

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM: **June 2014**
 CONSIDERATION TO DISCIPLINE THE
 LICENSE TO TEACH OF KIMBERLIE STRAATMANN, CASE # HR 13-024

STATUTORY AUTHORITY:

Section 168.071, RSMo

Consent
ItemAction
ItemReport
Item

DEPARTMENT GOAL NO. 3:

Missouri will prepare, develop, and support effective educators.

SUMMARY:

Kimberlie Straatmann holds career continuous professional certificates to teach in the areas of elementary education, grades 1-8; language arts, grades 4-8; mathematics, grades 4-8 and grades 5-9; and social studies, grades 4-8. In January 2013, she pled guilty to one felony count of driving while intoxicated – Alcohol Aggravated Offender in Franklin County, Missouri. She was sentenced to five years probation and is successfully participating in a Court Alternative Program-DWI Court in Franklin County, Missouri.

PRESENTER(S):

Mark Allan Van Zandt, General Counsel, will participate in the presentation and discussion of this agenda item.

RECOMMENDATION:

It is recommended that the State Board of Education suspend Kimberlie Straatmann's teaching certificate for a period of nine months with a retroactive effective date of October 11, 2013.

BEFORE THE STATE BOARD OF EDUCATION
STATE OF MISSOURI

| | | |
|--|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| Department of Elementary and Secondary |) | |
| Education, |) | |
| Petitioner, |) | |
| v. |) | Case No. HR 13-024 |
| |) | |
| Kimberlie Straatmann, |) | |
| Respondent. |) | |

Introduction

This matter was held on February 20, 2014, before Cynthia Quetsch, Hearing Officer, designated by the Commissioner of Education. Those present were:

Todd Lucas, Counsel for the Department of Elementary and Secondary Education;
Rochelle Skolnick, Counsel for Respondent; and
Kimberlie Straatmann, Respondent.

Findings of Fact

1. Kimberlie Straatmann, Respondent, holds Career continuous professional certificates of license to teach in the areas of elementary education, grades 1-8; language arts, grades 4-8; mathematics, grades 4-8 and grades 5-9; and social studies, grades 4-8. Respondent's certificates are current. (Petitioner's Exhibit 1) (Transcript page, 13 lines 1 – 23).
2. On or about November 20, 2003, Respondent pled guilty to one misdemeanor count of driving while intoxicated – alcohol in St. Louis County, Missouri. (Petitioner's Exhibit 3) (Transcript page 14, lines 7-9; page 46, lines 7-13).
3. On or about January 22, 2013, Respondent pled guilty to one felony count of driving while intoxicated – alcohol Aggravated Offender in Franklin County, Missouri. (Petitioner's Exhibit 2) (Transcript page 14, lines 3-7; page 23, line 1 to page 24, line 12). Respondent was sentenced to 5 years probation. (Exhibit E) (Transcript page 24, line 22 to page 25, line 7).
4. Respondent plead guilty to driving while intoxicated in Illinois in 2002. (Transcript page 45, lines 19-25).
5. On February 20, 2014, a hearing was held before Cynthia Quetsch, Hearing Officer. The Respondent was present and was represented by counsel, Rochelle

Skolnick. Petitioner was represented by Assistant Attorney General Todd Lucas. (Transcript page 2, lines 16-24).

6. Respondent admitted that she pled guilty to driving while intoxicated in 2002, 2003 and 2013. (Transcript page 23, lines 1-6; page 45, line 19 - page 46, line 13). Respondent takes responsibility for her actions of driving while impaired and is remorseful. (Transcript page 36, lines 1-2; page 37, line 16; page 39, line 23 to page 240, line 8; page 44, lines 10-19).
7. Respondent is participating in the Court Alternative Program-DWI Court in Franklin County, Missouri. She has successfully completed 2 of the 4 phases in the program. (Respondents Exhibits B, D, G and H) (Transcript page 30, line 10 to page 31, line 23). As a part of phase 3, Respondent has random urine analysis one time per week, attends group meetings, sees a counselor, serves as the liaison between the prosecuting attorney and the Judge presiding over the drug court, serves as president of the alumni association, does community service, and works with teenagers in the program. (Transcript page 32, line 11 to page 33, line 14; page 34, line 19 to page 35, line 3). Respondent will participate in the drug court program for nine years including meeting with the Judge and having random urine analysis. (Transcript page 33, line 22 to page 34, line 14).
8. On October 11, 2013, Respondent was suspended without pay from the Ferguson-Florissant School District until July 1, 2014, based on a finding by the school board that she was convicted of a felony (driving while intoxicated) involving moral turpitude. The board specifically found that she had not exhibited immoral conduct and chose not to terminate her contract. (Respondent's Exhibit C) (Transcript page 19, line 12 to page 20, line 5). Respondent has been employed by the Ferguson-Florissant School District for 23 years. (Transcript page 15, lines 19-21).
9. Respondent taught math at McClure North High School and carried the highest class load and advisor load in the math department. The head of the math department described Respondent as one of the best math teachers she had ever seen and the go-to person for students struggling in Algebra I or Geometry. (Exhibit A, pages 91-92).

Conclusions of Law

1. Mo. Rev. Stat. § 168.071.1 (1) (Supp. 2013) provides the following authority to the State Board of Education:

The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes: (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude

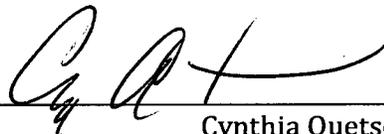
*under the laws of this state, any other state, of the United States,
or any other country, whether or not sentence is imposed;*

2. Respondent pled guilty to a felony in 2013.
3. Based upon Mo. Rev. Stat. §168.071 (Supp. 2013) the State Board of Education may discipline the certification of Kimberlie Straatman.

Recommendation

It is recommended that the State Board of Education, pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2013), suspend the teaching certificate of Kimberlie Straatmann for a period of nine months with the effective date retroactive to October 11, 2013.

Submitted this 2nd day of June 2014, by
the designated Hearing Officer for the
Commissioner of Education.



Cynthia Quetsch
Hearing Officer

1 DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

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DISCIPLINARY HEARING

Of

7

KIMBERLIE STRAATMANN

8

FEBRUARY 20, 2014

9

Jefferson State Office Building

205 Jefferson Street

10

Jefferson City, MO 65101

11

12 Before:

Dana Keilholz

13

Margery Tanner

Cynthia Quetsch

14

15 Also present: Todd Lucas - Counsel for the Department

16

Rochelle Skolnick - Counsel for the Respondent

17

Vincenzo Iuppa - Missouri NEA

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19

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21 Reported by:

Jenna Petree

22

Midwest Litigation Services

401 Locust Street

23

Columbia, MO 65201

573-449-0561

24

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1 PROCEEDINGS

2 HEARING OFFICER QUETSCH: This is the matter
3 in the -- this hearing is in the matter of Kimberlie
4 Straatmann and has been designated Hearing No. 13-024.

5 This hearing is being held pursuant to section
6 168.071 of the Revised Statutes of Missouri, which
7 authorizes the State Board of Education to suspend or
8 revoke a certificate of license to teach if the certificate
9 holder has pleaded to or been found guilty of a felony or
10 crime involving moral turpitude under the laws of this
11 state or any other state or of the United States, or any
12 other country, whether or not sentence is imposed.

13 Administrative rules adopted by the State
14 Board of Education pursuant to this statute authorizes the
15 Commissioner of Education to designate a hearing officer in
16 this matter. My name is Cynthia Quetsch and I have been
17 designated to hear this case.

18 Unless otherwise provided under Section 168.
19 071, this hearing is being held pursuant to the Procedural
20 Rules of Chapter 536, the Administrative Procedures Act.

21 The certificate holder, Kimberlie Straatmann
22 is present at the hearing, represented by Rochelle
23 Skolnick. Assistant Attorney General Todd Lucas is present
24 on behalf of the State.

25 Did you want to make an opening statement?

1 MR. LUCAS: Yes, just have a brief one.

2 OPENING STATEMENT

3 BY MR. LUCAS:

4 MR. LUCAS: Kimberlie Straatmann, and as her
5 certificate says Kimberlie Kennedy, currently holds a
6 Career CPC certificates in Elementary Education, 1-8;
7 Language Arts, 4-8; Math, 4-8; Social Studies, 4-8; also
8 Mathematics, 5-9. The evidence today will show
9 Ms. Straatmann was convicted of or pled guilty to four
10 different driving while intoxicated offenses.

11 The most recent took place on about January
12 22, 2013 in the Franklin County Circuit Court. In this
13 instance, Ms. Straatmann pled guilty to driving while
14 intoxicated as an aggravated offender as defined in 577.023
15 of the Revised Statutes of Missouri. Driving while
16 intoxicated as an aggravated offender is a felony and is
17 also a crime of moral turpitude. Her other three DWI's
18 were not felonies but can be seen as evidence of moral
19 turpitude.

20 As section 168.071 of the Revised Statutes of
21 Missouri state the State Board of Education may upon
22 hearing, discipline the holder of a certificate of license
23 to teach for the following causes: Section One of that
24 statute says that a certificate holder or applicant has
25 pleaded guilty or been found guilty of a felony or a crime

1 involving moral turpitude under the laws of this state,
2 whether or not sentence is imposed. With that in mind, the
3 Department of Elementary and Secondary Education asks that
4 Ms. Straatmann, or Kennedy as her name appears on her
5 licenses, be disciplined appropriately. Thank you.

6 HEARING OFFICER QUETSCH: Ms. Skolnick, did
7 you want to make an opening statement now or later?

8 MS. SKOLNICK: Sure, I'll make one now.

9 OPENING STATEMENT

10 BY MS. SKOLNICK:

11 MS. SKOLNICK: So as Mr. Lucas has said we're
12 here because the board has initiated disciplinary
13 proceedings against the teaching certificate of Kim
14 Straatmann, who is a star math teach and coach at McCluer
15 North High School in the Ferguson-Florissant school
16 district. Kim is a 23-year veteran of the district who the
17 evidence will show is revered by all students, parents,
18 fellow teachers and administrators. She has worked
19 successfully with the most challenging students and made a
20 palpable difference in her community.

21 Kim is also an alcoholic and now a recovering
22 alcoholic. We know that alcoholism is a disease and those
23 in its grips make bad choices and in Kim's case the disease
24 led her to drink and drive most recently on November 1,
25 2011, which was the incident that led to the 2013 guilty

1 plea. And prior to that, as the record reflects, back in
2 2003 now more than ten years ago.

3 Kim is deeply regretful about these bad
4 choices and she is profoundly grateful that no one was ever
5 injured as a result of her choices. Kim doesn't dispute
6 the guilty plea, but the complaint in this proceeding
7 alleges that when Kim pled guilty to driving while
8 intoxicated in January of 2013 and before that in November
9 of 2003, she was pleading guilty to a crime and a felony
10 involving moral turpitude and the facts simply do not
11 support that allegation.

12 As I'm sure you know the leading in Missouri
13 dealing with a crime involving moral turpitude is the 2007
14 Missouri Court of Appeals decision in Brehe v. DESE. The
15 court in that case recited the Missouri definition of moral
16 turpitude which is, "An act of baseness, vileness, or
17 depravity; everything done contrary to justice, honesty,
18 modesty and good morals." The court also endorsed the view
19 in that case that with regard to moral turpitude there are
20 three classifications of offenses. First, those that
21 necessarily involve moral turpitude such as frauds. Those
22 that are second, so obviously petty that they carry no such
23 suggestion of moral turpitude such as illegal parking. And
24 those third, that may be saturated with moral turpitude but
25 do not necessarily involve it, such as a failure to pay

1 income tax. With the third classification the tribunal
2 looks to the related circumstances of the offense to
3 determine whether the offense is in fact so vial, base or
4 depraved as to be infected with moral turpitude.

5 Now dispute having done exhaustive research, I
6 have been unable to find a single Missouri case in any
7 context finding that driving while intoxicated, regardless
8 of the factual circumstances, constituted a crime or felony
9 involving moral turpitude. Now, even assuming that driving
10 while intoxicated is one of that third classification of
11 offenses which requires us to look at the related
12 circumstances, the evidence will show that the
13 circumstances leading to Kim's guilty plea, which I will
14 leave to her to describe for you, utterly fail to
15 demonstrate the kind of moral depravity, baseness or
16 vileness that would warrant such a finding.

17 Now, even if the board were to conclude that
18 what Kim did warranted a finding of moral turpitude, which
19 we strongly believe it does not, the board still has the
20 discretion to decide whether to impose discipline; it's not
21 mandatory. In light of that discretion we believe it's
22 appropriate for the board to consider, as it does in many
23 other circumstances, the nexus between Kim's conduct and
24 her teaching. As I'm sure you know the state applies a
25 multifactor test to determine the existence of such a nexus

1 and I believe that on every count with regard to all of
2 those factors, her conduct does not satisfy that nexus test
3 either.

4 Besides that, Kim's conduct over the past year
5 has demonstrated her resolve never to make the same
6 mistakes again. In February of 2013 when she -- shortly
7 after she pled guilty, she voluntarily entered a rigorous
8 court-sponsored treatment program. That program includes
9 individual and group counseling, community service and
10 frequent random test for alcohol and substance use. Kim's
11 participation in the program has been whole hearted and
12 exemplary and through it she has turned her personal life
13 around and maintained complete sobriety.

14 I'm looking forward to having you hear
15 directly from Kim, but I want to take a moment here to
16 outline some of the other evidence in this case which is
17 evidence that comes in documentary form rather than in
18 testimony. As you may know, Ferguson-Florissant school
19 district issued a notice of charges in August of 2013
20 alleging grounds for termination of her permanent teaching
21 contract. Kim requested a hearing on those charges and one
22 was in fact held. At the hearing several witnesses
23 testified in her support and Mr. Lucas and I have
24 stipulated that we may offer into evidence that witness
25 testimony in the form of excerpts of the transcript of the

1 September 25, 2013 hearing before the Ferguson-Florissant
2 school board. That testimony, which was sworn and subject
3 to cross examination by the district's attorney is
4 particularly reliable as a result. I'm not going to
5 summarize all of that testimony because I will expect that
6 it will be reviewed, but just to hit some of the
7 highlights. That testimony includes that of Erin King, who
8 is the head of the math department at McCluer North, Kim is
9 in her department. Erin has been the heard of that
10 department for the past 7 years and a colleague of Kim's
11 for 19 years. Erin testified that Kim is one of the best
12 math teachers she's ever seen, that Kim's class load and
13 her advising load are consistently the heaviest because she
14 connects so well with her students and that Kim is her
15 go-to person for troubled students.

16 You'll always read the testimony of the school
17 board president, Paul Morris, who was aware of 2003 guilty
18 plea at that time but had no concerns about Kim's fitness
19 to teach or to be around his own children. Mr. Morris also
20 confirms -- who Mr. Morris and you have to assume that as
21 the president of the school board, Mr. Morris is clearly a;
22 respected and trusted member of the community -- he
23 confirms that's it's not an immoral thing to consume
24 alcohol and to then drive a car in every circumstance.
25 You'll also read testimony from Paul Schroeder, who is

1 another school board member and the former head of the math
2 department in which Kim teaches, and from Mary Lancaster
3 who is a colleague of Kim and the mother of two students
4 who were fortunate enough to have Kim as their teacher and
5 coach. None of these witness who know Kim and her work and
6 the her activities in the community firsthand, none of them
7 express any concern about her fitness to teach.

8 You'll also read the testimony of Fred Hook,
9 who has been working closely with Kim in the Franklin
10 County treatment program. Mr. Hook, on September 25,
11 testified about the disease of addiction and the effect of
12 active addiction on decision making. He also testified
13 about details of the program and Kim's participation in it
14 and that she's a shining star who has gone above and beyond
15 what is expected and that in fact she is doing the best of
16 anyone he has ever had in his caseload. Mr. Hook
17 reaffirmed that testimony at the beginning of this month in
18 an affidavit when we thought this hearing was going to
19 happen earlier this month but of course it was continued
20 due to the weather. In Mr. Hooks's affidavit, which
21 Mr. Lucas has also stipulated that we can admit, described
22 continued participation in the program.

23 So this testimony that we'll admit here
24 shortly was offered in the school board hearing on the
25 termination charges and after hearing -- I think it's

1 important for the board here to known -- that after hearing
2 from Kim and from all those who supported her, the
3 Ferguson-Florissant school board did something that almost
4 never happens in teacher termination cases; it declined to
5 terminate her employment. Instead imposing a suspension
6 until July 1, 2014. Now I'm confident that once the board
7 here has considered all the evidence in this matter it will
8 conclude as the Ferguson-Florissant school board did, that
9 Kim Straatmann deserves to be allowed to continue
10 instructing and inspiring students of this state and the
11 Ferguson-Florissant school district and that the board will
12 therefore decide to take no action against Kim's teaching
13 certificate. Thank you.

14 HEARING OFFICER MS. QUETSCH: Thank you.

15 Mr. Lucas, do you want to call some witnesses?

16 MR. LUCAS: Yes. The department will call
17 Margery Tanner.

18 MARGERY TANNER, having been first duly sworn, testifies as
19 follows:

20 EXAMINATION

21 QUESTIONS BY MR. LUCAS:

22 Q Please state and spell your name for the
23 record?

24 A Margery Tanner; M-a-r-g-e-r-y, T-a-n-n-n-e-r.

25 Q And Ms. Tanner by whom are you employed?

1 Q What is it?

2 A This is the certification record for
3 Kimberlie -- she's registered as Kennedy in our system --
4 Straatmann.

5 Q And is that record kept in the regular course
6 of business?

7 A Yes, it is.

8 Q And is it a true and accurate copy of
9 Ms. Straatmann's certifications?

10 A Yes.

11 Q And does the department maintain that status
12 of this report?

13 A Yes.

14 Q And it was made by someone who would have
15 knowledge of this information?

16 A Yes.

17 Q I would like to offer Petitioner's Exhibit 1
18 into evidence.

19 HEARING OFFICER MS. QUETSCH: Any objection.

20 MS. SKOLNICK: No objection.

21 HEARING OFFICER MS. QUETSCH: It is received.

22 It is a multi-page document?

23 (EXHIBIT 1 WAS OFFERED AND RECEIVED INTO
24 EVIDENCE.)

25 MR. LUCAS: Yes.

1 **Q So, Ms. Tanner does Ms. Straatmann hold**
2 **teaching certificates?**

3 A Yes, she does.

4 **Q What type of certificates are those?**

5 A She has career CPC certificates for the areas
6 of elementary grades 1-8, language arts 4-8, mathematics
7 4-8, social studies 4-8, mathematics 5-9.

8 **Q When were these certificates issued?**

9 A September 17, 2004.

10 **Q And when will those certificate expire?**

11 A September 17, 2103.

12 **Q So these are active and current then?**

13 A Yes.

14 **Q And does this report reflect whether she is**
15 **currently teaching or as an administrator in Missouri?**

16 A It shows that she was reported as teaching
17 through the 2011/12 school year.

18 **Q And where was she teaching in that year?**

19 A That was reported by the Ferguson-Florissant
20 school district.

21 **Q And does this record indicate if she's**
22 **licensed to teach in any other states?**

23 A No, it does not.

24 MR. LUCAS: I believe that's all I have for
25 this witness.

1 HEARING OFFICER MS. QUETSCH: Any questions?

2 MS. SKOLNICK: No questions.

3 MR. LUCAS: Thank you. Other than that the
4 only other two things I have are Exhibits 2 and 3, which
5 pursuant to Revised Statute 490.130 they are certified
6 records of Ms. Straatmann's pleas of guilty as in 2011, a
7 DWI aggravated offender and that's Exhibit 2. Exhibit 3
8 would be the 2003 guilty plea of driving while intoxicated
9 as a prior offender and I would offer those into evidence.

10 HEARING OFFICER MS. QUETSCH: Any objection?

11 MS. SKOLNICK: No.

12 HEARING OFFICER MS. QUETSCH: Both 2 and 3 are
13 received.

14 (EXHIBITS 2 AND 3 WERE OFFERED AND RECEIVED
15 INTO EVIDENCE.)

16 MR. LUCAS: And that's all I got.

17 HEARING OFFICER MS. QUETSCH: Ms. Skolnick, do
18 you want to proceed?

19 MS. SKOLNICK: Sure. Maybe as a preliminary
20 matter we can put in those exhibits that I referred to in
21 my opening. Let's mark the transcript.

22 (EXHIBIT NO. A AND B WERE MARKED FOR
23 IDENTIFICATION BY THE COURT REPORTER.)

24 MS. SKOLNICK: So I would move for admission
25 of Respondent's Exhibits A and B.

1 HEARING OFFICER MS. QUETSCH: Any objection.

2 MR. LUCAS: No objection.

3 HEARING OFFICER MS. QUETSCH: They are both
4 received.

5 (EXHIBITS A AND B WERE OFFERED AND RECEIVED
6 INTO EVIDENCE.)

7 MS. SKOLNICK: Thank you. We just have one
8 witness, Kim Straatmann.

9 KIMBERLIE STRAATMANN, having been first duly sworn,
10 testifies as follows:

11 EXAMINATION

12 QUESTIONS BY MS. SKOLNICK:

13 Q Kim, could you state your name for the record
14 and spell it for the court reporter, please?

15 A My name is Kimberlie Straatmann;
16 K-i-m-b-e-r-l-i-e, S-t-r-a-a-t-m-a-n-n.

17 Q Kim, would you like some water?

18 A No.

19 Q And you have been employed by the
20 Ferguson-Florissant school district for how long?

21 A Twenty-three years.

22 Q And when you started teaching at the district,
23 where did you start?

24 A I started at Ferguson Middle School.

25 Q And at some point you moved to McCluer North

1 **High school?**

2 A Yes, I did.

3 **Q Was that about in 2002/2003?**

4 A 2002.

5 **Q Tell me -- tell the hearing officer about your**
6 **educational background. You have a bachelor's degree?**

7 A I have a bachelor's from the University of
8 Missouri, St. Louis much. From there I earned my masters
9 from the University of Missouri, St. Louis in 1989. I then
10 received administration training and I took the praxis to
11 be an administrator from Lindenwood University about five
12 years ago.

13 **Q And have you also pursued some specific course**
14 **work to help you with the particular challenges of your**
15 **teaching?**

16 A Right. I noticed were not listed on here. I
17 have taken some accreditation classes to work with some
18 students in vo-tech classes and to work with students in
19 diversity, at-risk; additional training like that.

20 **Q And while at my McCluer North what classes**
21 **have you taught?**

22 A I have taught Pre-Algebra, Algebra, Geometry,
23 Honor's Geometry.

24 **Q And would you say that you have a particular**
25 **speciality in dealing with at-risk students?**

1 A Yes. I enjoy working with kids who have a
2 difficult time grasping mathematics, I think that came from
3 teaching at the middle school level. And I don't know I'm
4 pretty lucky in communicated ideas with them and they don't
5 tend to get as frustrated when I do work with them. I also
6 get the joy of working with them in and off the field when
7 I coach the students. Typically a lot of our athletes have
8 difficulty in mathematics and for some reason I have been
9 able to work with them after practices, communicate with
10 their families and I have just been consistent. I have
11 been there for 23 years. I grew up in Ferguson-Florissant
12 school district. I attended McCluer North High School from
13 where I graduated. I'm teaching there. I work with the
14 different teachers who taught me there. I lived in the
15 community until I moved to Wentzville and when I got
16 married in Union. I have just been a part of the whole
17 thing. My church is there, St. Dismas. I think they just
18 trust me and in a community where teachers tend to come and
19 go and especially in our district where the attrition rate
20 is huge, I have always been there and they can count on me.
21 People who aren't moving out of North County and Florissant
22 come to me and they request me as their teacher and as
23 their adviser and I'm kind of the one consistent variable
24 there, one of them.

25 Q You alluded to coaching. You have also

1 **served, in addition to teaching mathematics, you served as**
2 **a coach in the district?**

3 A Yes. I started out coaching basketball, girls
4 softball and soccer and I help initiate the first girls
5 golf team. We never had girl's golf. So I'm all pro Title
6 IX. I don't know, I just want to do anything to get the
7 kids involved in school because I have seen so many kids
8 drop out and especially again in North County where we're
9 having difficulty with our surrounding districts and
10 accreditation. I just want school to be positive.

11 **Q Have you also had some administrative**
12 **responsibilities?**

13 A Yes. I have been pretty lucky at that. I get
14 to work in the 11th grad office this past year and I worked
15 with discipline with serving detentions, working on
16 suspension, working on investigations through Facebook on
17 bullying with the girls and student fights and trying to
18 crack down on that. I'm also serving as a liaison between
19 parents and sitting in on lots of parent conferences
20 serving as an adviser.

21 **Q In connection with your duties for the**
22 **Ferguson-Florissant school district, are you required to**
23 **drive?**

24 A No, I am not.

25 **Q So the Ferguson-Florissant school district --**

1 we've already established -- served you with a notice of
2 charges in August of 2013. You requested a hearing on
3 those charges?

4 A Yes, I did.

5 Q And in fact a hearing took place?

6 A Yes, it did.

7 Q Subsequently the board issued a decision?

8 A Yes, they did.

9 Q And in that decision the board did not
10 terminate your employment, correct?

11 A No, they didn't.

12 Q I'm going to show you what I have marked as
13 Exhibit C. Can you identify what this is?

14 A This is notice of the findings from the
15 hearing in which I had with our Ferguson school board.

16 Q So this is the Findings of Fact and Conclusion
17 of Law?

18 A Yes, it is.

19 Q Okay. Move for admission of Exhibit C.

20 HEARING OFFICER MS. QUETSCH: Any objection?

21 MR. LUCAS: No objection.

22 HEARING OFFICER MS. QUETSCH: Received.

23 (EXHIBIT C WAS OFFERED AND ACCEPTED INTO
24 EVIDENCE.)

25 Q And this decision suspends you without pay

1 until July 1 of 2014?

2 A Yes, it does.

3 Q But it also continues your health insurance
4 during the term of your suspension?

5 A Yes, it does.

6 Q And of course your ability to return to work
7 on July 1 is dependent on retaining your certification to
8 teach, correct?

9 A Yes, it is.

10 Q Let's talk first about the 2013 guilty plea
11 and the events leading up to that. Am I correct in the
12 fact that conviction in 2013 that was in connection with an
13 event that occurred on November 1, 2011?

14 A Yes.

15 Q Can you describe for the hearing officer the
16 events that are occurred leading up to that arrest, what
17 was going on at that time?

18 A All right. Well, first of all I would like to
19 say that the preface of these events in no way is my
20 alcoholism an excuse for anything I have done. No way.
21 This is how sick my mind was thinking. I was -- on
22 November 2011 -- I was thinking of self-loss. There was a
23 lady who had died who served as a mother figure to me and
24 she was a secretary at our school and I knew her from when
25 I attended McCluer North and I was good friends with her

1 daughter when she attended McCluer and she worked as our
2 attending secretary and that was her funeral date. So
3 people were meeting and really depressed and we met at a
4 local restaurant. I was aware, of course, with my previous
5 bad judgments on drinking so I have avoided happy hours. I
6 haven't done anything like that, but in 2011 I did have one
7 drink per hour there and I was there four about and half
8 hours after the funeral talking with people. Then I drove
9 home, which is 64 miles away.

10 **Q So, it sounds like you were calculating. You**
11 **said you had one drink per hour, what was the significance**
12 **of that?**

13 A It was to my understanding and through trying
14 to -- knowing the law they say your body can consume the
15 amount of alcohol one per hour and I was drinking water in
16 between so I was in no way trying to drive impaired.

17 **Q And did you believe that you were impaired**
18 **when you left the restaurant when you left the restaurant**
19 **in your car on November 1?**

20 A No, I didn't.

21 **Q When you were stopped -- and I assume you were**
22 **stopped?**

23 A For speeding, yes.

24 **Q You were stopped for speeding, you weren't**
25 **stopped for driving erratically?**

1 A No.

2 Q And you were asked to take a breathalyzer
3 test?

4 A Yes, I was.

5 Q And what was your blood alcohol level
6 determined to be?

7 A Later on they determined it to be .082.

8 Q And the legal limit is .080?

9 A Yes, it is.

10 Q You were arrested at that point but you were
11 not charged, correct?

12 A Correct.

13 Q And just to be clear because it took me some
14 understanding to get this. Apparently the case went to a
15 Grand Jury and the Grand Jury issued a sealed indictment?

16 A Correct.

17 Q And that indictment apparently was made active
18 only when you were subsequently pulled over and what were
19 you pulled over -- that happened in November of 2012?

20 A Right.

21 Q And what happened that led to you being pulled
22 over in 2012?

23 A 2012, I was speeding.

24 Q And were you intoxicated at that time?

25 A No, no alcohol.

1 **Q And at that point in late 2012 you were**
2 **charged then with the Class C felony of driving while**
3 **intoxicated as an aggravated offender?**

4 A That's when I was aware of it, yes.

5 **Q And you chose to plead guilty to that offense?**

6 A Most definitely.

7 **Q Can you explain why you chose to plead guilty?**

8 A I had realized I had a problem back in 2002,
9 2003 time and I was trying to control things, you know, by
10 avoiding, trying to manage what I drink, not admitting it
11 was me and I thought I could handle things. You get to a
12 point where you can't control, you can't run, you have to
13 do the right thing and the next right thing is guilty. And
14 whether I was trying -- I did not try to break the law in
15 my 2011 but you have to plead guilty because I'm guilty.
16 So I thought well, I'm going to try to get help so I went
17 to some counseling and I was still teaching at the time and
18 it was great and it help me realize that I do have a
19 problem but I have a lot of family problems and issues in
20 life and fears. And so I went to address those and they
21 said we have this program that you can attend and it's
22 very -- it's a sincere program, it's a direct program, it's
23 a rigorous program, it's a respected program in the state
24 of Missouri and it's called the Franklin County DWI Drug
25 Court Program.

1 So I learned to embrace recovery at any cost
2 that I have. I jumped right in. I volunteered to do the
3 things that they asked me to do and I'm working the
4 recovery program and I was teaching at the exact same time.

5 **Q So your guilty plea was in part a way to gain**
6 **access to the treatment that you knew you needed?**

7 A I couldn't see any better treatment. I just
8 did not want to attend counseling and go to counseling here
9 and go to counseling there. That's what I was doing, but I
10 believe addiction is a lot of times it's a symptom of what
11 our fears or what we're not facing in life and I didn't
12 want to run. I was guilty.

13 **Q Just marking a couple more exhibits here.**
14 **Kim, I'm going to put in front of you what I have marked as**
15 **Exhibit D. Can you identify what that is?**

16 A It looks like it's my acceptance letter into
17 the DWI drug court program.

18 **Q So to get in you had to apply for admission**
19 **for that program?**

20 A Yes. I had to apply and then I screened and
21 then there was a process that took about two months.

22 **Q And now I'm going to put in front of you what**
23 **I have marked as Exhibit E. Can you identify what that is?**

24 A This is my order of probation, which was
25 issued by the state and it sentenced me to five years of

1 probation.

2 **Q** **Is that term of probation for five years is**
3 **that reduced in any way?**

4 A Most definitely. In the state of Missouri for
5 every good day that you serve they take a day off. So
6 hoping it would be actually two and half years of serving
7 probation.

8 MS. SKOLNICK: Okay. I move for admission of
9 Exhibits D and E?

10 HEARING OFFICER MS. QUETSCH: Any objection?

11 MR. LUCAS: No objection.

12 HEARING OFFICER MS. QUETSCH: They are both
13 received.

14 (EXHIBITS D AND E ARE OFFERED AND RECEIVED
15 INTO EVIDENCE.)

16 MS. SKOLNICK: Actually maybe the court
17 reporter would not mind until the witness is finished
18 testifying to get her copy.

19 Okay. I put in front of you what I have
20 marked as Exhibit F. Can you identify what that is?

21 A This looks like it was a copy of my copy of
22 the treatment court participation handbook.

23 **Q** **And is this something that you received when**
24 **you started the treatment court program?**

25 A Yes.

1 Q And just to be clear for the record, there is
2 some handwriting on this document. Is that your
3 handwriting?

4 A Yes, it is not knowing it would ever be shown
5 like this.

6 Q In a minute I'm going to offer into evidence
7 but I think it might be helpful for the record if we could
8 orient to this document and help people understand how it's
9 laid out. So let's turn first to what's marked as page 5
10 of this document. Is this the court track that you're on
11 in the program?

12 A Correct. I'm enrolled in the DWI court track.

13 Q And this page 5 it lays out eligibility
14 requirements?

15 A Yes, it is does.

16 Q And it also at the bottom of the page
17 describes the assessment that is undertaking before you're
18 admitted to the program?

19 A Yes, it does.

20 Q So in order to be admitted into the program
21 you had to meet those requirements and pass through this
22 assessment phase, correct?

23 A Correct.

24 Q Turning now to page 7, which is a chart. What
25 does this chart describe?

1 A This is a brief synopsis of the four phases
2 that I need to complete in order to graduate from the
3 program.

4 **Q And which phase are you currently in?**

5 A Currently I'm in phase three and I have nine
6 weeks to go to finish phase three.

7 **Q And then you will advance to phase four?**

8 A I hope so.

9 **Q There is a couple of abbreviations on here
10 that it might be helpful for the record to establish what
11 they mean. One of them PO, can you say what that is?**

12 A That refers to my probation officer.

13 **Q And do you know what TX recommendation is?**

14 A That's the treatment team recommendation.

15 **Q And who is on your treatment team?**

16 A It's a variety of about eight people. We have
17 Judge Stanley Williams, we have the head treatment court
18 counselor, Jennifer. We have another court counselor who's
19 name is Fred. I have a probation officer, her name is
20 Sherry Huxol. We have some previous school board members,
21 Jennifer Slay from the Union school district and some drug
22 court investigators, Jason Grellner is also on there.

23 **Q So the rest -- this sort of lays out -- and we
24 can talk about these phases in a little more detail -- but
25 this gives sort of an overview of the four phases of the**

1 program?

2 A Yes.

3 Q And then the rest of this manual spells out in
4 more detail the requirements of the program?

5 A Yes.

6 Q So let's talk about first of all phase one.
7 You started phase one back in February of 2013?

8 A Yes, I did.

9 Q Can you describe for the hearing officer what
10 the requirements of the phase one were or what sort of
11 things you were required to do during that period?

12 A Daily you wake up and you call a phone number,
13 I'm randomly given a color and they call a series of colors
14 every day, even to completion of this program, and if they
15 call my color -- they call about five or six colors -- then
16 I am asked to have a UA, which is urine analysis and I have
17 a specific time from which I can do that. If I miss that,
18 then it's considered a drop and then a sanction is jail
19 time in Franklin County. So I am checked daily even
20 throughout each of the four phases. In phase one the urine
21 analysis are about two to three times a week. Again, even
22 on holidays, weekends you only have a two hour timeframe.
23 So they have stipulations and rules and structure on when
24 you can do this. And there are no excuses. I have missed
25 a UA before and I was writing a recommendation on the golf

1 team and I was in school and I could not get back to
2 Franklin County in time. I need to have UA in Franklin
3 County and I was sanctioned jail time for writing that
4 letter of recommendation. This is no excuse program.

5 So besides maintaining my clean time and
6 having it checked daily if needed, I need to attend
7 different meetings. I go to group meetings and then it was
8 on Monday, Tuesday and Thursday and then you're asked to
9 attend support group meetings, which are AA meetings or NA
10 meetings, at least three or four a week. You're asked to
11 obtain a sponsor and you show documentation of attending
12 these meetings and the validity of signature is checked.

13 There is no guessing in this program. It's
14 very well structured. You are to maintain your career,
15 your job and if not they will help you get a job. Your
16 family and your household is checked. There is an officer
17 called a tracker, he comes out to our home and he checks to
18 make sure there are no drugs, no alcohol, no pills, my
19 medical records are screened. The people with whom I
20 associate are screened. And my husband being a beer
21 distributor, no beer in the household and it is checked.
22 Even to this day randomly they could come by the house at
23 any time. You have probation, I meet with a probation
24 officer at that time I did twice a month just to make sure
25 I was abiding by state rules and their sanctions.

1 **Q** All right. Did you also during phase one have
2 to wear some kind of a monitoring device?

3 A Yes. Due to pleading guilty with a felony
4 charge, I wore a SCRAM device, which is an alcohol
5 monitoring device for 90 days.

6 **Q** And just to be clear, this sounds -- this
7 regimen sounds like it's almost a full-time job but you
8 were actually teaching throughout that period?

9 A Yes.

10 **Q** And did you successfully complete phase one?

11 A Yes, I did.

12 **Q** What letter are we up to?

13 HEARING OFFICER MS. QUETSCH: F was the last
14 one. So G is the next one.

15 **Q** So Kim, I'm putting in front of you what I
16 have marked as Exhibit G. Can you identify what that is?

17 A Yes. It's a certification of achievement for
18 successfully completing and heading towards phase two in
19 May of 2013.

20 **Q** Let's talk a little bit about phase two. Now,
21 could you just briefly describe what the requirements were
22 for your participation in the program in phase two?

23 A Again, it's a daily call the line to see if
24 I'm to give a UA. I do see the probation officer. I
25 saw -- her name is Sherry again -- every other week. I

1 went to court to meet with Judge Williams twice a month.
2 We sit there and I sit through an entire docket and he
3 talks to us personally. I forgot to talk about that. I
4 think that's an important part because Judge Williams in
5 our program, he communicates, he is aware of our daily
6 progress, the treatment team does talk to him and he has
7 been a great help in the different things that I want to
8 accomplish in having his support in recovering. I have
9 active participation. I have the review hearings with the
10 judge and I go to even more support group meetings than I
11 need to go to. I am involved in three home groups and at
12 this point I gained more sobriety time and I got to work
13 with some kids in the program. Sadly there is some
14 teenagers involved in this program on the drug behalf.

15 **Q So one of the components of the program is**
16 **sort of passing and paying it forward?**

17 **A** Definitely. In order to receive anything in
18 life you need to give back definitely. I get by giving.

19 **Q I'm going to put what's been marked as Exhibit**
20 **H in front of you. Can you identify what that is?**

21 **A** It's a certification saying I have
22 successfully completed phase two and I'm in phase three and
23 I earned that in September of 2013.

24 **MS. SKOLNICK:** Okay. I will move for admission
25 of Exhibits G and H.

1 HEARING OFFICER MS. QUETSCH: Any objection?

2 MR. LUCAS: No objection.

3 MS. SKOLNICK: I don't think I moved for
4 admission of Exhibit F. I will move for admission of that
5 too.

6 HEARING OFFICER MS. QUETSCH: No objection?

7 MR. LUCAS: No objection.

8 HEARING OFFICER MS. QUETSCH: It is received.

9 (EXHIBITS F AND G WERE OFFERED AND RECEIVED
10 INTO EVIDENCE.)

11 **Q (By Ms. Skolnick) Can you talk about the**
12 **requirements of phase three, which you're in now?**

13 A Extended curfew, which is 12:30 and there is a
14 person who does come by which I have not mentioned that
15 would maintain that the curfew is abided by and I haven't
16 had any curfew breaks. Again everyday I call the line,
17 the recording to see if they had called my color. At this
18 point I go to random urine analysis about once a week. I
19 go to court once a month and meet with Judge Williams and
20 attend a variety of meetings. We have group meetings
21 now -- through these issues which are involving in my
22 sobriety, I attend an all female group on Tuesdays and I
23 see a female counselor and you get -- I have counseling
24 again once a month or whatever I need with our counselor
25 Fred, who now we're going to marriage counseling. I go to

1 my groups, I participate. I am also now in phase three I
2 serve as a liaison between the prosecuting attorney and
3 Judge Williams and the people who are in the drug DWI court
4 and to facilitate communication and better help sobriety
5 with people in our community. Also, I am the president of
6 the alumni association.

7 **Q That's an alumni association of people who**
8 **have been in the program?**

9 A Of recovery, yes.

10 **Q So would it be accurate to say you have taken**
11 **on some leadership roles in the program?**

12 A Again, due to I'm not working right now and
13 the closest I can get to working with teenagers and things,
14 it's just amazing the feedback I get to watch people grow.

15 **Q And once you finish with phase three**
16 **presumably you'll advance to phase four?**

17 A I hope so in nine weeks.

18 **Q And this chart describes again the continued**
19 **monitoring. You'll still have similar monitoring during**
20 **that period?**

21 A Yes, I will.

22 **Q And assuming that everything goes as you would**
23 **hope, do you have any idea about when you'll finish with**
24 **this entire program?**

25 A I'm thinking August. I would like to add I

1 won't be finished exactly with the program. I will have
2 graduated this program but currently I was awarded my
3 limited driving privileges, which are supervised by Judge
4 Williams which I chose to do that and he accepted my case.
5 So for the next nine years my driving, I will meet with
6 Judge Williams and review things and go to court about
7 every other month and be subject to random UA's also.

8 **Q For that entire nine years?**

9 A For the entire nine years. It was one of the
10 stipulations where I'm so proud to be a part of this
11 program. It's a lot of work and it shows great recovery
12 and I chose this when I needed help before I even knew
13 that my certification would be on the line. I just needed
14 the help.

15 **Q You refer to AA meetings, are you currently**
16 **active in an AA recovery program?**

17 A Yes, I am. I'm working the 12 steps and I
18 have three home groups and one amazing sponsor.

19 **Q Is there also a community service component to**
20 **this treatment program?**

21 A Most definitely and it's listed in this packet
22 too where I work -- and even know that I have more time. I
23 work with the humane society, with Franklin County
24 Foundations, which helps write curriculum for high
25 schoolers, the need of recovery and how kids are drinking

1 and doing drugs and lying most definitely. I work with
2 American Red Cross and do numerous blood drives and I work
3 with platelet donors too.

4 **Q And also as part of the district's decision in**
5 **your case, one of the conditions that they imposed on your**
6 **suspension was a community service piece, correct?**

7 A Yes. My district, Ferguson-Florissant has
8 asked that I work eight hours of community service a month
9 and I have a report submitted to Amy Joyce, she is our HR
10 superintendent.

11 **Q And also just to be clear, another one of the**
12 **requirements for the Ferguson-Florissant school district**
13 **was that they obtain regular reports of your progress in**
14 **the program?**

15 A Yes. I released all the information from my
16 counseling program, from this DWI court program and from
17 Judge Williams to the Ferguson school district to be given
18 reports and to any time they would have questions they may
19 receive information.

20 **Q I want to back up now at this point. We**
21 **talked about the 2011 incident of driving while**
22 **intoxicated. Let's talk about what was going on in 2003**
23 **when you were previously pulled over for driving -- well**
24 **actually why don't you tell the hearing officer what**
25 **happened in 2003?**

1 A Again, it's no excuse of what had happened.
2 What I was thinking at that time was self-pity. My
3 father -- who I thought was my father at the time -- I was
4 a victim -- which our program teaches us we're not ever
5 victims -- of molestation. It was as I was growing up and
6 I was trying to handle that probably by avoidance and he
7 was dying at that time and he really wasn't part of my life
8 and I felt myself always trying to be a part of his life
9 and look for praise and he was dying in Florida. So at
10 that time I knew I was drinking and trying to work a
11 program but not very well. I have to release that guilt
12 and let him die and it was just the right thing to do. But
13 I couldn't get a hold of him because one of my sisters had
14 gone down there and she was -- I don't know. It was kind
15 of confusing. So I went to my mom, my mom had told me he
16 was dying and I'm like mom, I need to communicate with him
17 and she wouldn't tell me. I said mom, I really do and she
18 was hiding it and I got more upset and I told her about the
19 molestation. I thought I had told her earlier in my life
20 but she couldn't believe it and she said that I needed to
21 tell my sisters.

22 So besides my father, who I thought was my
23 father, dying and then I had to deal with all these
24 feelings of guilt and just emotion that I wasn't working
25 well on, then she tells the family and it was just horrible

1 and I wasn't focused well on things. I was more
2 embarrassed I guess. I was just thinking about myself and
3 I thought she had no right to do that. And so he did die
4 and I couldn't get there in Florida. Then our family kind
5 of broke and turns out each of my sisters, we have
6 different dads and my family unraveled and I found out I
7 had another sister. I thought I was the oldest sister of
8 real blood from my family. The family had held that secret
9 too that I had an older sister and it was just a lot to
10 absorb.

11 **Q But just to sort of -- clearly that was an**
12 **extremely stressful and difficult time but to refocus on**
13 **what then -- what was the result of that with regard to**
14 **drinking and driving? How does that connect to the**
15 **incident?**

16 **A** Purely I was just selfish. I did not intend
17 to hurt anybody. Maybe I was upset with myself. I may
18 have wanted to die, I was humiliated and I didn't think
19 that had to do with my teaching. It was always separate.
20 I didn't have alcohol ever at school. It wasn't anywhere
21 at school, my attendance record was great. It was just how
22 I dealt with things after school.

23 **Q So on that occasion were you actually pulled**
24 **over or what happened?**

25 **A** I had an accident. I was reaching for the

1 phone and it was on a single road bridge and I had an
2 accident.

3 Q And was anyone else involved in the accident?

4 A No, just me.

5 Q So it was a one car accident?

6 A And a bridge. A railing of a bridge on a
7 single lane into a creek.

8 Q And were you injured?

9 A No, I wasn't.

10 Q Was anyone else injured?

11 A Nobody else was injured.

12 Q Was there any property damage?

13 A There was no restitution, no property damage.

14 Q But after the accident you were tested?

15 A Yes, I was.

16 Q Do you remember what your alcohol level was at
17 that time?

18 A No.

19 Q Again, that's been ten years -- more than ten
20 years ago, right?

21 A Right.

22 Q You described a very stressful situation in
23 2003. If you were to find yourself in a similarly
24 stressful situation today, how would you handle that?

25 A The tools I have are so different. I have to

1 accept the things that are going on. I pray for peace. I
2 would not react, I would think before I would disclose the
3 information. I would not take it personally. I understand
4 now how my mom was operating. She was in denial but I have
5 to forgive her for that. She was trying to protect my
6 sisters thinking maybe things were going on then. I could
7 have been more open. Now I understand when people get
8 angry and they are mad usually they are hurt and there is
9 some kind of reasoning behind that. Before I didn't think
10 of that, I would just kind of react and put up a wall or
11 something. I have dealt with death since that and I think
12 I can handle things now. I have an amazing support group
13 on how to handle things.

14 **Q Let me just ask you directly. Would it one of**
15 **your reactions to consider drinking and driving?**

16 **A** Honestly, no. It's not a single drink for
17 really anybody. The question has come to me how much is
18 too much. It's not illegal to have a drink and drive, it's
19 illegal to drive impaired and I don't believe that any
20 drinking should occur because we're not mature enough
21 really to understand. Even with kids .02 percent could
22 impair.

23 **Q Through the events that have happened to you**
24 **in the last couple of years have you come to recognize that**
25 **you are an alcoholic?**

1 A Most definitely, yes.

2 Q And have you made any changes in your life in
3 response to that realization?

4 A Immense changes.

5 Q Could you just talk a little bit about those?

6 A Well, I realized my life is unmanageable. I
7 have gone to counseling to handle things. I don't play the
8 victim anymore like woe is me and how to do with things. I
9 believe that by growing and learning from my mistakes, I
10 can help others deal with their mistakes. It's just
11 imperative that I get back into the classroom because kids,
12 high schoolers are dealing with these same emotional
13 problems. We allow our fears to get the best of us at
14 times, especially women and kids with bullying and
15 technology, their emotions are disrupted and drinking is
16 not a way out. Even though it's a social thing and people
17 are out there, it's not the way and sadly I'm seeing kids
18 resort to other drugs too just to relieve that stress so
19 they don't have the feelings. And I'm working with groups
20 of high schoolers who just in society we have said our kids
21 aren't doing this and they are, even in private schools.
22 They are doing and shooting heroin, they are taking pills
23 and the addiction rate is going to be huge whether they get
24 caught or not. They are lying to themselves and the kids
25 we're not teaching them to deal with emotional issues.

1 It's kind of been just ignored. I know there is a lot
2 money from our states being taken away from behavioral
3 sciences and counseling and I really wasn't one to admit I
4 had issues. I can overcome this, I can do this. It's okay
5 to say we have a problem and it's okay to get help. I
6 would be so hypocritical if I could not get back in the
7 classroom and help these kids deal with themselves. I
8 really -- I have made mistakes, I'm not ignoring the
9 mistakes. I don't want to broadcast the mistakes but I can
10 truly be an asset to teaching.

11 **Q Would you say that your alcoholism in the past**
12 **when you were drinking that that affected your decision**
13 **making?**

14 A Definitely. As a depressant, I was already
15 wound up emotionally, high energy. Yes, it did not help.

16 **Q And has that changed since you've been in**
17 **recovery?**

18 A Well, I took that variable out of the
19 alcoholism -- or the alcohol. But I am a lot calmer about
20 situations, yes. I'm a lot better and happier and
21 peaceful.

22 **Q On either occasion back in 2011 or in 2003 was**
23 **it your intention to cause harm to anyone?**

24 A No, nor would it be verbally if I was out
25 there saying things. I'm not that kind of person who would

1 attack a person verbally or to get in a car. I don't think
2 anybody plans on it. I couldn't imagine they plan on
3 hurting anybody. So do I think morally I went out there to
4 hurt anybody, no. I was selfish and not thinking of others
5 at that time.

6 Q I think we're pretty close to being done. I
7 wonder whether you could -- would you say that you consider
8 yourself to be a responsible member of society? I think we
9 have gotten a sense of your view of your place of yourself
10 in society, but maybe you could talk a little bit about
11 what you've done to demonstrate your view of your place in
12 society?

13 A Currently or in the past over all?

14 Q Why don't we go back into the past and up to
15 the current time.

16 A Teaching has been a major part of my life and
17 seems to be the only consistent variable of where I had --
18 that appeared to be stability. That's a place I would go
19 and be there everyday and I would escape all the craziness
20 and then I would coach. It was just a great way to spend
21 my days and my weekends. During that time I was aware of
22 bone marrow, one of our kids at the middle school needed
23 bone marrow transplant. So we had a big run and I got on
24 the registry list and I became a bone marrow donor. They
25 found me at the high school and that was pretty awesome to

1 see how the fruition of those activities came. So I was a
2 bone marrow donor.

3 Also there was a child when I was teaching
4 middle school whose parents died and the state really
5 didn't find out. I don't know how that worked and his aunt
6 kind of helped take care of him. I found out through
7 talking to him that he and his sister were raising
8 themselves, so I took him in. I talked to the principal
9 and we tried to work out the logistics of it and I took him
10 in and I adopted him. It was amazing actually. He was a
11 highly at-risk individual where he would drop out. But I
12 couldn't have done that without the help of the principal
13 and the other teachers and we all pinched in together and
14 another principal agreed to get him back in school by the
15 time we could help and that was really neat. I don't know
16 I have worked with just the students working in restaurants
17 and things and coaching.

18 **Q Are you also an active member of your church?**

19 A Oh, yeah. The past one was St. Dismas and I
20 did a lot of fundraisers. Even to this day we still donate
21 many things for their parish auction and I work with the
22 kids because I was raised a Catholic and I work with their
23 parents. A lot of these events where I was out after
24 school, I was with other parishioners and family members in
25 the community. I was a huge proponent of living in the

1 community and I lived in Ferguson-Florissant and I was part
2 of it. Even when my friends were moving to St. Charles I'm
3 like no, you need to stay. We can help our community and I
4 can't think of what a better teacher or person who is
5 active in the community than to live in the community. So
6 I was active that way too.

7 **Q All right. I think I have covered everything**
8 **that I want to cover. Is there anything else that you**
9 **would like the hearing officer and the board to consider?**

10 A Most definitely seeking forgiveness. I can't
11 think of anything else I would identify myself with as
12 being a teacher. I believe that through my past I can only
13 grow and I believe that we teach our students to grow with
14 adversity and things that they have done. And not to
15 making excuses but to move forward and hopefully I can be
16 judged better as to how much stronger I am and what an
17 advocate I am for addiction and recovery and spiritual
18 growth and in understanding and I hope that you give me
19 that chance to do that. Thank you.

20 HEARING OFFICER MS. QUETSCH: Mr. Lucas, do
21 you have any questions?

22 MR. LUCAS: Yes.

23 CROSS EXAMINATION

24 QUESTIONS BY MR. LUCAS:

25 **Q Can I just call you Kim?**

1 A Please do.

2 Q Kim you have had four convictions of driving
3 while intoxicated, correct?

4 A Yes.

5 Q And the first one was in 1999?

6 A Yes.

7 Q Did you plead guilty in that case?

8 A I don't know. I remember that was no
9 emotional breakdown. I was at a family wedding. That was
10 bad.

11 Q And so but you did drive intoxicated?

12 A Yes, I did.

13 Q And what was your last name at that time?

14 A Okay. My name is Schafer and then I was
15 married and became Kennedy and that marriage lasted a year
16 and now I'm Straatmann.

17 Q So at the time of the 1999 it was Schafer?

18 A Yes.

19 Q And then in 2002 you had a second DWI?

20 A Yes.

21 Q Was that in the state of Illinois?

22 A Yes.

23 Q Okay. Do you remember if you pled guilty in
24 that case?

25 A I did.

1 Q But you did drive intoxicated?

2 A Yes.

3 Q And then as we mentioned your third DWI was in
4 2003. Actually, sorry let's go back to 2002. What was
5 your last name at that time?

6 A Kennedy maybe.

7 Q And then in 2003 you pled guilty to the
8 driving while intoxicated, correct?

9 A Okay. Todd, I don't know about the name
10 change. I do know that I was Schafer and then when I got
11 married for a year I was Kennedy but at that time my dad's
12 name was Schafer and I wanted no part of that so I kept
13 Kennedy.

14 Q I'm only asking because the different exhibits
15 say the last name, so I'm just kind of showing that it was
16 actually you.

17 A Yes, I had so much anger for the name Schafer
18 I just kept Kennedy.

19 Q Sure.

20 MS. SKOLNICK: Todd, there is no dispute about
21 the number of offenses and there was in fact either guilty
22 plea and conviction of each one. I don't think we have any
23 dispute about that.

24 Q (By Mr. Lucas) Aside from your four DWI's, do
25 you have any other convictions that just haven't been

1 mentioned today?

2 A Under a different name, Todd? No, I don't.

3 Q And as you mentioned you're currently on
4 probation?

5 A Yes, I am.

6 Q And do you have any violations of that current
7 probation?

8 A No.

9 Q And you mentioned that you're still in a
10 rehabilitation program?

11 A For lifetime, yes.

12 Q And you're in phase three of the --

13 A The program, yes I am.

14 Q And now when did you start that rehab program?

15 A In February a year ago.

16 Q Okay. So 2013?

17 A Yes.

18 Q And your fourth DWI was in 2011?

19 A Yes.

20 Q And so for that year in between did you ever
21 consider rehab?

22 A That's what I was trying to say I did go to
23 counseling and that's when I was trying to control it
24 myself and I didn't admit I had problem and that's the
25 first step, you have to admit.

1 **Q** **Okay. And we heard you say you had rehab for**
2 **this one. Did you ever consider rehab for your other three**
3 **DWI's?**

4 A I went to the state mandated SATOP and then to
5 a counselor. I didn't -- I thought it was social event
6 when I was drinking.

7 **Q** **And so between your 2003 arrest and your 2011**
8 **arrest, so that was about eight years did you ever drink**
9 **and drive in between that time?**

10 A Not knowingly impaired.

11 **Q** **But did you ever have a drink and drive but**
12 **maybe not impaired?**

13 MS. SKOLNICK: I'm sorry. I'm going to
14 object. I'm not sure what the relevance of that is.

15 MR. LUCAS: I have no response.

16 **Q** **Have you ever drank and drive since your 2011**
17 **arrest?**

18 A No.

19 MR. LUCAS: That's all I have got.

20 HEARING OFFICER QUETSCH: Anything else Ms.
21 Skolnick?

22 MS. SKOLNICK: I don't think so.

23 HEARING OFFICER QUETSCH: Did you want to make
24 a closing statement?

25 MR. LUCAS: I would.

1 MS. SKOLNICK: Are we going to brief?

2 HEARING OFFICER QUETSCH: It is your-alls
3 option.

4 MS. SKOLNICK: I would actually prefer to
5 brief. I think the case warrants that kind of
6 consideration.

7 MR. LUCAS: That's find. Do you still want a
8 closing?

9 HEARING OFFICER QUETSCH: It's your option.

10 CLOSING STATEMENT

11 BY MR. LUCAS:

12 MR. LUCAS: The evidence today has shown that
13 Kim, Ms. Straatmann, holds several teaching certificates
14 issued by the department and that she has pled or has been
15 found guilty of four different driving while intoxicated
16 offenses. Ms. Straatmann's convictions are crimes
17 involving moral turpitude and are considered felonies, at
18 least her final one was, and that constitutes cause to
19 discipline her license pursuant to Section 168.071.1 of the
20 Revised Statutes of Missouri and also cause to suspend or
21 revoke her certificate pursuant to Section 5 CSR
22 20-400.230.

23 Missouri, as Ms. Skolnick mentioned earlier in
24 Brehe, they define what moral turpitude is and there are
25 three categories as mentioned. The first category are

1 crimes that necessarily involved moral turpitude, such as
2 frauds which obviously that's not the case here. Category
3 two are crimes so obviously petty that they carry no
4 suggestion of moral turpitude such as illegal parking,
5 which there was no illegal parking here so it's probably
6 not category two. And category three are crimes that may
7 be saturated with moral turpitude yet do not involve it
8 necessarily, such as willful failure to pay income taxes or
9 refusal to answer questions before a congressional
10 committee, which those two examples aren't there but there
11 are Missouri cases that have held the driving while
12 intoxicated at least multiple instances are category three
13 crimes.

14 If you'll look in the folder I gave you there
15 is an administrative hearing case titled Berry versus the
16 Missouri Real Estate Commission. If you'll turn to page 4
17 of that packet that I gave you they state at the very top
18 that, "We have in previous cases determined that driving
19 while intoxicated is a category three crime and that it may
20 not always qualify as a crime of moral turpitude. However,
21 multiple instances of driving while intoxicated display a
22 persistent disregard for the law and for the danger to the
23 public that such conduct involves." Then they found that
24 various multiple instances are in fact crimes of moral
25 turpitude. I believe that in that case there were only

1 three -- no there were five times of driving while
2 intoxicated. So while it was more than what Ms. Straatmann
3 has it's still multiple instances.

4 Therefore my recommendation is that the facts
5 here warrant discipline but not necessarily rise to the
6 level of revocation. With that in mind, I ask the board to
7 consider the evidence before it and impose the appropriate
8 level of discipline to Ms. Straatmann's certificates.
9 Thank you.

10 HEARING OFFICER QUETSCH: Ms. Skolnick, did
11 you want to make a statement or did you want to just submit
12 a brief?

13 MS. SKOLNICK: I will reserve and submit a
14 brief. Thank you.

15 HEARING OFFICER QUETSCH: Let's go off the
16 record.

17 (A recess was taken.)

18 HEARING OFFICER QUETSCH: The parties have
19 agreed to submit briefs 30 days from today's date and they
20 will submit them simultaneously. Does anybody have
21 anything they want to add to the record? If not, the
22 record is closed. Thank you.

23 (Hearing concluded at 10:16 a.m.)

24

25

BOARD OF EDUCATION
FERGUSON-PLORISSANT SCHOOL DISTRICT
ST. LOUIS COUNTY, MISSOURI

IN RE:)
)
KIMBERLIE STRAATMANN.)

HEARING FOR TERMINATION OF
PERMANENT TEACHING CONTRACT
OF
KIMBERLIE STRAATMANN

Volume
September 25, 2013

Reported by Sandra McGraw, CCR, CSR
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Certified Court Reporter
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St. Charles, MO 63301
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TEACHER
EXHIBIT

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BOARD OF EDUCATION
FERGUSON-FLORISSANT SCHOOL DISTRICT
ST. LOUIS COUNTY, MISSOURI

IN RE:)
)
KIMBERLIE STRAATMANN.)

BE IT REMEMBERED that the above-entitled matter came on for hearing on Wednesday, the 25th day of September, 2013, before the Board of Education, Ferguson-Florissant School District, St. Louis County, Missouri, in the Board of Education Room, 1005 Waterford Drive, Florissant, Missouri, and the following proceedings were held, to-wit:

P R E S E N T

Administration: Dr. Art McCoy, Superintendent

Hearing Officer: Darold Crotzer

Board of Education:

Chris Martinez Keith Brown

Robert Chabot Scott Ebert

Leslie Hogshead

A P P E A R A N C E S

1
2
3 For the District:

4 Crotzer and Ormsby, LLC

5 Attorney at Law

6 130 South Bemiston, Suite 300

7 St. Louis, Missouri 63105

8 By: Ms. Cindy Ormsby

9
10 For the Teacher:

11 Schuchat, Cook & Werner

12 Attorneys at Law

13 1221 Locust Street

14 St. Louis, Missouri 63103-2364

15 By: Ms. Rochelle G. Skolnick

16 and Mr. Steilyn Martin

17
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22 District's Response

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24 Opening Statement on Behalf of the Teacher

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1 ~~and my notes unfortunately are illegible. When Kim~~
2 ~~came to talk to you in August of this year, it was your~~
3 ~~understanding that she had done so because she had seen~~
4 ~~something in 0 Week presentation that gave her reason~~
5 ~~to believe that she ought to report her arrest -- or, I~~
6 ~~mean, I'm sorry, her conviction?~~

7 A. ~~I have the e-mail from Kim. I'm not sure what~~
8 ~~prompted her to contact me. I could assume but I don't~~
9 ~~know.~~

10 Q. ~~But you don't recall specifically?~~

11 A. ~~No.~~

12 MS. SKOLNICK: ~~Okay.~~

13 MR. CROTZER: ~~Anything else?~~

14 MS. ORMSBY: ~~Nothing further.~~

15 MR. CROTZER: ~~The witness may be excused and~~
16 ~~your case is closed, Cindy?~~

17 MS. ORMSBY: ~~Yes.~~

18 MR. CROTZER: ~~Rochelle, do you want to call~~
19 ~~your first witness, please?~~

20 MS. SKOLNICK: ~~Sure. And I think he is in the~~
21 ~~hall.~~

22 EVIDENCE ON BEHALF OF THE TEACHER

23 FRED HOOK,

24 having been called as a witness on behalf of the
25 Teacher, was sworn and testifies as follows:

DIRECT EXAMINATION

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BY MS. SKOLNICK:

Q. Mr. Hook, could you state your name for the record?

A. My name is Fred Hook.

Q. And I want to thank you for being here tonight.

Mr. Hook, you're employed by an organization called Bridgeway Behavioral Health?

A. That is correct.

Q. And what is your title there?

A. I am an associate counselor.

Q. And what is your role at Bridgeway?

A. I am the counselor of the DWI court program.

Q. Okay. And that's in Franklin County?

A. That is correct. Yes, ma'am.

Q. And could you talk a little bit about what that entails?

A. I see the participants of the Franklin County drug court program on an individual basis. They meet with me, depending on what phase they are in, how many times they visit. I run their groups, education and counseling groups, and I refer them to resources that they may need.

Q. Okay. And who can be a participant in that

1 program?

2 A. There are strict guidelines of the program.
3 They cannot have any kind of violent charges against
4 them. They have to -- they have to plead into the
5 program. And it's a voluntary. They do not have to --
6 they do not have to -- they volunteered for this.

7 Q. Okay. And Ms. Straatmann is one of your
8 clients in the program?

9 A. She is. She is.

10 Q. You have training in substance abuse?

11 A. I do.

12 Q. And could you tell the Board about your
13 training?

14 A. I am a credentialed, recognized assistant.
15 I'm sorry, associate substance abuse counselor, Level
16 2, with the Missouri State Board of Credentialing --
17 Professional Credentialing Board. I apologize, which
18 is where people can get credentialed to be substance
19 abuse counselors in different levels.

20 Q. And before obtaining that credential you also
21 had training in substance abuse?

22 A. Yes, ma'am. I went to school at Meramec
23 Community College and I picked up an associate's degree
24 in human services and a certificate of proficiency in
25 addiction studies.

1 Q. How long has the court alternative program in
2 Franklin County been in existence?

3 A. Since February of 2000.

4 Q. So about thirteen years?

5 A. Yes, ma'am.

6 Q. And how long have you known Kim?

7 A. I met Kim on the first day that she came into
8 the program in February of -- February 20th of 2013.
9 And I did her intake assessment.

10 Q. So did Kim have a choice whether to enter the
11 program?

12 A. She did.

13 Q. And what was the alternative to entering the
14 program?

15 A. She could have suffered the full legal
16 consequences of her program. And she might have gone
17 and done a lesser sentence and been done with it.

18 Q. Okay. But instead of that she chose to come
19 into this program?

20 A. Much more intensive program.

21 Q. Do you understand Kim to be an alcoholic?

22 A. I do.

23 Q. Could you explain to all of us what alcoholism
24 is from, say, a clinical standpoint?

25 A. The disease of alcoholism is definitely a

1 disease. It is documented in many medical journals and
2 it is in -- the bible that we use is the DSM-5 and it's
3 diagnosed as a disease of the brain. It's very similar
4 to a person who is diabetic, is that at the start they
5 have poor habits, and over a lifetime that turns into a
6 progressive disease to where it just -- it controls --
7 it alters the chemical balance in the brain.

8 Q. And does that altering of the brain chemistry,
9 does that affect decision-making ability?

10 A. It certainly does. It actually presents in
11 the prefrontal cortex, which is that reasoning
12 mechanism.

13 Q. And could that lead someone to make a decision
14 to consume alcohol and then drive?

15 A. Very much so.

16 Q. Okay. Could you describe for the Board the
17 program that Kim is in?

18 A. Program is a seventy-eight week, very
19 intensive program where Kim goes and she is surrounded
20 by supportive people. It's a judicial program where
21 there are swift sanctions for stepping out of the
22 program guidelines. It's -- they meet with their P.O.
23 When clients first start they meet with their P.O.
24 twice a week.

25 Q. I'm sorry P.O., that means?

1 A. I apologize. Patrol officer.

2 Q. Okay.

3 A. I apologize. And they meet with their
4 treatment provider three days a week for three hours
5 each night. And they are required to attend self-help
6 meetings, which would be twelve step meetings in a
7 narcotics anonymous or alcoholics anonymous. And they
8 have to pay fees. It's a very, very intensive program.
9 They are busy from morning until night.

10 Q. Is there also a requirement that they attend
11 court?

12 A. They attend court on a weekly basis.

13 Q. And what's the purpose of that court
14 attendance?

15 A. They appear in front of the judge and the
16 judge asks them questions. They are staffed by the
17 treatment team, which is providers of the judge
18 himself. There's the prosecuting attorney. There's
19 a -- there's representatives from the law enforcement.
20 There are many representatives that are all there to
21 help. And they go in front of the judge and the judge
22 asks them questions

23 Q. And that happens in the -- let's talk about
24 the first phase of this program. That happens?

25 A. Weekly.

1 Q. Okay.

2 A. Every Thursday.

3 Q. Are there also random tests for alcohol and
4 substance use?

5 A. They can be dropped three times a week in the
6 first phase of the program, in the first ten weeks. At
7 any time.

8 Q. And how does that happen?

9 A. The client is responsible for calling in a
10 number. And we do it on a color basis. And they call
11 in and if their color's called they have a certain
12 amount of time to report to that site to provide a
13 urine sample. If they do not provide a urine sample
14 they are sanctioned immediately. If the urine sample
15 is invalid because of being diluted or something like
16 that, that is also sanctioned.

17 Q. When you talk about sanctions, what kinds of
18 things are you talking about?

19 A. At first it starts very slow. There may be a
20 paper or some community support -- I'm sorry, community
21 service work. But then as the sanctions get stiffer,
22 we're talking about court -- jail time.

23 And it's -- they allow work release for people who
24 deserve work release. Other people abuse that portion
25 of the program and they stay in jail.

1 Q. So you just talked about the first phase of
2 the program. How many phases are there?

3 A. There are four phases.

4 Q. Okay. So in the second phase, could you just
5 talk a little bit what that entails?

6 A. In the second phase they come to treatment two
7 nights a week, on Monday and Thursday. They attend
8 three meetings a week, three self-help meetings a week.
9 They attend court once a month, I believe. And their
10 fees, they also pay out-of-pocket for this program to
11 go. So their fees go up as well.

12 Q. And they continue to be screened randomly?

13 A. Very randomly. But they -- usually on the
14 same pattern.

15 Q. Okay. But when you say pattern, it's not a
16 predictable pattern?

17 A. I'm sorry, yes. It's very random.

18 Q. Okay.

19 A. There's parole officers.

20 Q. Is there an individual counseling component of
21 this too?

22 A. There is.

23 Q. And when you talk about group sessions, you're
24 talking about, again, AA meetings and?

25 A. Well, we have internal group sessions where we

1 use group education and group counseling, process
2 groups where people bring their problems to talk about
3 just everyday living in a closed session where they
4 have a counselor with them running the session. And
5 they get feedback from other peers to help them in
6 their decision making if they need to make a decision.
7 Or how maybe they got through something that they're --
8 that they may be going through as well.

9 Q. So let's talk a little bit about Phase 3. Is
10 that the phase that Kim is currently in?

11 A. She is.

12 Q. And what is Kim required to do as part of her
13 participation in Phase 3?

14 A. Phase 3 starts a new program we've started
15 which is called MRT, which is Moral Recognition
16 Training. And -- therapy. I apologize. And she goes
17 once a week to this class and there are steps involved.
18 And it's -- you can either pass or fail that step. If
19 you fail that step, you have to go back and do it
20 again. But it's to take away criminalistic thinking
21 and to get people more -- if somebody maybe missed some
22 lessons in life, that it helps them gather those
23 lessons.

24 Q. And do the other components of the program,
25 the individual therapy, the group sessions, the random

1 tests, the court appearances, do those all maintain in
2 Phase 3?

3 A. They lessen a little bit because they're
4 allowed to attend more self-help meetings. They are
5 required to attend more self-help meetings. The
6 clients come to group one night a week, which is
7 Thursday night. They attend court one month -- one day
8 a month. And their fees go up again as well.

9 Q. And then there is a fourth phase?

10 A. There is.

11 Q. And could you just briefly?

12 A. Phase 4 is that we are allowing clients to be
13 set free. It's the process where we want them to
14 mainstream back into society and still offer them
15 support. They go to group once a month. They see
16 their counselor on an as-needed basis. They see their
17 P.O. once a month or maybe even go into a call-in
18 status at that time. And they are -- they are always
19 being supported. If they need more support they can
20 come back in at any time. They don't step back a
21 phase, we just give them whatever they need to be -- to
22 be -- to be, you know, positive doing the right thing.

23 Q. And do the random tests continue also in Phase
24 4?

25 A. They do. Yes, they do.

1 Q. Okay. Would you talk a bit about as -- you've
2 worked with Kim through this program, correct?

3 A. Yes, ma'am.

4 Q. Could you talk about her involvement in the
5 program?

6 A. Kim is my shining star. She makes my job very
7 easy. She has done above and beyond many of my other
8 clients that I have and she challenges me to be a
9 better counselor. She gives great support and feedback
10 to her fellow group members. And she has -- when she
11 asks people how they are doing, she's sincere and
12 honest and really cares.

13 In my experience of working with the DWI court
14 program she has -- I would hate to say she's my star
15 pupil because I really don't have any responsibility
16 for it, but she's doing the best out of everybody I've
17 ever had in my caseload.

18 Q. Let me ask you this. Do you have any children
19 of your own?

20 A. I have two children.

21 Q. And how old are they?

22 A. Fourteen and twenty-one.

23 Q. Would you have any concerns about Kim teaching
24 your own children?

25 A. I would have no concerns.

1 Q. Is there anything else you'd like to add,
2 anything else you think the Board needs to hear in
3 their deliberations?

4 A. I have two things. I polled all of my fellow
5 coworkers who have children and they would also have no
6 resistance at all to have Kim teach them.

7 And there was also an evening to where Kim had to
8 write a letter of recommendation for a student. And
9 she had to go and drop and knew that she would not make
10 that drop. And she put her freedom on the line so that
11 student would be able to get this letter of
12 recommendation. And she was sanctioned to go to jail
13 because she decided to stay.

14 And that just floored me and let me know of really
15 what kind of true person she is. And from then on in I
16 just -- I was floored, so.

17 MS. SKOLNICK: Thank you, Fred.

18 MR. CROTZER: Cross examine.

19 I'm sorry, are you finished?

20 MS. SKOLNICK: I am, yes. I am through with
21 this witness.

22 Cindy, your witness.

23 MS. ORMSBY: Thank you.

24 CROSS-EXAMINATION

25 BY MS. ORMSBY:

1 Q. So you said that a benefit of participating in
2 this program is a lesser sentence; is that what you
3 said?

4 A. It would not be a lesser sentence because if
5 they either step back from this, they never lose the
6 charges that they have.

7 Q. So if Kim wouldn't have participated in this
8 program, or if she failed in this program, what would
9 be the full legal consequences?

10 A. I am unaware of what her full legal
11 consequences are. I mean, I know clients where they
12 have done different things and they have gotten
13 different sentences. There are many different -- it's
14 just my -- what I have seen.

15 Q. So you don't know what her sentence was?

16 A. I know what she was sentenced to.

17 Q. What was she sentenced to?

18 A. She was sentenced for felony DWI.

19 Q. And do you know what the full consequence was
20 if she wasn't participating in this program?

21 A. I do not.

22 Q. Okay. How long is Phase 1?

23 A. Phase one is ten weeks.

24 Q. Sounds like it's a full-time job.

25 A. Phase 1?

1 Q. Yeah.

2 A. There are many people that work full-time jobs
3 that are able to compete in the phase. We want them to
4 work full time. We want them to be members of society.

5 Q. And so is that what Kim did, she worked full
6 time while she was in Phase 1?

7 A. I believe she worked while she was in Phase 1.
8 I believe she was still working when she started our
9 program.

10 Q. Do you know or you just believe?

11 A. I believe.

12 Q. You said you wouldn't have any problems with
13 Kim teaching your students, your kids. How would you
14 feel if your kid came home though and you didn't know
15 the teacher and they told you that they had a teacher
16 with an ankle bracelet on?

17 MS. SKOLNICK: Objection. Asking for
18 speculation.

19 MR. CROTZER: Cindy, let's hear from you. I'm
20 going to take almost all the evidence. What is your
21 position on it?

22 MS. ORMSBY: My position is he gave his
23 opinion on how he felt about Kim teaching his own kids
24 but that's not really the question here. Not all
25 parents know Kim personally, know what she's like

1 personally. They'll know whether or not their student
2 comes home and tells them that their teacher has an
3 ankle bracelet. I'm wondering as a father how he would
4 feel if his kid came home and said one of my teachers
5 has an ankle bracelet.

6 MR. CROTZER: Don't answer yet.

7 Rochelle, make your --

8 MS. SKOLNICK: -- With all due respect,

9 MR. CROTZER: I'm going to allow it but make
10 your record.

11 MS. SKOLNICK: With all due respect, the issue
12 here is not whether someone might be upset because a
13 teacher has an ankle bracelet on. The issue is whether
14 that teacher is fit to teach the student. And those
15 are two separate questions. Whether or not a parent
16 might be, you know, whether there might be an issue
17 with a student coming home and telling the parent
18 something, that's a separate question from whether a
19 teacher is fit.

20 MS. ORMSBY: I'm going to disagree with that.
21 Because the cases say that when you look to decide
22 whether or not a teacher is fit or not, one of the
23 questions that the school district asks is what sort of
24 disruptive or what is the consequences of that teacher
25 teaching in that classroom. This is a consequence of

1 her teaching in a classroom wearing an ankle bracelet.

2 And I want to know how he would feel as a father, a
3 teacher he doesn't even know, his kid comes home and
4 says, I've got a teacher with an ankle bracelet.

5 MS. SKOLNICK: I've made my objection.

6 MR. CROTZER: Sir, you can answer the
7 question.

8 A. My job as a parent would be to investigate
9 that and not put any kind of stereotypes on that
10 person. I've seen teachers with tattoos, earrings.
11 And I want to know that person and where their heart
12 is.

13 Q. (By Ms. Ormsby) I have a tattoo.

14 A. Okay.

15 Q. It's different than an ankle bracelet, isn't
16 it? It doesn't mean I've been convicted of a crime,
17 right?

18 A. Not to me it doesn't. I want to know that
19 person.

20 Q. Would it cause you concern?

21 A. I would -- concern enough that I would go and
22 ask that teacher.

23 MS. ORMSBY: Thank you.

24 MS. SKOLNICK: Are you done?

25 MS. ORMSBY: I don't know yet.

1 MR. CROTZER: Sorry.

2 Q. (By Ms. Ormsby) Kim's now in Phase 3, which
3 is MRT, Moral Recognition Therapy?

4 A. Correct.

5 Q. And you say they meet once a week and the
6 therapy takes away criminalistic thinking. That's a
7 quote that I wrote down that you said; is that correct?

8 A. I may have misspoken. It can help correct it,
9 if there is any criminalistic thinking.

10 Q. So when a teacher is in Phase 3, there still
11 are problems recognizing what is moral and immoral?

12 MS. SKOLNICK: Objection. That
13 mischaracterizes what the witness testified.

14 MS. ORMSBY: I'm asking the question. I'm not
15 saying, I'm asking him that question.

16 MR. CROTZER: It's cross. I think she can ask
17 that.

18 A. I don't see this as a moral problem. This is
19 a disease. There are people that are in this program
20 also that are facing drug charges as well that may have
21 criminalistic history. I don't see this as a moral
22 decision. People that have a disease are not having a
23 moral dilemma.

24 Q. (By Ms. Ormsby) But the treatment is called
25 Moral Recognition Therapy, correct?

1 A. That is correct.

2 Q. But it has nothing do with morals?

3 A. It helps address some criminalistic thinking
4 and basic life skills that maybe some people did not
5 learn when they were growing up.

6 MS. ORMSBY: I don't have anything further.

7 Thank you.

8 MR. CROTZER: Redirect?

9 REDIRECT EXAMINATION

10 BY MS. SKOLNICK:

11 Q. Could you describe the ankle -- have you seen
12 the ankle bracelet?

13 A. I have.

14 Q. Could you describe it for the Board?

15 A. The ankle bracelet is a black -- there are two
16 pieces of this. There's a black part that's about this
17 big wrapped by a band, and there's another black part
18 on the other side.

19 Q. And when you say about this big, can you?

20 A. I apologize. It's maybe an inch and a half
21 wide by maybe two inches long. It can be covered by a
22 sock or a boot.

23 Q. So there's no reason any student would ever
24 have to see an ankle bracelet that Kim wore?

25 A. Long pants would cover it very sufficiently.

1 Q. Is it your belief that Kim suffers from
2 criminalistic thinking?

3 A. That is not my belief.

4 MS. SKOLNICK: Nothing further.

5 MR. CROTZER: May the witness be excused?

6 MS. ORMSBY: I have one more question.

7 RECROSS EXAMINATION

8 BY MS. ORMSBY:

9 Q. Can you guarantee that a student will not see
10 the ankle bracelet?

11 A. I cannot guarantee.

12 MS. ORMSBY: I don't have anything further.

13 MR. CROTZER: Now may the witness be excluded?

14 MR. MARTINEZ: Board may --

15 MR. CROTZER: Oh, that's right. Excuse me.

16 Go ahead.

17 EXAMINATION BY THE BOARD

18 MR. MARTINEZ: Anyone?

19 MR. EBERT: You said you were a Level 2
20 counselor. How many levels are there?

21 A. In my certain certification there's only two.
22 I am at the highest level that I can be with my
23 certification right now.

24 MR. EBERT: Okay.

25 MR. BROWN: Do you think if Kim is a coach,

1 soccer, golf, basketball, softball and such, the
2 apparel that she's going to wear is always going to be
3 long pants? I mean, you're looking at an ankle
4 bracelet which is pretty big. You say that, you know,
5 that's fairly large.

6 I know as a substitute teacher that I saw kids
7 wearing an ankle bracelet in PE and it caught my
8 attention. So, I mean, normally if you're going to be
9 a coach are you going to be wearing shorts, wearing
10 long pants? What goes on there? And is it going to be
11 seen? And if it is seen, the kids, are they going to
12 respond to that?

13 THE WITNESS: I don't see why it would be such
14 a negative thing, where it could be a learning
15 opportunity for people to say that it's -- that it's --
16 that people have problems all the time and people can
17 address their problems and maybe become, you know --

18 MR. BROWN: Is that maybe because you're more
19 mature than fourteen, fifteen, and sixteen year old
20 kids?

21 THE WITNESS: Some people may not say that,
22 sir.

23 MR. BROWN: In your thinking and in your
24 processing of things.

25 THE WITNESS: I have a younger daughter who is

1 fourteen years old and she knows what they are. She
2 knows why they're there. She doesn't have a -- she
3 doesn't have an opinion that that person is a bad or an
4 immoral person because they're wearing something. It's
5 a monitoring device.

6 MS. HOGSHEAD: Just taking notes for myself.

7 MR. MARTINEZ: Is it Fred? May I call you
8 Fred?

9 THE WITNESS: Please.

10 MR. MARTINEZ: I just did.

11 Fred, first of all, thank you for the work that
12 you do. It's important.

13 THE WITNESS: Thank you.

14 MR. MARTINEZ: You said that the disease of
15 alcoholism can cause bad decisions. If that's not an
16 exact quote, I apologize. But it was something to that
17 effect. Can you expand on that briefly?

18 THE WITNESS: Well, as people grow, I mean,
19 we're probably all highly educated people in here. The
20 last part of the brain to develop is the prefrontal
21 cortex. That is the part of the brain that this
22 disease affects. So while people are developing, if
23 they start drinking at an early age that part of the
24 brain gets effect.

25 That part of the brain controls reasoning. It

1 controls that stop button, where people would say this
2 is probably a bad idea, I probably shouldn't do this.
3 So if they've damaged that part of their brain for such
4 a long time -- maybe not damaged is the right word.
5 Altered that part of their brain for such a long time,
6 that they -- at times they make poor decisions.

7 MR. MARTINEZ: Thank you.

8 And can you speak to sort of the prolonged effect
9 of that?

10 THE WITNESS: The prolonged effect of it is
11 that when people get past that point there's something
12 that's called wet brain and the brain will never heal
13 itself. But as long as that -- the longer that person,
14 the person who suffers from that disease of addiction
15 stays abstinent, the brain heals itself and it starts
16 to make those better decisions. It finds a way to
17 reconnect.

18 MR. MARTINEZ: Okay. And you can't
19 necessarily say how long it takes?

20 THE WITNESS: Actually, there is scientific
21 data that says it's about eighteen months to two years'
22 time where it totally -- you would be able to do a CAT
23 scan next to someone who suffered from the disease of
24 addiction to someone who had never used before and you
25 would never be able to tell the difference.

1 MR. MARTINEZ: Obviously you see where I'm
2 sort of driving here. The concern is if there's a
3 possibility of someone to make a bad decision about the
4 state that they're in when they drive, there's a
5 possibility of making bad decisions at their workplace,
6 wherever that may be. And so -- so that becomes a
7 concern for a body of individuals who are charged with,
8 first and foremost, the safety of students, of the
9 entire population.

10 So that's not a question. But I just want to sort
11 of get to a sense of where I'm going here. So -- so is
12 it true that while scientific research says
13 approximately eighteen months to two years, that we
14 don't exactly know what the effects of the particular
15 disease would have on a person's decision-making
16 abilities throughout the course or....

17 THE WITNESS: Well, that is the scientific
18 data to where the CAT scan would show. People start
19 making, once they get this -- get clean, they get
20 sober, they start to make right decisions
21 automatically. They want to make the right decisions.
22 They know what the right decision is, it's just that
23 they're not clouded by their disease anymore.

24 The actual cure for the -- I'm sorry, not the
25 cure. But to put this disease in remission is very

1 simple. There's no pill. There is no injection. It
2 is doing -- exactly going through these programs that
3 are out there for people. And that's what puts this
4 disease in remission.

5 It's just the actual brain chemistry that it says
6 you would not be able to tell. People can start making
7 right decisions right away. Or, you know, people make
8 wrong decisions every day too. There are many
9 functioning people who suffer from the disease of
10 addiction that we would never know.

11 MR. MARTINEZ: In your opinion, because we've
12 had a lot of opining tonight, in your opinion, simply
13 because someone has a disease, does that make them no
14 longer responsible for the decision they've made? Does
15 the disease serve as an excuse? Clearly it's a reason.

16 THE WITNESS: In my opinion it is not excuse.

17 MR. MARTINEZ: Anything else?

18 MR. CHABOT: I have no questions.

19 MR. MARTINEZ: Mr. Brown?

20 MR. BROWN: You nailed that last question. I
21 was going to go in that direction.

22 I have no way of phrasing it correctly, so. I was
23 just thinking that an alcoholic is responsible for
24 their actions, regardless of what's keying them to do
25 what they're doing. And I kind of hear that, unless I

1 misinterpreted you, that maybe they're not responsible
2 because they're alcoholic?

3 THE WITNESS: Would you like my opinion or
4 would you like me to clarify?

5 MR. BROWN: I don't know. It just strikes me
6 as odd. I think I'm responsible for what I do,
7 regardless of what the stimulus is. But you can have
8 the last word on that, by all means. I would like you
9 to.

10 THE WITNESS: Okay. I don't know if I meant
11 it to sound like that the person is irresponsible for
12 their actions. I think there may be reasons for their
13 actions and the responsibilities everybody's to take.
14 It's just that when they're in that depths of their
15 disease, sometimes people make poor decisions.

16 And, I mean, diabetics, I consider the disease of
17 alcoholism very much like diabetes. People get there
18 sometimes, Type 2 diabetes, is that they get there
19 because of poor decisions they make and they continue
20 to get bad health because they continue to make poor
21 decisions until they change their life. And they have
22 to have a life altering change. And they can put that
23 disease in remission.

24 I find the disease of addiction the same way, is
25 that people need a life altering thing to happen in

1 their life and they can put this disease in remission.

2 MR. EBERT: Do you have any research that you
3 know of that someone who completes your program is
4 about the same as the general public, better than the
5 general public, less than the general public, in
6 repeating that offense? Kind of like the kid that
7 touches the hot stove. He's probably not going to
8 touch it again. But the one that doesn't know.

9 THE WITNESS: Our success rate is far better
10 than going to putting people in prison. There is no
11 recovery in prison.

12 MR. EBERT: No, I'm talking about after they
13 complete your program.

14 THE WITNESS: Uh-huh. They become very
15 successful people and are very productive in lives.
16 They have full-time jobs and they have families.

17 MR. EBERT: But is their -- is their rate of
18 remission the same as the general public's, I guess,
19 statistics of committing those offenses. That's kind
20 of what I'm asking. I guess what I'm saying is, after
21 you've went through this program, spent the time and
22 the money, is your success rate better than the average
23 person?

24 THE WITNESS: We run many programs in our
25 service that we do. The longer that we can keep a

1 person engaged, the higher their chances of not
2 reoffending go up.

3 MR. EBERT: Okay.

4 THE WITNESS: And in this program, being in
5 that program for as long as they are, we have very good
6 success rates. I do not know numbers. I do not know
7 the statistics.

8 MR. EBERT: Thank you.

9 THE WITNESS: People are very successful in
10 their lives.

11 MR. MARTINEZ: Anything else?

12 MR. CROTZER: I forgot to ask last time.

13 Counsel, do you have additional questions?

14 MS. SKOLNICK: If I would follow up I think I
15 might be able to help frame this in a way that makes
16 some sense.

17 MR. CROTZER: Go ahead.

18 FURTHER REDIRECT EXAMINATION

19 BY MS. SKOLNICK:

20 Q. You talked before about how the disease of
21 alcoholism can affect -- when it's active can affect an
22 alcoholic's decision making. And maybe the way to
23 frame this is that, and you can correct me if I've got
24 this wrong, but would you say that when someone is an
25 active alcoholic it increases the likelihood that they

1 will make bad decisions?

2 A. I would agree with that.

3 Q. Okay. And so when someone is engaged in
4 recovery and the disease is in remission, does that
5 then also decrease the likelihood that someone will
6 make bad decisions?

7 A. I would agree with that as well.

8 Q. And based on what you just said, that the
9 longer someone is abstinent, the longer someone is
10 actively engaged in recovery, the more likelihood --
11 when you say that it's more likely that they will not
12 revert, or at least the likelihood of reverting to
13 making bad decisions decreases the longer that they are
14 abstinent?

15 A. I would agree with that.

16 MS. SKOLNICK: Okay. I hope that helps.

17 MR. CROTZER: Cindy?

18 MS. ORMSBY: No questions.

19 MS. SKOLNICK: And actually I had a couple
20 more things.

21 MR. CROTZER: Okay. Sorry. I didn't mean
22 to....

23 Q. (By Ms. Skolnick) You testified about the
24 ankle bracelet and that is the ankle bracelet -- there
25 seems to be a lot of concern about the ankle bracelet

1 so let's talk about that a little bit more.

2 A. Sure.

3 Q. One component of this program early on is
4 something called a SCRAM device?

5 A. Yes, ma'am.

6 Q. Could you talk about that?

7 A. SCRAM device is the ankle bracelet. That is
8 the piece of equipment that we talk about. We use it
9 when clients first come into the program because it
10 gives them support and it allows us to monitor
11 twenty-four seven. It's a bracelet because alcohol
12 permeates through the skin in the processing of alcohol
13 and it detects alcohol and a signal gets sent to a
14 centrally located place and it comes up, client gets
15 called. And if it comes up with a positive test and
16 they -- and they pay sanctions. they face the Court
17 and they face sanctions.

18 Q. Okay. So Kim has already been through the
19 phase of the program that required her to wear the
20 SCRAM bracelet, correct?

21 A. That is correct.

22 Q. And that phase -- and she was required -- do
23 you know how long she was required to wear that
24 bracelet for?

25 A. Our program can be anywhere from sixty to

1 ninety days that we require the clients in that phase
2 to wear the bracelet.

3 Q. And you don't know exactly how long?

4 A. I do not.

5 Q. But it was somewhere -- it was at least sixty
6 and perhaps as much as ninety days?

7 A. Yes, ma'am.

8 Q. And are you also aware that there is another
9 part of the program that would require her to wear a
10 different kind of ankle bracelet?

11 A. I am.

12 Q. And could you describe that ankle bracelet in
13 relation to the one that she already wore?

14 A. That bracelet is the same bracelet. It is --
15 it is -- it actually does a monitoring system because
16 she's allowed to work. It's also for house arrest, is
17 what it's actually, to monitor to make sure that she
18 goes and does and is where she's supposed -- she's
19 allowed to attend work. She's allowed to attend
20 treatment. She's allowed to attend self-help meetings,
21 run the basics. They just want to make sure that she
22 is at her house when she's supposed to.

23 Q. So that serves essentially as a GPS device?

24 A. Yes. It's a tracking device. She has to have
25 a home phone line.

1 Q. And she would wear that at the end of the
2 program for thirty days?

3 A. I don't know the exact time.

4 MS. SKOLNICK: That's all I have.

5 MR. CROTZER: Other questions?

6 MS. ORMSBY: No other questions.

7 MR. CROTZER: May the witness be excused?

8 MS. SKOLNICK: Yes, he may.

9 MR. CROTZER: Thank you, sir.

10 MS. HOGSHEAD: Mr. Chairman, I would like to
11 call an audible. I would like to talk to the Board and
12 our attorney, please. I have a question and I would
13 like the audience to be cleared, please.

14 (Off the record.)

15 MR. MARTINEZ: Just very quickly. So I just
16 wanted to say on behalf of the Board, we're -- we want
17 to make sure that we hear everything of importance so
18 we're here to do that. At the same time we're mindful
19 of our time situation and so we want to make sure that
20 to the best of all of our abilities we stay directed to
21 the most pertinent issues at hand, if we could. Okay?

22 MR. CROTZER: Now, let's discuss your time
23 problems. Eleven o'clock is a fixed deadline for you?

24 MS. SKOLNICK: 11:30 I think.

25 MR. CROTZER: 11:30. Okay. So we'll be able

1 to take more witnesses now?

2 MS. SKOLNICK: Yes.

3 MR. CHABOT: Do we have to make a motion to
4 extend our meeting? This is a Larry LaRue question.

5 MS. SKOLNICK: Do you have a policy that says
6 your meeting will end at a certain time?

7 MS. HOGSHEAD: I move we extend to whatever.

8 MR. BROWN: Okay. Second.

9 MR. EBERT: Aye.

10 MR. MARTINEZ: Move by Ms. Hogshead, second by
11 Mr. Brown.

12 All in favor?

13 (Ayes.)

14 MR. EBERT: Aye.

15 MR. BROWN: Aye.

16 MS. HOGSHEAD: Aye.

17 MR. CHABOT: Aye.

18 MR. MARTINEZ: Aye.

19 MR. BROWN: Counselor, what time do you have
20 to stop?

21 MR. CROTZER: Okay. Let's get going.

22 MS. SKOLNICK: 11:30.

23 MR. CROTZER: Let's get going. Call your next
24 witness.

25 MS. SKOLNICK: We call Erin King.

1 MR. CROTZER: Ma'am, would you step over there
2 and be sworn.

3 ERIN KING,
4 having been called as a witness on behalf of the
5 Teacher, was sworn and testifies as follows:

6 DIRECT EXAMINATION

7 BY MS. SKOLNICK:

8 Q. Could you please state your name for the
9 record?

10 A. Erin King.

11 Q. And you're employed by the Ferguson-Florissant
12 School District?

13 A. Yes.

14 Q. How long have you been employed here?

15 A. Nine years.

16 Q. And are you currently head of the math
17 department at McCluer North High School?

18 A. Yes.

19 Q. How long have you held that position?

20 A. This is my seventh year.

21 Q. And prior to working at Ferguson-Florissant
22 were you employed elsewhere as a teacher?

23 A. Yes. I was with the Concordia School
24 District.

25 Q. And did you leave that position to come here

1 to Ferguson-Florissant?

2 A. Yes, I did.

3 Q. And are you also a graduate of McCluer North
4 High School?

5 A. Yes.

6 Q. Kim Straatmann is a teacher in your
7 department?

8 A. Yes.

9 Q. And when did you first come to know Kim?

10 A. Nineteen years ago when I first started
11 working at McCluer North. She was a math teacher in
12 the department.

13 Q. And as first a colleague and then head of the
14 math department, have you had an opportunity to observe
15 her teaching?

16 A. Yes.

17 Q. Could you tell the Board about the classes
18 that Kim has taught?

19 MS. ORMSBY: I'm going to object. She's not
20 being terminated for classroom performance or
21 incompetency and I don't believe it's relevant.

22 MR. CROTZER: I kind of agree with that. I
23 think it was specific in the charges. You can make an
24 offer of proof if you want but I'm not sure how that's
25 relevant.

1 MS. SKOLNICK: Well, I think that the question
2 is whether she is fit to teach in the district and the
3 question is whether she was fit to teach prior to this
4 conviction and whether she remains fit to teach now. I
5 think in order to establish that, we have to talk about
6 her fitness for teaching both before and after.

7 MR. CROTZER: Okay. Can you do that in maybe
8 ten questions?

9 MS. SKOLNICK: I think you've seen how
10 succinct Ms. King is. I imagine she'll be able to give
11 us a very quick overview.

12 MR. CROTZER: Let's do that.

13 MS. SKOLNICK: Okay.

14 Q. (By Ms. Skolnick) Could you tell the Board
15 briefly about the classes that Kim has taught?

16 A. Kim has taught Algebra I, Geometry, and a
17 different mix of those classes.

18 Q. Has she also taught classes for particularly
19 troubled students?

20 A. Yes. She's my go-to person for any kind of
21 off-track Algebra I or off-track Geometry class.

22 Q. And during the nine years that you've been
23 acquainted with her teaching, have you formed an
24 opinion of her teaching abilities?

25 A. Yes.

1 Q. Could you tell the Board what that opinion is?

2 A. Yes. I think she's probably one of the best
3 math teachers I've ever seen.

4 Q. Could you tell the Board a little bit about
5 her class load?

6 A. Absolutely. Kim always has the highest class
7 load out of all the math teachers. Every year when I
8 go and I ask, you know, how many, you know, how many
9 kids are actually on your rosters, they're the highest
10 because Kim -- like, kids want to be in Kim's class.
11 And also she also has the largest as advisement because
12 kids want to be in Kim's advisement.

13 Q. Do you have any idea why students want to be
14 in her classes and in her advisement?

15 A. She's just really good. She connects with
16 them. She -- you just walk in her classroom and you
17 just feel awesome. It smells good and it looks good.
18 I mean, she's just really good.

19 Q. When did you first learn that Kim had pled
20 guilty and was convicted of a felony DWI offense?

21 A. A couple weeks ago.

22 Q. Before you learned about that did you believe
23 that Kim was fit to teach in the Ferguson-Florissant
24 School District?

25 A. Yes.

1 Q. And after you learned about the conviction,
2 did it change your opinion of her fitness to teach?

3 A. No.

4 MR. CROTZER: There's ten.

5 MS. SKOLNICK: I'm sorry?

6 MR. CROTZER: That's ten questions.

7 Cindy, is your objection still?

8 MS. ORMSBY: It remains.

9 MR. CROTZER: Okay. Rochelle, you can make an
10 offer of proof now.

11 MS. SKOLNICK: I'm done with that line of
12 questioning.

13 MR. CROTZER: Oh, good.

14 MS. SKOLNICK: Thank you.

15 Q. (By Ms. Skolnick) As far as you know, were
16 any of Kim's students aware that she had pled guilty to
17 a DWI offense?

18 A. No.

19 Q. Are you aware that for approximately sixty to
20 ninety days during this most recent school year Kim
21 wore an ankle bracelet to school?

22 A. No.

23 Q. As far as you're aware, were any of Kim's
24 students aware of that ankle bracelet?

25 A. No. I don't even think any of her colleagues

1 were.

2 Q. You're aware that the school board will be
3 making a decision whether to terminate Kim's permanent
4 teaching contract. Is there anything else that you
5 would like them to consider as they deliberate on that
6 question?

7 A. No.

8 MS. SKOLNICK: I have no further questions.

9 MS. ORMSBY: I have a few.

10 CROSS-EXAMINATION

11 BY MS. ORMSBY:

12 Q. Do you feel like you should have been informed
13 if a teacher under your supervision was wearing an
14 ankle bracelet while at school?

15 A. She's technically not under my supervision.

16 Q. You don't supervise her? You don't evaluate
17 her? You don't do anything at all?

18 A. I was an instructional coach and she's in my
19 department, but I don't actually write evaluations for
20 her.

21 Q. Okay. Do you believe that driving while drunk
22 is right?

23 A. No.

24 Q. Do you believe driving while drunk three times
25 is right?

1 A. No.

2 Q. Do you believe that high school students are
3 impressionable when they're at the age where they're
4 learning to drive and about --

5 A. -- Yes.

6 Q. Is driving while intoxicated something that's
7 talked about in high school?

8 A. Yes.

9 Q. Is it encouraged or discouraged?

10 A. Discouraged.

11 Q. Do you feel if the students knew that their
12 teacher had been convicted three times for driving
13 while drunk that it could have a negative impact on
14 them?

15 MS. SKOLNICK: Objection, speculation.

16 Q. (By Ms. Ormsby) In your opinion?

17 MR. CROTZER: Wait just a minute.

18 Speculation?

19 MS. SKOLNICK: It's a question that is calling
20 for her to speculate.

21 MS. ORMSBY: I need to address that.

22 MR. CROTZER: I think you opened it up. I'm
23 going to allow but subject to your objection.

24 MS. ORMSBY: And the court cases are very
25 clear that the determination on whether or not a

1 teacher is fit to teach after being accused of immoral
2 conduct includes if the students knew would it -- what
3 kind of impact would it have on them, whether it would
4 be adverse or not. Those are the questions that the
5 court --

6 MR. CROTZER: I overruled the objection.

7 MS. ORMSBY: I know but I want to make this
8 for the record. I want to make my response to her
9 objection for the record in case it goes to a court.
10 This is the inquiry that has to be made.

11 Q. (By Ms. Ormsby) So my question to you again,
12 ma'am, is, Do you believe that high school students
13 knowing that their favorite math teacher has been
14 convicted three times for DWI would have a positive or
15 a negative impact on them?

16 A. I guess it could go either way. I do not
17 know.

18 Q. Do you think it'd have a positive impact? Do
19 you think that students would think that was great?

20 A. Well, if they've seen all the things that
21 she's done to overcome this, I don't know. Obviously
22 many of them could be negative.

23 Q. Thank you.

24 Do you believe that if an ankle bracelet was
25 spotted at school by a student, that that would cause a

1 disruption in the school?

2 A. It's possible, yes.

3 MS. ORMSBY: I don't have any further
4 questions.

5 MR. CROTZER: Redirect?

6 MS. SKOLNICK: Nothing further.

7 MR. CROTZER: The witness may -- oh, I'm
8 sorry. Board members?

9 MR. MARTINEZ: I'm going to actually ask a
10 question of the Board if I may.

11 Does anyone have any question in regards to the
12 teaching abilities of Kim?

13 (Members of the Board shake their heads.)

14 MR. MARTINEZ: Okay. Does anyone feel like --
15 particularly compelled to hear more about the merits or
16 the sort of the negatives of ankle bracelets?

17 (Members of the Board shake their heads.)

18 MR. MARTINEZ: I think I've kind of had my
19 fill of ankle bracelets, if we will. So if it's really
20 pertinent, let's go there, otherwise, let's keep this
21 thing moving.

22 Okay. Questions?

23 MR. CHABOT: I have no questions.

24 MR. CROTZER: The witness may be excused.

25 Thank you.

1 Call your next witness.

2 MS. SKOLNICK: Our next witness will be Paul
3 Schroeder.

4 PAUL SCHROEDER,
5 having been called as a witness on behalf of the
6 Teacher, was sworn and testifies as follows:

7 DIRECT EXAMINATION

8 BY MS. SKOLNICK:

9 Q. Mr. Schroeder, could you state your name for
10 the record, please?

11 A. Paul Schroeder.

12 Q. And, Mr. Schroeder, you are a member of the
13 school board of Ferguson-Florissant School District?

14 A. Yes, I am.

15 Q. And you've known Kim since she was a student
16 in your math classes at McCluer North when you were a
17 teacher there?

18 A. Yes. I can't tell you exact year but, yes.

19 Q. And no one's going to quiz you on that.

20 A. Thank you.

21 Q. At the time that Kim was hired to teach at
22 McCluer North you were head of the math department
23 there?

24 A. That's correct.

25 Q. And you were one of the people, together with

1 the principal who was the, I believe, Mike Thacker,
2 responsible for bringing her on board in 2002 to the
3 school?

4 A. I'm trying to remember whether that was a
5 transfer between buildings or -- I think that was the
6 situation. And often a transfer between buildings I
7 would not be involved with.

8 Q. Okay. So you don't recall specifically
9 whether you were involved?

10 A. I don't recall interviewing her or anything
11 like that.

12 Q. Okay. And you recently, or relatively
13 recently, retired as head of the math department at
14 McCluer North?

15 A. That's correct.

16 Q. And do you recall what year that was?

17 A. 2005.

18 Q. Okay. And as head of the math department were
19 you responsible for determining which classes Kim would
20 teach each year?

21 A. Yes.

22 Q. How would you describe Kim's skill as a
23 teacher?

24 MS. ORMSBY: I'm going to object. Same
25 objection as before. It can be continuing.

1 MS. SKOLNICK: That's fine.

2 MR. CROTZER: Go ahead just a little bit. You
3 can go ahead.

4 A. Very fine.

5 Q. (By Ms. Skolnick) Okay. Would you care to
6 elaborate on that at all?

7 A. Kim's situation because of certifications was
8 restricted mostly to ninth graders when she came up and
9 so she had the entry level students. I always tried to
10 balance my teaching mode for teachers where they had
11 some upper level classes and some lower level classes.
12 With Kim because of her certification had mostly the
13 lower level classes.

14 Q. And how did she perform with those classes?

15 A. Quite fine.

16 MR. CROTZER: Excuse me. I think the
17 objection is that competence is not one of the charges.
18 I agree.

19 MS. SKOLNICK: I'm laying a foundation here.
20 I would appreciate having the opportunity to do that.

21 MR. CROTZER: Sure. Sure.

22 Q. (By Ms. Skolnick) Throughout the time that
23 you supervised her work, was there any group of
24 students that you would have been uncomfortable having
25 her teach?

1 A. Well, only because of her background I would
2 not be allowed to have her teach things like Calculus
3 or Precalculus.

4 Q. But in terms of the, if you will the
5 demographic makeup of the classes, aside from subject
6 matter --

7 A. No.

8 Q. -- was there any group of students that you
9 would have been uncomfortable putting her in front of?

10 A. No.

11 Q. And during the time that you were head of the
12 math department did you have any concerns about Kim's
13 fitness to teach?

14 A. No.

15 Q. When did you first become aware that Kim had
16 been convicted of DWI offenses?

17 A. Tonight.

18 MS. SKOLNICK: That's all I've got for
19 Mr. Schroeder.

20 MR. CROTZER: Cross?

21 CROSS-EXAMINATION

22 BY MS. ORMSBY:

23 Q. I just want to verify for the record, you've
24 recused yourself as a board member tonight in making a
25 determination in this matter?

1 A. Yes, I have.

2 Q. So you will not be deliberating with the
3 Board?

4 A. No, ma'am, I will not.

5 Q. Just wanted to make the record clear on that
6 since you're a witness.

7 MS. ORMSBY: And I have no other questions.

8 MR. CROTZER: Witness may be excused.

9 Call your next witness.

10 MS. SKOLNICK: My next witness will be Paul
11 Morris.

12 PAUL MORRIS,
13 was called as a witness on behalf of the Teacher, was
14 sworn and testifies as follows:

15 DIRECT EXAMINATION

16 BY MS. SKOLNICK:

17 Q. Mr. Morris, could you state your name for the
18 record?

19 A. Paul Morris.

20 Q. And you are also a member of the school board
21 here?

22 A. I am.

23 Q. And prior to that time were you a teacher in
24 the Ferguson-Florissant School District?

25 A. I was.

1 Q. Could you enlighten us as to what time frame
2 that was?

3 A. I taught there from 1994 through 2010.

4 Q. Okay. And when did you first come to know Kim
5 Straatmann?

6 A. I don't know the year, but when she came to
7 North. She was at Ferguson Middle prior to that.

8 Q. Okay. You -- I'm sorry?

9 A. I'd probably run into her at Ferguson Middle
10 because my kids went to Ferguson Middle so.

11 Q. Okay. And did she teach your children at
12 Ferguson Middle School?

13 A. I don't believe so.

14 Q. You were aware that in approximately 2003 Kim
15 was convicted of a DWI offense and lost her license?

16 A. I was.

17 Q. And you were aware of that at the time?

18 A. I don't know exact time frame but I became
19 aware of it.

20 Q. At that point in time you were not concerned
21 about Kim's fitness to teach at McCluer North?

22 A. No.

23 Q. And, in fact, during that period you were
24 aware that Kim sought to move closer to school so she
25 could get to school without having to drive?

1 A. Yeah. She bought a house in Florissant.

2 Q. Okay. And while she was waiting for that
3 house to be ready to move into, you actually offered to
4 allow her to stay at your house so that she could be
5 closer to the school?

6 A. I did.

7 Q. And at that time did you have any qualms about
8 Kim being near your own children?

9 A. No.

10 Q. And no qualms about her continuing to teach in
11 the district?

12 A. No.

13 Q. And if you had, you would have brought those
14 concerns to the attention of the District, correct?

15 A. Most likely.

16 Q. But you did not?

17 A. Did not.

18 Q. You've been a member of the school board since
19 April of 2011?

20 A. Correct.

21 Q. And president since?

22 A. April of 2012.

23 Q. You're aware that the District occasionally
24 has events or special dinners for teachers and other
25 staff to celebrate retirements or holidays?

1 A. Yes, I am.

2 Q. And at these events there is often a cash bar
3 serving alcoholic beverages?

4 A. There is.

5 Q. And at those events, members of the
6 administration and members of the school board and
7 perhaps even teachers have been observed purchasing and
8 consuming alcohol?

9 A. They have.

10 Q. And then those teachers and administrators and
11 members of the school board get into their cars and
12 drive home?

13 A. Yes, they do.

14 Q. And in not one of those cases has the District
15 brought charges or otherwise disciplined any of those
16 individuals to your knowledge?

17 A. Not that I'm aware of.

18 Q. And in not one of these cases has the District
19 alleged that those individuals have engaged in immoral
20 conduct?

21 A. They have not that I'm aware of.

22 Q. Because it is, in fact, not always wrong to
23 drive after consuming alcohol?

24 A. That's correct.

25 Q. And that there are certain circumstances where

1 when enough time elapses and someone consumes alcohol
2 it is, in fact, not wrong to get into a car and drive?

3 A. That's correct.

4 Q. And it is not, in fact, always immoral to
5 drive after consuming alcohol?

6 A. That's correct also.

7 Q. Do you believe Kim Straatmann to be an immoral
8 person?

9 A. No.

10 Q. Do you believe that she is now unfit to teach
11 the students of the Ferguson-Florissant School
12 District?

13 A. No.

14 MS. SKOLNICK: That's all I've got.

15 MR. CROTZER: Cross?

16 CROSS-EXAMINATION

17 BY MS. ORMSBY:

18 Q. Mr. Morris, I'll just ask you the same
19 question just to clarify.

20 A. I'm sorry?

21 Q. I'm just going to clarify that you have also
22 recused yourself from making a decision in this case?

23 A. Yes.

24 Q. And it's because you're a fairly good friend
25 of Ms. Straatmann, correct?

1 A. Yes.

2 Q. Would you say that you're maybe even a little
3 biased towards her, wouldn't you say?

4 A. I would hope I was fair.

5 Q. But you felt you had to recuse yourself from
6 making a decision in this?

7 A. I didn't think it was right for me to have a
8 vote.

9 Q. Right.

10 MS. ORMSBY: Okay. I don't have any other
11 questions. Thank you.

12 MR. CROTZER: Does the Board? Anything?

13 EXAMINATION BY THE BOARD

14 MR. MARTINEZ: Quickly, Paul, to your
15 knowledge has anyone leaving a district function ever
16 gotten a DWI?

17 THE WITNESS: I don't believe I've ever heard
18 of anybody getting one.

19 MR. MARTINEZ: So not to your knowledge?

20 THE WITNESS: But if they had, I probably
21 wouldn't hear about it.

22 MR. MARTINEZ: But not to your knowledge?

23 THE WITNESS: Not to my knowledge.

24 MR. MARTINEZ: Thank you. No more questions.

25 MR. CROTZER: May this witness be excused?

1 MS. SKOLNICK: Yes.

2 MR. CROTZER: Thank you. Call your next
3 witness.

4 MS. SKOLNICK: Mary Fran.

5 MARY FRAN LANCASTER,
6 having been called as a witness on behalf of the
7 Teacher, was sworn and testifies as follows:

8 DIRECT EXAMINATION

9 BY MS. SKOLNICK:

10 Q. Could you state your name for the record,
11 please?

12 A. My name is Mary Fran Lancaster.

13 Q. And you work as a substitute teacher in the
14 Ferguson-Florissant School District?

15 A. Yes, I do.

16 Q. How long have you done that?

17 A. Since 2005.

18 Q. And you are a certificated teacher?

19 A. No.

20 Q. Not anymore? You used to be a certificated
21 teacher?

22 A. No. I've actually worked in a Catholic school
23 but I did not -- I worked for over twenty-five years
24 but.

25 Q. Okay. How long have you known Kim Straatmann?

1 A. I've known Kim probably since the early 2000s.

2 Q. Okay. And how did you first come to know her?

3 A. Well, I knew Kim through church and -- went to
4 the same church. Moved into Florissant from the
5 Riverview area and my older children were at McCluer
6 North. And then as they were attending I realized that
7 Kim was also -- after my oldest son started playing
8 sports and everything at McCluer North, I realized that
9 Kim also from church was also at McCluer North where my
10 kids were going to school.

11 Q. And would -- I'm sorry. Did Kim also teach
12 some of your children?

13 A. Yes. Kim taught two -- my two younger
14 children their freshman year, Algebra I.

15 Q. Okay. And those children are now how old?

16 A. Both of them are in college. They're
17 twenty-two and twenty-three.

18 Q. Okay. So Kim would have taught them in
19 approximately 2005 to 2007?

20 A. That's correct.

21 Q. Okay. And you said that you knew Kim as a
22 member of your community as well?

23 A. Absolutely.

24 Q. And could you just for the Board tell them
25 about your impressions of Kim as a member of the

1 community?

2 A. Kim always -- like I said, I would see her at
3 church functions. I knew Kim both at school and as a
4 coach. As a coach and as a person who is giving. I
5 want to say that Kim's probably the most selfless
6 person I know.

7 Because while she was coaching my youngest
8 daughter in soccer, I realized that she wasn't feeling
9 well one day and I inquired about her and that's when I
10 realized that Kim was going to donate bone marrow to
11 save someone else's life. And she not did it once but
12 she did it twice. And I actually thought she did it
13 three times because she also was going to think about
14 donating a kidney to somebody.

15 And that changed my entire impression how much of
16 a passionate, selfless person she is because she -- she
17 put me into a whole different perspective in my life,
18 thinking that, wow, what am I doing with my life if
19 she's willing to give bone marrow to somebody she
20 doesn't even know to save their life so.

21 Q. Thank you.

22 In addition to knowing Kim as your children's
23 teacher, have you also come to know her work as a
24 co-teacher?

25 A. Yes. When Kim was out from surgery on long

1 term, I took over her classroom for her in her absence
2 while she was gone on her long-term medical leave.

3 Q. And had you also subbed for other teachers in
4 the math department at McCluer North?

5 A. Yes. I'm requested mainly in the math
6 department now so.

7 Q. And in that capacity have you formed
8 impressions of Kim's dedication to teaching?

9 A. Oh, absolutely. Kids want to get into her
10 class. They love being in her class. She -- she peer
11 tutors. She sets up coaching. She wants to adapt to
12 their learning style.

13 And there's a lot of kids -- when I just finished
14 working for her, I had kids, "Can I transfer into
15 Mrs. Straatmann's class," you know, because she was
16 gone on leave. And I was like, I can't make those
17 decisions. Because she is -- because she was gone on
18 medical leave but.

19 Q. Okay. And you're also familiar with Kim's
20 role in advising students?

21 A. Yes. Kim's kids request to get -- most
22 teachers -- all teachers are assigned a certain number
23 of advisees. And in Kim's case, she has a waiting list
24 of kids that want to get into advisement. So she
25 carries about twenty-eight to thirty when other

1 teachers only had maybe fourteen to sixteen because so
2 many of her athletes and other students enjoy her so
3 much, I mean, because she does help them.

4 You know, I've known Kim to help get clothes for
5 some of her students. I know that she's given food
6 baskets and help some of her students behind the scenes
7 when they did not know that she was trying to take care
8 of them and their families. And if they needed money,
9 Kim always had money out for them. Kids ask her for
10 lunch money, she gives it to them. You know, most of
11 us would not do the things that she does in that
12 trusting capacity that she has with them.

13 Q. Would you describe Kim as an immoral person?

14 A. No.

15 Q. I think you made reference earlier to the fact
16 that she coached the team that one of your children was
17 on?

18 A. Yes.

19 Q. And did you form any impressions of her as a
20 coach?

21 A. Loved her as a coach. Highly energetic.
22 Every player on our team loves her. The kids rally
23 around her every year. They actually don't like to go
24 up to the next grade level because they just want to
25 stay with her as a coach and stay with her because they

1 like her style and they just like to be around her.
2 Kids, a lot of times have -- do special presents and
3 sign things and Kim's always the recipient when
4 other -- not all coaches get the love and the wonderful
5 personalization of presents like Kim does.

6 Q. So during the time that she taught and coached
7 your children, did you have ever have any concerns
8 about her fitness to teach and coach them?

9 A. No, absolutely not.

10 Q. And I presume then at that point, which I
11 think we've said was about 2005, 2007, you were not
12 then aware that she had DWI convictions?

13 A. No.

14 Q. Knowing what you know now, that she does in
15 fact have those DWI convictions, does that change your
16 opinion of her fitness to teach at McCluer North?

17 A. Absolutely not.

18 Q. Do you have any concerns that she might be a
19 bad role model for the students at McCluer North?

20 A. No.

21 Q. Is there anything else that you think the
22 Board should know as it deliberates about whether to
23 terminate her employment?

24 A. I truly believe that Kim is one of the most
25 selfless people that I know. Like I told you, when I

1 realized that she was going to give bone marrow -- I
2 have janitors that come up to me all the time and other
3 staff members and support members who -- how is Kim,
4 they'll tell me stories, since I was teaching for her
5 in her classroom, how she took care of them or gave
6 them clothes or did special things for her.

7 I had a janitor just tell me the other day how
8 special Kim was to her because Kim had done some favors
9 for him when he was not doing well personally. So I
10 think that -- every day I hear a different story
11 relayed from a student or staff member or an impact
12 that -- or a selfless act that she's done. And how
13 genuine -- and she's probably the most genuine and
14 sincere person that I know. And she is very important
15 to the school community.

16 Q. Let me ask you one more question. Would
17 knowing that Kim would be required to wear for thirty
18 days an ankle bracelet monitoring device, would that
19 change your feeling about her fitness to teach in the
20 district?

21 A. No.

22 Q. Would you have concerns that students might
23 observe that and be adversely affected?

24 A. No.

25 MS. SKOLNICK: Okay. That's all.

1 MR. CROTZER: Cross?

2 MS. ORMSBY: Yeah.

3 CROSS-EXAMINATION

4 BY MS. ORMSBY:

5 Q. Kim requested you to sub in her class when she
6 was gone, right?

7 A. Yes and no. There's a system that works
8 behind that. But, yeah, generally there is a request.
9 Yes.

10 Q. And she made the request for you, correct?

11 A. That's correct.

12 Q. Because you're good friends?

13 A. No.

14 Q. You're not friends? You go to church with
15 her, you know all about her life except for her DWIs,
16 you know all this stuff that she's done in her personal
17 life, but you're not friends?

18 A. I was requested because I'm the best sub in
19 the building. That's why I was requested.

20 Q. That's not what I asked you. I said, You're
21 friends? You're friends with Kim?

22 A. I am friends with Kim, yes.

23 Q. That's my question. You're good friends with
24 Kim?

25 A. Yes.

1 Q. I'm not talking --

2 A. Well, we're friends.

3 Q. Okay. You're friends?

4 A. We're friends.

5 Q. Okay. All right. That's all I'm asking.

6 You're friends.

7 What if a teacher that you didn't know, you found
8 out had been convicted of three DWIs, would you have
9 negative impressions of that person who was a
10 teacher?

11 A. No, I don't think so.

12 Q. You don't think so. Okay.

13 I'm not going to ask about ankle bracelets. I
14 wonder if you would feel differently if, you know, the
15 circumstances were changed and on a third time that she
16 was arrested for DWI she killed somebody. Would you
17 still think that she was --

18 MS. SKOLNICK: -- Objection.

19 Q. (By Ms. Ormsby) It could have happened.
20 Anything can happen. Driving drunk is dangerous. I'm
21 wondering --

22 MS. SKOLNICK: -- It's inflammatory and
23 speculative and it refers to facts that are absolutely
24 not in the record.

25 MS. ORMSBY: I'm not saying that it's a fact.

1 MR. CROTZER: Okay. That's your objection?

2 MS. SKOLNICK: That is my objection.

3 MR. CROTZER: Okay. Subject to that I'm going
4 to let her testify.

5 A. Can you restate the question for me?

6 Q. (By Ms. Ormsby) I'll rephrase the question
7 completely.

8 How do you feel when you hear on the news that
9 somebody killed somebody after driving drunk and that
10 you find out that it's their third or fourth or even
11 their second conviction? How does that make you feel?

12 MR. CROTZER: Same objection, right?

13 MS. SKOLNICK: Yes.

14 MR. CROTZER: Okay. Go ahead.

15 A. I don't think anybody feels good about those
16 types of situations.

17 MS. ORMSBY: I don't have any other questions.
18 Thank you.

19 MR. CROTZER: Board members?

20 MR. CHABOT: I have no questions.

21 MS. SKOLNICK: Actually I do have a little
22 redirect.

23 MR. CROTZER: Oh, I'm sorry. Go ahead.

24 REDIRECT EXAMINATION

25 BY MS. SKOLNICK:

1 Q. Ms. Ormsby was asking you about your
2 friendship with Kim. Do you think that your friendship
3 with Kim compromises in any way your ability to assess
4 her fitness to teach your children and other children
5 in the school district?

6 A. Do I think it would?

7 Q. Does the fact that you're a friend of Kim's,
8 does that compromise your ability to assess her fitness
9 to teach?

10 A. No, no.

11 MS. SKOLNICK: That's all.

12 MR. CROTZER: Is that it?

13 Thank you.

14 Board members?

15 You may be excused, ma'am.

16 Do you have other witnesses, Rochelle?

17 MS. SKOLNICK: Well, the only other witness
18 that I have is Kim, and I don't think that I can
19 finish -- I don't think that together we can finish her
20 in twenty-eight minutes or whatever it is that we have
21 left.

22 MR. CROTZER: Well, let's work it out. What's
23 your position on that?

24 MS. ORMSBY: I have -- it's whatever the
25 Board's pleasure is. I have no position.

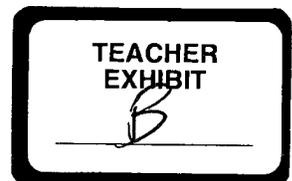
**BEFORE THE
MISSOURI STATE BOARD OF EDUCATION**

MISSOURI DEPARTMENT OF)
ELEMENTARY AND SECONDARY)
EDUCATION,)
)
Petitioner,)
) **No. HR13-024**
_____)
v.)
)
KIMBERLIE STRAATMANN,)
)
Respondent.)

AFFIDAVIT OF FRED HOOK

I, Fred Hook, being first duly sworn, declare under oath as follows:

1. My name is Fred Hook. I am an associate counselor at Bridgeway Behavioral Health.
2. I am a credentialed, recognized associate substance abuse counselor, Level 2, with the Missouri State Professional Credentialing Board. I also went to school at Meramec Community College where I obtained an associate's degree in human services and a certificate of proficiency in addiction studies.
3. As an associate counselor for Bridgeway Behavioral Health, I work with the Franklin County DWI court program as a counselor. I see the participants of the Franklin County drug court program on an individual basis. One of the participants I work with is Kimberlie Straatmann.
4. On September 25, 2013, I provided sworn testimony in a hearing before the Ferguson-Florissant School Board. At that time I testified regarding Ms. Straatmann's participation in the Franklin County DWI Court Program.



5. Since September 25, 2013 and through the present date, Ms. Straatmann has continued her participation in the program and remains fully compliant with the terms of her probation. She continues to meet and exceed expectations for participation in the Franklin County Drug Court program.

Further affiant sayeth naught.



Fred Hook

STATE OF MISSOURI)
) ss.
COUNTY OF Franklin

Sworn to and subscribed before me, a Notary Public, this 28th day of January, 2014.



Notary Public
My Commission Expires: 3/7/2015



JESSICA MARLER
My Commission Expires
March 7, 2015
Franklin County
Commission #11151504

6. On January 22, 2013, Kimberlie Straatmann pled guilty to Driving While Intoxicated (alcohol) as an Aggravated Offender, a Class C Felony under §577.010 RSMo. in Franklin County, Missouri.

7. Kimberlie Straatmann was sentenced to five (5) years of incarceration, the execution of which was stayed, and was placed on five (5) years supervised probation by the Franklin County Court on January 22, 2013.

8. Kimberlie Straatmann reported to the District's Chief Human Resource Officer in August of 2013 that she had pled guilty to and been sentenced for Driving While Intoxicated as an Aggravated Offender, a Class C Felony under §577.010 RSMo.

9. On August 27, 2013, Kimberlie Straatmann was served a Notice of Charges, stating three (3) grounds for the termination of her permanent teaching contract with the Ferguson-Florissant School District.

10. Count I of the Notice of Charges indicated Kimberlie Straatmann had exhibited immoral conduct, pursuant to §168.114.1(2) RSMo.

11. Immoral Conduct is defined as contrary to justice, honesty, modesty or good morals, or involving baseness, vileness or depravity so as to support the inference that the teacher consciously comprehended the wrongful nature of the conduct.

12. Count II of the Notice of Charges indicated Kimberlie Straatmann willfully violated Ferguson-Florissant School District Board of Education Policy 1050, pursuant to §168.114.1(4) RSMo.

13. Board Policy 1050 states, in relevant part:

The public's trust toward education employees has to be sanctioned and protected. Education employees are to serve the public and aspire to a high degree of integrity to maintain the public's trust, support and cooperation. The District has the utmost duty to protect and provide for the safety and well-being of students. The District also has an obligation to provide a safe place to work for its employees.

It is important that all education employees exhibit exemplary judgment and conduct both on and off duty. This judgment and conduct will

maintain a culture of trust and safety among students, parents, the community and employees. Violations of this trust could lead to action under Missouri Revised Statutes 168.071, 168.114, 168.126, or other specifically appropriate State and local statutes.

14. Count III of the Notice of Charges indicated that Kimberlie Straatmann was convicted of a felony involving moral turpitude, pursuant to §168.114.1(6) RSMo.

15. Moral Turpitude is defined as an act of baseness, vileness, or the depravity in private and social duties which man owes his fellow man, or society in general, contrary to accepted and customary rule of right and duty between man and man.

Conclusions of Law

1. Kimberlie Straatmann is a permanent teacher who may be terminated only for the reasons enumerated in Section 168.114, RSMo.

2. A majority of the Board finds and believes that Kimberlie Straatmann **has not** exhibited immoral conduct pursuant to §168.114.1(2) RSMo. and therefore finds Count I not to be cause for her termination.

3. A majority of the Board finds and believes that Kimberlie Straatmann **has not** willfully violated Board Policy 1050 and therefore finds Count II not to be cause for her termination.

4. A majority of the Board finds and believes that Kimberlie Straatmann **has** been convicted of a felony involving moral turpitude and further finds that grounds exist for the termination of her indefinite contract with the Ferguson-Florissant School District.

Order

1. In lieu of termination the Board suspends Kimberlie Straatmann, without pay, until July 1, 2014. Kimberlie Straatmann's pay for the 2014/2015 school year will remain at her current 2013/2014 level. Health insurance is to continue during the unpaid suspension, but all other benefits will be suspended until her return to teaching duties on July 1, 2014.

2. The following additional sanctions shall apply:

- a. Kimberlie Straatmann will waive any and all privileges connected with reports concerning her treatment for alcoholism or use of alcohol or drugs for as long as she is employed by the District.
- b. Kimberlie Straatmann will provide the Board of Education or its designated representative a monthly report signed by her counselor(s) and any physician who has treated her for alcohol use.
- c. Kimberlie Straatmann will be subject to random testing for alcohol and drugs as long as she is employed by the District.
- d. Kimberlie Straatmann will perform volunteer services for government agencies or charitable organizations approved by the Board of Education or its designated representative for at least eight (8) hours each month during the period of her suspension. She will provide the District with a written report of these services. Such report will be signed by a supervising employee at the governmental agency or local charitable organization and will be submitted to the Board of Education or its designee at the end of each month.
- e. Kimberlie Straatmann will prepare and present, at the request of the Board of Education or its designated representative, drug awareness programs at each Ferguson-Florissant High School in coordination with the school principal and will be designed and/or approved by a substance abuse professional.
- f. Kimberlie Straatmann will not drive a vehicle belonging to the District, or transport any student in any vehicle, for the duration of her employment by the District.
- g. Kimberlie Straatmann will report and explain any consumption of alcohol within 24 hours of such consumption. Such report will be delivered to the President of the Board of Education or to his or her designee.

h. During suspension Kimberlie Straatmann will have no official contact with any District employee, except necessary communication with the Human Resource Department or the appropriate Board designated representative, as stated in this document. Social contact will not be deemed as official contact.

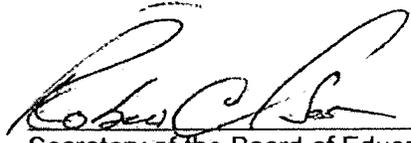
i. Kimberlie Straatmann will be immediately terminated from her employment without further due process upon any of the following events:

- i. Violation of these conditions of employment; or
- ii. Violation of any court ordered conditions of probation; or
- iii. Permanent or temporary revocation or suspension of her license to teach; or
- iv. Arrest or conviction of any alcohol related offense(s); or
- v. Consumption of alcohol.

Voting in favor: Chris Martinez, Robert Chabot, Leslie Hogshead, Keith Brown, Scott Ebert

Voting against: None

10/11/13
Date


Secretary of the Board of Education

TWENTY-SEVENTH JUDICIAL CIRCUIT OF MISSOURI
COURT ALTERNATIVE PROGRAM

Drug Court/DWI Court
Franklin County Judicial Center
401 East Main Street, #100C
Union, MO 63084
Phone: (636) 583-1550
Fax: (636) 583-7390

1-18-13

Honorable Stanley D. Williams
Drug Court/DWI Court Judge
Franklin County

Honorable Robert D. Schollmeyer
Drug Court/DWI Court Judge
Osage County & Gasconade County

Beth Billington, Administrator

January 18, 2013

Mr. Matthew Schroeder
Attorney at Law

RE: Court Alternative Program – DWI Court (ACCEPTABLE)
St v. Kimberlie M. Straatmann, 12AB-CR01453

Dear Mr. Schroeder:

Please be advised that your client, Kimberlie M. Straatmann, was screened and found to be acceptable for the Court Alternative Program – DWI Court. Your client has been advised of this and has been instructed to contact you in order to have her case placed on the next available docket for a guilty plea and sentencing.

Your client has also agreed to the DWI Court payment agreement. The agreement specifies that your client must make a \$425.00 fee payment on the Treatment Court case prior to entering a guilty plea and being placed on probation. \$375.00 of the fee will pay SATOP program costs and the balance will pay the initial DWI Court monthly fee. Your client must show the receipt of payment to you and the prosecutor prior to entering a guilty plea. There are no exceptions to this rule.

Your client's case is scheduled for plea on the docket to be called on January 22, 2013 in Division II. Normally, your client would be required to appear at the first DWI Court session at 2:30 p.m. after she is sentenced. However, due to her reported upcoming medical procedure, she will be allowed to wait to appear until February 14, 2013. If the case is not resolved in the near future, the offer of acceptance will be withdrawn and your client will not be eligible for the program.

Your client's treatment court case number is 13AB-TC00003. Please tell the clerk when making the fee payment that the payment should be attached to this case.

If you have any questions, you may contact me at 636-583-1550.

Interlock Device

Sincerely,

Beth A. Billington

BETH A. BILLINGTON

CC: Prosecuting Attorney-Bartlett

TEACHER
EXHIBIT

D



STATE OF MISSOURI
DEPARTMENT OF CORRECTIONS
BOARD OF PROBATION AND PAROLE
ORDER OF PROBATION

Forward to **SHERYL L. HUXOL/16**
Circuit Court of **FRANKLIN COUNTY, MO.**

Defendant **STRAATMANN, KIMBERLIE M.**
Address **2119 HICKORY RIDGE RD**
City **UNION**

Residence County **FRANKLIN**

State **MO** Zip **63084-2613**

Docket Number **12AB-CR01453**

Sentence **SES 5yr 0mo 0dy**

Term **5yr 0mo 0dy**

Offense **PG: DWI - ALCOHOL - AGGRAVATED OFFENDER**

Type **F**

Your application for probation has been received and approved by this Court. In accordance with the authority vested in this Court by the laws of the State of Missouri, you are hereby placed on probation for such a period of time as required by statute; or until you have proved by your conduct, to the satisfaction of this Court, that you are entitled to discharge from this probation. You are hereby advised that under the law the Court may at anytime revoke or modify any condition of the probation and you shall be subject to arrest upon order of the Court. At any time within the period of your probation the Court may impose or order execution of sentence for your original offense in accordance with the laws of the State of Missouri, and commit you to such institution as provided by law.

It is the further order of this Court that your case be assigned to the supervision of the State Board of Probation and Parole and its representative Probation and Parole Officer under the following conditions. They are authorized to report to this Court on all matters pertaining to your probation, and to make such recommendations and take such action as the Court may require in your case.

CONDITIONS OF PROBATION

1. **LAWS:** I will obey all federal and state laws, municipal and county ordinances. I will report all arrests to my Probation and Parole Officer within 48 hours.
2. **TRAVEL:** I will obtain advance permission from my Probation and Parole Officer before leaving the state or the area in which I am living.
3. **RESIDENCY:** I will obtain advance permission from my Probation and Parole Officer before making any change in residency.
4. **EMPLOYMENT:** I will maintain employment unless engaged in a specific program approved by my Probation and Parole Officer. I will obtain advance permission from my Probation and Parole Officer before quitting my job or program. In the event I lose my job or am terminated from a program, I will notify my Probation and Parole Officer within 48 hours.
5. **ASSOCIATION:** I will obtain advance permission from my Probation and Parole Officer before I associate with any person convicted of a felony or misdemeanor, or with anyone currently under the supervision of the Board of Probation and Parole. It is my responsibility to know with whom I am associating.
6. **DRUGS:** I will not have in my possession or use any controlled substance except as prescribed for me by a licensed medical practitioner.
7. **WEAPONS:** I will not own, possess, purchase, receive, sell, or transport any firearms, ammunition or explosive device, or any dangerous weapon if I am on probation or parole for a felony charge or a misdemeanor involving firearms or explosives, or if it is in violation of federal, state, or municipal laws or ordinances.
8. **REPORTING/DIRECTIVES:** I will report as directed to my Probation and Parole Officer. I will abide by any directives given me by my Probation and Parole Officer.
9. **SUPERVISION STRATEGY:** I will enter and successfully complete any supervision strategy and abide by all rules and program requirements as directed by the Court, Board or my supervising Probation and Parole Officer.
10. **INTERVENTION FEES:** I shall pay a monthly intervention fee in an amount set by Missouri Department of Corrections pursuant to RSMo 217.690. This payment shall be due and payable on the first day of the first month following placement on probation, parole or conditional release.
11. **SPECIAL CONDITIONS:**

It is further ordered that you shall pay court costs and crime victim's compensation fund.

It is further ordered that you shall pay Recoupment of \$78.00.

It is further ordered that you shall have an Ignition Interlock Device (IID) installed in any vehicle you operate. You shall not operate any motor vehicle unless it is equipped with an operable IID and you have a valid operator's license in effect. Proof of installation of the IID on any such motor vehicle, and that you have a valid motor vehicle operator's license, must be provided to your Probation and Parole Officer prior to your operation of any motor vehicle. The IID must remain on such motor vehicle until the Probation Officer authorizes, in writing, the removal of the IID and, if your operator's license is suspended or revoked, at least six months after reinstatement of your operator's license.

It is further ordered that you shall serve 60 days shock at the discretion of Court Alternative Judge.

It is further ordered that you shall not possess any alcoholic beverage or consume any alcoholic beverage. You shall not enter any business or social establishment where alcoholic beverages are the major item offered for sale.

It is further ordered that you shall enter and successfully complete the Court Alternative Program

It is further ordered that you shall consent to and submit to alcohol testing including, but not limited to blood, breath or hair analysis, at your expense, upon the request of any Probation and Parole Officer or any Law Enforcement Officer. You shall authorize the testing agency to provide all test results to your Probation and Parole Officer.

(Conditions continued on the next page)

Page 1 of 2

JOC ID: 1249765 DOB: 07/08/1967 Race: W Sex: F SSN: [REDACTED] Date Opened: 02/01/2013
PORD-CPB 02/01/2013

**TEACHER
EXHIBIT**

F



STATE OF MISSOURI
 DEPARTMENT OF CORRECTIONS
 BOARD OF PROBATION AND PAROLE
ORDER OF PROBATION

CONDITIONS (continued):

It is further ordered that you shall attend a Victim Impact Panel.

Page 2 of 2

I have read or have had read to me the Order of Probation and the Conditions set out therein. I agree to comply with such conditions during the period of my probation.

| Witnessed By | Date | Probationer's Signature | Date |
|---------------------|---------|-------------------------|---------|
| <i>Sherry Havel</i> | 2/20/13 | <i>[Signature]</i> | 2/20/19 |

assigned January 22, 2013 in the Circuit Court of FRANKLIN COUNTY,
 State of Missouri

Honorable ISIDORE I LAMKE, Div: 0002
 Judge of the 20th Judicial Circuit Court

DRUG COURT TRACK

ELIGIBILITY

Eligibility for the purpose of admission is determined based on the following criteria:

- Must live in Franklin County or Gasconade County with viable transportation.
- Court case must have originated in Franklin County.
 - *may accept individuals whose charges originate in other jurisdictions
- Must be 17 years of age or older.
- No pending or prior violent or assaultive or sex offense charge or conviction.
- Must have been charged with (pled guilty to) a non-violent felony offense under Chapter 195 (Drug Regulations) of the Missouri Revised Statutes with the exception of large scale trafficking, sales or distribution of a controlled substance, OR
- Must have been charged with (pled guilty to) any other non-violent felony offense where it has been established that drug abuse was a significant factor in the commission of the offense.
- Must be assessed by the treatment provider as chemically dependent and being in need of intensive outpatient treatment.
- Must not have any mental or physical conditions that would prohibit completion of essential program criteria or full participation.
- Must voluntarily enter the program, agree to all requirements and stipulations of the program and sign the drug court contract.

REFERRALS AND ADMISSIONS

Participants are referred to the Franklin County Drug Court Program in the following manners:

- **Post-plea:** Prosecuting attorney referral.
- **Special condition of probation** at the time of sentencing: Sentencing judge referral.
- **Probation violators** with ongoing substance abuse issues: Probation officer referral.
- **Re-entry** (offenders released from the institutional treatment centers to supervised probation): Sentencing judge or institutional probation officer referral.

Offenders may be admitted to the program within two to four weeks of the referral. The length of time from referral to admission is dependent upon various factors, including the status of the criminal case in the court system and the availability of the sentencing judge. Final approval for admission rests with the drug court team comprised of the prosecuting attorney, treatment provider, probation case manager, drug court administrator and drug court judge.

PROGRAM PHASES

The drug court program is a minimum of 78 weeks in length and is divided into phases. The requirements of each phase are listed below.

Assessment

During the assessment phase, you must attend a drug court session and speak with the drug court judge. You will be required to sign a consent for release of confidential information. The judge will refer you to the drug court probation case manager and a treatment counselor. They will

assess your criminal history and problems/needs related to substance abuse. They will also provide you with an overview and orientation to the drug court program.

Requirements of the Assessment

- Screened and approved by the Prosecuting Attorney's Office to participate, OR a recommendation made by the probation officer and approval of the sentencing judge.
- Screened by the drug court probation case manager.
- Screened by the treatment provider and found to be chemically dependent and in need of intensive outpatient treatment.
- Accepted by the drug court team for participation in the program.
- Must voluntarily enter the program, agree to all requirements and stipulations of the program and sign the drug court contract.

UPON NOTIFICATION OF ACCEPTANCE:

Post-plea track

- Drug court fee paid prior to guilty plea.
- Enter guilty plea with sentencing deferred; sign acknowledgement of acceptance, drug court contract and payment agreement; case transferred to drug court by the presiding judge.

→ **Condition of Probation**

- Drug court fee paid prior to entering guilty plea.
- Enter guilty plea and be placed on probation; sign acknowledgement of acceptance, drug court contract and payment agreement; case transferred to drug court by the presiding judge.

Probation violator/Re-entry track

- Drug court fee paid within 7 days of notification of acceptance.
- Sign confession of probation violation (if probation violator), acknowledgement of acceptance, drug court contract and payment agreement; case transferred to drug court by the presiding judge.

DWI COURT TRACK **ELIGIBILITY**

Eligibility for the purpose of admission is determined based on the following criteria:

- Must live in Franklin County or Gasconade County.
- Case must have originated in Franklin County.
 - *may accept individuals whose charges originate in other jurisdictions
- Must be 17 years of age or older.
- No pending or prior violent or assaultive or sex offense charge or conviction.
- Must have been charged with and placed on probation for a felony offense of Driving While Intoxicated with the exception of chronic offenders and offenses involving injury or death to any person.
- Must not have any mental or physical conditions that would prohibit completion of essential program criteria or full participation.
- Must voluntarily enter the program and agree to abide by the requirements of the program

REFERRALS AND ADMISSIONS

Participants are referred to the DWI court program (felony) in the following manners:

- **Special condition of probation** at the time of sentencing: Prosecuting attorney or judge referral.
- **Probation violators** with ongoing alcohol substance abuse issues: Probation officer referral.
- **Re-entry** (offenders released from the institutional treatment centers to supervised probation): Judge or institutional probation officer referral.

Offenders may be admitted to the program within two to four weeks of the referral. The length of time from referral to admission is dependent upon various factors, including the status of the criminal case in the system and the availability of the sentencing judge. Final approval for admission rests with the DWI court team comprised of the prosecuting attorney, treatment provider, probation case manager, administrator and DWI court judge.

PROGRAM PHASES

The DWI court program is a minimum of 78 weeks in length and is divided into phases. The requirements of each phase are listed below.

Assessment

During the assessment phase, you must attend a DWI court session and speak with the DWI court judge. You will be required to sign a consent for release of confidential information form. The judge will refer you to the DWI court probation case manager and a treatment counselor. They will assess your criminal history and problems/needs related to substance abuse. They will also provide you with an overview and orientation to the DWI court program.

Requirements of the Assessment

- Screened and approved by the Prosecuting Attorney's Office to participate, OR a recommendation made by the probation officer and approval of the sentencing judge.
- Screened by the DWI court probation case manager.
- Screened by the treatment provider and found to be chemically dependent and in need of intensive outpatient treatment.
- Accepted by the DWI court team for participation in the program.
- Provide a detailed transportation plan.
- Must voluntarily enter the program, agree to all requirements and stipulations of the program and sign the DWI court contract.

UPON NOTIFICATION OF ACCEPTANCE:**Probation track**

- DWI court fee paid prior to guilty plea and being placed on probation.
- Enter guilty plea and be placed on probation; sign acknowledgement of acceptance, payment agreement and DWI court contract; case transferred to DWI court by the presiding judge.

Probation violator/Re-entry track

- DWI court fee paid within 7 days of notification of acceptance.
- Sign confession of probation violation (if probation violator), acknowledgement of acceptance, payment agreement and DWI court contract; case transferred to DWI court by the presiding judge.

Handwritten notes:
 April - end July
 Feb - Mid April 25
 50/mo
 PHASE I (10 weeks)
 PHASE II (16 weeks)
 PHASE III (32 weeks)
 PHASE IV (20 weeks)

PROGRAM REQUIREMENTS

| PHASE I (10 weeks) | PHASE II (16 weeks) | PHASE III (32 weeks) | PHASE IV (20 weeks) |
|---|---|--|---|
| *Maintain clean time | *Maintain clean time | *Maintain clean time | *Maintain clean time |
| PO 2/wk (1st 4 weeks) 1/wk (remainder of phase) | PO every other week MON. | PO 1/month | PO 1/month (phone or in person) |
| Court 1/week | Court 2/month (2nd & 4th Thurs) | Court 1/month | Court 1/month |
| GED locator & GED class attendance, or Part-time employ/school, or 20 hrs CSW/week (required to start in program 4 weeks) | Regular GED studies. Full time employment /School | GED Test Stable full-time employment/ School | Stable full-time employment/ School |
| XXXXXXXXXXXXXXXXXXXX | Develop/implement court cost/ restitution payment plan XXXXXXXXXXXXXXXXXXXX | Regular court cost/restitution payments as outline in plan MRT completed | Regular court cost/restitution payments as outline in plan XXXXXXXXXXXXXXXXXXXX |
| TB/STD testing complete ✓ | Alumni Group attendance | Alumni Group attendance | Alumni Group attendance |
| Pass Rules Test | Life Skills Classes as required | Life Skills Classes as required | Life Skills Classes as required |
| Life Skills Classes as required | PO recommendation | PO recommendation | PO recommendation |
| PO recommendation | TX recommendation | TX recommendation | TX recommendation |
| TX recommendation | Active participation | Active participation | Active participation |
| Active participation | Review hearing @ 10 weeks | XXXXXXXXXXXXXXXXXXXX | XXXXXXXXXXXXXXXXXXXX |
| Review hearing @ 6 weeks | Drop 2/week | Drop 2/week | Drop 6/month |
| Drop 2 to 3/week | Support group meetings 3/week | Support group meetings 3/week | Support group meetings 3/week |
| Support group meetings 2/week ✓ | Curfew 11:30 p.m. | Curfew 12:30 a.m. | Curfew 12:30 a.m. |
| Curfew 10:30 p.m. ✓ | Curfew 11:30 p.m. | Curfew 12:30 a.m. | Curfew 12:30 a.m. |

*PARTICIPANT SHOULD BE IN ACTION/ MAINTENANCE STAGE WHEN PROMOTED FROM PHASE III TO PHASE IV

TREATMENT COURT FEES: Drug Court Initial Fee \$50.00. DWI Court Initial Fee \$425.00 (SATOP = \$375/FEE = \$50). First 4 months in program = \$50.00 per month. Month 5 through Month 10 = \$100.00 per month. Month 11 through Graduation = \$130.00 per month. Monthly payment is due on the first Thursday of the month that you are scheduled to appear in Court.

ADDITIONAL DWI REQUIREMENTS: 1. SCRAM - minimum of first 30 days in the program; 2. VIP program attendance -- Phase II

TREATMENT COMPONENT

Participant must follow treatment plan throughout the program. Individual and Group treatment sessions will be required. Family 1:1 and Family Groups will be required. Step work will be incorporated into treatment component Phase IV participant must have one treatment contact per month.

Treatment will monitor participant's relationship with his/her sponsor.

- PHASE 1 obtain sponsor
- PHASE 2 maintain sponsor
- PHASE 3 maintain sponsor
- PHASE 4 maintain sponsor

MRT: Is a component of the program and participant must complete MRT prior being promoted to Phase IV. Participant will start MRT at direction of TX and PO.

Additional treatment interventions may include:

- Medication assisted treatment
- Residential treatment
- Increase out-patient treatment hours required (group & individual)

ALCOHOL- DRUG USE

Absolutely NO Alcohol or Drugs! All prescribed drugs and over the counter medications are to be brought to the attention of treatment center staff before taking, unless they are on the list of approved medications. (approved medication list located at end of handbook)

Controlled substances such as narcotic pain medications, sleeping pills, tranquilizers, diet pills and stimulants are off limits. Any questions about medications should be brought to the Treatment Director or Probation Case Manager.

Products containing alcohol

Participants cannot use any product containing alcohol, including but not limited to cold/flu/cough medicine, mouthwash, perfume and hand sanitizer.

Designer Drugs

Any and all "designer" drugs that can be purchased legally, over the counter without a physician's prescription are strictly prohibited.

Any and all "smoking mixtures" (other than products specifically designated to contain tobacco) are strictly prohibited.

Any and all products sold or marketed under false pretenses with the warning "Not for Human Consumption" are strictly prohibited.

Any and all synthetic cannabinoid products are strictly prohibited.

ALCOHOL/DRUG TESTING & MONITORING

You will be tested for alcohol/drug use throughout your participation in Treatment Court. The Treatment Court uses a variety of testing methods. These methods include, but are not limited to: Drug tests (urine, hair, saliva), EtG tests, breathalyzer, VI-CAP, ignition interlock, EMP (house arrest) and continuous alcohol monitoring devices.

All participants must submit to drug or alcohol testing when directed to do so by any member of the team, including the tracker.

- Laboratory Testing:** Urine, hair and saliva samples are submitted to an off-site laboratory for testing. All test results are recorded by the probation case manager and court, and the results are made available to all Treatment Court team members. Samples are screened for

many different types of drugs and alcohol and are also tested for creatinine levels, which show if the samples have been diluted. The Treatment Court will consider a diluted sample to be tampered with and sanctions will be levied against you if this occurs.

- Denial/Confirmation:** Participants who test positive for drug or alcohol use may be confronted by a probation case manager or treatment staff member. If the participant denies the use, the results will be confirmed by the laboratory if the results have not already been confirmed. If the confirmation is positive, the participant will pay the cost of the confirmation testing.
- Breathalyzer:** During the course of the entire program, you may be required to submit to a breathalyzer test when you meet with your probation case manager, attend a treatment session, are visited by the tracker and at any other time a Treatment Court team member or law enforcement official requests you to do so.
- Other Monitoring Devices:** During portions of the program, you may be required to be monitored by VICAP, continuous alcohol monitoring devices, or EMP (house arrest).
- Random Alcohol/Drug Testing:** During the entire program, you will be required to call in daily to find out if you are required to report for a urine drop at the collection facility. (A copy of the call-in procedure is located at the end of this handbook) In addition, you may be called upon at any time to provide urine, breath, saliva or hair sample at the treatment center or at the probation office. Participants are responsible for knowing the deadlines for urine drops, and providing the specimen before the deadline. Failure to do so is considered a "positive" and will be treated by the Court as such.
- Missed U.A.:** Failure to appear for a drug/alcohol test is considered to be a "positive", and will be treated by the Court as such. Sanctions may include but are not limited to additional treatment sessions, jail time, and community service work. IF YOU MISS A REQUIRED DROP, YOU MUST REPORT TO THE TESTING LOCATION THE NEXT DAY TO DROP.
- Dilutes:** Urine samples will be submitted to a laboratory that tests for creatinine level. This will provide the Treatment Court team with an indication if the sample is dilute. Samples that are not within the normal creatinine level range (while not considered a positive result) will be considered tampered with and treated by the Court as such. Specific gravity tests will not be conducted on dilute samples. Upon the submission of a dilute sample, appropriate sanctions will be imposed. Sanctions may include but are not limited to additional treatment sessions, jail time, and community service work.
- Tampering:** Attempts to submit a urine sample that has been tampered or altered in any way will not be tolerated and in most cases will result in termination from the program.

BARS/EATING ESTABLISHMENT THAT SERVE ALCOHOL

Participants are not allowed in bars or in eating establishments that primarily serve alcohol.

COMMUNITY SERVICE WORK

You may be required to perform community service work during the Treatment Court program under the supervision of your probation case manager. You may be directed to perform community service work with a specific agency or at a specific place. Work performed must be at a not for profit organization.

CONFIDENTIALITY

The Franklin County Treatment Court is bound by Federal and State Laws regarding the confidentiality of the Treatment Court files and proceedings. See 42 C.F.R. 290DD-2 and 478.005, RSMo (1998).

COURT APPEARANCES

As a Treatment Court participant, you will be required to appear in Treatment Court on a regularly scheduled basis. At each appearance, the team will review a progress report prepared by your treatment counselor and probation case manager regarding your drug/alcohol test results, attendance and participation in treatment, and attendance and participation in support group meetings. The judge may ask questions about your progress. If you are doing well, you will be encouraged to continue your progress in the program. You may be given incentives (a list is provided at the end of this handbook) and will be encouraged to continue to work with your treatment team toward graduation. If you are not doing well, the Treatment Court team will assess your status and determine further action as appropriate. If you commit program violations (For example: miss required urine drops or have positive urine tests, fail to attend treatment sessions or scheduled sessions with the probation case manager, fail to attend support group meetings), the Court will impose sanctions (a list is provided at the back of this handbook). With repeated violation of program expectations and/or failure to progress satisfactorily, the Judge may impose the ultimate sanction of termination from Treatment Court. Your case would be transferred back to the sentencing judge at that point.

Failure to appear in Treatment Court on the date and time specified may result in a warrant being issued for your arrest. If you cannot appear in court as scheduled, you must notify the probation case manager as soon as possible. Warrants and/or new arrests may result in termination from Treatment Court.

At each court appearance, you should:

- ◆ Bring your journal.
- ◆ Bring your support group meeting sheets

- ◆ Bring your written assignments if required
- ◆ Bring a receipt for your Treatment Court fee payment
- ◆ Dress appropriately for Court.

You shall NOT bring your cell phone, pager, or other electronic devices into the courtroom during a Treatment Court session.

Court is held every Thursday afternoon, beginning promptly at 2:30 p.m. It is held in the Franklin County Judicial Center, Courtroom 301. Make sure you check your phase calendar for your scheduled appearances.

CURFEW

A participant shall be in his/her place of residence by:

| | |
|---------|------------|
| Phase 1 | 10:30 p.m. |
| Phase 2 | 11:30 p.m. |
| Phase 3 | 12:30 a.m. |
| Phase 4 | 12:30 a.m. |

unless he/she is scheduled to work nights on that particular day, or have permission from a member of the Treatment Court team for a special activity.

DNA SAMPLE

Participants may be required to submit a DNA sample at the probation office. Your probation case manager will notify you if you are required to do so.

EDUCATION (G.E.D CERTIFICATE)

If you do not have a high school diploma or a G.E.D. certificate, you will be required to work on obtaining a G.E.D. certificate by the end of the program or to significantly increase your personal educational performance as directed by your probation case manager. G.E.D. classes are offered in the area and your probation case manager can assist you in finding a class.

EMPLOYMENT/SCHOOL

You will be required to maintain a full-time job or be enrolled full-time in an educational program as appropriate or a combination of the two. You may be required to complete community service each week until you are employed or attending school.

The number of hours of employment may vary based upon the phase you are currently in, but the type of employment is left up to you. The Treatment Court team reserves the right to require you

to change jobs if it feels that your employment choice may have a negative effect on your treatment program. *You are not to change or quit your current job without approval from your probation case manager.* Any failure to work scheduled hours must be reported to the probation case manager at the next visit to the probation office.

REMEMBER, that while your employment is an important part of this program, your TREATMENT ALWAYS COMES FIRST. If your job starts to interfere with your treatment plan, some modifications to your work schedule may be necessary.

Unemployment

At any time during the program, if a participant is unemployed for more than two weeks, he/she may be required to report to the Probation Office or other designated location, at a time and day of the week each week as designated by the team until he/she gains employment.

If a participant remains unemployed, he will be required to perform community service work as follows:

Unemployed for:

4 weeks = 10 hours CSW/week
6 weeks = 15 hours CSW/week
8 weeks = 20 hours CSW/week

FEES FOR TREATMENT COURT

You will be required to pay a participant program fee. Regular payments are required. You must be current on all payments before you can be promoted to a higher phase. These fees go toward offsetting the cost of the program. Payments are made at the Franklin County Judicial Center and can be made on your scheduled appearance at the Treatment Court session. A copy of the participant fee schedule is located at the back of this handbook.

FINANCIAL RESPONSIBILITY

In addition to program fees, you will be required to pay in full all restitution due to victims in your criminal case(s). You must also make regular court cost payments, pay fines and other debts during the program. Your probation case manager will assist you in developing a payment plan. All restitution, court costs and fines must be paid in full prior to graduation.

FIREARMS

Participants cannot own, possess, purchase, receive, sell or transport any firearms, ammunition or explosive devices or any other dangerous weapons defined by federal law, state or municipal laws or ordinances.

FORMS

You will be given a consent for release of information form, an acknowledgement of acceptance form, a Treatment Court contract, and a payment agreement. You are required to sign and return the consent for release at your initial appearance at a Treatment Court session. The other forms must be signed and returned on the day that you start the Treatment Court program. You are encouraged to review the forms with your attorney prior to signing them. However, you are not required to do so. If you are entering Treatment Court as a probation violator, you will also be required to sign a confession of probation violation.

FOUNDATIONS PROGRAM

The Foundations for Franklin County (FFC) program will provide guidance and opportunities to support program participants in accomplishing their goals. The program will increase and enhance the recovery time needed to live substance free and improve family/community relationships. The FFC program will refer participants to educational/employment opportunities, connect participants with mentors and organize program events throughout the year.

HONESTY

Tell the truth! Be honest at all times with all members of the Treatment Court team. That means no lying, conning, or "keeping secrets". Failure to report incidents of broken rules, or circumstances that you know would be an issue within the Program, whether or not you are asked about it, is the same as lying, and will be treated as such. If you have to be dishonest about something, DON'T DO IT! If you make a mistake, admit it right away, don't try to hide it. All successful programs of recovery are based upon honesty. Participants must immediately follow directions from the judge, the probation case manager, treatment staff or other members of the Treatment Court team.

HOME PLAN

Living arrangements must be approved by the probation case manager. Other people living in the home may be requested to submit to drug/alcohol testing. No alcohol or illegal substances are allowed in your residence.

All participants are to keep their current address and phone number on file with the treatment center, probation case manager, and Treatment Court administrator. No participant will change addresses without approval in advance.

All participants are to SLEEP WHERE THEY LIVE. No exceptions without advance permission.

HOUSING - temporary

An objective of the Treatment Court program is to provide participants with a safe, stable home environment. As funding is available, the team will offer temporary living apartments for female and male participants. Participants are required to pay a portion of the rent, are required to sign a rental agreement and abide by all apartment rules.

LAW ENFORCEMENT

Tracker

The tracker is a law enforcement officer who works with the Treatment Court team and is responsible for performing random home visits to Treatment Court participants' homes for the purpose of conducting on-site breathalyzer tests, verifying that participants are not violating curfew, and reporting back to the probation case managers the results of the visits. Treatment Court participants are required to cooperate with the tracker. The tracker is not required to call a participant prior to arrival at the participant's home. Missing a tracker visit is a violation of Treatment Court rules and the participant will be sanctioned for the miss.

Other Law Enforcement Officers

In addition to the tracker visiting your home, a police officer or sheriff's deputy may visit your home and ask you to submit to a breathalyzer test.

LIAISON COMMITTEE

You will have an opportunity to apply to serve on a participant liaison committee. The liaison committee is composed of four current participants and one graduate. The purpose of the committee is to bring participant concerns and issues to the Treatment Court team. To be eligible to serve on the committee, you must be at least 60 days clean and in compliance with the Treatment Court rules and treatment requirements. If you are interested in serving on the committee, ask your probation case manager for more information. (liaison committee guidelines are located at the end of this handbook)

LIFE SKILLS CLASSES

You will be required to complete a life skills component. This component requires you to complete a series of classes during the program. The Treatment Court team may order attendance at a specific class or additional classes if deemed appropriate for you.

MEDICAL AND DENTAL TREATMENT/MEDICATIONS**Medical Treatment/Prescribed Medications**

When seeking medical or dental treatment and/or receiving prescribed medication, you must provide to your probation case manager with a NOTICE OF PARTICIPATION signed by the health care provider. (form located at the end of this handbook) Failure to provide a signed notice of participation will result in sanctions being imposed.

Approved Medications

Acetaminophen (Tylenol), aspirin, naproxen (Aleve), non-alcoholic cough medicine, cold and flu medications which do not contain pseudoephedrine, prescribed antibiotics, inhalers for asthma, and any over the counter antacids or stomach preparations. Over the counter medications are not to be taken in excess of package directions. (a more complete list of approved medications is located at the end of this handbook)

Pseudorepherdrine-Prohibited

During your time in treatment court, you shall not possess, purchase or distribute pseudorepherdrine.

MENTORING

During Phase 3 or Phase 4, you may be assigned mentoring duties. It will be your responsibility, as a mentor, to provide support and guidance to a new Treatment Court participant.

MORAL RECOGNITION THERAPY

M.R.T. Program: Goals of the Program

1. To address criminal thinking errors
2. Change belief systems, attitudes and behaviors
3. Reduce recidivism rates

Who Required/Allowed to Participate:

All participants in the Franklin County Treatment Courts will be required to complete MRT prior to graduating

Length of Program:

Comprised of 16 steps. Required to complete 12 steps while in Treatment Court. Completion upon finish 12th step

When Referred: A participant will be referred to the program when promoted to Treatment Court Phase 3.

PROBATION CASE MANAGER MEETINGS

You will be required to meet with a probation case manager on a weekly basis in Phase 1 and less frequently as you progress through the program. The probation case manager will act as your case manager and will complete reports on you each week to present to the Treatment Court team. The meeting will usually involve a review of your counseling progress, journal entries, and a review of alcohol/drug test results. You may also be required to submit to a breathalyzer test and be asked to submit a urine sample. He/she can also refer you to educational programs, help with employment, and communicate concerns to the Treatment Court team.

Because your probation case manager can request that you drop at anytime, if you miss a meeting with your probation case manager, it is considered a missed U.A. and appropriate sanctions will be imposed.

Your probation case manager will require you to bring certain things to each meeting, including:

- ◆ Journal
- ◆ Support group meeting sheets
- ◆ Program fee receipts

The probation case manager can be reached at the following address and telephone number:

**Missouri Board of Probation and Parole
#3 Truman Court, Union, MO 63084
(636) 583-8933.**

RELATIONSHIPS

Participants are not to socialize/develop relationships with any individual who uses drugs, or be in situations where drugs or alcohol are present. It is the participants' responsibility to know with whom they are associating. You are encouraged to socialize/be friends with others who are successful in recovery and have positive attitudes. You are encouraged NOT to develop new romantic relationships early in recovery (within the first

year), because that will seriously detract from time, energy, and focus which needs to be committed to your personal recovery.

Romantic or sexual relationships with other Treatment Court participants or treatment center clients are strictly off limits.

SEARCH OF DWELLING, MOTOR VEHICLE, PERSON

All participants must consent at any time to a search of their dwelling, motor vehicle, and person upon request of any law enforcement officer.

SHOCK INCARCERATION

You may be required to serve shock incarceration (time in jail) for violating program rules while in Treatment Court. You will be charged jail board bill fees. Currently, Franklin County Jail board fees are \$50.00 per day.

SUPPORT GROUP/SPONSOR

Participants must obtain and regularly utilize a support group meeting sponsor. If you change sponsors, you must tell your treatment counselor and probation case manager immediately.

Participants must attend a minimum of two support group meetings per week in Phase 1, three per week in Phase 2 and Phase 3 and must verify meeting attendance in Phase 4. You may be directed to attend more meetings by the Treatment Court team.

SUPPORT OF OTHER PARTICIPANTS

Participants are expected to be supportive of others in the program, confront problems and dishonesty openly, and not become involved in situations or behaviors that could negatively affect someone else's recovery.

TERMINATION/ADMINISTRATIVE DISCHARGE

Termination

Participants may be terminated from the program for failure to comply with program rules/requirements or new violations of law. These are considered negative terminations. A termination from the program in a post-plea case will result in the case being transferred back to the sentencing judge for formal sentencing. A termination from the program in a probation case will result in a violation report with an informal recommendation from the probation officer regarding supervision. A termination from the program in a probation violator case may result in a violation report with the recommendation of revocation of

probation supervision based upon the violation(s) that warranted Treatment Court consideration (confession of violations filed) as well as termination from Treatment Court. If you are terminated from the program, a warrant may be issued for your arrest.

Administrative Discharge

A participant, who for some reason is found to be incapable of completing the program either due to a change in his situation or for some reason beyond his control, may receive an administrative discharge. The criminal case will be transferred back to the sentencing judge for further action if necessary.

TRANSPORTATION NO LICENSE = NO DRIVING / NO EXCEPTIONS

If you do not have a valid driver's license, you cannot drive. If you drive without a valid driver's license, you will be sanctioned. Sanctions for driving range from jail time to being placed on a more restrictive monitoring device to termination from the Treatment Court program. If a Treatment Court team member witnesses you driving, the local police department will be contacted immediately.

TRAVEL

Participants are not to travel out of State or beyond a 50 mile radius without permission.

TREATMENT

Your substance abuse treatment is designed by the treatment provider and monitored by the Treatment Court team. Treatment sessions are available in the evening and during the day. The treatment provider will assess what level and intensity of treatment will best meet your needs and make a recommendation to the Treatment Court team. The treatment program will include:

- Treatment Plans:** An initial treatment plan will be developed by your treatment team following an overall assessment of your strengths and needs. This plan will act as a guide for your initial treatment phase. The plan will be maintained by your treatment team and will be updated as you progress through the Treatment Court program.
- Counseling:** Substance abuse counseling consists of two separate formats – individual and group. As part of your treatment plan, you will be required to participate in both types of counseling. Together they are designed to develop self-awareness, self-worth, and self-discipline. The individual and group counseling sessions will include – problem identification and alternative solutions. Your attendance at counseling sessions will be reported to the Treatment Court team as part of your progress report. You must have prior permission from the treatment counselor to be excused from a counseling session.

- Support Group Meetings:** You will be required to obtain a support group sponsor. A sponsor is a support group member with significant sobriety who assists you on a personal level with sobriety, personal problems, etc. Ask at meetings for a temporary sponsor. You will also be required to attend support group meetings on a regular basis and to provide verification of attendance to your probation case manager. If you change sponsors, you must tell your treatment counselor and probation case manager immediately.
- Written Assignments:** Participants are to stay current with their daily journals & treatment workbooks, and will bring them in their folders (along with support group meeting verification slips) to all Treatment Court appointments and activities. Participants who fall behind in completing their written treatment assignments may be directed to appear at the treatment center during non-group/non-individual sessions to complete the late assignments.
- Family Involvement:** Participants are to encourage family/significant other involvement in family group and family counseling at the treatment center. There will be at least one required session with a family member or significant other. See your counselor for details.
- Appointments:** Participants are responsible for having an individual counseling appointment scheduled at all times, noted on their calendars and verified with the counselor's calendar. Participants must arrive no later than five minutes prior to the scheduled meeting time. If a participant cannot keep an appointment due to severe illness or unforeseen emergency, the participant must contact the counselor with whom he/she has an appointment, at participant's EARLIEST opportunity, at least two hours in advance. If your missed appointment is unexcused, sanctions will be imposed.
- Active Participation:** Participants are to actively participate in treatment groups and individual counseling sessions, focus on their personal program of recovery, and actively work the Twelve Steps, with the assistance of their sponsor and treatment staff.

You shall NOT bring your cell phone, pager, or other electronic devices into the treatment center when attending group or individual counseling sessions. Appropriate dress is expected at the treatment center at all times.

TUBERCULOSIS AND SEXUALLY TRANSMITTED DISEASE TESTING

As a Treatment Court participant, you are required to submit to a Tuberculosis test at the Franklin County Health Department. You are required to sign a release of medical information in order that the results of that test can be released to the Treatment Court team. You may also choose to be screened for sexually transmitted diseases, including Chlamydia, Syphilis, HIV and Gonorrhea. The results of those tests will NOT be released to the Treatment Court team.

The Treatment Court will pay the cost of all testing. Your probation case manager will provide you with more information regarding the testing.

VIOLATIONS OF LAW

Participants are to immediately report to their probation case manager and counselor any violation of the law, arrests, or other contact with law enforcement officials.

*The Treatment Court team uses the participant handbook as a basis for operation, but may deviate from the rules on a case-by-case basis.

ATTACHMENTS - Franklin County Treatment Court Participant Handbook

- Treatment Court Team Members
- Program Fee Schedule
- Fee Payment Agreement- Drug Court
- Fee Payment Agreement- DWI Court
- Instructions for Payment
- U.A. Testing Daily Call-In Procedure
- Medical Treatment – Notice of Participation
- Authorized Over the Counter Medications
- EtG Exposure Contract
- Continuous Alcohol Monitoring (SCRAM) Policy
- Sanctions and Incentives List
- Life Skills Course
- Consent for Release of Confidential Information
- Acknowledgement of Acceptance

- Participant Contract Post-Plea- Drug Court
- Participant Contract Probation- Drug Court
- Participant Contract Probation-DWI Court
- Confession of Probation Violation
- TB/STD/Hep A&B Screening Process & Health Department Release
- Liaison Committee Information
- Alumni Group Information
- Sample Phase I Calendar

TREATMENT COURT TEAM

Judge Stanley D. Williams Drug Court Judge

Judge Robert D. Schollmeyer Substitute Drug Court Judge

Carey Curran Probation Case Manager

Sherry Huxol Probation Case Manager

✕ Sabrina Watson Treatment-Meramec Recovery Center

✕ Jennifer King Treatment-Bridgeway Counseling Services

Jennifer Bartlett Assistant Prosecuting Attorney

Jason Grellner Law Enforcement Representative

Beth Billington Drug Court Administrator

✕ Eric Dobelman Tracker

Joseph Kapustka Tracker

Mark Reed Tracker

Jennifer Slay Foundations for Franklin County

PARTICIPANT FEE SCHEDULE

January 2013

20th Judicial Circuit Treatment Court Program Franklin County – Drug Court/DWI Court

| | DRUG COURT | DWI COURT |
|---|------------|---|
| Initial Fee (at time of plea) *if probation violator, must pay fee upon notification of acceptance | \$50.00 | \$425.00 *\$50.00 Court Fee *\$375.00 SATOP Fee |

DRUG COURT & DWI COURT

| | | | |
|-----------------------|----------|------|------|
| MONTH 1 | \$50.00 | 2/14 | |
| MONTH 2 | \$50.00 | 3/7 | |
| MONTH 3 | \$50.00 | 4/11 | ? |
| MONTH 4 | \$50.00 | 5/2 | |
| MONTH 5 | \$100.00 | 6 - | p 50 |
| MONTH 6 | \$100.00 | | June |
| MONTH 7 | \$100.00 | | July |
| MONTH 8 | \$100.00 | | Aug |
| MONTH 9 | \$100.00 | | Sep |
| MONTH 10 | \$100.00 | | Oct |
| MONTH 11 - GRADUATION | \$130.00 | Dec | Nov |

PARTICIPANT RESPONSIBILITY

1. Prior to entering your guilty plea, you must pay your initial fee at the Circuit Clerk's Office. You must show your receipt to your attorney and the prosecuting attorney before you will be allowed to enter your guilty plea. (NOTE: if you are entering treatment court as condition of probation/probation violator, you must pay this initial fee upon notification that you are accepted in the program).
2. Once you begin the Treatment Court Program, you will be required to make your fee payment on the first Thursday of the month that you are scheduled to appear in Court.
3. Bring your receipt to Court to show drug court staff at your Court appearance.
4. If you pay with debit or credit card, you MUST show your receipt to the Drug Court Administrator in Court.

CONSEQUENCES OF MISSING THE PAYMENT: You are deemed to have missed a payment if the payment is not received by the Court by the close of business on your Court appearance date.

- If you miss your payment, you will be required to perform 10 hours of community service work. The community service work must be completed within the next calendar month. Other sanctions may be imposed as the team deems appropriate.

CONTINUED DELINQUENCY IN PAYMENTS MAY RESULT IN TERMINATION FROM THE PROGRAM .

DWI COURT FEE PAYMENT AGREEMENT

TREATMENT COURT CASE NUMBER _____

Post Plea/Condition of Probation

I, _____, agree to pay \$425.00 to the Circuit Clerk's Office prior to entering a guilty plea and being placed on probation. I understand that \$375.00 of this fee will pay for my required SATOP program and the balance of \$50.00 will pay my initial DWI Court fee.

Probation Violation

I, _____, agree to pay \$425.00 to the Circuit Clerk's Office within 7 days of being informed of my acceptance in the Program. I understand that \$375.00 of this fee will pay for my required SATOP program and the balance of \$50.00 will pay my initial DWI Court fee.

Defendant Date

Drug Court Administrator/
Probation Officer Date

Monthly Fee Payments

I agree to make fee payments according to the following fee structure:

| | |
|-----------------------------|---------------|
| First 4 Months in Program | \$50.00/month |
| Month 5 through Month 10 | \$100/month |
| Month 11 through Graduation | \$130/month |

The first payment is due on _____
(date payment is due)

All fee payments are due on the first Thursday of the month that you are scheduled to appear in Court.

IF I DO NOT PAY THE REQUIRED AMOUNT AT THE DESIGNATED TIME, I MAY BE TERMINATED FROM THE DWI COURT PROGRAM UPON 15 DAYS NOTICE.

Defendant Date

Drug Court Administrator/
Probation Officer Date

**INSTRUCTIONS FOR MAKING PAYMENTS
AT
THE CIRCUIT CLERK'S OFFICE**

WHO: All Drug Court and DWI Court Participants

WHEN: Payments may be made Monday through Friday from 8:30 a.m. to 4:30 p.m. Your payment due on the first Thursday that you are required to appear in Court.

WHERE: Circuit Clerk's Office
1ST Floor of the Judicial Center
Window labeled Criminal

HOW: You MUST have your Treatment Court Case Number when you make a payment on your fees.

- o Go to one of the windows marked Criminal.
- o Tell the clerk your Treatment Court Case Number.
- o Keep your receipts.
- o Bring your receipt to court and show it to your probation officer and drug court administrator.

PAYMENT WITH DEBIT

AND CREDIT CARD: If you pay with a debit or credit card, you MUST show your receipt to the drug court administrator on your Court appearance date.

PLEASE BE PATIENT AND COURTEOUS TO THE CLERKS.

July 2011

**COURT ALTERNATIVE PROGRAM
20TH Judicial Circuit**

NOTICE OF PARTICIPATION

This is to verify that _____ is currently participating in:
The Court Alternative Program: Drug Court/DWI Court.

As a participant, any use of physician prescribed or over the counter medication is not allowed without the knowledge of the Court AND the monitoring and supervision by the treatment provider and/or probation officer.

The Court requests that you take this into account when prescribing or recommending medication. The undersigned participant and the Court greatly appreciate your consideration of these restrictions as you provide medical or dental treatment to this patient. Please feel free to contact a Drug Court/DWI Court Team-Probation Officer by telephone at 636-583-8933 to discuss any issues related to this patient and supervised treatment.

Signature of Participant

Date

Signature of Drug Court/DWI Court Team Representative

Date

The Court requires that I provide proof that my medical care provider has received these instructions. The Court requests that you sign below to ensure that the participant has fulfilled his/her responsibility to the Court and to the medical care provider by disclosing this information. Thank you for your cooperation.

Attending Medical Care Provider (physician, nurse practitioner, dentist)

Date

| |
|-----------------------------------|
| EYE, EAR & MOUTH CARE |
| Naphcon A |
| Ocuhist |
| Opcon A |
| Vas O Con A |
| Refresh Tears |
| FEMININE PRODUCTS |
| Femstat 3 |
| Gyne Lotrimin 3 |
| Monistat 7 Crème or Suppositories |
| Vagisil Anti Itch Crème |
| Vagistat 1 |
| |
| SKIN CARE |
| Benadryl Itch Stopping Cream |
| Clearasil |
| Cortaid |
| Cortizone |
| Dr. Scholls |
| Ivy Block |
| Lotumin AF |
| Oxy 10 |

| |
|--|
| SMOKING CESSATION |
| Nicorette |
| Nicotrol |
| Nicoderm |
| Committ Lozenges |
| |
| VOMITING & MOTION SICKNESS |
| Bonine |
| Cola |
| Ipecac |
| Actidose with Sorbital |
| Charcoaid |
| Charcoaid 2000 |
| Charcoal Plus DS |
| Charco Caps |
| Liqui Char |
| Dramamine |
| SLEEPS AIDS & STIMULANTS |
| Melatonin – natural sleep aid found in the vitamin section |
| |
| |

FRANKLIN COUNTY TREATMENT COURT PROGRAM

URINE ABSTINENCE TESTING AND INCIDENTAL ALCOHOL EXPOSURE CONTRACT

Recent advances in the science of alcohol detection in urine have greatly increased the ability to detect even trace amounts of alcohol consumption. In addition, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Because these tests are sensitive, in rare circumstances, exposure to non-beverage alcohol sources can result in detectable levels of alcohol (or its breakdown products). In order to preserve the integrity of the Treatment Court testing program, it has become necessary for us to restrict and/or advise Treatment Court participants regarding the use of certain alcohol-containing products.

It is *YOUR* responsibility to limit your exposure to the products and substances detailed below that contain ethyl alcohol. It is *YOUR* responsibility to read product labels, to know what is contained in the products you use and consume and to stop and inspect these products *BEFORE* you use them. *Use of the products detailed below in violation of this contract will NOT be allowed as an excuse for a positive test result. When in doubt, don't use, consume or apply.*

Cough syrups and other liquid medications: Drug Court participants have always been prohibited from using alcohol-containing cough/cold syrups, such as Nyquil[®]. Other cough syrup brands and numerous other liquid medications, rely upon ethyl alcohol as a solvent. Drug Court participants are required to read product labels carefully to determine if they contain ethyl alcohol (ethanol). All prescription and over-the-counter medications should be reviewed with your case manager before use. Information on the composition of prescription medications should be available upon request from your pharmacist. Non-alcohol containing cough and cold remedies are readily available at most pharmacies and major retail stores.

Non-Alcoholic Beer and Wine: Although legally considered non-alcoholic, NA beers (e.g. O'Douls[®], Sharps[®]) do contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed. Drug Court participants are *not* permitted to ingest NA beer or NA wine.

Food and Other Ingestible Products: There are numerous other consumable products that contain ethyl alcohol that could result in a positive test for alcohol. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts (such as Ginko Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked with wine, and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, baked Alaska) must be avoided. Read carefully the labels on any liquid herbal or homeopathic remedy and do not ingest without approval from your case manager.

Mouthwash and Breath Strips: Most mouthwashes (Listermint[®], Cepacol[®], etc.) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test result. Drug Court participants are required to read product labels and educate themselves as to whether a mouthwash product contains ethyl alcohol. Use of ethyl alcohol-containing mouthwashes and breath strips by Drug Court participants is not permitted. Non-alcohol mouthwashes are readily available and are an acceptable alternative. If you have questions about a particular product, bring it in to discuss with your case manager.

Hand sanitizers: Hand sanitizers (e.g. Purell[®], Germex[®], etc.) and other antiseptic gels and foams used to disinfect hands contain up to 70% ethyl alcohol. Excessive, unnecessary or repeated use of these products could result in a positive urine test. Hand washing with soap and water are just as effective for killing germs.

Hygiene Products: Aftershaves and colognes, hair sprays and mousse, astringents, insecticides (bug sprays such as Off[®]) and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol (or its breakdown products) excessive, unnecessary or

repeated use of these products could affect test results. Participants must use such products sparingly to avoid reaching detection levels. Just as the court requires Drug Court participants to regulate their fluid intake to avoid dilute urine samples, it is likewise incumbent upon each participant to limit their use of topically applied (on the skin) products containing ethyl alcohol.

Solvents and Lacquers. Many solvents, lacquers and surface preparation products used in industry, construction, and the home, contain ethyl alcohol. Both excessive inhalation of vapors, and topical exposure to such products, can potentially cause a positive test result for alcohol. As with the products noted above, Drug Court participants must educate themselves as to the ingredients in the products they are using. There are alternatives to nearly any item containing ethyl alcohol. Frequency of use and duration of exposure to such products should be kept to a minimum. A positive test result will not be excused by reference to use of an alcohol-based solvent. If you are in employment where contact with such products cannot be avoided, *you need to discuss this with your Case Manager.* Do not wait for a positive test result to do so.

Remember! When in doubt, don't use, consume or apply.

I HAVE READ AND UNDERSTAND MY RESPONSIBILITIES:

PARTICIPANT

DATE

PROBATION OFFICER

DATE

CONTINUOUS ALCOHOL MONITORING DEVICE Franklin County Treatment Court

A treatment court participant who enters the Treatment Court Program in the DWI Court track will be required to be hooked up on a continuous alcohol monitoring device (CAMD) for a period of time determined by the Team.

A participant entering the program in the Drug Court track may be required to be hooked up on a CAMD if determined to be appropriate by the Team.

A participant on a CAMD may be required to have a telephone landline.

Tampering with the CAMD bracelet is a sanctionable offense. The minimum sanction for tampering with the CAMD bracelet is jail time and ranges to termination from the program.

Tampering with electronic monitoring equipment is a class C felony, as stated in Mo.Rev.Stat. §575.205 and the prosecuting attorney may at his/her discretion charge the participant said offense.

SANCTIONS AND INCENTIVES

Sanctions

- Increased drug testing
- Increased participation in support group meetings
- Increased frequency of court appearances
- Additional community service work hours
- An essay on a particular topic
- Monetary fine
- Residential treatment
- Reduced to previous phase
- A period of time on house arrest
- More restrictive monitoring device
- Incarceration in Franklin County Jail
- Termination from the program

Incentives

- Promotion to next phase of the program
- Your case moved forward in the docket
- Decreased community service requirements
- Less frequent court appearances
- Reduction of treatment court fee
- Gas or restaurant vouchers
- Treatment books
- Graduation from Treatment Court
- Dismissal of charge(s)
- Reduction of probation time
- Sobriety

*This is not a complete list of all sanctions and incentive that may be used in this program.

Life Skills Classes

You may be required to attend a life skills classes during the course of the program. A variety of life skills are covered that may include the following.

HYGIENE

| |
|--------------------|
| Nutrition and Diet |
| Body Hygiene |
| Sleep Hygiene |
| Dental Hygiene |

JOB SEARCH

| |
|---------------|
| Job Search |
| Advertisement |
| Interview |

PERSONAL MANAGEMENT

| |
|----------------------------------|
| Time Management |
| Medical and Personal Information |
| Finance and Budgeting |
| Making Care of Legal Business |

RELATIONSHIPS AND ANGER MANAGEMENT

| |
|------------------|
| Relationships |
| Anger Management |
| Parenting |

20TH JUDICIAL CIRCUIT COURT ALTERNATIVE PROGRAM CONSENT FOR DISCLOSURE/RELEASE OF CONFIDENTIAL SUBSTANCE ABUSE/MENTAL HEALTH INFORMATION

I, _____, understand that information regarding my eligibility for and participation in the Court Alternative Program (CAP) may be shared among any of the following:

- a) The CAP team which includes: the CAP Judge; the CAP administrator; representatives from the Prosecuting Attorney's Office, the Missouri Board of Probation and Parole, Meramec Recovery Center, Bridgeway Behavioral Health, FFC representative, law enforcement representative;
- b) Other contracted treatment centers;
- c) The DWI Court SATOP screener;
- d) Psychologists and therapists who have contracts to provide services to the CAP participants;
- e) Law enforcement officers including all Sheriff's Departments and jail staff of the counties of the 20th Judicial Circuit, municipal police departments within the 20th Judicial Circuit, and CAP trackers;
- f) Other CAP participants and attendees; and
- g) Researchers, both individual and institutional.
- h) Other: _____

I, _____, hereby consent to the above communication. I understand the purpose of, and need for, this disclosure is to inform the Court and all other named groups and parties of my eligibility and/or acceptability for substance abuse treatment services, all my diagnoses (including but not limited to, mental illness, substance abuse, and medical issues), and my treatment attendance, prognosis, compliance and progress in accordance with the Court Alternative Program's monitoring criteria. I understand that the CAP team will receive written reports regarding the type of substance abuse treatment, amount of treatment and monthly cost of my treatment, while I am a participant in CAP. I understand that I will appear regularly in open court with other CAP participants. I understand that docket entries may be made in the Court's file that reflect my referral and disposition of my CAP case and that these docket entries may be public record.

I understand that this consent will remain in effect from the date below until revoked by me.

I also understand:

Any disclosure made is bound by the Code of Federal Regulations, 42 C.F.R. 2.11, 2.12, Section 290dd-2 governing confidentiality of alcohol and drug abuse patient records. Recipients of this information may re-disclose it only in connection with their official duties.

As stated in the Code of Federal Regulations, 42 C.F.R. 2.31, 2.35, as a participant in CAP, I understand I have the right to revoke this release of information at any time. I further understand that revocation of my consent will result in immediate termination from the program.

The confidentiality of alcohol and drug abuse client records maintained by the treatment provider is protected by federal law and regulations. Generally the treatment provider may not say to any person outside of the program that a client attends the program or disclose any information identifying the client as an alcohol or drug abuser unless:

- a) The client consents in writing;
- b) The disclosure is allowed by a court order;
- c) The disclosure is made to medical personnel for research, audit or program evaluation;
- d) In the case of a medical emergency;
- e) If a client commits a crime, or threatens to commit a crime, while enrolled in the treatment program; or
- f) The client expresses suicidal or homicidal intent.

Violation of federal law and regulations by the treatment provider is a crime. Suspected violations may be reported to appropriate authorities in accordance with federal regulations.

Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state laws to appropriate state or local authorities.

Participant

Date

Witness

Date

FRANKLIN COUNTY COURT ALTERNATIVE PROGRAM

ACKNOWLEDGEMENT OF ACCEPTANCE

I, _____, acknowledge that as of this date, _____, 20____, that I have been accepted in the Franklin County Court Alternative Program (DRUG COURT/DWI COURT). I understand that this acceptance requires me to abide by the rules and policies of the Franklin County Court Alternative Program (DRUG COURT/DWI COURT). I further understand that any violation of these rules or policies, including the period of time prior to my court file being transferred to the Court Alternative Program, will result in imposition of appropriate sanctions and that good behavior will be recognized.

Participant Signature

Date

Witness Signature

Date

I have received a copy of the Court Alternative Program Handbook (DRUG COURT/DWI COURT) _____
initials

FRANKLIN COUNTY DRUG COURT
PARTICIPANT CONTRACT

(post-plea)

I agree to enter the Franklin County Drug Court. By doing so I understand that I will have certain obligations and responsibilities. I understand that my case will be transferred to the Drug Court and that I will follow orders given to me by the Judge and all Drug Court Team members. I am giving up my right to a speedy trial during the time that I am in the Drug Court and I must plead guilty to the currently charged offense(s). If I successfully complete the Program, I am entitled to have the criminal charges against me dismissed

PARTICIPANT RESPONSIBILITIES

1. I MUST be **truthful** with the Judge and members of the Drug Court Team.
2. I MUST follow all Program rules and procedures as outlined in the participant handbook.
3. I MUST submit to a drug or alcohol test upon request.
4. I MUST remain drug and alcohol free. I will not have in my possession any alcohol or drugs unless prescribed by a license medical practitioner and with knowledge of the Drug Court Team.
5. I MUST consent at any time for a search of my dwelling, motor vehicle, and person upon request of any law enforcement officer.
6. I MUST follow my treatment plan as directed.
7. **LAWS:** I will obey all the federal and state laws, municipal and county ordinances. I will report any arrest or contact with law enforcement immediately to my probation officer.
8. **TRAVEL:** I will obtain advance permission before leaving the area that I am now living.
9. **RESIDENCY:** I must reside in Franklin County or Gasconade County. I will notify my probation officer immediately of any change of residency or telephone number.
10. **EMPLOYMENT:** I will follow the rules of the Drug Court regarding employment. Upon obtaining employment, I must have permission from my probation officer before quitting employment. In the event of termination from employment, I will notify my probation officer immediately.
11. **ASSOCIATION:** I will obtain advance permission from my probation officer before associating with any person convicted of a felony or misdemeanor, or with any person currently under the supervision of the Board of Probation and Parole.
12. **WEAPONS:** I will not have in my possession any firearms or explosive devices as defined by federal, state or county ordinances.
13. **REPORTING:** I must attend all Court sessions, appointments and other drug court obligations as ordered, including appointments with treatment staff and probation officer.
14. **SUPERVISION STRATEGIES:** I will enter and successfully complete any supervision strategy as directed by the DRUG COURT. The JUDGE may impose sanctions on me, including but not limited to community service, shock incarceration, additional counseling or treatment, and/or increased supervision.
15. **OTHER CONDITIONS:**
 - A) I MUST pay a participant fee as outlined in the Drug Court Participant Manual. A portion of the fee may be waived as an incentive for my progress and successful participation.
 - B) I MUST pay all restitution, court costs and other court fees that I owe.

PARTICIPANT RIGHTS AND BENEFITS

1. While I am in the Drug Court Program, the criminal charge(s) against me will be stayed and sentencing deferred.
2. If I successfully complete the Drug Court Program, I will be allowed to withdraw my guilty plea and the charges will be dismissed. I can never be convicted of those charges.
3. I have the right to consult with my attorney at any time while in the Drug Court Program.
4. If I quit the Drug Court Program, I will be prosecuted on the charge(s) pending against me.
5. Any statement made by me as part of participation in the Drug Court Program, or any report made by the staff of the Program, shall not be admissible as evidence against me in any criminal, juvenile or civil proceeding if I quit or am terminated from the Program.
6. If I quit or am terminated from the Drug Court Program, the sentencing judge may consider my termination or quitting the Program and the reasons for termination or quitting in sentencing or disposition.

Participant Signature

Case Number(s)

Witness Signature

Date

FRANKLIN COUNTY DRUG COURT PROGRAM
PARTICIPANT CONTRACT

(probation)

I agree to enter the Franklin County Drug Court Program: by doing so I understand that I will have certain obligations and responsibilities. I understand my case will be transferred to the Drug Court and I will follow orders given to me by the Judge and all Drug Court Team members. All previously ordered general and special conditions of probation remain in effect. I understand termination from the DRUG COURT PROGRAM may result in the revocation of my current probation.

PARTICIPANT RESPONSIBILITIES

- 1) I MUST be **truthful** with the Judge and members of the Drug Court Team.
- 2) I MUST follow all Program rules and procedures as outlined in the participant handbook.
- 3) I MUST submit to a drug or alcohol test upon request.
- 4) I MUST remain drug and alcohol free. I will not have in my possession any alcohol or drugs unless prescribed by a license medical practitioner and with knowledge of the Drug Court Team.
- 5) I MUST consent at any time for a search of my dwelling, motor vehicle, and person upon request of any law enforcement officer.
- 6) I MUST follow my treatment plan as directed.
- 7) LAWS: I will obey all the federal and state laws, municipal and county ordinances. I will report any arrest or contact with law enforcement immediately to my probation officer.
- 8) TRAVEL: I will obtain advance permission before leaving the area that I am now living.
- 9) RESIDENCY: I must reside in Franklin County or Gasconade County. I will notify my probation officer immediately of any change of residency or telephone number.
- 10) EMPLOYMENT: I will follow the rules of the Drug Court regarding employment. Upon obtaining employment, I must have permission from my probation officer before quitting employment. In the event of termination from employment, I will notify my probation officer immediately.
- 11) ASSOCIATION: I will obtain advance permission from my probation officer before associating with any person convicted of a felony or misdemeanor, or with any person currently under the supervision of the Board of Probation and Parole.
 - 1) WEAPONS: I will not have in my possession any firearms or explosive devices as defined by federal, state or county ordinances.
- 13) REPORTING: I must attend all Court sessions, appointments and other drug court obligations as ordered, including appointments with treatment staff and probation officer.
- 14) SUPERVISION STRATEGIES: I will enter and successfully complete any supervision strategy as directed by the DRUG COURT. The JUDGE may impose sanctions on me, including but not limited to community service, shock incarceration, additional counseling or treatment, and/or increased supervision.
- 15) OTHER CONDITIONS:
 - A) I MUST pay a participant fee as outlined in the Drug Court Participant Manual. A portion of the fee may be waived as an incentive for my progress and successful participation.
 - B) I MUST pay all restitution, court costs and other court fees that I owe.

PARTICIPANT RIGHTS AND BENEFITS

- 1) If I successfully complete the Drug Court Program, the Drug Court probation officer may make a recommendation to the sentencing judge that an early discharge from probation supervision should be considered.
- 2) I have the right to consult with my attorney at any time while I am in the Drug Court Program.
- 3) If I quit the Program, my case will be returned to the sentencing judge for the remainder of my probationary period.
- 4) Any statement made by me as part of participation in the Drug Court Program, or any report made by the staff of the Program, shall not be admissible as evidence against me in any criminal, juvenile or civil proceeding if I quit or am terminated from the Program.
- 5) If I quit or am terminated from the Drug Court Program, the sentencing judge may consider my termination or quitting the Program and the reasons for termination or quitting in sentencing or disposition.

Participant Signature

Case Number(s)

Witness Signature

Date:

FRANKLIN COUNTY DWI COURT PROGRAM
PARTICIPANT CONTRACT

(probation)

I agree to enter the Franklin County DWI Court Program: by doing so I understand that I will have certain obligations and responsibilities. I understand my case will be transferred to the DWI Court and I will follow orders given to me by the Judge and all DWI Court Team members. All previously ordered general and special conditions of probation remain in effect. I understand termination from the DWI COURT PROGRAM may result in the revocation of my current probation.

PARTICIPANT RESPONSIBILITIES

- 1) I MUST be **truthful** with the Judge and members of the DWI Court Team.
- 2) I MUST follow all Program rules and procedures as outlined in the participant handbook.
- 3) I MUST submit to a drug or alcohol test upon request.
- 4) I MUST remain drug and alcohol free. I will not have in my possession any alcohol or drugs unless prescribed by a license medical practitioner and with knowledge of the DWI Court Team.
- 5) I MUST consent at any time for a search of my dwelling, motor vehicle, and person upon request of any law enforcement officer.
- 6) I MUST follow my treatment plan as directed.
- 7) LAWS: I will obey all the federal and state laws, municipal and county ordinances. I will report any arrest or contact with law enforcement immediately to my probation officer.
- 8) TRAVEL: I will obtain advance permission before leaving the area that I am now living.
- 9) RESIDENCY: I must reside in Franklin County or Gasconade County. I will notify my probation officer immediately of any change of residency or telephone number.
- 10) EMPLOYMENT: I will follow the rules of the DWI Court regarding employment. Upon obtaining employment, I must have permission from my probation officer before quitting employment. In the event of termination from employment, I will notify my probation officer immediately.
- 11) ASSOCIATION: I will obtain advance permission from my probation officer before associating with any person convicted of a felony or misdemeanor, or with any person currently under the supervision of the Board of Probation and Parole.
- 12) WEAPONS: I will not have in my possession any firearms or explosive devices as defined by federal, state or county ordinances.
- 13) REPORTING: I must attend all Court sessions, appointments and other DWI court obligations as ordered, including appointments with treatment staff and probation officer.
- 14) SUPERVISION STRATEGIES: I will enter and successfully complete any supervision strategy as directed by the DWI COURT. The JUDGE may impose sanctions on me, including but not limited to community service, shock incarceration, additional counseling or treatment, and/or increased supervision.
- 15) OTHER CONDITIONS:
 - A) I MUST pay a participant fee as outlined in the DWI Court Participant Manual. A portion of the fee may be waived as an incentive for my progress and successful participation.
 - B) I MUST pay all restitution, court costs and other court fees that I owe.

PARTICIPANT RIGHTS AND BENEFITS

- 1) If I successfully complete the DWI Court Program, the DWI Court probation officer may make a recommendation to the sentencing judge that an early discharge from probation supervision should be considered.
- 2) I have the right to consult with my attorney at any time while I am in the DWI Court Program.
- 3) If I quit the Program, my case will be returned to the sentencing judge for the remainder of my probationary period.
- 4) Any statement made by me as part of participation in the DWI Court Program, or any report made by the staff of the Program, shall not be admissible as evidence against me in any criminal, juvenile or civil proceeding if I quit or am terminated from the Program.
- 5) If I quit or am terminated from the DWI Court Program, the sentencing judge may consider my termination or quitting the Program and the reasons for termination or quitting in sentencing or disposition.

Participant Signature

Case Number(s)

Witness Signature

Date:

COURT ALTERNATIVE PROGRAM
Franklin County DWI Court and Drug Court
HEALTH DEPARTMENT SERVICES
TB (TUBERCULOSIS) TESTING
STD (SEXUALLY TRANSMITTED DISEASE) SCREENING PROCESS

- All Court Alternative Program participants ARE REQUIRED to be tested for TB by the Franklin County Health Department.
- You MAY CHOOSE to be screened for STD'S (including testing for Chlamydia, Syphilis, HIV and Gonorrhea).
- These tests and the vaccination will be paid for by the Court Alternative Program.
- The results of the TB test will be released to the Drug Court/DWI Court team.
- The results of the STD Screening will not.
- The only information released to the Drug Court/DWI Court Team regarding the STD test is that you had a test. This information is for billing purposes only.

What you need to do:

You need to make an appointment at the Franklin County Health Department by calling 636-583-7300.

-
- Tell them that you need a TB Test and that you are with Drug Court or DWI Court. Your appointment needs to be on a Monday or a Tuesday so that you can have the TB test read within the same week.
 - If you want to have a STD screening, you will need to let them know.
 - A release of information form is attached and needs to be taken to the Health Department when you go for testing. The nurse will write the results of the TB test on the form and you will then return it to your probation officer.
 - If you miss having your TB test read and have to repeat it, you will be required to pay the \$10.00 fee to have the test done again.

IF YOU HAVE ANY QUESTIONS, ASK YOUR PROBATION OFFICER OR THE DRUG COURT ADMINISTRATOR.

**Franklin County Drug Court/DWI Court
MEDICAL INFORMATION RELEASE AUTHORIZATION**

| | | | | |
|--|--|------------------------|---------|--------|
| PARTICIPANT NAME | | SOCIAL SECURITY NUMBER | | |
| <p>I AM AWARE that I am required to submit to Tuberculosis (TB) testing pursuant to Drug Court/DWI Court program policy and that the results of my test will be made available to the Drug Court/DWI Court Team.</p> <p>I AM AWARE that I may choose to submit to STD screening. The results of those tests will not be disclosed to the Drug Court/DWI Court Team. However, for billing purposes the Franklin County Health Department will disclose to the Drug Court/DWI Court Team information whether STD tests were given or not given.</p> <p>I AM AWARE that the Drug Court/DWI Court will pay for the TB testing and STD screening.</p> | | | | |
| <p>BY THIS DOCUMENT, I authorize the Franklin County Health Department to disclose the results of my tuberculosis testing to the Drug Court/DWI Court Team AND to disclose to the Drug Court/DWI Court Team whether or not STD screenings were given or not given.</p> <p>The consequences of signing this authorization document and the consequences of refusing to sign this authorization document have been explained to me.</p> | | | | |
| PARTICIPANT SIGNATURE | | DATE | | |
| PROBATION STAFF WITNESS SIGNATURE | | DATE | | |
| TUBERBULOIS TEST INFORMATION | | | | |
| Date Given | Given By | Date Read | Read By | Result |
| | | | | |
| STD TEST INFORMATION | | | | |
| Test Given | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| <p>PURSUANT TO PAYMENT AGREEMENT SEND PAYMENT INVOICE TO:</p> <p>Franklin County Treatment Court 401 E. Main St., #100C Union, MO 63084</p> | | | | |

COURT ALTERNATIVE PROGRAM LIAISON COMMITTEE OPERATIONS

- Purpose:** To promote open communication between the Drug Court/DWI Court Team and participants, allowing the participants to have a voice in the process.
- Format:** The committee meeting will be conducted in an open forum format. Participant committee members and the Drug Court/DWI Court Team may discuss problems, make suggestions, and give feedback regarding the Drug Court/DWI Court Program.
- Meetings:** The committee will meet quarterly. Special meetings may also be called upon request of two participant committee members or a Drug Court/DWI Court Team member. Meetings will be held at times and on dates as determined by Team and Committee.
- Committee:** The committee will consist of five members: one graduate, two current Phase 3 participants, and two current Phase 2 participants.
-
- Term:** Each committee member will continue to serve as long as he/she is in good standing in the Drug Court/DWI Court Program.
- Member Duties:** A committee member is expected to communicate with the other Drug Court/DWI Court participants and bring their questions and concerns to the committee meetings.
- Committee Member Requirements:** In order to be a committee member, a participant must be 60 days clean and in compliance with the Drug Court/DWI Court rules, policies and treatment requirements.
- Dismissal from Committee:** If during a term of committee service, a participant uses drugs or alcohol, he/she will be dismissed from the committee. A committee member may also be dismissed for other violations of Drug Court/DWI Court rules and policies.
- Application:** To apply, a participant must write a ½ page paper describing how he/she will be an asset to the committee. The paper shall be submitted to the Drug Court/DWI Court Team for review.
- Selection:** All papers submitted will be reviewed by the Drug Court/DWI Court Team. The team will appoint members to the committee based on the content of the paper, performance in the drug court program and compliance with the committee member requirements.

ALUMNI GROUP

MOTTO: Rebuilding Lives, Serving the Community.

Participants will attend monthly meetings and participate in activities and fundraising events held by the Franklin County Drug/DWI Court Alumni Association. The association is designed to support and encourage participation in participant's recovery. It is also designed to provide a venue for participants to give back to the community which has allowed them the opportunity for a second chance.

MERAMEC RECOVERY CENTER **CALL IN EVERYDAY FOR UA TESTING COLOR 636-432-1333: DROP AT GATEWAY DRUG SCREENING
 MUST ATTEND 3 GROUP SESSIONS EACH WEEK

September 2012 PHASE 1

| Sun | Mon | Tue | Wed | Thur | Fri | Sat |
|----------------------------|---|---------------|-----------------------------------|------------------------------------|-----|-----|
| REMEMBER YOUR FEE PAYMENTS | **IF YOU ARE UNEMPLOYED, YOU MUST GO TO GROUP ON WED AM | | | | | 1 |
| 2 | 3 LABOR DAY | 4 MRC 6PM | 5 PROBATION OFFICE MRC 9AM | 6 DRUG COURT 2:30PM MRC 6PM | 7 | 8 |
| 9 | 10 PROBATION OFFICE MRC 6PM | 11 MRC 6PM | 12 PROBATION OFFICE MRC 9AM | 13 DRUG COURT 2:30PM MRC 6PM | 14 | 15 |
| 16 | 17 PROBATION OFFICE MRC 6PM | 18 MRC 6PM | 19 PROBATION OFFICE MRC 9AM | 20 DRUG COURT 2:30PM MRC 6PM | 21 | 22 |
| 23 | 24 PROBATION OFFICE MRC 6PM | 25 MRC 6PM | 26 PROBATION OFFICE MRC 9AM | 27 DRUG COURT 2:30PM MRC 6PM | 28 | 29 |
| 30 | | | | | | |

Certificate of Achievement

AWARDED TO:

Kim Streetman

FOR SUCCESSFULLY COMPLETING PHASE 1 OF
TREATMENT COURT AND ADVANCING TO PHASE 2.

5/2/13
Date



Judge

TEACHER
EXHIBIT

6

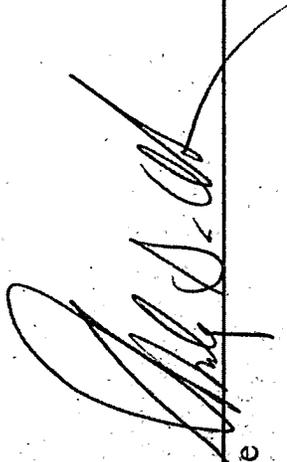
Certificate of Achievement

AWARDED TO:

Kimberlie Straatmann

FOR SUCCESSFULLY COMPLETING PHASE 2 OF
TREATMENT COURT AND ADVANCING TO PHASE 3.

9/12/13
Date


Judge

TEACHER
EXHIBIT
H



DESE - Certificate Status

DESE

- ▶ Profile
- ▶ Payments
- ▶ DESE Work Log
- ▶ Evaluation Entry
- ▶ Dist./Inst. Work Log
- ▶ Fingerprint Entry
- ▶ Fingerprint Mass Entry
- ▶ **Certificate Status**
- ▶ Application Status
- ▶ Approved Programs
- ▶ Discipline
- ▶ Education
- ▶ Occupational Exp.
- ▼ Reports
 - ▶ Reports Menu
 - ▶ Reports Viewer
- ▼ New Applications
 - ▶ Substitute
 - ▶ Initial Professional
 - ▶ Administrator
 - ▶ Student Services
 - ▶ Additional
 - ▶ Speech Language Path
 - ▶ AEL
 - ▶ ABCTE
 - ▶ Reactivation Cert.
 - ▶ Non-MO Graduate
 - ▶ TAC Certificate
 - ▶ Upgrade AEL Cert
 - ▶ Upgrade Vocational (Career Ed)
 - ▶ Upgrade Professional
 - ▶ Provisional Cert
 - ▶ Extension Cert
 - ▶ Adult Education Supervisor
 - ▶ Career Education Counselor
 - ▶ Career Services Coordinator
- ▶ Sub Cert. Log
- ▶ Non-Public PD Reporting
- ▶ Search Sub Certs
- ▶ Administration
- ▶ Appl CC Receipt
- ▶ Payment Process
- ▶ Web Application Menu
- ▶ Help/Questions
- ▶ Logon/Logoff

▶ Selection Criteria

Educator ID: 282663 Social Security Number: XXXXXXXXXX
 Name: KIMBERLIE M KENNEDY
 Address: 2119 HICKORY RIDGE ROAD
 City: UNION State: MO Zip: 63084-0000
 Personal Phone: (314) 698 - 8315
 Work Phone: () - -
 Email Address: KSTRAATMANN@FERGFLOR.ORG

[Edit Contact Information](#)

5 record(s)

| Certification | | | | | | |
|--------------------------|----------------|----------------|-----------------|---------------------|--------|------------|
| Subject Area/Grade Level | Classification | Effective Date | Expiration Date | Analysis Indicator | Status | Evaluation |
| ELEMENTARY ED 1-8 | CAREER CPC | 09/17/2004 | 09/17/2103 | COLLEGE RECOMMENDED | ISSUED | |
| LANGUAGE ARTS 4-8 | CAREER CPC | 09/17/2004 | 09/17/2103 | COLLEGE RECOMMENDED | ISSUED | |
| MATHEMATICS 4-8 | CAREER CPC | 09/17/2004 | 09/17/2103 | COLLEGE RECOMMENDED | ISSUED | |
| SOCIAL STUDIES 4-8 | CAREER CPC | 09/17/2004 | 09/17/2103 | COLLEGE RECOMMENDED | ISSUED | |
| MATHEMATICS 5-9 | CAREER CPC | 09/17/2004 | 09/17/2103 | TEST ENDORSEMENT | ISSUED | |

▼ Evaluations

1 record(s)

| Evaluation | | | |
|--------------------------|-----------------|--------------------------------|----------------------|
| Subject Area/Grade Level | Evaluation Date | Status | Evaluation |
| MATHEMATICS 9-12 | 05/14/2002 | Not Eligible - Deficient Hours | View |

DESE
Educator

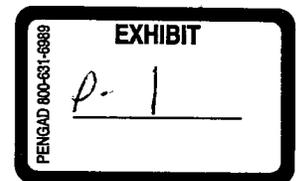
Email: certification@dese.mo.gov

Current User: ALEE Last Modified User: CONVERSION_05312011 Last Modified Date: 5/28/2011 7:04:03 PM

"Missouri public schools: the best choice...the best results!"

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Ver. 1.27.2133



Year: 2006
 096-089 FERGUSON-FLORISSANT R-II Class/Org: A - K624 Supv: BERREY Dist Yrs Exp: 16 Degree: MAST

| Schl | Pos | FTE | CTE | Asgn Course | No/Name | Seq | Gr | Pr | DS | S | Min | Crdt | Enr | AC | AC MSG | HQ | HQ MSG | Lt | Sirt | Erly | Erly End | |
|------|-----|-----|-----|-------------|------------------|-----|----|----|----|-----|------|------|-----|----|--------|----|--------|----|------|------|----------|--|
| 1070 | 60 | 1 | | 2 | 115810 ALGEBRA | 0 | 09 | | 1 | 255 | 0.01 | 23 | Y | | | P | | | | | | |
| | | | | 4 | 115810 ALGEBRA | 0 | 09 | | 1 | 255 | 0.01 | 1 | Y | | | P | | | | | | |
| | | | | 9 | 115810 ALGEBRA | 0 | 09 | | 1 | 255 | 0.01 | 31 | Y | | | P | | | | | | |
| | | | | 1 | 990000 PLAN TIME | 0 | | | 0 | 275 | 0 | 0 | | | | | | | | | | |
| | | | | 6 | 115810 ALGEBRA | 0 | 09 | | 2 | 255 | 0.01 | 34 | Y | | | P | | | | | | |
| | | | | 7 | 115810 ALGEBRA | 0 | 09 | | 1 | 255 | 0.01 | 31 | Y | | | P | | | | | | |
| | | | | 11 | 115810 ALGEBRA | 0 | 09 | | 1 | 255 | 0.01 | 28 | Y | | | P | | | | | | |
| | | | | 12 | 115810 ALGEBRA | 0 | 09 | | 2 | 255 | 0.01 | 32 | Y | | | P | | | | | | |
| | | | | 8 | 115810 ALGEBRA | 0 | 09 | | 2 | 255 | 0.01 | 32 | Y | | | P | | | | | | |
| | | | | 5 | 115810 ALGEBRA | 0 | 09 | | 1 | 255 | 0.01 | 27 | Y | | | P | | | | | | |
| | | | | 3 | 115810 ALGEBRA | 0 | 09 | | 2 | 255 | 0.01 | 1 | Y | | | P | | | | | | |
| | | | | 10 | 115810 ALGEBRA | 0 | 09 | | 2 | 255 | 0.01 | 35 | Y | | | P | | | | | | |

Year: 2007

096-089 FERGUSON-FLORISSANT R-II Class/Org: A - K624 Supv: TAYLOR Dist Yrs Exp: 17 Degree: MAST

| Schl | Pos | FTE | CTE | Asgn Course | No/Name | Seq | Gr | Pr | DS | S | Min | Crdt | Enr | AC | AC MSG | HQ | HQ MSG | Lt | Sirt | Erly | Erly End | |
|------|-----|-----|-----|-------------|------------------|-----|----|----|----|-----|------|------|-----|----|--------|----|--------|----|------|------|----------|--|
| 1070 | 60 | 1 | | 12 | 990099 ADV/HMRM | 0 | 13 | | 0 | 100 | 0 | 20 | Y | | | | | | | | | |
| | | | | 5 | 115810 ALGEBRA | 0 | 09 | | 1 | 290 | 0.01 | 21 | Y | | | P | | | | | | |
| | | | | 6 | 115810 ALGEBRA | 0 | 09 | | 2 | 290 | 0.01 | 24 | Y | | | P | | | | | | |
| | | | | 11 | 990000 PLAN TIME | 0 | | | 0 | 275 | 0 | 0 | | | | | | | | | | |
| | | | | 8 | 115810 ALGEBRA | 0 | 09 | | 2 | 290 | 0.01 | 24 | Y | | | P | | | | | | |
| | | | | 9 | 115810 ALGEBRA | 0 | 09 | | 2 | 290 | 0.01 | 24 | Y | | | P | | | | | | |
| | | | | 3 | 115810 ALGEBRA | 0 | 09 | | 1 | 290 | 0.01 | 23 | Y | | | P | | | | | | |
| | | | | 4 | 115810 ALGEBRA | 0 | 09 | | 1 | 290 | 0.01 | 22 | Y | | | P | | | | | | |
| | | | | 7 | 115810 ALGEBRA | 0 | 09 | | 2 | 290 | 0.01 | 25 | Y | | | P | | | | | | |
| | | | | 10 | 115810 ALGEBRA | 0 | 09 | | 2 | 290 | 0.01 | 27 | Y | | | P | | | | | | |
| | | | | 2 | 115810 ALGEBRA | 0 | 09 | | 1 | 290 | 0.01 | 22 | Y | | | P | | | | | | |
| | | | | 1 | 115810 ALGEBRA | 0 | 09 | | 1 | 290 | 0.01 | 21 | Y | | | P | | | | | | |

Year: 2008

096-089 FERGUSON-FLORISSANT R-II Class/Org: A - K624 Supv: TAYLOR Dist Yrs Exp: 18 Degree: MAST

| Schl | Pos | FTE | CTE | Asgn Course | No/Name | Seq | Gr | Pr | DS | S | Min | Crdt | Enr | AC | AC MSG | HQ | HQ MSG | Lt | Sirt | Erly | Erly End |
|------|-----|-----|-----|-------------|---------|-----|----|----|----|---|-----|------|-----|----|--------|----|--------|----|------|------|----------|
|------|-----|-----|-----|-------------|---------|-----|----|----|----|---|-----|------|-----|----|--------|----|--------|----|------|------|----------|

REPORTING PERIOD: 8/12/2013
 RUN DATE: 8/12/2013
 RUN TIME: 2:48:03 PM

KENNEDY-SCHAFFER, KIMBERLIE
 8/11/2013

| Schl | Pos | FTE | CTE | Asgn | Course | No/Name | Seq | Gr | Pr | DS | S | Min | Crdt | Enr | AC | AC MSG | HQ | HQ MSG | Lt Sirt | Erly End |
|------|-----|-----|-----|------|--------|-----------|-----|----|----|----|-----|------|------|-----|----|--------|----|--------|---------|----------|
| 1070 | 60 | 1 | | 1 | 115810 | ALGEBRA | 1 | 09 | | 1 | 243 | 0.01 | 29 | Y | | | | | | P |
| | | 3 | | 1 | 115830 | GEOMETRY | 1 | 09 | | 1 | 243 | 0.01 | 21 | Y | | | | | | P |
| | | 6 | | 1 | 115810 | ALGEBRA | 1 | 09 | | 2 | 243 | 0.01 | 31 | Y | | | | | | P |
| | | 10 | | 1 | 115830 | GEOMETRY | 1 | 09 | | 2 | 243 | 0.01 | 26 | Y | | | | | | P |
| | | 2 | | 1 | 115810 | ALGEBRA | 1 | 09 | | 1 | 243 | 0.01 | 30 | Y | | | | | | P |
| | | 7 | | 1 | 115810 | ALGEBRA | 1 | 09 | | 2 | 243 | 0.01 | 25 | Y | | | | | | P |
| | | 5 | | 1 | 115830 | GEOMETRY | 1 | 09 | | 1 | 243 | 0.01 | 27 | Y | | | | | | P |
| | | 4 | | 1 | 115830 | GEOMETRY | 1 | 09 | | 1 | 243 | 0.01 | 25 | Y | | | | | | P |
| | | 11 | | 0 | 990000 | PLAN TIME | 0 | | | 0 | 303 | 0 | 0 | | | | | | | |
| | | 12 | | 0 | 990099 | ADV/HMRM | 0 | 13 | | 0 | 268 | 0 | 0 | Y | | | | | | |
| | | 9 | | 1 | 115830 | GEOMETRY | 1 | 09 | | 2 | 243 | 0.01 | 21 | Y | | | | | | P |
| | | 8 | | 1 | 115830 | GEOMETRY | 1 | 09 | | 2 | 243 | 0.01 | 25 | Y | | | | | | P |

Year: 2009

Supv: TAYLOR

096-089 FERGUSON-FLORISSANT R-II Class/Org: A - K624 Dist Yrs Exp: 19 Degree: MAST

| Schl | Pos | FTE | CTE | Asgn | Course | No/Name | Seq | Gr | Pr | DS | S | Min | Crdt | Enr | AC | AC MSG | HQ | HQ MSG | Lt Sirt | Erly End |
|------|-----|-----|-----|------|--------|-----------|-----|----|----|----|-----|------|------|-----|----|--------|----|--------|---------|----------|
| 1070 | 60 | 1 | | 11 | 990000 | PLAN TIME | 0 | | | 0 | 250 | 0 | 0 | | | | | | | |
| | | 4 | | 1 | 115810 | ALGEBRA | 2 | 09 | | 2 | 243 | 0.01 | 21 | Y | | | | | | P |
| | | 2 | | 1 | 115830 | GEOMETRY | 2 | 09 | | 2 | 243 | 0.01 | 21 | Y | | | | | | P |
| | | 1 | | 1 | 115830 | GEOMETRY | 1 | 09 | | 1 | 243 | 0.01 | 24 | Y | | | | | | P |
| | | 3 | | 1 | 115810 | ALGEBRA | 1 | 09 | | 1 | 243 | 0.01 | 24 | Y | | | | | | P |
| | | 6 | | 1 | 115810 | ALGEBRA | 2 | 09 | | 2 | 243 | 0.01 | 22 | Y | | | | | | P |
| | | 10 | | 1 | 115810 | ALGEBRA | 2 | 09 | | 2 | 243 | 0.01 | 11 | Y | | | | | | P |
| | | 5 | | 1 | 115810 | ALGEBRA | 1 | 09 | | 1 | 243 | 0.01 | 12 | Y | | | | | | P |
| | | 8 | | 1 | 115830 | GEOMETRY | 2 | 09 | | 2 | 243 | 0.01 | 25 | Y | | | | | | P |
| | | 9 | | 1 | 115810 | ALGEBRA | 1 | 09 | | 1 | 243 | 0.01 | 13 | Y | | | | | | P |
| | | 7 | | 1 | 115830 | GEOMETRY | 1 | 09 | | 1 | 243 | 0.01 | 22 | Y | | | | | | P |

Year: 2010

Supv: TAYLOR

096-089 FERGUSON-FLORISSANT R-II Class/Org: A - K624 Dist Yrs Exp: 20 Degree: MAST

| Schl | Pos | FTE | CTE | Asgn | Course | No/Name | Seq | Gr | Pr | DS | S | Min | Crdt | Enr | AC | AC MSG | HQ | HQ MSG | Lt Sirt | Erly End |
|------|-----|-----|-----|------|--------|----------|-----|----|----|----|-----|------|------|-----|----|--------|----|--------|---------|----------|
| 1070 | 60 | 1 | | 4 | 115830 | GEOMETRY | 0 | 09 | | 2 | 270 | 0.01 | 24 | Y | | | | | | P |
| | | | | 7 | 115830 | GEOMETRY | 0 | 09 | | 1 | 270 | 0.01 | 29 | Y | | | | | | P |
| | | | | 6 | 115830 | GEOMETRY | 0 | 09 | | 2 | 270 | 0.01 | 27 | Y | | | | | | P |
| | | | | 5 | 115830 | GEOMETRY | 0 | 09 | | 1 | 270 | 0.01 | 24 | Y | | | | | | P |

REPORTING HQ01
 RUN DATE: 8/12/2013
 RUN TIME: 2:48:03 PM

| Course | 990000 | PLAN TIME | 0 | 0 | 283 | 0 | 0 |
|--------------------------------------|--------|-----------|-----------|---|-----|-----|-----|
| Course Comment: HIGH TEACH CLASSROOM | 7 | 990000 | PLAN TIME | 0 | 0 | 283 | 0 |
| Course Comment: HIGH TEACH CLASSROOM | 1 | 994210 | AT RISK | 0 | 13 | 1 | 283 |
| Course Comment: HIGH TEACH CLASSROOM | 2 | 115810 | ALGEBRA | 1 | 09 | 0 | 283 |
| Course Comment: HIGH TEACH CLASSROOM | 6 | 115830 | GEOMETRY | 0 | 09 | 0 | 283 |
| Course Comment: HIGH TEACH CLASSROOM | 5 | 115830 | GEOMETRY | 2 | 09 | 0 | 283 |

Suprv: CLANCY, MAUREEN &

096-089 FERGUSON-FLORISSANT R-II Class/Org: A - K624 Dist Yrs Exp: 23 Degree: MAST

| Schl | Pos | FTE | CTE | Asgn | Course | No/Name | Seq | Gr | Pr | DS | S | Min | Crdt | Enr | AC | AC MSG | HQ | HQ MSG | Lt | Sirt | Early | End | |
|----------------------------------|-----|-----|-----|------|--------|-------------|-----|----|----|----|-----|------|------|-----|----|--------|----|--------|----|------|-------|-----|--|
| 1070 | 60 | 1 | | 1 | 115810 | ALGEBRA | 1 | 09 | | 0 | 283 | 0.01 | 0.01 | 16 | Y | | P | | | | | | |
| Course Comment: ALGEBRA IB-1 | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 2 | 115810 | ALGEBRA | 1 | 09 | | 0 | 283 | 0.01 | 0.01 | 16 | Y | | P | | | | | | |
| Course Comment: ALGEBRA IB-1 | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 3 | 115810 | ALGEBRA | 1 | 09 | | 0 | 283 | 0.01 | 0.01 | 16 | Y | | P | | | | | | |
| Course Comment: ALGEBRA IB-1 | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 4 | 115810 | ALGEBRA | 1 | 09 | | 0 | 283 | 0.01 | 0.01 | 25 | Y | | P | | | | | | |
| Course Comment: ALGEBRA IB-1 | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 5 | 115810 | ALGEBRA | 1 | 09 | | 1 | 283 | 0.01 | 0.01 | 14 | Y | | P | | | | | | |
| Course Comment: ALG IA-2 OT | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 6 | 115810 | ALG IA-2 OT | 1 | 09 | | 2 | 283 | 0.01 | 0.01 | 30 | Y | | P | | | | | | |
| Course Comment: ALG IA-2 OT | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 7 | 115830 | GEOMETRY | 2 | 09 | | 2 | 283 | 0.01 | 0.01 | 9 | Y | | P | | | | | | |
| Course Comment: GEOMETRY-SM1 | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 8 | 880000 | SUPPL ASN | 0 | | | 1 | 283 | 0 | 0 | 0 | Y | | | | | | | | |
| Course Comment: ADMIN 11TH | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 9 | 990000 | PLAN TIME | 0 | | | 0 | 283 | 0 | 0 | 0 | | | | | | | | | |
| Course Comment: PREP PERIOD | | | | | | | | | | | | | | | | | | | | | | | |
| CA Comment: HIGH TEACH CLASSROOM | | | | | | | | | | | | | | | | | | | | | | | |
| ED Comment: HIGH TEACH CLASSROOM | | | | | | | | | | | | | | | | | | | | | | | |

12AB-CR01453 ST V KIMBERLIE M STRAATMANN Security Level: 1 Public

Case Type: CC Felony **Case Filing Date:** 23-May-2012
Status: Judgment CVC Entered
Disposition: Guilty Plea **Disposition Date:** 22-Jan-2013
OCN#: 99749662
Arresting Agency: MOMHPCC00

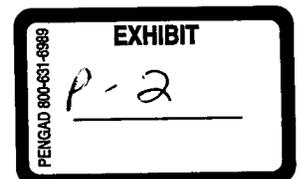
Release/Status Reason
Change Date

Judge STANLEY DALE WILLIAMS (31801)
Judge I. I. LAMKE (28266) 03-Feb-2013 Judge Transferred/Reassigned
Defendant **KIMBERLIE M STRAATMANN (STRKM0735)**
Attorney for Defendant MATTHEW SCHROEDER(45154)
Assistant Prosecuting Attorney STEPHAN MATTHEW LAWHORN (57466)

Current Bond: Bond Refunded 22-Mar-2013

| | Charge # | Charge Date | Charge Code | Charge Description |
|--|----------|----------------------|-------------------|---|
| Original Charge: | 1 | 01-Nov-2011 | 4741800 | Dwi - Alchol - Aggravated Offender (Felony C RSMo : 577.010) |
| | | Ticket No: 091337635 | | |
| Disposition: | | 22-Jan-2013 | | Guilty Plea |
| Order Date: | | 22-Jan-2013 | | |
| Length: | | | | 5 Years |
| Text: | | | | 5 YRS DOC, SES, 5 YRS SUP PROB |
| EXECUTION OF SENTENCE SUSPENDED | | | | |
| Original Charge: | 2 | 01-Nov-2011 | 5601500 | Exceeded Posted Speed Limit (Exceeded By 11 - 15 Mph) (Misdemeanor C RSMo : 304.010) |
| | | Ticket No: 091337636 | | |
| Disposition: | | 24-Jan-2013 | | Dismissed by Prosec/Nolle Pros |
| Program: | | | | PROBATION |
| | | | | Agency: MISSOURI BOARD OF PROBATION & PAROLE |
| Associated To: | | | | Charge 1 |
| Classification: | | | | SUPERVISED |
| Start Date: | | 22-Jan-2013 | | |
| | | | Due to End | 22-Jan-2018 |

| <u>Filing Date</u> | <u>Description</u> |
|--------------------|--|
| 08-Nov-2011 | Entry of Appearance Filed Filed By: KIMBERLIE M STRAATMANN |
| | Motion for Discovery Filed By: MATTHEW SCHROEDER |
| 23-May-2012 | Judge Assigned |



Case continued from previous page.

12AB-CR01453 ST V KIMBERLIE M STRAATMANN Security Level: 1 Public

23-May-2012 **Grand Jury Indictment Filed**
IN OPEN COURT THE GRAND JURY, BY ITS FOREMAN, RETURNS A TRUE BILL CHARGING DEFENDANT WITH THE LISTED COUNT(S). TRUE BILL ACCEPTED AND ORDERED FILED. A WARRANT IS ORDERED ISSUED AND IS SUPPRESSED PENDING ARREST OF DEFENDANT.

Bond Set

25-May-2012 **Warrant Issued**
Document ID: 12-ABARW-1197, for STRAATMANN, KIMBERLIE M. , Bond Amount: 25,000.00, Bond Text: SPECIAL CONDITIONS: SEE ATTACHED
Service/Attempt Date: 18-Nov-2012
Bond Amount: 25,000.00; **Bond Text:** SPECIAL CONDITIONS: SEE ATTACHED

18-Nov-2012 **Order**
JUDGE HOVEN, ACTING FOR JUDGE LAMKE, REDUCES THE BOND TO \$10,000.00 WITH TEN PERCENT (10%) APPROVED, SUBJECT TO ALL OTHER CONDITIONS OF ORIGINAL BOND. DEFENDANT SHALL HAVE SCRAM DEVICE INSTALLED WITHIN 15 DAYS OF HER RELEASE FROM CUSTODY. SO ORDERED, DLH FOR IIL/JB

21-Nov-2012 **Grand Jury Indict Warnt Served**
Document ID - 12-ABARW-1197; Served To - STRAATMANN, KIMBERLIE M; Server - SO FRANKLIN COUNTY-UNION; Served Date - 18-NOV-12; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served

26-Nov-2012 **Arraignment Scheduled**
Scheduled For: 22-Jan-2013; 10:00 AM; I. I. LAMKE; **Setting:** 0; Franklin County
ARR/BOND RETURN

Bond-Cash Bond Posted Full Amt
Bond ID: 12ABBND1066; **Amount Posted:** \$1,000.00; **Posted By:** STRAATMANN, KIMBERLIE M

Bond-Cash Bond Posted Full Amt

28-Nov-2012 **Entry of Appearance Filed**
Filed By: MATTHEW SCHROEDER

Motion for Discovery
Filed By: MATTHEW SCHROEDER

Request Filed
REQUEST FOR RECOMMENDATION FILED. JB
Filed By: MATTHEW SCHROEDER

22-Jan-2013 **Hearing Held**
Scheduled For: 22-Jan-2013; 10:00 AM; I. I. LAMKE; **Setting:** 0; Franklin County
ARR/BOND RETURN

Waiver of Formal Arraignment
ALL

Guilty Plea
DEFENDANT APPEARS IN PERSON AND W/ATTY SCHROEDER. STATE BY APA LAWHORN. DEFENDANT PLEADS GUILTY TO COUNT I. DEFENDANT ADVISED OF RIGHTS. PLEA IS FOUND TO BE KNOWING, INTELLIGENT, VOLUNTARY AND IS ACCEPTED. DEFENDANT IS FOUND GUILTY ON COUNT I. AGGRAVATED OFFENDER PROVEN. SAR WAIVED. IIL/JB

Sent Assessment Report Waived

IN THE CIRCUIT COURT OF FRANKLIN COUNTY
STATE OF MISSOURI

FILED
JAN 24 2013
BILL D. MILLER, Circuit Clerk
FRANKLIN COUNTY MISSOURI
By _____ D.C.

STATE OF MISSOURI,)
Plaintiff,) Cause No. 12AB-CR01453
) (Count II)
VS) Division No. II
) Judge: Lamke
Kimberlie M. Straatmann)
Defendant.)

ORDER OF NOLLE PROSEQUI

COMES NOW Stephan M. Lawhorn, Assistant Prosecuting Attorney, within and for the County of Franklin, State of Missouri, and enters an order of nolle prosequi on Count II in the above styled cause.

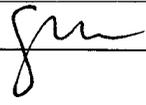
Respectfully submitted,



Stephan M. Lawhorn- 57466
Assistant Prosecuting Attorney
County of Franklin
Union, Missouri 63084

PROOF OF SERVICE

This is to certify that a copy of the above and foregoing was mailed postage prepaid on this 012413, to Matthew Schroeder, attorney for defendant, at 80 North Oak Street, Union, MO 63084.





IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY MISSOURI

| | | | |
|---|--|--|--|
| Judge or Division : I. I LAMKE (28266) DIV2 | | Case Number : 12AB-CR01453 <input type="checkbox"/> Change of Venue from | |
| | | Offense Cycle No : 99749662 | |
| State Of Missouri Defendant: KIMBERLIE M STRAATMANN (STRKM0735) 2119 HICKORY RIDGE RD UNION, MO 63084 | | vs. Assistant Prosecuting Attorney/MO Bar No: STEPHAN MATTHEW LAWHORN (57466) Defense Attorney/MO Bar No : MATTHEW SCHROEDER (45154) | |
| DOB : 08-Jul-1967 SSN : [REDACTED] | | | |
| SEX : F | | | |
| Pre-Sentence Assessment Report Waived | | Appeal Bond Set Date : Amount : | |
| Judgment | | | |

| | Charge # | Charge Date | Charge Code | Charge Description |
|--|--------------------------------|-------------|--------------------------|--|
| Original Charge: | 1 | 01-Nov-2011 | 4741800 | Dwi - Alcohol - Aggravated Offender (Felony C RSMo: 577.010) |
| Disposition: | 22-Jan-2013 | | Guilty Plea | |
| Order Date: | 22-Jan-2013 | | Sentence or SIS : | Incarceration DOC |
| Length : | 5 Years | | Start Date : | 22-Jan-2013 |
| Text : | 5 YRS DOC, SES, 5 YRS SUP PROB | | | |
| EXECUTION OF SENTENCE SUSPENDED | | | | |

| | Charge # | Charge Date | Charge Code | Charge Description |
|-------------------------|-------------|-------------|--------------------------------|---|
| Original Charge: | 2 | 01-Nov-2011 | 5601500 | Exceeded Posted Speed Limit (Exceeded By 11 - 15 Mph) (Misdemeanor C RSMo: 304.010) |
| Disposition: | 24-Jan-2013 | | Dismissed by Prosec/Nolle Pros | |
| Program : | PROBATION | | Agency : | MISSOURI BOARD OF PROBATION & PAROLE |
| Classification : | SUPERVISED | | | |
| Associated To : | Charge 1 | | | |
| Start Date : | 22-Jan-2013 | | Due to End : | 22-Jan-2018 |

The defendant has been found beyond a reasonable doubt to be a: **Aggravated Offender (577.023 RSMo).**

The court informed the defendant of verdict/finding, asks the defendant whether (s)he has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the court.

The Court orders:

That Judgment entered in favor of the State of Missouri and against the defendant for the sum of **\$46.00** for the Crime Victims Compensation fund. Judgment is **Not Satisfied**.

Costs taxed against **Defendant**

The Court further orders:

22-Jan-2013 Defendant Sentenced

ALLOCATION GRANTED. ON COUNT I, DEFENDANT IS SENTENCED TO 5 YRS DOC, SES, W/5 YRS SUPERVISED PROBATION. AGGRAVATED OFFENDER PROVEN. STANDARD CONDITIONS OF PROBATION APPLY WITH SPECIAL CONDITIONS AS FOLLOWS: DEFENDANT TO ENTER AND COMPLETE COURT ALTERNATIVE PROGRAM; 60 DAYS SHOCK AT THE DISCRETION OF COURT ALTERNATIVE JUDGE; #39 ALCOHOL PROHIBITION; #40 IGNITION INTERLOCK DEVICE; #41 ALCOHOL TESTING; #43 VIP; PAY RECOUPMENT OF \$78.00. COURT COSTS AND CVC TAXED TO DEFENDANT. IIL/JB

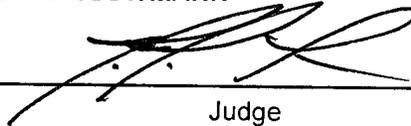
22-Jan-2013 Judgment Entered

COURT COSTS

So Ordered on: **12AB-CR01453 ST V KIMBERLIE M STRAATMANN**

1-22-13

Date



Judge

I certify that the above is a true copy of the original Judgment and Sentence of the court in the above cause, as it appears on record in my office.

(Seal of Circuit Court)

Issued on:

_____ Date

_____ Clerk

FILED

JAN 2 2013

BILL D. MILLER, Circuit Clerk
FRANKLIN COUNTY MISSOURI
By _____ D.C.

STATE OF MISSOURI)
))
COUNTY OF FRANKLIN)) SS.

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI
At Union, Missouri

STATE OF MISSOURI,)
) Plaintiff,)
) vs.)
Kimberlee STRAATMAN)
) Defendant.)

Case No. 12 AB - CR 01453

Division II

Date: January 12, 2013

**WAIVER OF FORMAL ARRAIGNMENT
AND PLEA OF NOT GUILTY**

Comes now the above named defendant in person and with counsel and after being informed of his legal right to be formally arraigned with a verbatim record of that proceeding being made, now, hereby WAIVES the formal arraignment, acknowledging that he knows what charge(s) (has) (have) been brought against him by the Information, and now enters into the record his plea of NOT GUILTY.

Defendant requests that his case not be set down for trial at this time, but rather that it be passed for trial setting or other orders at 8:00 A.M. on _____, 2013.

Kimberlee Straatman
Defendant

[Signature]
Attorney for Defendant.

Approved and So Ordered on 1/28/2013

[Signature]
Judge, Div. II

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN
STATE OF MISSOURI

STATE OF MISSOURI,
Plaintiff,

VS

KIMBERLIE M. STRAATMANN
White/Female DOB: 07/08/1967
SSN: [REDACTED]
2119 Hickory Ridge Rd.
Union, MO 63084

Defendant.

) Cause No.
) Division No. II
) OCN: 99749662
) PA File No. 071122182

) INDICTMENT

FILED
MAY 23 2012
BILL D. MILLER, Circuit Clerk
FRANKLIN COUNTY MISSOURI
By _____ D.C.

The Grand Jurors of the County of Franklin, State of Missouri, charge that:

COUNT I CLASS C FELONY DRIVING WHILE INTOXICATED - AGGRAVATED OFFENDER

Charge Code Number: 47418040

The defendant, in violation of Section 577.010, RSMo, committed the class C felony of driving while intoxicated, punishable upon conviction under Sections 558.011, 560.011, and 577.023, RSMo, in that on or about November 1, 2011, on US 50, in the County of Franklin, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol, and

on or about April 20, 1999, defendant had been found guilty of driving while intoxicated, for events occurring on March 7, 1999, in the Circuit Court of St. Charles County, and

on or about November 21, 2002, defendant was convicted of driving under the influence of alcohol, for events occurring on August 29, 2002, in the Circuit Court of St. Clair County, Illinois, and

on or about November 20, 2003, defendant had been found guilty of driving while intoxicated, for events occurring on July 11, 2003, in the Circuit Court of St. Louis County.

COUNT II CLASS C MISDEMEANOR EXCEEDED POSTED SPEED LIMIT

Charge Code Number: 56015050

~~The defendant, in violation of Section 304.010 RSMo, committed the class C misdemeanor of exceeding the speed limit, punishable upon conviction under Sections 558.011, and 560.016, RSMo, in that on or about November 1, 2011, in the County of Franklin, State of Missouri, the defendant operated a motor vehicle on US 50, and exceeded the uniform maximum speed limit of 55 miles per hour by traveling at a speed of 67 miles per hour.~~

A TRUE BILL

NO TRUE BILL

Bob Hehms
Foreman

Foreman

[Signature]
(Assistant) Prosecuting Attorney

As a condition of release for defendant bond is set in the amount of \$ 25,000⁰⁰.

[Signature]
Judge

STATE OF MISSOURI IN THE CIRCUIT COURT OF **FRANKLIN** COUNTY DIVISION **6**
 COURT ADDRESS (STREET, CITY, ZIP) **401 E. MAIN ST, RM 100A, UNION, MO, 63084**
 COURT DATE **TBN** COURT TIME **TBN** COURT PHONE NO. **(636) 583-7365**

I, KNOWING THAT FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY LAW, STATE THAT I HAVE PROBABLE CAUSE TO BELIEVE THAT:

ON/ABOUT (DATE) AT TIME HWY CLASS UPON/AT OR NEAR (LOCATION)
11/11/2011 2:40 PM B US 50 E/OLD HWY, 50 RD
 WITHIN CITY/COUNTY AND STATE AFORESAID,

NAME (LAST, FIRST, MIDDLE) **STRAATMANN, KIMBERLIE MARIE**
 STREET ADDRESS **2119 HICKORY RIDGE RD.**
 CITY **UNION** STATE **MO** ZIP CODE **63084**
 DATE OF BIRTH **07/08/1967** AGE **44** RACE **W** SEX **F** HEIGHT **505** WEIGHT **165**
 DRIVER'S LIC. NO. **L035211004** STATE **MO**

LEAVE THIS LINE BLANK
 EMPLOYER
 ADDRESS (STREET, CITY, STATE, ZIP)

DID UNLAWFULLY OPERATE/DRIVE PARK C.M.V. WITH HAZ MAT
 VEHICLE YEAR **2003** MAKE **MITSUBISHI** MODEL **SPIDER** STYLE **CV** COLOR **MAR**
 REGISTERED WEIGHT L I C NUMBER **KD2FTP** STATE **MO** YEAR **2013**

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE. THE FACTS SUPPORTING THIS BELIEF ARE AS FOLLOWS:
EXCEEDED THE POSTED SPEED LIMIT BY 12 MPH

Subject taken into custody. (Complete "For Issuance of a Warrant" section on reverse side.)

DRIVING POSTED SPEED LIMIT **50 MPH OPP LN** DETECTION METHOD STATIONARY RADAR WATCH (AIR) PACE MOVING RADAR WATCH (GROUND) OTHER
 IN VIOLATION OF **304.010** CHARGE CODE **560/505.0** IN FATAL ACCIDENT
 SEAT BELT VIOLATION: ORD RSMo DWI/BAC

OFFICER **TPR. M.H. MISTLER** BADGE **871** TRP/ZONE **411** DATE **11/1/2011**

ON INFORMATION, UNDERSIGNED PROSECUTOR CHARGES THE DEFENDANT AND INFORMS THE COURT THAT ABOVE FACTS ARE TRUE AND PUNISHABLE BY: RSMo ORD

PROSECUTOR'S SIGNATURE _____ DATE _____

I PROMISE TO DISPOSE OF THE CHARGES OF WHICH I AM ACCUSED THROUGH COURT APPEARANCE OR PREPAYMENT OF FINE AND COURT COSTS.
 SIGNATURE X *[Signature]* DR. LIC. POSTED YES NO

2012

091337636

STATE OF MISSOURI IN THE CIRCUIT COURT OF **FRANKLIN** COUNTY DIVISION **6**
 COURT ADDRESS (STREET, CITY, ZIP) **401 E. MAIN ST, RM 100A, UNION, MO, 63084**
 COURT DATE **TBN** COURT TIME **TBN** COURT PHONE NO. **(636) 583-7365**

I, KNOWING THAT FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY LAW, STATE THAT I HAVE PROBABLE CAUSE TO BELIEVE THAT:

ON/ABOUT (DATE) AT TIME HWY CLASS UPON/AT OR NEAR (LOCATION)
11/11/2011 2:40 PM B US 50 E/OLD HWY, 50 RD
 WITHIN CITY/COUNTY AND STATE AFORESAID,

NAME (LAST, FIRST, MIDDLE) **STRAATMANN, KIMBERLIE MARIE**
 STREET ADDRESS **2119 HICKORY RIDGE RD**
 CITY **UNION** STATE **MO** ZIP CODE **63084**
 DATE OF BIRTH **07/08/1967** AGE **44** RACE **W** SEX **F** HEIGHT **505** WEIGHT **165**
 DRIVER'S LIC. NO. **L035211004** STATE **MO**

LEAVE THIS LINE BLANK
 EMPLOYER
 ADDRESS (STREET, CITY, STATE, ZIP)

DID UNLAWFULLY OPERATE/DRIVE PARK C.M.V. WITH HAZ MAT
 VEHICLE YEAR **2003** MAKE **MITSUBISHI** MODEL **SPIDER** STYLE **CV** COLOR **MAR**
 REGISTERED WEIGHT L I C NUMBER **KD2FTP** STATE **MO** YEAR **2013**

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE. THE FACTS SUPPORTING THIS BELIEF ARE AS FOLLOWS:
OPERATED A MOTOR VEHICLE WHILE IN AN INTOXICATED CONDITION - ALCOHOL - PERSISTENT

Subject taken into custody. (Complete "For Issuance of a Warrant" section on reverse side.)

DRIVING POSTED SPEED LIMIT **577.010** DETECTION METHOD STATIONARY RADAR WATCH (AIR) PACE MOVING RADAR WATCH (GROUND) OTHER
 IN VIOLATION OF **577.010** CHARGE CODE **4741004.0** IN FATAL ACCIDENT
 SEAT BELT VIOLATION: ORD RSMo DWI/BAC

OFFICER **TPR. M.H. MISTLER** BADGE **871** TRP/ZONE **411** DATE **11/1/2011**

ON INFORMATION, UNDERSIGNED PROSECUTOR CHARGES THE DEFENDANT AND INFORMS THE COURT THAT ABOVE FACTS ARE TRUE AND PUNISHABLE BY: RSMo ORD

PROSECUTOR'S SIGNATURE _____ DATE _____

I PROMISE TO DISPOSE OF THE CHARGES OF WHICH I AM ACCUSED THROUGH COURT APPEARANCE OR PREPAYMENT OF FINE AND COURT COSTS.
 SIGNATURE X *[Signature]* DR. LIC. POSTED YES NO

1012

091337635

2103R-04474 ST V KIMBERLIE M SCHAFER Security Level: 1 Public

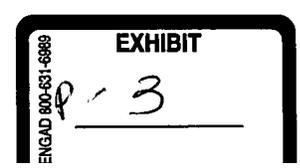
Case Type: AC Misdemeanor **Case Filing Date:** 16-Sep-2003
Status: Costs &/or Fines Paid in Full
Disposition: Guilty Plea **Disposition Date:** 20-Nov-2003
OCN#: 99994348
Arresting Agency: MO0957200

Release/Status Reason
Change Date

Judge THEA A SHERRY (26840)
 Defendant **KIMBERLIE M SCHAFER (SCHKM0735)**
 DOB: 08-Jul-1967
 Attorney for Defendant J. CHRISTIAN GOEKE(39462)
 Prosecuting Attorney D. KIMBERLY WHITTLE (40252)

| Charge # | Charge Date | Charge Code | Charge Description |
|--|-----------------------------------|-------------------|---|
| Original Charge: | 1 | 11-Jul-2003 | 4741500 Dwi - Alcohol - Prior Offender (Misdemeanor A RSMo : 577.010) |
| Disposition: | 20-Nov-2003 | Guilty Plea | |
| Order Date: | 20-Nov-2003 | | Sentence or SIS: Incarceration Jail |
| Length: | 1 Years | | Start Date: 20-Nov-2003 |
| Text: | DEPARTMENT OF JUSTICE SERVICES | | |
| EXECUTION OF SENTENCE SUSPENDED | | | |
| Conc/Cons Case & County: | CONCURRENT WITH 03CR-004474 CT-02 | | |
| Original Charge: | 2 | 11-Jul-2003 | 4682500 Drive Motor Vehicle On Highway While Drivers Registration Suspended (Misdemeanor B RSMo : 303.370) |
| Disposition: | 20-Nov-2003 | Guilty Plea | |
| Order Date: | 20-Nov-2003 | | Sentence or SIS: Incarceration Jail |
| Length: | 14 Days | | Start Date: 20-Nov-2003 |
| Text: | DEPARTMENT OF JUSTICE SERVICES | | |
| Conc/Cons Case & County: | CONCURRENT WITH 03CR-004474 CT-01 | | |
| Program: | PROBATION | | Agency: ST LOUIS COUNTY CIRCUIT COURT |
| Associated To: | Charge 1 | | |
| Classification: | UNSUPERVISED | | Outcome: Successfully Completed |
| Start Date: | 20-Nov-2003 | Due to End | 20-Nov-2005 End Date: 20-Nov-2005 |

| <u>Filing Date</u> | <u>Description</u> | |
|--------------------|--|----------|
| 16-Sep-2003 | Information Filed INFORMATION FILED, CASE ASSIGNED TO MONDAY, DIV 35 SUMMONS ISSUED AND SENT CERT/RESTR MAIL | #21DLOVE |
| | Hearing Scheduled CASE SET FOR INITIAL HEARING 10/09/03 09:00AM THURSDY, DIV 35 | #21DLOVE |



Case continued from previous page.

| 2103R-04474 | ST V KIMBERLIE M SCHAFFER | Security Level: 1 Public |
|-------------|---|--------------------------|
| 09-Oct-2003 | Entry of Appearance Filed J C. GOEKE (PR) ENTERS APPEARANCE FOR DEFT | #21CLING |
| | Hearing Scheduled CONTINUED 11/20/03 09:00AM THURSDY, DIV 35 JUDGE WILLIAM S. RADER, TEAM H, DIV 35 | #21CLING |
| | Motion for Discovery REQUEST FOR DISCOVERY FILED | #21CLING |
| 15-Oct-2003 | Mot to Produce Documents REQUEST TO PRODUCE FILED | #21CLING |
| 20-Nov-2003 | Entry of Appearance Filed DAWN K. WHITTLE (PA) ENTERS APPEARANCE FOR STATE OF MISSOURI | #21CLING |
| | Order CT-01, DWI-ALCOHOL INTOXICATION, (M). DEFT PLEADS GUILTY JUDGE THEA A. SHERRY, DIV 35 | #21CLING |
| | Defendant Sentenced DEFT SENTENCED ON CT-01 TO SERVE 1 YEAR IN THE CUSTODY OF DEPARTMENT OF JUSTICE SERVICES SENTENCE TO RUN CONCURRENT WITH CT-02 | #21CLING |
| | Probation Order CT-01 EXECUTION OF SENTENCE IS SUSPENDED DEFT PLACED ON PROBATION 2 YEARS CONDITIONS: GIVEN SHOCK INCARCERATION, PERFORM ALTERNATIVE COMMUNITY SERVICE, COMPLETE SATOP PROGRAM, ADDITIONAL CONDITIONS PER MEMO IN FILE JUDGE THEA A. SHERRY, DIV 35 | #21CLING |
| | Order CT-02, DROVE W-REG SUSP BY SRU, (M). DEFT PLEADS GUILTY JUDGE THEA A. SHERRY, DIV 35 | #21CLING |
| | Defendant Sentenced DEFT SENTENCED ON CT-02 TO SERVE 14 DAYS IN THE CUSTODY OF DEPARTMENT OF JUSTICE SERVICES SENTENCE TO RUN CONCURRENT WITH CT-01 | #21CLING |
| | Payment Review Hrng Scheduled CONT FOR PAYMENT 01/16/04 09:00AM THURSDY, DIV 35 JUDGE THEA A. SHERRY, DIV 35 | #21CLING |
| | Costs Ordered to Def DEFT COURT COSTS ORDERED \$86.50, CVC JUDGMENT \$10.00 ASSESSED JUDGE THEA A. SHERRY, DIV 35 | #21CLING |
| | Judge/Clerk - Note SUPPLEMENTAL JUDGEMENT FILED JUDGE THEA A. SHERRY, DIV 35 | #21CLING |
| | Guilty Plea DEFT PLEADS GUILTY | REJSCNVT |
| | Judgment CVC Entered Judgment Against: KIMBERLIE SCHAFFER; Amount: \$10.00; Satisfied Date: 29-Dec-2003 | CR_CONV |
| 21-Nov-2003 | Record of Traffic Disp Issued CT-01 RECORD OF CONVICTION REPORTED | CR053 |
| | Record of Traffic Disp Issued CT-02 RECORD OF CONVICTION REPORTED | CR053 |

Case continued from previous page.

2103R-04474**ST V KIMBERLIE M SCHAFFER****Security Level: 1 Public**

| | | |
|-------------|---|----------|
| 03-Dec-2003 | Record of Traffic Disp Issued RECORD OF CONVICTION PREPARED AND MAILED TO HIGHWAY PATROL, COPY FILED. | #21CLING |
| 29-Dec-2003 | Costs &/or Fines Paid in Full \$10.00 CVC JUDGMENT RECEIVED, COURT COSTS \$86.50 PAID | #21RRITC |
| 19-May-2004 | Program Completion Filed NOTICE OF ACS COMPLETION FILED | #21RRITC |
| 27-Aug-2013 | Request Filed | CORNELWD |
| 29-Oct-2013 | Request Filed | CORNELWD |

In the
CIRCUIT COURT
of St. Louis County, Missouri



For File Stamp Only

Plaintiff(s)

Date 11-20-03
Case Number 03CR-4474
Division 35

FILED

NOV 20 2003

JOANNE GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

vs.
Schafar, Kimberlie M
Defendant(s)

Supplemental Judgment

Defendant to surrender himself to the St Louis County Jail at 6:00pm on Wednesday November 26, 2003 and to be released Sunday, November 30, 2003 at 6:00 pm (4 days)

Defendant to surrender himself to the St Louis County Jail at 6:00 pm on Friday December 19, 2003 and to be released at 6 pm on Monday December 29, 2003 (10 days)

mschafar

J. Mulhock 39462
Attorney Bar No.
862 5110
Address

SO ORDERED

Phone No. Fax No.
Kim White 40252
Attorney Bar No.
Address

Shea A. Sheff
Judge

ENTERED: 11/20/03
(Date)

Phone No. Fax No.

2072

OK

In the
CIRCUIT COURT
of St. Louis County, Missouri



For File Stamp Only

FILED

NOV 20 2003

KIM M. GILMER

CIRCUIT CLERK, ST. LOUIS COUNTY

STATE OF MISSOURI

vs.

Kimberly Schafar
Defendant
SSN [REDACTED] DCN [REDACTED]

NOV 20, 2003
Date
03CR 4474
Case Number
35
Division

JUDGMENT AND SENTENCE

Defendant appears in person and by attorney, Kim Whittle
State of Missouri appears by Assistant Prosecuting Attorney, J Christian Goeke

A. Defendant appears for sentencing, having (plead guilty) (~~been found guilty after entering a plea of not guilty~~).
The Court adjudges Defendant guilty of the offenses set out on the "Plea" form or verdict herein.

- () On _____ the Court found beyond a reasonable doubt that the defendant is:
- a (persistent misdemeanor) (prior)(persistent) (dangerous) offender pursuant to §558.016 RSMo;
 - a (prior) (persistent) drug offender pursuant to §195.275 RSMo;
 - a persistent sexual offender pursuant to §558.018 RSMo.

Report of Pre-sentence Investigation by the State Board of Probation and Parole received and examined by the Court.

B. Allocation granted.

- Defendant is sentenced to pay a fine of \$ _____
- Defendant is sentenced to serve a(n) (~~extended~~) term of imprisonment of 1 (years) (months) (days) in the custody of Department of Corrections Department of Justice Services of St. Louis County for the offense of DWI, a Class A (felony) (misdemeanor); Department of Corrections ordered to credit jail time pursuant to §558.031 RSMo.
- and a (concurrent) (~~consecutive~~) (~~extended~~) term of imprisonment of 14 (years) (months) (days) for the offense of DUI a Class A (felony) (misdemeanor).

C. See attached Supplemental Sentence Form for Additional Counts

(Imposition) (Execution) of sentence is suspended, ^{AS TO COUNT I} and Defendant is placed on probation for a period of 2 (months) (years) to the (State Board of Probation and Parole)(Department of Justice Services) (Court), subject to their conditions and regulations and to the following special conditions of probation:
14 days shock, 40 hrs comm. service w/ 180 days, SATOP + VIP to be completed w/ 180 days, no drinking + driving, equipment to take + Country P.O.

See attached Supplemental Sentence Form for Additional Special Conditions

(Cost Waived). (State) (Defendant) is ordered to pay Court Costs. See Supplemental Judgment For Shock Time

as a condition of probation and is granted (____ days) (until 11/6/04) to pay said costs.

D. Defendant is remanded to the Department of Justice Services of St. Louis County (for transportation to the Department of Corrections) to serve said sentence.

E. Pursuant to §595.045 RSMo (Crime Victims Compensation Judgment), the State of Missouri shall have and take from the defendant the amount of \$ 10.00

F. Defendant advised and examined pursuant to Rule 29.07. (No) probable cause exists to believe that defendant has received ineffective assistance of counsel.

Kim Whittle 4.282
ATTORNEY FOR STATE MBE

[Signature] 39462
ATTORNEY FOR DEFENDANT MBE

In the
CIRCUIT COURT
Of St. Louis County, Missouri



For File Stamp Only

STATE OF MISSOURI

vs.

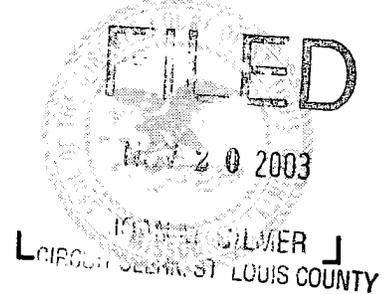
Kimberly Schafer
Defendant

SSN

NOV 20 2003
Date

03CR 4474
Case Number

35
Division



PLEA OF GUILTY

1. The State of Missouri appears by Assistant Prosecuting Attorney Kim Whittle. Defendant appears (in person) (and by attorney) J Christian Goetze.
2. The State has charged Defendant with the offense(s) of DWI a class A misdemeanor committed on 7-11-03 (and DWS a class A misdemeanor, committed on 7-11-03). (See attached Supplemental Plea Form for additional counts).
3. The range of punishment for this (first) offense is from 1 day to 1 yr and a fine up to \$ 1000.00. (The range of punishment for the second offense is from 1 day to 1 yr and a fine up to \$ 1000.00). (See attached Supplemental Plea Form for additional ranges of punishment).
4. Defendant understands that he/she has the following rights:
 - a. The right to remain silent. A defendant does not have to testify nor say anything that would incriminate himself/herself. A defendant's silence cannot be used as evidence of guilt;
 - b. The right to representation from a lawyer at every stage of the proceedings up to and including sentencing. If a defendant is unable to afford an attorney, one will be appointed to represent him/her;
 - c. The right to be presumed innocent throughout all of the pre-trial proceedings and throughout the trial. The State has the burden to prove each and every element of each and every charge beyond a reasonable doubt. The defendant has no burden of proof and does not have to produce evidence or witnesses to establish his/her innocence;
 - d. The right to plead not guilty and to have a trial by jury or a trial by judge;
 - e. The right to confront or cross-examine any and all of the State's witnesses; the right to call witnesses on one's own behalf; the right to use the subpoena power of the court to compel any and all witnesses to appear in court on one's own behalf;
 - f. The right to be found guilty by a jury only if all twelve jurors agree on the issue of guilt;
 - g. The right to appeal any conviction after trial to a different court with different judges.
5. Defendant hereby freely and voluntarily waives all of the rights mentioned above. Defendant acknowledges that, by pleading guilty, there will not be a trial of any kind.
6. Defendant acknowledges that he/she is not under the influence of any drugs or alcohol, and enters this plea with a full understanding of the charge(s) and the possible consequences thereof. Defendant further acknowledges that the plea is not the result of any threats, coercion or any other sort of mistreatment.
7. Defendant acknowledges that the plea is not the result of any promises (with the exception of the plea agreement reached by the parties). Defendant knows that this court may accept or reject the plea agreement; if the court should reject the agreement, Defendant will have the opportunity to withdraw his/her plea.

8. The prosecutor is recommending the following sentence: CT I - 1 yr SES, 2 yrs probation, 15 days shack, 40 hrs CS, SATOP, VIP, no drinking + driving, placement to DWI + Country PD CT II - 15 days concurrent w/ CT I
9. Defendant acknowledges that there is a factual basis to support the charge(s) against him/her and that he/she committed the crime(s) to which he/she is pleading guilty.
10. Defendant consequently enters a plea of guilty to the (amended) offense of _____, a class _____ misdemeanor (and to the (amended) offense of _____, a class _____ misdemeanor). (See attached Supplemental Plea Form for additional counts).
11. The plea is made voluntarily with a full understanding of the nature of the charge(s).
12. Defendant understands that, if he/she is presently on probation or parole in this or any other court, his/her entry of a guilty plea at this time could be the basis for the revocation of his/her probation or parole. Defendant understands that he/she may receive a term of imprisonment for the revocation in addition to the term of imprisonment imposed in this case.
13. Defendant acknowledges that he/she is completely satisfied with the services rendered to him/her by his/her attorney. His/her attorney has done everything he/she could do on Defendant's behalf under the circumstances of the case.
14. Defendant hereby acknowledges both reading and understanding all of the information contained in this form.

[Signature]
Attorney for State

[Signature]
Defendant
[Signature] 39962
Attorney for Defendant

- A. The Court hereby finds a factual basis for Defendant's plea(s) of guilty and further finds that Defendant entered the plea(s) freely and voluntarily with a full understanding of his/her rights, the charge(s) and of the possible consequences thereof. The Court, therefore, accepts Defendant's plea(s).
- B. The Court orders that:
 Defendant immediately report to the Office of the State Board of Probation and Parole (See attached map). The court directs the Office to submit a pre-sentence investigation report.
 Defendant immediately report to the Office of the St. Louis County Department of Justice Services (Located in Room B-10, 7900 Forsyth Ave., Clayton, MO 63105). The Court directs the Office to submit a pre-sentence investigation report.
 A pre-sentence investigation report not be prepared.
- C. Sentencing is deferred to this day
- D. The Court orders that:
 Defendant's bond/recognizance remain in full force and effect.
 Defendant be remanded to the custody of the St. Louis County Department of Justice Services.

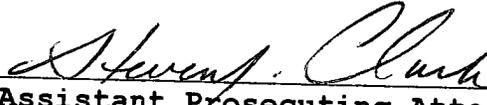
Dated this 20th day of November, 2003.

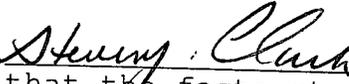
SO ORDERED:

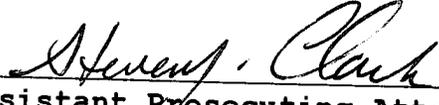
[Signature]
Judge

302.321, RSMo, committed the class A misdemeanor of driving while license was suspended, punishable upon conviction under Sections 302.321, 558.011 and 560.016, RSMo, in that on or about Tuesday, July 11, 2003, at approximately 11:12 P.M., in the County of St. Louis, State of Missouri, the defendant operated a motor vehicle on a highway, northbound I-270 at Rte HH, during a time when her operator's license was suspended under the laws of this state, and knew that her operator's license was suspended.

4662506.0


Assistant Prosecuting Attorney


Assistant Prosecuting Attorney, says that the facts stated in the above information are true, according to the information and belief of the said Assistant Prosecuting Attorney.


Assistant Prosecuting Attorney

WITNESSES

PTN THOMAS WALKER
C/O TOWN AND COUNTRY POLICE DEPT
1011 MUNICIPAL CENTER DR
ST LOUIS MO 63131
P0830075 (314) 432-4696

C/O ST CHARLES CIRCUIT COURT-63301
300 NORTH 2ND STREET
ST CHARLES MO 63301
CSTCHCC

C/O MO DEPT OF REVENUE
DRIVERS LICENSE BUREAU
P O BOX 200
JEFFERSON CITY MO 65105 0200
CDEREVDL

A303656

I certify and attest that the above is a true copy of the original record of the Court in case number 21032-04474 as it appears on file in my office.

Issued

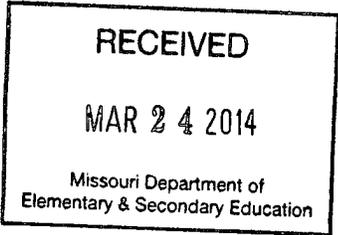
10-29-13



JOAN M. GILMER, Circuit Clerk
St. Louis County Circuit Court

By

W. Cornell
Deputy Clerk



**BEFORE THE
MISSOURI STATE BOARD OF EDUCATION**

**MISSOURI DEPARTMENT OF)
ELEMENTARY)
AND SECONDARY EDUCATION)**

Petitioner,)

v.)

No. HR 13-024

KIMBERLIE STRAATMANN)

Respondent.)

**PETITIONER'S PROPOSED FINDINGS OF FACT
AND ARGUMENT**

Petitioner, Missouri Department of Elementary and Secondary Education ("DESE"), by and through its attorney, the Attorney General for the state of Missouri, hereby submits its Proposed Findings of Fact and Argument stating that grounds exist pursuant to § 167.071, RSMo,¹ and 5 CSR 20-400.230 to discipline the teaching certificates of Kimberlie Straatmann (Kimberlie Kennedy as listed on her certificates).

I. Procedural History

On or about November 19, 2013, DESE filed a Complaint. No response was filed by Respondent. On February 20, 2014, a hearing was held between the parties. DESE was present through counsel, Assistant Attorney General

¹ Statutory references are to RSMo 2000 unless otherwise noted.

Todd Lucas, and presented evidence in support of discipline for Straatmann's certificates. Respondent was present with counsel, Rochelle Skolnick, and submitted evidence in support of maintaining her certificates.

II. Proposed Findings of Fact

1. Respondent holds career CPC certificates in Elementary Education, 1-8; Language Arts 4-8; Social Studies, 4-8; Math 4-8 and Math 5-9. (Petitioner's Exhibit 1).

2. On or about March 7, 1999, Respondent operated a motor vehicle in an intoxicated condition. (Transcript page 45, lines 11-12).

3. On or about April 20, 1999, Respondent either pled, or was found guilty of driving while intoxicated for the March 7, 1999 event in the Circuit Court of St. Charles County, Missouri. (Petitioner's Exhibit 2) (Transcript page 45-46).

4. On or about August 29, 2002, Respondent operated a motor vehicle while intoxicated. (Transcript page 46, lines 1-2).

5. On or about November 21, 2002, Respondent was convicted of driving under the influence of alcohol for the August 29, 2002 event in the Circuit Court of St. Clair County, Illinois. (Petitioner's Exhibit 2) (Transcript page 45-46).

6. On or about July 11, 2003, Respondent operated a motor vehicle under the influence of alcohol. (Petitioner's Exhibit 3).

7. On or about November 20, 2003, Respondent pled guilty to driving while intoxicated for the July 11, 2003 event in the Circuit Court of St. Charles County, Missouri. (Petitioner's Exhibit 2, 3) (Transcript page 45-46).

8. On or about November 1, 2011, Respondent operated a motor vehicle under the influence of alcohol. (Transcript page 22, lines 2-12).

9. On or about January 22, 2013, Respondent pled guilty to the class C felony of driving while intoxicated, aggravated offender in the Circuit Court of Franklin County, Missouri. (Petitioner's Exhibit 2).

III. Argument

As stated in the above findings of fact, Respondent committed and was determined to be guilty of four offenses of driving while intoxicated. The final offense, which was committed on November 1, 2011, was classified as a class C felony. As stated in both § 167.071, RSMo, and 5 CSR 20-400.230, a certificate holder may be disciplined when they have pleaded or been found guilty of a felony. Therefore, given Straatmann's felony plea as an aggravated offender, her license is subject to discipline.

Moral turpitude is an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man or to society in general, contrary to the accepted and customary rule of right and duty

between man and man; everything “done contrary to justice, honesty, modesty, and good morals.”²

In *Brehe v. Missouri Dep't of Elementary and Secondary Education*,³ a case that involved discipline of a teacher's certificate under § 168.071 for committing a crime involving moral turpitude, the court referred to three classifications of crimes:⁴

- (1) crimes that necessarily involve moral turpitude, such as frauds (Category 1 crimes);
- (2) crimes “so obviously petty that conviction carries no suggestion of moral turpitude,” such as illegal parking (Category 2 crimes); and
- (3) crimes that “may be saturated with moral turpitude,” yet do not involve it necessarily, such as willful failure to pay income tax or refusal to answer questions before a congressional committee (Category 3 crimes).

The court stated that Category 3 crimes require consideration of “the related factual circumstances” of the offense to determine whether moral turpitude is involved.⁵

² *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985) (quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929)).

³ 213 S.W.3d 720 (Mo. App., W.D. 2007).

⁴ *Id.* at 725 (quoting *Twentieth Century-Fox Film Corp. v. Lardner*, 216 F.2d 844, 852 (9th Cir. 1954)).

⁵ *Brehe* at 725.

Multiple instances of driving while intoxicated, especially the four instances here, provide evidence of moral turpitude. In fact, “multiple instances of driving while intoxicated display a persistent disregard for the law and for the danger to the public that such conduct involves.”⁶ The Commission, in *Berry*, commented that multiple offenses of driving while intoxicated are in fact crimes of moral turpitude.⁷ While each of Straatmann’s four driving while intoxicated offenses alone may not be evidence of moral turpitude, the four taken together provide a strong argument for moral turpitude.

Straatmann’s continued disregard for the law and for the safety of others by driving while intoxicated on multiple instances provides cause to discipline her certificates pursuant to both § 167.071, RSMo, and 5 CSR 20-400.230.

IV. Conclusion

Respondent’s four prior driving while intoxicated offenses are evidence of moral turpitude, and her final offense was classified as a felony. Together, these crimes provide cause to discipline her certificates pursuant to § 167.071, RSMo, and 5 CSR 20-400.230.

⁶ *Berry v. MREC*, Mo. Admin. 12-0307 RE, 2013 WL 772928. Administrative Hearing Commission cases are not binding on the decision at hand here, but do provide guidance on the issue of moral turpitude.

⁷ *Id.*

Respectfully submitted,

CHRIS KOSTER
Attorney General

A handwritten signature in cursive script, appearing to read "Todd Lucas", written in black ink.

Todd C. Lucas
Assistant Attorney General
Missouri Bar No. 66051

P.O. Box 899
Jefferson City, MO 65102
Telephone: 573-751-9623
Telefax: 573-751-5660
Todd.Lucas@ago.mo.gov

Attorneys for Respondent

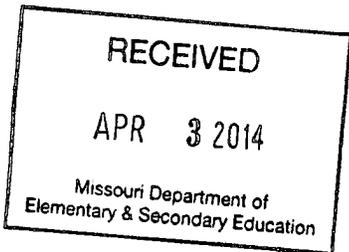
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Proposed Findings of Fact and Argument was mailed, postage prepaid, this 24th day of March, 2014, to:

Rochelle G. Skolnick
Schuchat, Cook & Werner
1221 Locust Street, 2nd Floor
St. Louis, MO 63103

A handwritten signature in cursive script that reads "Todd Lucas". The signature is written in black ink and is positioned above a horizontal line.

Assistant Attorney General



**BEFORE THE
MISSOURI STATE BOARD OF EDUCATION**

**MISSOURI DEPARTMENT OF
ELEMENTARY
AND SECONDARY EDUCATION**)
)
)
Petitioner,)
)
v.)
)
KIMBERLIE STRAATMANN)
)
Respondent.)

No. HR 13-024

RESPONDENT'S POST-HEARING BRIEF

Respondent Kimberlie Straatmann is a 23-year veteran math teacher in the Ferguson-Florissant School District who has a proven record of success in teaching some of the district's most challenged students. Ms. Straatmann is also a recovering alcoholic who was arrested on November 1, 2011 for driving with a blood alcohol level of .082. On January 22, 2013 she pled guilty to the Class C Felony of driving while intoxicated as an aggravated offender. Since that time, she has been an active and exemplary participant in a court-supervised drug and alcohol treatment program and it is undisputed that she has made a demonstrable commitment to personal transformation that will ensure she never again makes the same mistakes that led to her guilty plea.

While her 2013 guilty plea as well as three prior DWI guilty pleas in 1999, 2002 and 2003 are undisputed, the crimes to which she pled guilty are not ones any court of this state has found to involve moral turpitude.¹ To the extent some crimes *may* be found to involve moral

¹ Counsel for Petitioner provided at hearing a case in which the Missouri Administrative Hearing Commission found that five instances of driving while intoxicated within a 12-year period constituted moral turpitude but that the applicant's subsequent rehabilitation nonetheless supported the issuance of a real estate license. *Berry v. Mo. Real Estate Comm'n*, No. 12-0307 RE (January 18, 2013). Of course, decisions of the AHC have no precedential value and are not binding on this body. *See, e.g., Central*

turpitude depending upon the facts and circumstances,² this case is not one that warrants such a finding. Finally, even if the Board were to find that Ms. Straatmann pled guilty to a crime or felony involving moral turpitude, the Board has discretion in deciding whether to impose discipline.³ In this case, the facts and circumstances support a decision to take no action against Ms. Straatmann's teaching certificates and that is what she respectfully requests.

UNDISPUTED FACTS

I. Respondent's teaching, coaching and advising record.

Kimberlie Straatmann holds certificates to teach elementary grades 1-8, language arts grades 4-8, mathematics grades 4-8 and 5-9 and social studies grades 4-8. Tr. 13; Ex. 1. For the past twenty-three years, Ms. Straatmann has been employed as a teacher by the Ferguson-Florissant School District. Tr. 15. Since 2002, she has taught math at McCluer North High School, having previously taught at the middle school level. Tr. 15-16. She holds Bachelor's and Master's Degrees from the University of Missouri, St. Louis and has taken graduate level educational administration classes at Lindenwood University. *Id.* She has also pursued coursework specific to working with at-risk students and diverse student populations. *Id.* Ms. Straatmann testified that she enjoys working with students who have trouble with math and that she seemed to be able to successfully communicate ideas in a way that allows the students to feel less frustration. Tr. 17. In addition to her teaching responsibilities, Ms. Straatmann has coached several sports and was responsible for starting a girls' golf team at McCluer North. Tr. 18. She

Hardware Co. v. Director of Revenue, 887 S.W.2d 593, 596 (Mo. banc 1994). Further, as discussed *infra*, *Berry* is counterbalanced by numerous other decisions of the AHC.

² See *Brehe v. Missouri Dept. of Elementary and Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007).

³ See §168.071.1 R.S. Mo.

has also had administrative responsibilities in the 11th grade office working on discipline, bullying and fighting issues and serving as an advisor in parent conferences. Tr. 18.

Paul Schroeder, a current member of the Ferguson-Florissant School Board and former head of the McCluer North Math Department who served as her supervisor from 2002 until his retirement in 2005 described Ms. Straatmann's skill as a math teacher as "very fine" and testified that within the parameters of the courses she was certificated to teach there was no group of students he would have been uncomfortable having her teach. Ex. A⁴ at 98-101. During the time he led the McCluer North Math Department he had no concerns about Ms. Straatmann's fitness to teach. Ex. A at 101.

Erin King, who has known Ms. Straatmann for 19 years first as a fellow math teacher and then as head of the math department after Schroeder's retirement, testified that Straatmann is "probably one of the best math teachers" she has ever seen and is her "go-to person" for an off-track Algebra I or Geometry class. Ex. A at 89-92. Ms. King testified that Ms. Straatmann's classes and advisement have the highest enrollments because "kids want to be in Kim's class" and her advisement. Ex. A at 92. Ms. King testified that she had no concerns about Ms. Straatmann's fitness to teach before she learned of her DWI convictions and that learning about them did not change her opinion. Ex. A at 92-93.

Mary Fran Lancaster, who has worked as a substitute teacher in the Ferguson-Florissant school district since 2005 and prior to that worked as a teacher in a Catholic school for over twenty-five years, also testified in support of Respondent. Ex. A at 108-118. Lancaster has known Ms. Straatmann since the early 2000s through her church and then as her children's math teacher in approximately 2005-2007. *Id.* at 109. Lancaster echoed Erin King's statements

⁴ Exhibit A consists of excerpts of the transcript of a hearing held in September 2013 by the Ferguson-Florissant School Board on termination charges against Kim.

concerning Ms. Straatmann's teaching ability, confirming the popularity of her classes and advising due to her ability to adapt her teaching to each student's learning style and truly help each student. Ex. A at 111-12. Lancaster testified that she had no concerns about Ms. Straatmann's fitness to teach, either before or after learning of her DWI convictions. *Id.* at 113. Lancaster also testified about Straatmann's role in the community and as a role model for students, observing that Ms. Straatmann is "probably the most selfless person" Lancaster knows, citing her donation of bone marrow, assistance to students and staff in need, and her importance to the school community. *Id.* at 110, 113-14.

Current Ferguson-Florissant School Board president and former teacher (from 1994-2010) Paul Morris testified that he had known Kim Straatmann since she began teaching at McCluer North (in 2002) and was aware of her 2003 conviction for DWI but had no concerns then about her fitness to teach or to be around his own children. Ex. A at 102-04.⁵

II. Respondent's alcoholism and the events leading to her guilty pleas.

Ms. Straatmann acknowledges that she is an alcoholic and has been actively participating in a rigorous program of recovery since February 2013. Tr. 23-24, 26-34, 39-40. However, in the past, her alcoholism contributed to poor decision-making, leading to convictions in 1999, 2002 and 2003 for driving while intoxicated. Ex. 2. Ms. Straatmann testified that she drank alcohol as a way of coping with extremely stressful and damaging family situations that left her feeling

⁵ Mr. Morris further testified that at District events there was often a cash bar serving alcoholic beverages and that although members of the administration, school board members and teachers had consumed alcohol at these events and subsequently driven home, the District had never accused any of these individuals of engaging in immoral conduct, brought charges against them or otherwise disciplined them on the basis of these acts. Ex. A at 104-05. As this example shows and as Morris confirmed, it is not always "wrong" or "immoral" to drive after consuming alcohol. Ex. A at 105-06. Morris further testified that he did not believe that Kim was an immoral person or that she was unfit to teach. Ex. A at 105.

humiliated and self-destructive. Tr. 36-37.⁶ In the July 2003 incident, Ms. Straatmann had a one-car accident when she reached for her cell phone; no other cars were involved and there was no property damage, except to her own vehicle. Tr. 37-38. She had been drinking and after the accident, she failed a breathalyzer test. Tr. 38.

After the 2003 incident, Ms. Straatmann understood that she had a problem and attempted to control her drinking. Tr. 23. More than 8 years passed until, on November 1, 2011, she was arrested for driving while intoxicated. Just prior to that arrest, the woman who had been the attendance secretary at McCluer North High School had passed away. Tr. 20-21. Ms. Straatmann had known her and viewed her as a mother figure since her high school days at McCluer North and subsequently as a teacher at the school. *Id.* Although Straatmann had avoided happy hours and the like after her 2003 DWI, on this occasion she met friends at a restaurant after the funeral and consumed four drinks over a period of approximately four and a half hours. Tr. at 21. She believed that by pacing her alcohol consumption and drinking water between alcoholic drinks, she would metabolize the alcohol such that she would be able to drive home unimpaired. *Id.* When Ms. Straatmann left the restaurant she did not believe she was impaired. *Id.* She was not stopped for driving erratically, but rather for exceeding the speed limit. *Id.* After being stopped, she was asked to take a breathalyzer test and her blood alcohol was found to be .082, .002 above the legal limit. Tr. at 22. She was arrested but not charged until more than a year later, after being stopped for exceeding the speed limit in November of 2012. Tr. 22-23. During that year, Straatmann went to counseling and attempted to control her drinking but it was not until she entered the Franklin County Alternative Program in 2013 that she became engaged in a formal, rigorous program. Tr. at 47.

⁶ Although she offered this information by way of explanation, Kim acknowledged that her personal distress was no excuse for her behavior. *Id.*

On January 22, 2013, Kim Straatmann pled guilty to the Class C felony of Driving While Intoxicated as an aggravated offender. Tr. 23. She chose to do so in order to gain access to the Franklin County Court Alternative Program, which she understood to be a sincere, rigorous and respected program that would support her recovery. Tr. 23-24. In response to her guilty plea, Straatmann was sentenced to five years' probation with the special condition of participation in the Franklin County Court Alternative Program. Ex. E; Tr. 24-25. Pursuant to §217.703, R.S. Mo., the term of that probation is reduced by 30 days for each month served.

III. Respondent's treatment and recovery.

The Franklin County DWI Court Alternative Treatment Program is a 78-week intensive program. Ex. A at 61. It is divided into four phases with gradually decreasing degrees of intensity of participation and supervision at each level. Ex. A at 61-68; Ex. F at page 7 of 21; Tr. at 26-27. Ms. Straatmann successfully completed Phases 1 and 2 (Ex. G and H) is currently in Phase 3 of the program. Tr. 27. Every phase includes random drug and alcohol screening, strictly enforced curfews, individual and group counseling components, Alcoholics Anonymous meetings, meetings with parole officers and attendance at court. Ex. A at 61-68; Ex. F at page 7 of 21; Tr. 28-33. One component of Phase 1 is the requirement to wear a "SCRAM" alcohol monitoring device for 90 days. Tr. 30.

Participation in the program is voluntary and there are strict guidelines with regard to who can participate. Ex. A at 59. To be admitted to the program participants, including Ms. Straatmann, are required to apply and pass a screening. Tr. 24. A participant's family, friends, household and medical records are subject to scrutiny as part of the program and an officer is assigned to visit a participant's home periodically and check for the presence of drugs or alcohol. Tr. 29.

Fred Hook, who is employed as an associate counselor by Bridgeway Behavioral Health and in that role serves as counselor for the Franklin County DWI court program,⁷ testified about the disease of addiction and Straatmann's progress and participation in the program. Ex. A at 58. Mr. Hook also submitted an affidavit re-affirming his September, 2013 testimony and confirming that Straatmann continues to participate in the program in an exemplary fashion. Ex. B. Mr. Hook is state-certified as an Associate Substance Abuse Counselor, Level 2.⁸ Ex. A at 59. He holds an associate's degree in human services and a certificate of proficiency in addiction studies. Ex. A at 59.

Mr. Hook explained that alcoholism is not a moral problem and that people who suffer from alcoholism are not "having a moral dilemma." *Id.* at 73. Rather, alcoholism is a progressive disease of the brain (as confirmed by its listing in the DSM-V) that over time alters the chemical balance of the brain leading to what is known as "wet brain." Ex. A at 60-61, 78. Because alcoholism presents in the pre-frontal cortex, which controls reasoning and decision-making, alcoholics are more likely to make poor decisions and engage in behavior that a healthy person would stop him or herself from doing. *Id.* at 60-61; 77-78; 83-84. However, with abstinence from alcohol for a period of 18 months to 2 years, the alcoholic's brain can heal and the alcoholic is more likely to make better decisions. *Id.* at 78-79; 84. The longer an alcoholic remains abstinent, the less likelihood there is that he or she will revert to bad decision making. *Id.* at 82-84.

Mr. Hook described Kim Straatmann as his "shining star" in the program and testified that out of everyone he's ever had in his caseload, she is doing the best. Ex. A at 67. She goes above and beyond what is required of her, challenges Mr. Hook to be a better counselor, and

⁷ Mr. Hook described his role as meeting individually with participants in the program, running education and counseling groups and referring participants to resources they may need. Ex. A at 58.

⁸ Level 2 is the highest level for Mr. Hook's certification. Ex. A at 75.

“gives great support and feedback to her fellow group members.” *Id.* Mr. Hook, who has a teenage daughter of his own, testified that he would have no concerns about Ms. Straatmann teaching her and that his colleagues with children, whom he polled, would have no resistance to Straatmann teaching their children. Ex. A at 67-68.

Ms. Straatmann testified at length about her participation in the program, her pride in that participation and her commitment to recovery and continued sobriety. She has obtained a sponsor, attends AA meetings and is working the 12 steps of AA. Tr. 29, 34. Because she has attained substantial “clean time”, Straatmann is also able to work with young people in the program and to give back by serving as a liaison between the program participants and the prosecuting attorney and Judge who oversee the program. Tr. 31, 33. She also serves as president of the alumni association for the program. Tr. 33.

Ms. Straatmann anticipates completing the Court Alternative Program in August of 2014. Tr. 33. However, because she was awarded limited driving privileges, she will remain under the supervision of the court for a period of 9 years, during which time she will meet bi-monthly with the judge and be subjected to random urinalysis. Tr. 34.

IV. The Ferguson-Florissant School District’s charges, hearing and decision.

The Ferguson-Florissant School District served Kim Straatmann with a notice of charges on August 27, 2013. Tr. 18-19; Ex. C. The charges alleged that by pleading guilty to DWI as an aggravated offender, Straatmann had exhibited immoral conduct pursuant to §168.114.1(2) (Count I); willfully violated school board policy pursuant to §168-114.1(4) (Count II); and been convicted of a felony involving moral turpitude pursuant to §168.114.1(6) (Count III). Ex. C at 2-3. On September 25 and 30, 2013, the school board held a hearing on the charges and issued its decision on October 11, 2013. Ex. C. A majority of the school board found that Straatmann had

not exhibited immoral conduct or willfully violated board policy but that she had been convicted of a felony involving moral turpitude.⁹ *Id.* at 3. The board, having found grounds to terminate her employment pursuant to §168.114.1(6), elected not to do so, instead voting unanimously to suspend her employment without pay or benefits except health insurance until July 1, 2014. *Id.* The board imposed certain additional sanctions, including random drug and alcohol tests, waiver of privilege regarding treatment reports, volunteer service, and, at the request of the school board, preparation and presentation of drug awareness programs at each Ferguson-Florissant high school. Ex. C at 4.

V. Respondent's involvement in her community.

Kim Straatmann has been a contributing member of her community, both in her role as teacher and as a private citizen. The testimony of her colleagues and Ferguson-Florissant School Board members Morris and Schroeder re-affirmed that conclusion and Straatmann herself discussed some of the ways in which she has tried to give back. In addition to her undisputed value as a teacher of high-risk students, Straatmann has literally given of herself by serving as a bone marrow donor. Tr. 42-43. During the time she taught at the middle school level, Straatmann learned that a student of hers had lost both parents and that he and his sister were essentially raising themselves. Tr. 43. Straatmann took in the child, who was at great risk of dropping out of school, and adopted him. *Id.* Ms. Straatmann is an active member of her church, taking part in fundraisers and other activities in support of the church. Tr. 43. She continues to perform community service for organizations like the Humane Society, the Red Cross and the Franklin County Foundation both as part of the Court Alternative Program and as a condition of her continued employment by the Ferguson Florissant School District. Tr. 34-35; Ex. C.

⁹ The school board decision has no precedential value here and there is no evidence that the Board performed the kind of analysis Ms. Straatmann asks this Board to perform.

Ms. Straatmann has acknowledged that her actions were selfish and thoughtless but stressed that she had not intended to cause harm in either the 2003 or the 2011 incident and that it was not in her nature to intentionally cause harm to others either verbally or through the act of getting in a car to drive intoxicated. Tr. 41-42. Straatmann seeks forgiveness for her past mistakes. Tr. 44. In response to her acceptance of her alcoholism, she has made “immense changes” in her life. Tr. 39-40. She acknowledges that as an active alcoholic, her drinking adversely affected her decision-making. Tr. 41. Taking alcohol out of the equation changed that and she is calmer, happier and more peaceful. *Id.* Further, Straatmann has gotten counseling to learn how to better handle difficult things in her life. Tr. 40.

Kim Straatmann has always found refuge in her teaching and strongly identifies herself as a teacher. Tr. 42, 44. She also views herself as a true advocate for spiritual growth and recovery from addiction and believes that her experiences with alcoholism and having learned from her mistakes can help her to be an asset to her students, especially given the prevalence of drug and alcohol abuse and other challenges high school students face. Tr. 40-41, 44.

ARGUMENT

The misdemeanor and felony to which Respondent pleaded guilty are not crimes of moral turpitude because they do not involve the elements of fraud or willful intent to cause harm ordinarily associated with crimes of moral turpitude. In the alternative, even if the Board were to find that Respondent’s conduct constituted moral turpitude, it should exercise its discretion not to discipline her teaching certificates because there is no nexus between her conduct and her teaching and because she has engaged in a rigorous program of rehabilitation and successfully turned her life around.

I. Driving while intoxicated is not a crime involving moral turpitude.

No Missouri court has found driving while intoxicated to constitute a crime involving moral turpitude. While the AHC has occasionally found DWI to constitute a crime involving moral turpitude, numerous other AHC decisions find to the contrary, with the support of the weight of authority from other jurisdictions. *State Board of Nursing v. Fitchpatrick*, No. 04-0898 BN, 2005 Mo. Admin. Hearings LEXIS 39 (March 1, 2005).

In Missouri, moral turpitude has been defined as “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything done contrary to justice, honesty, modesty and good morals.” *Brehe v. Missouri Department of Elementary and Secondary Education*, 213 S.W.3d 720, 725 (Mo. App. 2007) (internal citations omitted). The *Brehe* court also endorsed the view that with regard to moral turpitude, there are three classifications of offenses: those that necessarily involve moral turpitude, such as frauds; those that are so obviously petty that they carry no suggestion of moral turpitude, such as illegal parking; and those that **may** be saturated with moral turpitude but do not involve it necessarily, such as failure to pay income tax. With the third classification, the tribunal looks to the related circumstances to determine whether the offense is so vile, base or depraved as to be infected with moral turpitude. The General Assembly regards certain crimes like murder, rape, sexual abuse, and first degree child endangerment to necessarily involve moral turpitude and therefore require license revocation. *Brehe*, 213 S.W.3d at 725; §168.071.6, R.S. Mo. However, neither the General Assembly nor the courts of the State of Missouri have found driving while intoxicated to constitute a crime involving moral turpitude.

Petitioner has cited a decision of the Administrative Hearing Commission finding that a license applicant's five guilty pleas within a nine-year period for driving while intoxicated were crimes involving moral turpitude. *Berry v. MREC*, No. 12-0307 RE, 2013 Mo. Admin. Hearings LEXIS 9 (Jan. 18, 2013). As this Board well knows, *Berry*, as a decision of the AHC, has no precedential value and is not binding on this body.¹⁰ See, e.g., *Central Hardware Co. v. Director of Revenue*, 887 S.W.2d 593, 596 (Mo. banc 1994). However, to the extent this Board seeks guidance in prior decisions of the AHC, there is ample and persuasive decisional support for the conclusion that DWI is not a crime involving moral turpitude. See, e.g., *Riedl v. Director of Revenue*, No. 12-2161 RL, 2013 Mo. Admin Hearings LEXIS 22 (January 25, 2013); *State Board of Nursing v. Fitchpatrick*, No. 04-0898 BN, 2005 Mo. Admin. Hearings LEXIS 39 (March 1, 2005); and *Moler v. State Board of Nursing*, No. 05-1367 BN, 2006 Mo. Admin. Hearings LEXIS 130 (Sept. 5, 2006).

In *Fitchpatrick*, the AHC acknowledged that the Commission had “on occasion” found DWI to be a crime involving moral turpitude while also noting the lack of precedential value of such decisions. *Fitchpatrick*, 2005 Mo. Admin. Hearings LEXIS 39 at *5-6 The AHC further stressed that it “must exercise some discretion in considering what constitutes moral turpitude, or the qualifying phrase becomes meaningless and all crimes become crimes of moral turpitude.” *Id.* at *6. Citing cases from ten different tribunals and jurisdictions, the AHC noted that “[t]he weight of authority from other jurisdictions recognizes that DWI is not a crime of moral

¹⁰ Further, the facts of *Berry* are distinguishable from those of this case. In *Berry*, the license applicant had five convictions for DWI, including not one but three felony convictions. It was not until after his third felony conviction and prison time that Berry embraced sobriety. Here, Ms. Straatmann has only four DWI convictions, three of which occurred within 4 years of one another and the fourth of which was separated by 8 years from the others and is now nearly two and a half years distant.

turpitude.” *Id.* at *6-7.¹¹ For example, pursuant to 8 USC §1182(a)(2)(A)(i)(I), commission of a crime involving moral turpitude renders an alien ineligible to obtain a visa or to enter the United States. The United States Department of State, which administers the visa program, has issued guidance explaining that crimes involving moral turpitude generally include elements of fraud, larceny or intent to harm people or things. *See* United States Foreign Affairs Manual Volume 9, part 40.21(a) Notes, 9 FAM 40.21(a) N2.2, available at:

<http://www.state.gov/documents/organization/86942.pdf> (last visited April 2, 2014). That

guidance further lists crimes which do and do not involve moral turpitude; “drunk or reckless driving” is listed as a crime not involving moral turpitude because it does not require a showing of fraud or evil intent. 9 FAM 40.21(a) N2.3-2(b).

In cases analyzing the involvement of moral turpitude, Missouri courts (which, as discussed above, have never found DWI to constitute moral turpitude) have consistently focused on whether the crime committed was of a willful nature.¹² *See In re Duncan*, 844 S.W.2d 443, 445 (Mo. Banc 1992) and *In re Warren*, 888 S.W.2d 334, 335-35 (Mo. Banc 1994) in which the court made specific reference to the willful failure to pay federal income tax and the willful failure to pay child support, respectively. Unlike the facts in those cases, there are no facts here which would indicate that Straatmann’s behavior was willful. To the contrary, Ms. Straatmann is ashamed of the actions she took while under the influence of alcohol and, as reflected by the undisputed facts herein, has taken extraordinary steps to insure that she never repeats such

¹¹ The AHC cited the following cases: *Maxwell v. State*, 620 So.2d 93, 97 (Ala. Crim. App. 1992); *In re Carr*, 46 Cal.3d 1089 (1988); *O’Neal v. Kammin*, 430 S.E.2d 586, 587 (Ga. 1993); *In re Oliver*, 493 N.E.2d 1237, 1241 (Ind. 1986); *State v. Harry*, 468 S.E.2d 76, 80 (S.C. App. 1996); *Flowers v. Benton County Beer Bd.*, 302 S.W.2d 335, 339 (Tenn. 1957); *Lopez v. State*, 990 S.W.2d 770, 778 (Tex. App. 1999); *Vasquez-Atempa v. Ashcroft*, 81 Fed. Appx. 256 (9th Cir. 2003); *Lewis v. Alabama Dep’t of Public Safety*, 831 F. Supp. 824, 826-27 (Middle District, Ala. 1993); *In re Lopez-Meza*, 1999 BIA LEXIS 50 (1999).

¹² This is similar to the U.S. State Department’s guidance (discussed supra) requiring fraud or evil intent, rather than mere recklessness, to support a finding that a crime involved moral turpitude.

behavior. Nor is there any evidence that she harbored an evil intent to cause harm to life or property. Although Ms. Straatmann is appropriately remorseful about her behavior, that behavior does not rise to the level of moral turpitude. Where, as here, DWI convictions are inextricably linked to alcoholism, which is a disease and not a moral failing, there simply is no basis for finding a moral failure of any kind, including moral turpitude.

II. The Board should exercise its discretion to take no action against Respondent's teaching certificates.

In the alternative, even if the State Board determined that Ms. Straatmann's conduct constituted moral turpitude, the Board has discretion with regard to whether take any action against her certificate to teach. Because there is no nexus between Straatmann's conduct and her teaching, there is no basis for a suspension or revocation of her certificate to teach. "Moral turpitude" has been accorded essentially the same meaning under Missouri law as "immoral conduct."¹³ In determining whether a teacher's immoral conduct renders the teacher unfit to teach, the courts consider that conduct's nexus to teaching utilizing numerous factors which are relevant herein and should similarly be considered by this Board. Those factors include the likelihood that the teacher's conduct would have a negative effect on the students or other teachers, the degree of the anticipated negative effect, the proximity or remoteness in time of the conduct, any extenuating or aggravating circumstances surrounding the conduct, the likelihood

¹³ Immoral conduct "contemplates conduct which is sufficiently *contrary to justice, honesty, modesty or good morals*, or involving *baseness, vileness or depravity* so as to support the inference that the teacher consciously comprehended the wrongful nature of the conduct." *Youngman v. Doerhoff*, 890 S.W.2d 330, 341 (Mo. Ct. App. 1994). *Accord In re Thomas*, 926 S.W.2d 163, 165 (Mo. Ct. App. 1996) (emphasis supplied). Practically identically, "[m]oral turpitude" has been defined as 'an act of *baseness, vileness, or depravity* in the private and social duties which a man owes to his fellowman or to society in general, *contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty, and good morals.'*" *Brehe v. Missouri Dept of Elem. and Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007), quoting from *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985), and *In re Wallace*, 323 Mo. 203, 19 S.W.2d 625 (Mo. banc 1929) (emphasis supplied).

that the conduct may be repeated, and the motives underlying the conduct. *Thompson v. Southwest School District*, 483 F. Supp. 1170, 1182 (W.D. Mo. 1980); *In re Thomas*, 926 S.W. 2d 163, 165-166 (Mo. App. 1996). Here all of those factors support taking no action against Respondent's certificates to teach.

First, there is no evidence that Kim Straatmann's conduct has had a negative effect on her students. In fact, there is no evidence in the record that her students or their parents are even aware of Straatmann's guilty pleas or the consequences she has accepted as a result. Dr. Richard King, a former employee of the Missouri Department of Elementary and Secondary Education, testified as an expert witness in *Thompson* regarding the effect a teacher's out of classroom conduct may have in the classroom. While he agreed that teachers have a modeling role, he indicated that the parents and the students must have some knowledge of the conduct at issue before such conduct can have an effect in the classroom. *Thompson*, 483 F. Supp at 1176. Clearly, there is no evidence that the conduct at issue has had any effect on Straatmann's teaching. In fact, the evidence is undisputed that she is an excellent teacher who has had a positive impact on her students. Even if the students were to learn of Straatmann's guilty pleas, they would also learn of her commitment to recovery and sobriety and benefit from her positive model in that regard.

Second, the conduct at issue is remote in both place and time, having occurred well away from the district where she teaches and with the most recent occurrences well over two and eleven years, respectively, prior to the hearing in this matter. It is undisputed that Straatmann never drank at school or around students. Nor is driving a part of her responsibilities as a teacher.

Third, the evidence herein supports a conclusion by the finder of fact that such conduct is unlikely to be repeated. As Counselor Fred Hook testified, continued abstinence from alcohol

renders relapse and a return to poor decision-making less likely with every passing month. Here, Ms. Straatmann has been totally abstinent since January of 2013—well over a year.

Finally, the fact of her alcoholism should be weighed as an extenuating circumstance surrounding her decisions to drive after consuming alcohol and as evidence that her motive in doing so was not to intentionally cause harm. As Fred Hook explained, alcoholism is not a moral choice but individuals who are active alcoholics are more likely to make poor decisions while in the throes of the disease. Ms. Straatmann testified emotionally and unequivocally that causing harm, except perhaps to herself, was never her intention when she drove after consuming alcohol.

III. Discipline of Respondent’s teaching certificates would defeat the purpose of licensing statutes.

License revocation statutes do not exist for punishment. *In re Haggerty*, 661 S.W.2d 8, 10 (Mo. 1983). “The focus of licensing laws and suspension or revocation provisions therein, is on protection of the public served by such licensed professionals.” *Howard v. Missouri State Board of Education*, 913 S.W. 2d 887, 891. (Mo. App. 1995). “Emphasis is therefore placed on the remedial purpose of the law expressed in terms of the public good.” *Id.* at 892. Clearly, it would defeat the purpose of the licensing law to take action against such an excellent teacher as Kim Straatmann in view of her actions to change her life, especially when there is absolutely no connection between the conduct at issue and her teaching. In *Howard*, the Court of Appeals held that the Board properly took action against a teacher’s certificate. However, in so holding, the court noted that the actions of the teacher in that case “had an unfortunate but unquestionable connection with her career as a teacher.” *Id.* at 893. Such is not the case in the facts before the Board herein. There is no basis to support a decision to take action against Straatmann’s

teaching certificates when there is no showing of a connection between the crimes to which she pled guilty and her teaching.

In the instant case, no positive purpose would be served by taking any action against Kim Straatmann's teaching certificate. She was punished for her actions by the State of Missouri and she has fully accepted responsibility for such. Her school district has fully considered the matter and elected to retain her as a teacher in the district, albeit imposing a lengthy suspension which ends July 1, 2014. As detailed herein, she has made a number of drastic changes in her life, the greatest of which is her immersion in recovery from alcoholism and her devotion to sobriety. Suspending or revoking Straatmann's license to teach would in no way serve to protect the public and would only serve to deprive the students of this state the opportunity to learn from and be inspired by a most effective and dedicated educator.

CONCLUSION

For all of the foregoing reasons, Respondent respectfully requests that the Board take no action to discipline her teaching certificates and for such other relief as may be warranted by all the facts and circumstances.

Respectfully submitted,

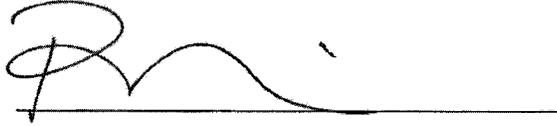
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd day of April, 2014, a copy of Respondent's Brief was served by e-mail on: DESE Counsel, at Counsel@dese.mo.gov; and on Todd Lucas, Assistant Attorney General, at todd.lucas@ago.mo.gov.

A handwritten signature in black ink, appearing to be 'R', is written above a solid horizontal line that extends across the width of the signature.

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