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## Damages awarded in NLC harassment suit

Liz Johnson to receive \$82,800; Northland Learning Center attorney declines to comment

**By Tom Klein**

A St. Louis County jury has awarded \$82,800 in damages to a former special education training coordinator, who said she suffered harassment, including a threatening note from her superior, at the Northland Learning Center after reporting numerous problems there.

Liz Johnson, who worked at the Virginia-based alternative school for six years and took a medical leave in 2006, filed her whistleblower suit in August of 2006. Although the suit was initially dismissed, the Court of Appeals ruled that it should be heard. That eventually led to a hearing in Virginia, where a verdict awarding damages was reached on Oct. 30, 2009.

Attorney Larry Minton, representing the Northland Learning Center, declined comment on the case, but said his office is contemplating an appeal of the verdict.

Chisholm Superintendent James Varichak, who currently chairs Northland's joint powers board, suggested that complaints about Northland were not out of the ordinary. "In my opinion, these same things happen at schools across the Range," he said, referring to fights among students and attendance issues.

Concerns raised

by Johnson

In the suit, Johnson alleged that she was made uncomfortable in the workplace by her superior, Francis Spencer, after she brought concerns about several incidents to the attention of Spencer and members of the joint powers board. Spencer was director of the Northland Learning Center during Johnson's employment there from 2000-06.

Johnson said she informed Spencer first of her concerns but when he failed to act on them, she brought her concerns to several members of the joint powers board, which includes superintendents of the schools using Northland's services. According to Johnson, they, too, ignored her warnings, passing them off as the complaints of a disgruntled employee, with the exception of Charles Rick, superintendent of District 2142. Rick wrote down Johnson's concerns and later brought them to the joint powers board.

Eventually, the concerns raised by Johnson were sent to area media by an anonymous letter. That led to investigative reports in the Timberjay and Mesabi Daily News and triggered an investigation by the state Department of Education as well as an internal probe by Northland's attorney in March 2006. Both reports substantiated some but not all of the claims made by Johnson.

The Timberjay's investigation found that class sizes were too high and resources were lacking at the center, a finding that was subsequently verified by the DOE analysis.

In at least one instance, caseloads in a special education class were more than triple the federal and state maximums. In the state report, Glory Kibble and Marilyn Morgan concluded that the facility had developed a perception as a "dumping ground" for at-risk students.

Attorney Mitch Brunfelt's internal investigation found no evidence that Northland was unsafe for students and staff, but did find cases of what he termed "lapses in good, professional judgment."

During the court hearing, several witnesses confirmed overcrowding of classes and other issues raised by Johnson.

### Workplace retaliation

According to attorney Deborah Eckland, who represented Johnson, Spencer allegedly threatened Johnson after she approached members of the joint powers board, telling her that if she didn't support him that he would cause trouble for her.

"Things really escalated after the anonymous letter was sent," Eckland said.

Johnson said her computer was tampered with and, for the remainder of her time working at Northland, she was unable to use it to access key information for her job. On one occasion, Johnson said her office was ransacked, and she said Spencer imposed additional restrictions on Johnson, such as signing in for work, which other employees were exempt from doing.

The most egregious example, according to Eckland, were two notes that Spencer left in Johnson's mailbox requesting the return of a gun that he had loaned to her and her husband. "He had written: 'Liz, will you please return my pistol. I have a need for it now,'" said Eckland.

When Spencer was asked about the note in his deposition, he acknowledged that he "agonized" over the wording, said Eckland. "Why would you agonize over a note requesting the return of your property?" Eckland asked.

Spencer died more than a year ago and a transcript of the proceedings wasn't available, but others at the hearing confirmed Eckland's account of the testimony.

Johnson said she showed the note to Charles Rick, who testified in court that he expressed concern for her safety and advised her to notify police. But Spencer was never confronted by the board about the note, Eckland said. "They did nothing about it. He never even received a stern talking to."

Rick declined comment on the proceedings, but an observer at the hearing verified his testimony.

It was at that point that Johnson took a medical leave and never returned to work at the center. Johnson said stress was taking a toll on her health, robbing her of the ability to sleep and making her ill.

### Damages awarded

The jury agreed with Johnson's contention that she faced retaliation from Spencer for reporting real problems at Northland and awarded her \$82,800. The figure is based on an average of the earnings that Johnson would have received had she remained employed at the center.

Both Johnson and her attorney Eckland said they were satisfied with the verdict and award. They had made a motion for punitive damages, as well, but that had been denied.

"I was so thankful that the jury listened to the evidence and rendered a fair verdict," said Eckland.

Johnson said she was motivated to seek action not only for herself and fellow employees, but also for the kids who are supposed to be served by Northland. She said she would like to use the jury award to establish an agency to help others.

"I want to be an advocate for kids and parents so they receive the education that they're entitled to get in a safe, positive environment," she concluded.