

## **DPS settles employees' First Amendment suit - 5 claim retaliation for complaints about North's ex-principal**

Thursday, December 29, 2005

Nancy Mitchell, Rocky Mountain News

Denver Public Schools and its teachers union have settled a 2003 lawsuit filed by four teachers and a secretary who claimed they were abruptly transferred from North High School for standing up to a principal who, among other complaints, allegedly protected a football coach accused of sexually harassing students.

Terms of the settlement, reached Tuesday, were not disclosed. The agreement comes two weeks before the free speech case was scheduled for trial in U.S. District Court.

"I don't think it's the right time to make a comment," said one of the teachers, Bea Shepard, who now teaches at George Washington High School. "We haven't all put pen to paper yet."

DPS Superintendent Michael Bennet said the agreement must be approved by the Denver school board, which isn't scheduled to meet until Jan. 12.

"It's an agreement in principle so we have to write all the details," said Kim Ursetta, president of the Denver Classroom Teachers Association. "We're really happy with the results of the settlement - but according to my legal counsel, that's all I'm allowed to tell you."

The two sides have been talking about a possible settlement since April. In August, a federal judge declined to grant a request for summary judgment sought by DPS, saying officials may have violated the North staffers' First Amendment rights.

All four teachers - Shepard, Roxanne Rhodes, Michael Sedillos and Jennifer Werner - and secretary Cecelia Walters still work for DPS, but none are at North. They sought a return to the northwest Denver high school as part of the suit.

"Do they get to go back? I'm sure they could apply if they wanted to," Ursetta said. "That's all I can tell you."

Bennet also declined to elaborate on the settlement, other than to say it will not produce changes in the hiring of principals.

"It needs to be presented to the school board to be ratified," he said. "I think it's a very favorable settlement for everyone involved."

Offie Hobbs, whose troubled tenure as North's principal lasted just one year, 2002-2003, also continues to work for DPS.

He currently is a music teacher at Thomas Jefferson High. He was reassigned in June 2003 as the principal at the alternative Emily Griffith High School, then left the school in July after the principal's job was reduced to an assistant principal's position.

Hobbs could not be reached Wednesday for comment on the agreement.

In their lawsuit, the four teachers and Walters depict an out-of-control principal who declined to report students' claims of sexual misconduct and who required a classroom aide hired to help struggling students to instead serve as his personal assistant.

They also said he directed the school not be evacuated during fire alarms and that his delay in hiring teachers left at least one classroom unsupervised for two months.

But when they complained, including speaking publicly about the problems and contacting then-Superintendent Jerry Wartgow and school board members, they say they were harassed and ultimately transferred from the school. The suit listed board members, Wartgow and Hobbs as defendants.