

WANTED

CHARGES AGAINST

SKSD BOARD MEMBERS

GATTENBY

SEBREN

BERG



Director Gattenby

Dear Board President Gattenby,

Attached are the violations that I am requesting you to investigate concerning the conduct of Director Berg. I have given this to you at the board meeting so that they are documented in the meeting minutes. I request you to respond to me prior to the last board meeting in May. Please contact me for documentation should you not have it.

Alleged Violation I.

Director Berg has disrespected me in public and has denied me due process, right to free speech, and confidentiality. Every district employee has the right to have any allegations against him or she addressed in private. This “board referral form” is a thinly veiled attempt to publicly harass and embarrass me in a public venue. Exactly what are the alleged offenses he is talking about. No one has talked to me or presented them to me. Where is my right to know what my accusers are being told? In addition, this being done in public is a breach of confidentiality. This appears to relate to the email we all received from Mr. Greg Wall previously that alleges misconduct of me, and tells our board members to use board procedures and policies in efforts to take disciplinary action against me. It also appears to be blatant retaliation for my comments regarding:

- My testimony during a Port Orchard City Council Meeting pertaining to the SKSD 2021 Levy which is addressed in SKSD Board Policy 1201.
- Mr. Austin for his comments regarding Mr. Mann and myself.
- Mr. Austin was in violation of the board and district policy regarding inappropriate comments and slandering another individual.
- Mr. Berg was speaking for the board (I did not authorize him to contact Mr. Austin) when he talked with Mr. Austin regarding his inappropriate comments regarding the Larry Mann matter.
- Mr. Berg had no authority to reprimand Mr. Austin, as the board did not discuss the issue.

Alleged Violation II.

Director Berg has been unethical as he has used the board referral form for personal reasons and is a violation of our board policy (GP-12). Board policy (GP-12) has no procedure such as the one in the board referral form. He made this up. This divides the board 4 to 1 against me with no one to be a neutral person. The top of the form says we want to respond to alleged allegations. The middle part describes the possible actions including no action be taken. The end says the outcome is to censure Director Daily. Exactly how is this not a kangaroo court with a pre-determined outcome?

Alleged Violation III.

GP-12 has not been followed. Where is my unofficial “discussion” with the board chairman? When was this accomplished and documented? While we made some comments during an executive session, that was not the focus of the session. You were upset that my comment the PDC complaint involving you was “witness tampering”. The other board members had no idea what this was about unless you told them in advance, which would be a violation of the Open Public Meetings Act.

Alleged Violation IV.

Director Berg has committed both Nonfeasance and Misfeasance. Director Berg has willfully impugned, maligned and damaged my reputation and character. He is aware of, or should be of the consequences of his actions in doing this. He is not just “proposing” something with no thought as to the long-term consequences. Any director who does not **act to** stop such misfeasance also commits nonfeasance when failing to act to correct these discriminatory and harmful acts.

Alleged Violation V.

Violations of the Open Public Meeting Act. Director Berg has corresponded numerous times with Mr. Mann and the board. His thinly veiled comments such as “I recommend...” or “but do what you want” are intended to plant a seed in the other board director's minds. He may be corresponding with other director’s one -on-one, which is a defacto open public meetings act violation. Clearly, his intent is to get around the open public meeting act to conduct illegitimate and possibly illegal acts. These actions bring into question both the legitimacy and appropriate conduct of our board.

In addition, why did Director Berg singularly determine the “teams” listed on this board referral form? Did he bother to confer with those directors he assigned to the 'teams' prior to putting their names down? Did he give any thought to what the long-term consequences could be from his actions?

Alleged Violation VI.

It appears that Director Berg is in violation of our conduct policy regarding treatment of all individuals. I direct you to review Superintendent Winter's "Message to Community" dated April 8, 2021. Clearly the district policies espoused by Superintendent Winter are not reflected in Mr. Berg's actions. Mr. Winter states in part: "The South Kitsap School District strives to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed". He further states: "The school community includes all students, school employees, **school board members**, contractors, unpaid volunteers, families, patrons, and other visitors".

In the case of Mr. Mann, regardless of his previous record, he still retains his full set of rights. He is not under any restraining orders or other societal restrictions. He is free as is any other person to do as they wish, regardless of what people might think about him. I urged the board twice to establish criteria that would eliminate this type of problem. Given board policy, district policy, and Mr. Winter’s recent letter regarding hate crimes, this is exactly the issue that will surface. It is blatant discrimination for the board to say Mr. Mann cannot be on a committee without providing the rationale for his non-selection. Mr. Mann may well have grounds for civil litigation at both state and federal levels.

Allegation Violation VII.

In Mr. Berg's board referral form dated April 21, 2021 he talks about responding to alleged offences and improprieties he is claiming I have committed, yet lists none. This would imply that Mr. Berg (and other board members) have been discussing this matter amongst themselves outside of the required public meeting forum. These actions by Mr. Berg implies there may be possible collusion in his actions with other board member whether telephonically or otherwise. Such actions between Mr. Berg and other board members which would be a violation of board ethics, board governance policies and district policies.

In conclusion, I am delivering these allegations of violations during a public meeting which makes them public documents. Since I delivered these allegations during a public meeting, you will need to report your findings and actions via an open and public board meeting in the future. It is with great disappointment that Director Berg failed to perform his required due diligence in this matter. On it face, Director Berg's actions appear to retaliatory. His intentions are gauged to cause me embarrassment, humiliate me, and to discredit me before this board and our community. Unfortunately Director's Berg's effort will most likely add to our communities’ lack of respect for the board as well as further eroding of community trust.

You may contact me for specific emails and other information. I expect you to follow district policy contained in GP-12, and inform me what actions you will and have taken and documented regarding Mr. Berg's actions and behavior.

Cordially,

J Daily



Director Sebren

Dear Board President Gattenby,

Attached are the violations that I am requesting you to investigate concerning the conduct of Director Sebren. I have given this to you through the district. I will deliver the charges to you at the next board meeting so it is in the official records. I request you respond to me prior to the first board meeting in June. Please contact me for documentation should you not have it.

Alleged Violation I.

Director Sebren has disrespected me in public and you have heard it numerous times but have not stopped her. You did not attend the board meeting on April 27th. Listening to the tape of the meeting will confirm what was said at that meeting.

Specific Complaints.

- a) Director Sebren asked me numerous times if my comments were my own opinions for some reason. I responded that my words were my own but most of the data in the slides were based on data from the district.
- b) Director Sebren stated, "I am personally offended" in reference to my comment about the district having 200 extra employees. Mr Winter and Ms Farmer have numerous times mentioned in many prior briefings the overage of employees in the district. It was part of the levy fliers and the district briefings to community members.
- c) Director Sebren did make several disparaging comments about me during my presentation to the board. Her efforts and actions were an attempt to discredit parts of my briefing, labeling them as just my own opinions. To date, neither Director Sebren nor any other board member has made any similar formal presentations to the board.

I was not surprised by Director Sebren's comments as I had previously heard Director Sebren and Director Berg in a discussion over my Power Point presentation on how they might be able to try to stop me from presenting it or any other presentations I might put on board agendas. Mr. Berg stated he would use the Roberts Rules of Order process and make a motion not to hear my briefing. Director Sebren would then second the motion. They certainly realized that you were not there so if the vote on the motion were tied, then it would fail. Consequently, they did abandon their plan. When I did begin to present my Power Point I was challenged by Director Berg that I was only to brief on one topic, that that was the rule. I stated I was presenting my power point and was allotted 20 minutes, as were other board members to present their topics.

It is clear Director Sebren clearly wants no other's opinions presented to the public if those opinions differ from the lock-step rhetoric she pushes on behalf of the unions. There is a reoccurring pattern in her criticisms of my opinions, yet she has no problem in voicing her own opinions. She becomes extremely critical of any of my opinions that might, and often do, differ from her own. Many board meeting tapes will confirm this trend, starting almost from the beginning of my term.

Alleged Violation II.

Director Sebren has challenged my ability to teach and has slandered my reputation as a teacher. She has personally insulted me in public meetings. She has personally attacked and insulted me in public board meetings. She has never personally observed me teaching, but cites and relies on stating heresy as to my ability to teach as well as my ability to work with other teachers and with students.

Specific Complaints.

- a) Director Sebren questioned my ability to teach. She has slandered my reputation as a teacher, specifically when I was teaching at SKHS.
- b) Director Sebren personally insulted me when she intoned that I was not a competent teacher. She criticized my teaching skills. It is notable that she has never personally watched me teach; in fact, she stated she "heard from other teachers" about me. She did not state this in a praising manner. Her public personal attacks are in direct violation of board governance and district policies.
- c) Director Sebren has consistently disrespected me during public meetings, violating board policies on conduct and demonstrates extremely poor ethical comportment. For the record, during this meeting and other past meetings you have taken no steps to correct Director Sebren by stopping her from making such comments during school board public meetings.

Alleged Violation III.

Director Sebren has frequently made personal comments attacking opinions differing from her own. These most recent 'opinions' she has made about me are no more than unvarnished and blatant personal attacks against me. It is my perceptions as well as my experience that she makes consistent efforts to both harass and belittle me when I speak out offering different views or opinions on school policies, school operations, school finances, school staffing, and other items.

Specific Complaints.

- a) During the board meeting of April 27th Director Sebren made many personal and critical comments when I was offering my own opinions as well as documented facts. I perceived her comments as unvarnished and blatant personal attacks against me.
- b) I felt attacked and harassed by her. Director Sebren now impugnes my past teaching skills and qualifications. She has slandered my character, discredited my qualifications and abilities when I taught SPED at SKHS. She stated my (teaching) experience was limited; consisting of only teaching small groups of students. She stated all of this in a very personal type of attack.
- c) Director Sebren made comments such as: "I found out about you from other teachers you used to work with at SKHS". Her words and tone had no quality of praise, but clearly implied in her statement that there was something wrong with me.

Director Gattenby was not present at that board meeting. It became abundantly clear that Vice-President Berg would do nothing to stop Director Sebren. I stopped Director Sebren, directly asking her just what exactly did all of that have to do with the board meeting or my power point briefing. Her actions were clearly an attempt to embarrass and disparage my

character further. This, coming for a fellow board member who talks about other's personal attacks against her, yet she is often the one is we see instigating them.

Alleged Violation IV.

At the May 5th board meeting during the discussion of Director Berg's previous motion, you permitted changes to his motion and listened to Director Sebren's comments. Director Berg said there were no formal charges as of yet, however Director Sebren several times mentioned she was ready to vote for censure. Director Sebren demonstrated no presumption of innocence and was ready to vote for censure, yet there were no formal charges. Which begs the question, has there been previous discussion among board members Sebren and Berg and others outside of a public meeting? Such collaboration outside of a public meeting could be construed to be in violation of our State's open public meetings act... Again, this would imply that Director Sebren (and other board members) have been discussing this matter amongst themselves outside of the required public meeting forum. The comments by Director Sebren during the board meeting is suggestive of possible collusion and collaborations between her and other board members, either in person, telephonically, by email or other electronic means. Such behavior by any board members would be in violation of board governance policies, district polices, and the standards of conduct and ethics expected of school board members as set down by our State Board of Education. Such violations would, of course, be civically and possibly criminally actionable.

Specific Complaints.

- a) Prejudicial and discriminatory behaviors by Director Sebren and Director Berg in all matters relating to proposed investigation to create charges against me to justify my censure.
- b) Violations of both ethics and standard of conduct by Director Sebren and Director Berg if they have been discussing developing charges in order to justify voting to bring any motion(s) to censure me.
- b) Violations of board governance and district polices by Director Sebren and Director Berg relating to motions to investigate then create charges against me to justify their desire to censure me.
- c) Violations of our State's Open Public Meetings Act if Director Sebren and Director Berg have committed the above listed actions/violations.

Alleged Violation V.

I direct you to review Superintendent Winter's "Message to Community" dated April 8, 2021. Clearly the district polices espoused by Superintendent Winter are not reflected in Director Sebren's actions. Mr. Winter states in part: "The South Kitsap School District strives to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed". He further states: "The school community includes all students, school employees, **school board members**, contractors, unpaid volunteers, families, patrons, and other visitors".

Specific Complaints.

- a) At the May 6th meeting, Director Sebren often chastises me for asking "operational" type questions and becomes visibly upset when this happens. She then verbally chastises me, consistently stating that policies, not operations are the job of the school board..

b) Director Sebren told Superintendent Winter not to use the data from the 18 schools he had contacted for data. Director Sebren further stated that the Superintendent needed to just focus on SK only, it is the only place that matters.

c) Director Sebren was not offering an opinion, she was giving direction to Superintendent Winter. Direction to the Superintendent comes from the entire board, not from only one board director. Had I given such 'direction' to Superintendent Winter, she certainly would have taken issue with me speaking 'for the board'.

d) Director Sebren continues to act with hostility, and often personally confrontational when I review some of the past boards' and this board's actions. When I state those days are gone and things are changed; that this is a new world - she objects to and rejects my views, seemingly in efforts to cling to past boards' actions. She consistently tells us that 'This is how we have done it for 20 years and it has worked just fine'.

e) Director Sebren becomes openly hostile and confrontational when I suggest there are problems with our board, with the influence being exerted by the unions, and how we are not doing our board duties of monitoring and auditing school district budgets, operations, and educating the children in our district.

f) Director Sebren has already made her decision to censure me regardless of the facts and without any investigation of possible charges to be developed much less brought against me by the board.

It appears that Director Sebren, given her stated vote, and along with Director Berg comments, they both need to consider recusing themselves from any 'possible' future voting on censuring me. It is now apparent that the way this has entire 'censure Director Daily' matter has been handled that there are violations of several policies as well as state and possibly federal laws. So the goal is clear, hire an independent and purportedly unbiased third party 'asset' (as described by Board President Gattenby) to find and develop possible infractions or violations of school board governance polices that I have already been 'convicted' of committing. This investigation will prove to be a long and expensive endeavor. The intent is clear - stop me from reviewing and investigating district finances and operations that are impacting the education of the students. Such efforts to stifle my free speech and to 'teach me a lesson' will not bode well.

All of these possible extralegal efforts will require documentation to include dates, times, witnesses with documented references of any violations or infractions being claimed. Charges that maybe developed through this process must also be presented during a public school district board meeting. That is my right since this is an effort to bring censure actions against me by this board and it is my choice as to whether I wish this to be a public or private matter.

Conclusion.

I am delivering these allegations of violations during a public meeting, which makes them public documents. Since I delivered these allegations during a public meeting, you will need to report your findings and actions via an open and public board meeting in the future. Director Sebren's actions, especially her omission that she is ready to vote for censure when the charges are not even known discredits the entire board, representing them as a vengeful group of directors, not interested in justice but focused more causing embarrassment of fellow board members and strategizing how to take retaliatory actions.

You may contact me for other information. I expect you to follow district policy contained in GP-12, and inform me what actions you will and have taken and documented regarding Director Sebren's actions and behavior.

Cordially,

J Daily



Director Berg

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Cordially,

J Daily