

# Special Meeting

**Wednesday, January 5, 2022 5:00 PM**  
**Dorchester Public School Small Gymnasium**  
**506 W. 9th Street**  
**Dorchester, NE 68343-0007**

Notice of the time and place of the Dorchester Board of Education meeting was published in a newspaper of general circulation within the district. Newspapers of general circulation in the district include, but are not necessarily limited to, the Crete News, the Lincoln Journal Star, or the Omaha World-Herald. Notice is also posted in at least three prominent places within the school district which may include the following: Dorchester Public Schools, Farmers Coop, First State Bank, and the Village Office. Individual board members received in advance the meeting agenda and meeting materials. Pursuant to Section 84-1412 of the Nebraska Statutes, the public is hereby informed that a current copy of the Nebraska Open Meetings Act is posted in the Board meeting boardroom.

Matthew Hansen: Present

Mike Hatfield: Present

Shelly Lehr: Present

Carol Schnell: Present

Kelli Schweitzer: Present

Steve Vyhnalek: Present

## 1. Call to Order

At 5:00 p.m. on January 5, 2022, the Dorchester Public Schools Board of Education convened a special meeting for the purpose of conducting a hearing on the consideration of the cancellation or continuation of the employment contract of Lute Brees. Upon roll call, all members are present.

## 2. Announce Open Meeting Act Posting and Location

President Vyhnalek announced the Open Meeting Act posting and location.

## 3. Verification of Publication of Notice of Meeting

President Vyhnalek confirmed the advance notice to the public of the meeting and agenda.

## 4. Conduct a hearing to consider the cancellation or continuation of the employment of Lute Brees

Conduct of the meeting was turned over to Josh Schauer, the attorney representing the board of education and serving as hearing officer for the hearing. The board heard evidence concerning Mr. Brees's employment.

## 5. Deliberation on the proposed cancellation of the Lute Brees employment contract (possible closed session)

Motion to deliberate the matter of Mr. Brees's employment in closed session at 8:52 pm Passed with a motion by Matthew Hansen and a second by Shelly Lehr.

Matthew Hansen: Yea, Mike Hatfield: Yea, Shelly Lehr: Yea, Carol Schnell: Yea, Kelli Schweitzer: Yea, Steve Vyhnalek: Yea

Motion to come out of closed session at 10:40 p.m. Passed with a motion by Matthew Hansen and a second by Mike Hatfield.

Matthew Hansen: Yea, Mike Hatfield: Yea, Shelly Lehr: Yea, Carol Schnell: Yea, Kelli Schweitzer: Yea, Steve Vyhnalek: Yea

6. Take such action as is necessary to continue or cancel the contract of Lute Brees

A motion to adopt the Findings of Fact and Decision to cancel employment of Lute Brees Passed with a motion by Matthew Hansen and a second by Mike Hatfield.

Matthew Hansen: Yea, Mike Hatfield: Yea, Shelly Lehr: Yea, Carol Schnell: Yea, Kelli Schweitzer: Yea, Steve Vyhnalek: Yea

The board reassembled in open session. Mr. Schauer read the proposed Findings of Fact and Decision to Cancel Employment which are attached to these minutes and made a part of these minutes.

7. Adjournment

Motion to adjourn at 10:46 p.m. Passed with a motion by Carol Schnell and a second by Kelli Schweitzer.

Matthew Hansen: Yea, Mike Hatfield: Yea, Shelly Lehr: Yea, Carol Schnell: Yea, Kelli Schweitzer: Yea, Steve Vyhnalek: Yea

The meeting was adjourned.

Carol Schnell?(s) Carol Schnell, Secretary of the Board of Education



related reasons for the proposed cancellation, the names of the witnesses who would testify at the hearing, and the documents which would be offered into evidence by the administration at the hearing.

6. Due and proper notice was given of the meeting of the Board of Education at which the hearing was conducted, as required by law.
7. On November 28, 2021, Mr. Brees delivered a letter to Principal Jake Wiese and Superintendent Daryl Schrunk that contained inaccuracies and inappropriate and inflammatory statements. Mr. Brees's letter and actions in delivering that letter to Principal Wiese and his supervisor are unprofessional and insubordinate and interfere with the continued performance of his duties as a teacher for Dorchester Public Schools.
8. Mr. Brees has attempted to substitute his judgment for that of Principal Wiese and/or Superintendent Schrunk.
9. Based upon the evidence adduced at the hearing, the Board of Education finds that Mr. Brees has failed to meet the Board of Education's expectations and standards for the performance of certificated staff at Dorchester Public Schools.
10. Mr. Brees has acted in an unprofessional and insubordinate manner, and his conduct substantially interferes with the continued performance of his duties as a teacher for Dorchester Public Schools.

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

13. The testimony and evidence presented by Mr. Brees at this hearing, to the extent it is inconsistent with the evidence from the administration, is not as credible as that presented by the administration. The testimony that Mr. Brees presented in an attempt to excuse his conduct neither justifies his behavior nor diminishes Mr. Brees's responsibility for his actions or inactions.
14. In making its determination, the board limited its decisions to the education-related and job-related considerations set out in its findings.
15. The findings set out above, whether considered individually or in the aggregate, constitute just cause for the cancellation of Mr. Brees's employment.

It is therefore the decision of the Board of Education that the employment contract of Lute Brees should be cancelled and the same is hereby cancelled effective immediately.

After the above findings and resolution were read in their entirety, Board Member Hansen moved for passage of the motion. Board Member Hatfield seconded the motion. After discussion and on roll call vote, the board members voted as follows:

	In Favor	Opposed	Abstain/Recused
Steve Vyhnalek	<u>X</u>	_____	_____
Matt Hansen	<u>X</u>	_____	_____
Carol Schnell	<u>X</u>	_____	_____
Kelli Schweitzer	<u>X</u>	_____	_____
Mike Hatfield	<u>X</u>	_____	_____
Shelly Lehr	<u>X</u>	_____	_____

The above resolution, having been consented to by a majority of the Board of Education, was declared passed and adopted by the Board President at a duly held and lawfully convened meeting in full compliance with the Nebraska Public Meetings Law.

Dated this 5 day of January, 2022

Dorchester Public Schools  
Board of Education

BY:

  
Steve Vyhnaek, President

ATTEST:



Carol Schnell, Secretary

#### ACKNOWLEDGEMENT AND RECEIPT

I, Lute Brees, hereby acknowledge receipt of a complete copy of the above Findings of Fact and Decision to Cancel Employment on this 5 day of January, 2022.

  
Lute Brees