

# It All Ties Together!

**Sen. Mary Souza**

Dear Newsletter Readers,

Many interesting puzzle pieces have fallen together recently. Some might think them arbitrary and unrelated occurrences, but I believe they are connected in a sad domino effect of entrenched government opting for self preservation over public service.

Here's what I mean:

1. In late March and early April, local news stories reported charges against former Lake City High School teacher Jeffrey Kantola for lewd conduct with two minors under the age of 16. He had been employed by the district for just over a year, and had openly disclosed on application documents that he left his previous profession as a chiropractor because of sexual charges leading to revocation of his license. But he was hired here anyway. Last Fall, when parents voiced concerns about his record, the teacher's union rallied behind him. Tim Sanford, the union rep, was quoted in a Press article last November saying, "What happened in the past is in the past and has no connection to the safety of students." Tim was wrong. And there are now two young students whose lives have been forever damaged. The current hiring practices of the district are not thorough enough to keep our children safe. Whose job is it? The buck stops at the School Board. They are the final step in the hiring process and we elect them to supervise these important matters.

2. When Jeffrey Kantola resigned under pressure from his LCHS teaching position, before formal charges were brought forward, he made some sort of “deal” with the school district, and they paid him \$30,000 of our tax dollars to leave. The details of that agreement are NOT available to the public, according to school board officials, because it involves his personnel record. (Stay with me here, this will make more sense as we go along...)
3. The timing on the charges becoming public in late March was unfortunate for voters because:
  1. The school bond & levy election was March 14th, voters approved \$68 million.
  2. The final date to file as a candidate to run for school board was March 17th.
  3. Though Kantola was formally charged in early March, the news wasn't widely circulated until late March, after the above listed decision dates.
  4. And only 5.7% of Kootenai County registered voters participated in the school board elections on May 16th.

*Are you seeing the problems? Like covering up misbehavior and officials pointing fingers of responsibility at others? Oh, there's more:*

4. CdA School District superintendent Matt Handleman resigned from his position the end of April. He was given a contract to act as a consultant through June, which effectively doubles his pay for two months. When asked by the Press for a copy of that contract, the district refused, twice. They stated it was part of his “personnel file”, so is exempt from public disclosure.

*Ok, here's another big problem. Even though the public pays for the schools and elects the school board, board members don't seem to represent the public's right to know how and why our money is spent. We're not quite done yet:*

5. I sent an email request to the Attorney General's office, asking for an opinion / advice on whether a public records request for a school superintendent's contract / agreement can be denied due to the personnel file exemption. Within a matter of minutes, the AG sent back a note with a full copy of a 2012 court case out of Blackfoot Idaho. It is fascinating, and I'm not even an attorney! The case is almost a carbon copy of our situation here in CdA. Here are my top four takeaways from Idaho District Court Judge David Nye's decision in this case:

1. "...any document retained by the school district containing information relating to the conduct or administration of the public's business is a public record."

2. "The hiring or separation of a school district's superintendent clearly relates to the conduct or administration of public business." *(I would add teachers in this point as well)*

3. "...when a record is more a product of a public official or employee's job rather than an evaluation of an employee's performance, it is not a personnel record."

4. **"Parties cannot exempt a public record from disclosure and hide it from the public simply by placing it in a personnel file and declaring the personnel file exemption to be applicable to it."**

So you would think, dear Readers, after getting a copy of the court decision, the District would apologize, learn their lesson, and hand over the contracts.

Nope. It was still a reluctant struggle, I'm told, but they finally relented. Needless to say, I will be working with other legislators on clarifying language to insert into the Idaho Public Records law next session.

I will also be working on bringing the school board election date change back again next session. Do we think School Board positions are important? YES. They hire and fire. They make "deals" that we can't see (yet). They propose levies and bonds, and spend millions of our tax dollars. School Board members are the only elected officials in our local school system. They are the public's only recourse. It's important to have their election at a time of year when voters are aware and tuned in!

My best wishes for all of you to enjoy the sunshine and our lovely spring days! We are so fortunate to live in this wonderful community. —Mary

PS: As a follow up to my Healthcare Listening Forum just over a week ago, it went very well. We firmed up the rules and had one of CdA's finest in full uniform at the back of the room. His active assistance was never needed but we appreciated his presence!

There were about 40 people in attendance, 19 of them spoke and many others filled out the brief questionnaire we had ready. Everyone was given 3 minutes to tell me about their ideas and priorities for healthcare in Idaho going forward. There were many differing views, as you might imagine, but folks were polite and respectful. My husband video taped the meeting so we have a complete record. I also received 25 emailed statements prior to the forum, from people who could not attend, and about 10 more have come in this past week. So in total we involved about 75 people, which is great. Thank you to all who came and all who sent their thoughts. There's still time, if you have ideas, send them in. We will be compiling them and will distribute them to the

Health and Welfare Committee for use this next session. You can send them to me at [msouza@senate.idaho.gov](mailto:msouza@senate.idaho.gov)