<sup>nd</sup> grade, and we have lots of fun things this year.

PVHS/PHMS – Mr. Strong – PVMS had their pride trip as well. Students will report in December. The high school is as busy as ever. LCHS and PVHS student councils' met to discuss several issues. It was really good. We had an in-depth safety day. We spent the whole day doing several drills. We appreciate all those who came to help. Active shooter simulation when the kids were gone in the afternoon. We learned some things that we need to get better at. They gave us a completely new way of looking at things and handling situations. I would like to thank Mr. Sparrow for making that happen. Guy Davis, the highway patrol and the local sheriff's dept. all helped pull it off. Donation given for the piping. Appreciated that.

Mr. Anderson – PVHS Auto Shop – The heating and air conditioning systems are in. The electricians are there working on the wiring. Basically, we are waiting for the electrical to be finished. They are also doing all the fire alarm wiring as well. The fire protection system has been installed. The sprinklers have all been installed. We are waiting for the wiring to put the alarms in. The high school kids have been putting up the welding booths. Rob Hansen got a grant for the pipe for air system. The students will be helping with the air system as well. There will be a slab on west side of the building for the propane. Ken Back and Ryan Rhodes are working on it. We will be pouring that and have a fence around it. As soon as it is finished, Pilot will deliver the tank and connect the gas to the building. As soon as we get heat in there, we will turn the water on to make sure there are not leaks. Windows not ordered yet. Ken Back is looking for a certain type. The dry wall to be done and the painting. We will be installing an internet system. It has all been ordered. Mr. Lamb will be installing. Doors are all there for the classrooms. Finish the plumbing after the drywall is completed. We hope to have plugs by the weekend. The wire is all ran. Hoping for January to be in there.

Mr. Strong – This is the best experience you can ever imagine for our students. It was a donation from a member of the community for the piping. We definitely appreciated that.

#### **Payment of Bills – For Possible Action**

**Trustee Poulsen made a motion to approve the payment of the bills, motion seconded by Trustee Harr; motion carried.**

Trustee Rowe recused herself on the advice of legal counsel and asked to be excused at this time.

#### **Recommendation to Superintendent Regarding Pay Status for Kenneth Higbee During Administrative Leave – For Possible Action**

President Mizer – Before we begin, I need to cover a few items before we take this up. We are required to comply with open meeting laws in specific ways. Whenever an employee's character, alleged misconduct or professional competence may be discussed by the board in public meeting, the employee must be notified that these topics may arise. Mr. Higbee was notified through correspondence from the board's legal counsel to Mr. Higbee's legal counsel dated November 1, 2017. Proof of service of that notice has been received. I also want to share some background. State law gives the superintendent authority to place an employee who has been charged with a felony on administrative leave without pay. Last spring, Mr. Higbee was officially charged with a felony. In June, Ms. Teel notified Mr. Higbee that his administrative leave would be changed to leave without pay as of July 1, 2017 based on the fact that he had been charged with a felony. Mr. Higbee requested a 90-day extension of that decision. Ms. Teel agreed. Mr. Higbee's leave without pay status commenced on October 1<sup>st</sup>. Subsequently his counsel requested an opportunity to address the board regarding this matter so that we may take official action to make a recommendation to Ms. Teel regarding her decision. We agreed to agendaize this item on the public meeting agenda at the request of Mr. Higbee's counsel, Mr. Lanny Waite, who is here with us this evening. Mr. Waite, the floor is yours.

Lanny Waite – Board Members, we appreciate the opportunity to be here this evening and for you putting us on the agenda so that we might have an opportunity to discuss the action that has been taken and that may be taken in the future by the district and the superintendent. As part of that, I wrote a letter to each of the board members. I would like if I might to have that letter included as part of the official record here tonight.

President Mizer – Does it need to be read or just entered in?

Mr. Waite – Sure, I also want to take the opportunity to thank Ann Alexander, your legal counsel. We have been working with Ann. I am not Ken's only legal counsel in this matter, Brett Whipple is also been involved. As you are probably aware, he is a bit tied up right now with the Bundy trial in Las Vegas and so is unable to be here or to participate. But, I appreciate having worked with Ann on this matter. We do not always agree. We don't agree about the issues, many of them that have arisen. But after 31 years in legal practice and as a judge, you know the good ones when you see them and you work with them. Ann is that kind of person. She is courteous. She is helpful. She tries to accommodate wherever

it's possible. She is tough and she knows her business. I respect that. Just want the board to know that you've got good legal counsel, and you're in good hands with her. I truly appreciate the comments that were made initially by former Principal Park. Having grown up in Moapa Valley and having my head beat off and hopefully given it fair back to some from Lincoln County and from Alamo and from these little valleys, we have quite the rivalries in sports and then sometimes in other things. But, the one thing that we have all learned, particularly those who have been in positions of leadership have learned is that unless we stick together, unless we help each other out, unless we are working together for the betterment of our communities, we get nothing. Dollars are hard to come by; every benefit we receive is hard to come by. The things that the metropolitan areas take for granted, we have to scrap and fight for every day. I understand that. I understand something about the nature of what may have transpired here. But, tonight is Dr. Higbee's first opportunity to begin to address the issues that have arisen when he was removed from C.O. Bastian without warning on December 2, 2015. My family tells me that when I am in story telling mode, my hunting and fishing stories get bigger and longer by the day. So in the interest of time, I wrote some things down. I hope you will appreciate the fact that under the current circumstances, I have advised Mr. Higbee, Ken Higbee that he is not going to be able to speak tonight. I do not want to place him in any further legal jeopardy then he is already in. I will be speaking on his behalf. I wrote down and have given a great deal of thought to what I might say to the board as it relates to what has transpired. What you may know and what you may not know, and much of what has gone one you will not know, maybe ever. But, certainly not at this point, but I will try to make this as concise as possible. So I hope you will forgive me if I read from some of these notes. On December 2, 2015, Ken Higbee was suddenly and without warning or explanation removed from his many duties with the Lincoln County School District by Superintendent Steve Hansen. Not only removed from these positions of responsibility, but trespassed from any school district property in Lincoln County. To say he felt shock, dismay, confusion, betrayal, humiliation are all understatements. While his immediate suspension was with pay, he was removed from the student, staff, players and peers; he had worked with and loved for most of his professional life. The life he loved was thrown into complete turmoil and ripped from him. After almost two years, he still does not understand why his loyal service to the Lincoln County School District ended this way. Not once has he been asked or even allowed to defend himself to the Lincoln County School District until tonight. I want to emphasize that, because it is my sincere and strong opinion, that had decisions been made by Steve Hansen and potentially others within the district when they began to get word that there maybe some irregularities that were surfacing that they certainly protect the district, protect the schools, protect the students. I get all of that. But why, why immediately upon removing him under those circumstances, did the superintendent not sit down with Ken Higbee and say Ken here some things that we've learned, what's going on? I truly and sincerely believe that had he done that, Ken would have been able to explain those things sufficiently for him and for others. That he would have been reinstated, there would have been some type of internal mentoring, some type of internal review, some type of internal inward looking as a district at what has been going on in this district for decades. Not just during the time Dr. Higbee was the principal at C.O. Bastian. I am going to talk tonight a little bit about mistakes that I think were made. That was the first and probably most glaring. When the decision was made by Steve Hansen or whomever at the district to bring in Dan MacArthur who was the district's accountant/auditor to look into some irregularities that were surfacing. He began to do so, and after several months of looking into the matter felt that he had enough information that he could report back. Mistake number two. In reporting back, he did not come just to the school board or just to the superintendent and say, here's what I found and this causes me some concern. Maybe we better find out what is going on here and get some explanations. No, that wasn't done. He reported to the board, he reported to the superintendent. But he also brought in the county district attorney and the sheriff. And turned the matter over to the sheriff. Not to the board, not to the superintendent, but to the sheriff. The sheriff, mistake number three, immediately went to the Nevada Department of Public Safety. Why the Nevada Department of Public Safety, why not the State Department of Education? Why not the Attorney General over the State Department of Education? Mistake or circumstance in this incident number four. The case immediately went to a brand new detective with the Nevada Department of Public Safety. I have known Detective Jourdan for many, many years as a highway patrolman, and undercover narcotics officer in Virgin Valley. But I have to say, and I think he would admit that he was a rookie as a detective. I'm telling you after thirty-one years of legal practice and my years thirty four years of legal practice and thirty-one years on the bench. There were incredible bumbling mistakes that were made throughout this investigation. This investigation dragged on for a year and a half. While Ken and his family endured the slander, innuendo, rumors, and downright meanness of some in the community who were just apparently willing to accept whatever they heard as gospel truth. Ken Higbee was never afforded the opportunity to speak to anyone on a formal basis or on a legal basis to be able to stop these wheels that were placed in motion when this was handed off to the Nevada Department of Public Safety. Mistake number four. When Detective Jourdan felt that he had the evidence that he wanted and needed, and I might add that his investigation was single minded. He wasn't looking at the financial practices of the district. He wasn't looking at the financial practices of anyone else within the district, and completely ignored during his investigation all of the warning signs and tell-tale evidence. That this wasn't just something that was involving Ken Higbee, this was something that involved the entire district and certainly, those in authority in the district. The mistake was made when Detective Jourdan then went to Dan Hooge, the county attorney, with that evidence and made the recommendation that they charge Ken Higbee with two hundred and twenty-six counts. Not two, not five, not ten. In all my years, as an attorney and judge, I have never seen a two hundred and twenty-five-count complaint or indictment. That was mistake number five. We are here tonight because I want you to understand something about what transpired. So that you can make the decision about Ken Higbee's financial wellbeing and his life from this point forward. We can't bring those mistakes back, the bird has flown. But you certainly have the opportunity, not to make this worse than it is already. What has now occurred after

almost two years of bumbling investigation by the Nevada Department of Public Safety's rookie investigator and legal wrangling with an equally inexperienced DA that suddenly warrants this dramatic change in status? That is we don't understand why suddenly there is this need to change Dr. Higbee's status from to leave with pay to leave without pay. I understand the verbal reason that is being given because he was charged with a felony. But doesn't the context of that, doesn't the background, doesn't the actual truth make a difference? Or is it just hey it's kinda out of our hands and it's gone up the chain and so, it's you know not me, it's him. I ask you to think about that. Ken Higbee, the man, is a product of Lincoln County. His family well known to you are Lincoln County pioneers in every sense of the word. Honest, hardworking and loyal. These values taught by loving parents and grandparents, teachers, coaches, scout and church leaders shaped and defined Ken Higbee's life. Anyone who has ever spent time with Ken Higbee, anyone who has ever been with him as he has coached, as he has taught, as he has supervised knows that the values of honesty and integrity and hard work are as much a part of his life as breathing. Ken Higbee, the professional administrator, is a product of Lincoln County School District. As an administrator, he learned quickly from his superiors, the realities of survival in the district and county where finances are in short supply. Lincoln County is the poorest county in the state. We all know it. This district lives everyday with that reality, and how it affects the students and families within this district. After years as assistant principal and a year as the principal of the Pahrnagat Valley Elementary School, Ken was hired by the district as the principal at COB. A school which I think everyone here would recognize has many unique challenges. As the principal of this school, Ken suddenly found himself in charge of a one point five plus million dollar budget, yearly budget. I want to emphasize this point over and over. He was given no financial or book keeping training. No oversight or mentoring in financial or bookkeeping matters from the district before or after he was hired despite his requests for some. During this meeting with then Superintendent Nikki Holton, when he was hired, she explained to him that the district was required by the state to administer the educational needs of C.O. Bastian High School. Past principals had given the district anywhere from twenty thousand to forty thousand dollars a year for this service. Ken was told he was expected to increase that amount to sixty thousand dollars a year by Superintendent Holton. Because this had evidently been past practice, Ken agreed to give the district sixty thousand dollars a year, if those funds were available after the needs of his students and staff had been met. From that point on, he paid the district at least sixty thousand dollars a year. Approximately three years after he was hired, he was asked to sign the yearly contract between the district and the state because Nikki was unavailable. For the first time he had the opportunity to read the contract between the district and the state. The contract made no mention of any money to be paid to the Lincoln County School District for their administration. When he questioned Nikki about this, she told him this was just the way it had always been handled, and he accepted that. Over time Ken became aware of other things, principals at COB had helped the district with using COB funds. He learned that because COB students did not have to be transported to and from school, COB had much more in it's budget that can be used after the student's and staff had received all the resources, tools and support they needed to succeed. The prevailing philosophy as taught by his supervisors was take care of your school, students, and staff and then take care of the district. He was told that as long as what was purchased stayed in the Lincoln County School District and was available to COB, it was just the way things were done. He accepted that. Ken wanted to help the district and his students. This was the way it had always been done, and it didn't deprive his school of what it needed, he was happy to help. I am not going to take the time here to outline all the activity that occurred over the years after Ken was made the principal at COB. There are a number of examples which I believe would be instructive to this board for our discussion here tonight. Ken learned after he had become principal, that the former principal at COB had purchased a computer server. Computer server with COB funds. The computer server was not housed at COB, it was housed at the Lincoln County School District. It was purchased for the Lincoln County School District and has always been used by the Lincoln County School District and not COB. In 2012, Ken became aware and learned that they had an opportunity to purchase actually to be given some stadium lights. Seeing an opportunity, he went to work on this and found out the community college what used to be the community college in Las Vegas had some stadium lights that they were willing to give, if they were willing to take them down and transport them away. Ken immediately began discussions with Steve Hansen who was then the assistant superintendent over facilities about the opportunity that had arisen, and the fact that Pahrnagat Valley High School football field and bleachers had not been renovated for thirty years, forty years. A deal was struck between Steve Hansen, Ken Higbee, and also present during that were Mike Strong and Brian Higbee. In which, the agreement was that the district would pay one hundred thousand dollars towards the renovation that would occur, if C.O. Bastian would also chip in a hundred thousand dollars. I wonder why the two. I asked Ken was there ever any mingling of those things. No, they were always kept separate. Then I found out, after doing a little research, that state requires that anything over one hundred thousand dollars has to go to competitive bid. Steve knew that. There is actually a written agreement about this. But the agreement was we will do that this year if next year we can renovate the Lincoln County High School ballfields with the same agreement. A hundred thousand dollars from the district, a hundred thousand dollars from COB. I have been through the state's evidence with regards to the charges that have been brought and many many many of those charges are for the very things that Steve Hansen agreed with Ken Higbee to purchase on behalf of the district for those ball fields. Cody Christensen and Steve Hansen went to some type of meeting in Reno or northern Nevada, and came back telling Ken as the principal of COB, we've just learned about a tremendous reading program that would really really help the district out. Ken said well, I don't need that. I have already hired a reading specialist. The problem was the rest of the district didn't have the funds to hire reading specialists for every school. Purchase price of the reading program, sixty-five thousand dollars. Steve Hansen to Ken Higbee would COB purchase this for the benefit of the Lincoln County School District and Ken Higbee said of course he would, if those funds were available. He had those funds and made that purchase. That reading program has been kept and used by the Lincoln County School District

since. I want this board to understand something about what happened here to and former Principal Parks made reference to this, and I think it bears some scrutiny. As with most institutions where funds are short and manpower is also short because of the lack of funding to be able to pay for that, principals in this district have to take on a lot of responsibilities. I wonder if this board is aware of what Ken's titles were and what his responsibilities were when he was removed on December 2, 2015. Principal at C.O. Bastian High School, Alternative Education Principal, Corrections Principal, Adult High School Principal, District Test Director and Accountability Director. You may be curious to know that on his pay stubs and on all the information that was provided to him, and the records that were kept by the district, guess who paid for every one of those positions that were assigned to him by the Lincoln County School District Superintendent, C.O. Bastian High School. No one else. His staff, the staff at the Alternative Education program – Mike Burcham and JeAnna Canfield – were paid by C.O. Bastian funds. Not from Lincoln County High School funds. That was known throughout the district, especially amongst the superintendent and administrators. I wonder how that was reported. Are you aware that C.O. Bastian has a Special Education program just like every other school in Lincoln County School District? It has a Special Education teacher. The district applies to the state and has to certify how many units at each school that has a Special Education program is considered a unit. C.O. Bastian was included in that for years and years and is still included to this day and receives forty-five thousand dollars approximately in federal funds every year from the state which is routed through the state for Special Education at C.O. Bastian. How much of that do you think C.O. Bastian has ever seen? Zero. That money has been taken by the superintendent of the Lincoln County School District and put into its general budget. In 2014, early 2015, actually about the middle of 2015, Ken Higbee received a call from Ginger Shumway, Chief Financial Officer. Seems that there had been a computer glitch, in which an error was made. Not just a little error. An error of seven hundred fifty thousand dollars or more. What happened? The district spent seven hundred fifty thousand dollars it didn't have. Big problem. If it is over three hundred thousand dollars, the state steps in and takes over the school district's accounts. What did Ginger Shumway want? She wanted Ken Higbee as the Principal of C.O. Bastian to give the district two hundred thousand dollars of C.O. Bastian money to help offset this error. Meetings were held. Ken Higbee originally and initially agreed to help out. He knew what he had in reserve in his account and knew he could cover that two hundred thousand dollars. Approximately a month later, another meeting was held in which there was something of a dispute between Steve Hansen and Ken Higbee over the adult education program and the way it was being conducted and handled. As a result of that, Ken told Steve Hansen, I'm not giving the district another dime. Two weeks later, Steve Hansen called him and said I have spoken to our accountant and our accountant won't let us accept the two hundred thousand dollars anyway. That was two weeks before Ken was removed at C.O. Bastian High School, December 2, 2015. You may ask yourself, was the board aware of that seven hundred fifty thousand dollar budget shortfall? Was anyone at the state made aware of that? And where did the money come from to take care of that shortfall? When Ken Higbee left C.O. Bastian High School, there was over four hundred thousand dollars in its account. Some weeks later, there was less than ninety. If you look carefully at the budget for the Lincoln County School District and the accounting for the Lincoln County School District, there are hundreds of thousands of dollars that suddenly flowed into the account. Ladies and gentlemen of the board, that's not just computer error, that's not just human error, that is outright theft. I don't doubt that there may be grounds for some criminal charges here, but they don't lie with Ken Higbee, and that I can assure you. In short, Ken Higbee was taught in word and deed by those in authority at the Lincoln County School District that these loose accounting practices harmed no one and helped the district and its students. He received no training, mentoring, oversight or instruction to the contrary with one exception – in 2014, Ken was asked to meet with Nikki Holton and the district's accountant, Dan MacArthur. Ken had been purchasing gift cards. He had watched for six years as his students at C.O. Bastian made such good progress, and then were released to go home to the same environment that they had always known before they came to C.O. Bastian, and there was almost universal failure. It broke his heart. If there was something he could do to at least give them a boost, he was willing to do it. He came upon the thought or idea – look, if I purchase gift cards. Gift cards to Burger King, to Wendy's, to one of these places, at least they will have twenty-five dollars that they can find a meal for a week, and maybe get themselves on their feet. Those gift cards were also given to staff on their birthdate. Somehow, this came to the attention of the accountant I assume in going through the records, he found something on this. He brought it to the attention of Nikki Holton and a meeting was called with Ken Higbee. In which Dan MacArthur indicated to him, you can't do that. You can't do that with C.O. Bastian funds. It may be noble, it may be good, but you can't do it. When he was told that, the practice stopped immediately. Wow. Amazing what happens with a little mentoring, a little oversight, a little training. Also at that meeting, Dan MacArthur let Ken know that he'd better watch his back. Ken said why. And he said, I've had discussions with Peggy Rowe, and Peggy Rowe has said she intends to bury you because of past grievances that had occurred when she was a teacher's aide in his classroom, and he would not allow her to treat the students in a way that he felt that they shouldn't be treated. During his tenure, his entire tenure as an administrator for the Lincoln County School District, Ken received no performance evaluations as required by state law. At no time was he ever disciplined in any way until his removal on December 2, 2015. Let's talk for just slight moment about honesty because that seems to be at the heart of what Ms. Teel has indicated is the basis upon which she is basing much of this. Honesty is an interesting concept, I have learned. When my wife says to me, honey, how do you like this new dress on me? If I like it, it's easy. I like that dress. If I don't like it, it doesn't flatter her, if it really is not my style or my color, I then got a choice, I can say I'd be totally honest and hurt her feelings, or I can tell her it looks just fine, and we move on. Am I being honest? I would suggest to you, that context in the area that we are talking about is everything. The state's investigator here had no idea, still has no idea what the practices were in Lincoln County School District for decades. He has no idea of the things that I have told you about here tonight nor does he care. His single-minded goal was to prove a case against Ken Higbee, and he has attempted to do so, without the

context that you've been given here tonight, and that you all know to well as leaders in this district in this community. You are not being asked board members to render a verdict here tonight on the criminal charges, fortunately that is still ahead. You are being asked to carefully and thoroughly review the picture of what has occurred here. Your decision tonight will have a profound effect on Ken Higbee and his family. Some may remember the biblical story of David and Uriah. Ken has been forever while he has been an employee at the district, a faithful, loyal, dedicated and honest soldier for the Lincoln County School District. After some sense of what has gone on for these many years, will this board and the superintendent now withdraw the troops? For what reason? Has he not earned the right after twenty-one years in this district without blemish to receive the financial support of the district that created this entire situation and atmosphere, until he has had chance to at least try to clear his name? Ken Higbee is good man. He is innocent of the charges that have been brought against him. He doesn't deserve the treatment he has received in the newspaper, in the grocery stores, at the gas station, at the ball games. Please do not compound the injustice of this situation by allowing his primary means of support to be withdrawn until this legal matter can be addressed. Thank you. I am willing to answer any questions if I can.

President Mizer – Thank you Mr. Waite. In those things that you brought up, they are in the letter and we will have that to look into. We will have a report of that into the board later. Questions for Mr. Waite?

Trustee Poulson – I don't have any questions,

President Mizer – Thank you for your time.

Trustee Poulsen – I do have my own thoughts at this time. At the beginning of our meeting here, we did the Pledge of Allegiance. The United States Constitution tells us that we are innocent until proven guilty. Several years ago, I was the manager for Sweetheart Cup Corporation. In our business we have to, we made food disposable cups. You have to check the cups for leakers to make sure that they don't leak. We use this heavy concentrated dye that was red to pour into the cups that sits there for fifteen minutes. There is a mirror underneath it, if you see red underneath it, it leaks. Then you have to go adjust the machine, and you got to throw everything that was made away because you can't give it to the public. That dye is very heavy concentrated, and it stains everything that it gets on. I had a guy who worked for me at that time. He was catching the bus on the corner. As he was catching the bus on the corner, this lady pulls up and he is standing there. He has red dye on his shirt, his hands were covered in dye cause he was heading home from work. She gets out of her car starts screaming, calls the cops, he gets arrested. A few hours prior to that, a person was stabbed in an alley a couple of blocks away. He had a box cutter in his pocket cause he had to open up boxes that was part of his job. He was thrown in jail for a week. As the boss, what happened to so and so? Where is my employee? How come he didn't show up for work? Cause he was in jail accused of attempted murder. Come to find out, we had some investigators come after a week's worth, this guy sat in jail was accused of attempted murder cause he had red dye on his hands and on his body. We are innocent until proven guilty. That's my stance here tonight. I believe that you have to support your employees. I believe that you have to move forward in a sense of support. I think that it is fair and right to continue to pay Ken, and after discussion, I am willing to make a motion.

President Mizer – Any discussion?

Trustee Harr – I have a few things to say. I agree with Mr. Waite, we are in charge of guilt or not guilt. We are just responsible for what happens financially and employee wise and lots of different things for the district. So my question is was it right for Superintendent Hansen to put Mr. Higbee on leave with pay pending the conclusion of the investigation? I feel like it was the right thing to do for nearly two years. Is it right for Superintendent Teel, prudent for her financially to put him on leave without pay? If it was it feasible? I feel like that was right as well. She is hired to keep the district solvent. I think she acted in the best interest of the district, so I move that it is leave without pay. Not move, I said that wrong. I recommend. I didn't say move, I said recommend.

President Mizer – Do you want to frame that into a motion then?

**Trustee Poulsen – I would. I would like to make a motion. I move that we recommend to Mrs. Teel. I'll make a motion, I move that we recommend to Mrs. Teel that we continue to pay Ken Higbee through his contract.**

President Mizer – There is a motion on the floor to recommend to Mrs. Teel, Superintendent Teel, regarding the pay status of Mr. Ken Higbee to remain in effect or to return to pay status. Is there a second? Motion fails for lack of a second. Is there any further discussion on the matter? Entertain any other motions or actions.

**Trustee Harr – I will move that we recommend to Mrs. Teel that we continue leave without pay, motion seconded by Trustee Kelley.**

President Mizer – Motion on the floor is that we recommend to Superintendent Teel the pay status to remain in current status that is now. Is that correct? Did I phrase that correct?

President Mizer - He is to remain in a leave without pay status.

Trustee Kelley –Yeah, without pay.

President Mizer –Okay. Question on the floor is that. Is there any further discussion?

Trustee Poulsen – Yeah, I would like to further discuss that. Why do you believe that we should not pay Ken? He was suspended with pay under allegations. We've had an investigation, and to that investigation, there was charges filed. There has also been charges that are filed to other people who are innocent. So, do we or do we not support our employees? Because in my opinion, you, each one of us could be put into the same situation down the road one day. Where you were charged with something you believe you didn't do. Okay? You can have charges filed against you, and it happens all the time. That is why I believe that we should continue to pay Ken and let the legal system take its course. I disagree with not continuing this. I think it is unfair, and I don't think it is right.

President Mizer – Any further discussion? It is a tough decision. You are affecting folks at the same time we are looking at the solvency of the district too and that is where I am leaning myself.

Trustee Poulsen – I believe if I can continue, if we allow the justice system to take its course, this situation will take care of itself. Because if Ken is found guilty, you have all the room that you want to terminate if he is found guilty. I mean he loses his license, he is done. If he is found innocent, then what? What if he is found innocent, and we refuse to pay him? I believe that as we continue to pay him, allow him to go through the justice system and then at the end of this, we can take our corrective action.

Trustee Kelley – My wife told me to keep my mouth shut. To answer your question Wade, if Mr. Higbee is proven innocent, we will pay his back wages. If we suspend his wages right now, he still gets all his benefits, all insurance, so he is not losing anything except his wages. If he is proven innocent, he will get his back wages. Right now we have a shortfall at C.O. Bastian, and we need to start tightening everything up. Sorry, don't tell Diane.

President Mizer – Any further discussion or are you ready for the question?

Trustee Kelley – Question.

President Mizer – The question has been called. It has been moved and seconded that we recommend to Superintendent Teel to continue the current status of Mr. Ken Higbee's leave without pay. All those in favor. Three aye's. All those in the negative. Trustee Poulsen – No. Shown as **3 to 1**.

Mr. Higbee – I will forward you the messages okay.

#### **Approve Orrin and Dawn Dotson's Request for Son to take the Hi-Set Exam**

Superintendent Teel –Trustee Kelley read a letter from the Dotson's requesting their son, Chance Dotson, to be in the Hi-set program. He has missed a good portion of high school due to health issues. Mr. Peterson – They have visited with Mr. Soderborg, he has approved their son to leave school. He has had some serious health issues, and he has missed way too much time. Mr. Soderborg, myself and the Dotson's met, and they are requesting that he be allowed to take a brief course and then to take the test. Students have to have board approval prior to the age of seventeen.

**Trustee Kelley made a motion to approve Orrin and Dawn Dotson's Request for Son to take the Hi-Set Exam, motion seconded by Trustee Harr; motion carried.**

**President Mizer - Invited Trustee Rowe back to the meeting.**

#### **Board Business – Policy Reading – Third Reading**

Third Reading of the Policy - GBBC – Employee Bullying. Final reading. No changes/corrections were made.

**Trustee Rowe made a motion to approve Policy GBBC – Employee Bullying, motion seconded by Trustee Harr; motion carried. All in favor.**

#### **NASB Report**

President Mizer – NASB Conference is next week. Wade is on his last week with that. At the Atlantis and we will all be in attendance. Looking forward to next week. Should be lots to learn.

Trustee Poulsen – Nothing to report. Conference on Friday and Saturday, dinner on Saturday night. At the Atlantis.



### **Board Member's Comments**

Trustee Kelley – I'm glad Mike was here. I went down to volleyball games last week; I got to go through the shop, a very beautiful building. Seen where the students did a lot of work. The electrician was in there working, he gave a report who has done what. It will be really nice when it is done. I went to Pioche Grade School for lunch. The food was good. I went to the Halloween Carnival. The kids had a lot of fun. I got to go to some football games. I am very happy with the football teams. I want to wish them luck tomorrow, and I want to wish Pahrnagat Valley luck in football and volleyball both. I got to go to the temple from an invite for the Lincoln County School Board. If you haven't gone, it is still available until November 18<sup>th</sup>. I am not LDS. I was very impressed, and it was very interesting. Our guide and his wife were every good and explained a lot of things. A beautiful building. They said we are not secret, we are sacred. Very beautiful building, and I am really happy that we went. I recommend it to anybody. I went to the band concert, and I cannot say enough about Mr. Lester. The 6<sup>th</sup> grade was just awesome for 6<sup>th</sup> grade. It was just enjoyable. Last night I went to the Show Choir and you spend an hour and half smiling. The thing that tickled me were the freshman and sophomores - Mr. Heaton's son stepped up to the mike like a twenty-year pro. He just belted that song out. They did a great job. One number where they all stepped up to the mike and sang. Abigail, she is awesome to hear and that girl is going to go somewhere. It was awesome. I didn't get to go to the Veteran's Day Assembly in Pioche, but I heard it was very good. I am sure it tickled the veterans. I just appreciate all of you. Tonight was really a sad night. I have been friends with that family all my life ever since I can remember in grade school playing down there in Alamo in that old gym where you shoot through the rafters. I played against Vaughan. Tonight was not a very fun night. I just hope we all learn from this. We did not do this out of meanness. We tried to be fair. I love that family. I've watched that family. I will always be here for them. That's all I got to say.

Trustee Harr – I second everything you said including everywhere you went. I attended the Panaca Elementary Fall festival. It was a big thing. It was great. I am amazed at the extra stuff teachers and helpers do. Football games, we will be headed up to Lovelock. I attended the veteran's assembly. I learned a lot. It was awesome to go and listen to Mike Anderson talk. The kids had a ton of questions that was great. I also attended the show choir. You don't know what the kids have in them. It was amazing. I enjoyed all those activities. Thanks to all you teachers and administrators. That's it.

Trustee Poulsen – I have nothing to say.

Trustee Rowe – I attended the Halloween and honor assembly. The kids were absolutely great for being quiet and doing what they were supposed to do. They enjoyed it. They got lots of honors. The staff was great, and they were all dressed up. I was really pleased to see what went on there. We also went to the veterans assembly. Kids sang beautifully and the presentation was great by Mrs. Tibbetts. I appreciated the presentations that were given today from all of our schools. They were great. It is good to know that we have good things going on in our school district, and we have good people working with our students willing to help them to reach their goals. One day they will be sitting here being leaders of our communities and our country. I am proud of what everyone is doing.

President Mizer – I had lunch yesterday with the Panaca 5<sup>th</sup> graders. That was pretty cool. They are saying lunch is great too. I am looking forward to NASB and the DC trip in December. I really don't have much else.

### **Superintendent's Report**

Superintendent Teel – I am pretty sure you get my staff notes. Every month I have been trying to update everybody in general. I found in the past that not everybody got the information even from different sources. The teacher incentive grant that the state put out in 2015, the money is still there. We have reissued a notice that \$121 is available for teachers to purchase, turn in the receipts and get reimbursed for supplies. This is a good thing for teachers. They spend way more than \$121. Teacher mentors – Title IIA money is helping with two teacher mentors - Tiffany Tingey and Jake Zierow. They both have the ability with some extra stipend money. It is not a full time position. They are aiding teachers in whatever their requests are - quality teaching practices, data analysis, how do I look at the NEPF rubric. They can ask teachers to help them look at those things. The best place to learn is from another teacher. That teacher mentoring money is there. Mr. Poulsen asked me a couple weeks ago, I don't know how many of you are aware of the guidance memo sent out by the state department around Oct. 18<sup>th</sup>, on Sun Setting of the HSPE. Remember the high school proficiency exam. In Legislative Session 17, they went ahead and moved end of course exams which two years prior they were a replacement. They were never supposed to be a replacement for HSPE. They still became the same flavor as an exam to hold some kind of proficiency measure. In 2017, they said no, the legislators changed the rules on the end of course to where it is a part of the final grade now not a measure for proficiency. With that legislation, the State can no longer, we had two years of students, seniors last year and the seniors currently this year, that were having no proficiency bar at all because it was sun setting one and getting ready for end of course. Two years of students were held to no proficiency measure. What about the kids for the years prior to that who did not receive their diploma because of that proficiency measure, that did not graduate from high school? Because they did not pass the exam. The state sent out a guidance memo saying we are ensuring that those who did not get their high school diploma because of the proficiency exam can now receive their diploma. We have been progressively working on that since then, and I know that we have issued some. The diplomas were already there. They actually walked with their classes. They still had two years to pass to get

their diplomas. The one I saw was signed in 2014. Now those students can request and receive their diplomas. I wanted to keep you up. Was there anything else you needed on that Wade? That is where we sit with it currently.

Trustee Poulsen – I got with Mr. Strong. He has a paper for Pahrnagat Valley. I am sure Lincoln County High School has one.

Superintendent Teel – COB as well.

Trustee Poulsen – It is a matter of getting the word out to everybody. If anybody did not pass the proficiency, let them know they can get a diploma. As long as they met the other requirements.

Trustee Harr – Can we not seek them out?

Superintendent Teel – It doesn't say we can't. In our area, it is a list of people that we know. I don't if there is a mechanism why we can't. It does say that they have to solicit to us. Even though we notify them, they have to send something saying I request it.

Trustee Poulsen - Mr. Strong has made a paper for Pahrnagat Valley so all they have to do is sign it. Then we can get them their diploma. My daughter did not get a diploma. She was the first one we thought of obviously. The thing is the kids who have graduated want to know why they need a diploma now. Because you went to school. It shows that you went to school and you have something in your hands that proves you went to high school. You put the work in, you did the time so you should have that. Actually, it is one of the few things our state ed. has actually got right in the last few years.

Mr. Strong – There will be some diplomas coming to you over x amount of time because they have moved. We will have to get you to sign them.

Ken Thornock – It should change the status of several of these kids. Job opportunities and everything else with that diploma. This could be potentially very big for them.

Trustee Poulsen – I would encourage everybody to get one.

Trustee Kelley – There are a lot of jobs you can't even apply for without a diploma. I read an article in the RJ last week about a students who missed it by one point. All set to go to college and he didn't get it. He just gave up. I am glad they finally woke up.

Superintendent Teel - Thank you for all those who come to support the board meeting to share school reports. We get to hear all the good stuff that is going on every day in every classroom. This is not a time that I roam in and out of any building in this district that kids aren't engaged, learning and happy. Teachers are teaching. Custodians are cleaning. Lunch is being served. It is all to a quality staff. I appreciate them coming and reporting because I know it takes some of their time in the evening.

**Public Comment**

None

**Adjournment**

Trustee Kelley made a motion to adjourn, motion seconded by Trustee Rowe; motion carried.  
Meeting adjourned at 8:16 p.m.

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**Board President**

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**Date**

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**Board Clerk**

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**Date**