

October 19, 2009

The Marshall County Board of Education met in regular session on Monday, October 19, at 7:00 p.m. in the Board Conference Room at Jones School.

Members present were Curt Denton, Kristen Gold, Mike Keny, Craig Michael, Delinda Owens, Randy Perryman, Ann Tears, and Mark Wilkerson. Todd Tietgens was absent. Sam Jackson, a representative from the school system's attorney's office, was also in attendance.

Prayer/Pledge

Mr. Perryman made a motion, seconded by Ms. Owens, to approve the night's agenda. Under New Business, Mr. Wilkerson requested to be recognized at the conclusion of the meeting; Mr. Keny – Discuss committees, and set date for work session. The motion passed 8-0.

The following retirees were honored: Educators – Nancy Cheatham, Gayle Collins, Sherryle Foster, Joe George, Maurice Hambrick, Ray Stacey, Ann Walls; Support – Wanda Burch, Martha Carter, Gwen Kincaid.

Ms. Lori Curtis addressed the board on behalf of the Town of Chapel Hill Parks and Recreation Board who is requesting the use of the old gym and auditorium at Forrest School on December 5, 2009, for a craft fair and baby pageant. Mr. Wilkerson made a motion to approve the request with the second by Mr. Michael. The motion passed 8-0.

Mr. Wilkerson made a motion, seconded by Ms. Owens, to approve the minutes of the September 8, 2009, special called session, the September 23, 2009, regular session, and the October 5, 2009, special called session. Mr. Keny asked that the October 5 minutes where Mr. Tietgens and Ms. Gold resigned their seats be rephrased to say they announced their intentions to resign since Ms. Gold has chosen to stay on the board and Mr. Tietgens has not made a final decision and is still considered a member of the Board of Education. The motion passed 8-0.

There was no MCEA report.

Brenda Brown and Wanda Odum, co-chairs of the Marshall County Education Association Professional Rights and Responsibilities Committee, brought before the board two grievances, the first dealing with Article 18: Posting of Positions. Ms. Odum stated the issue was addressed in a letter dated 6/11/09, and the MCEA requests the Marshall County Board of Education review Article 18

concerning posting positions in the school system. She added that Marshall County teachers want to be considered for all available positions. Ms. Brown addressed a grievance concerning Article 23: Insurance. The negotiated contract ratified by the board on August 13, 2009, and by MCEA on August 18, 2009, reflects an increase in insurance premium coverage provided by the board on both single and family coverage, but teachers' August and September paychecks do not reflect the increased amount. She added that the Marshall County Commission requested that the money be redistributed but did not cut funds; therefore, the MCEA asserts the contract is legal and binding, and the association requests the board honor the negotiated contract. Concerning the first grievance (posting of positions), Mr. Michael indicated the board has one employee: the Director of Schools; the board has no power to hire, fire or transfer any employee, leaving the board virtually powerless to act upon the grievance. Mr. Jackson supported that statement saying that under the Education Professional Negotiations Act and Tennessee Code Annotated, the Director is the only person who has the right to hire, fire, non-rehire, and renew an employee.

Since Article 23: Insurance was not included in the board book and board members were unable to review the grievance beforehand, Mr. Keny asked Ms. Brown if the issue could be placed on the November agenda; she agreed.

Miley Durham, Tennessee Education Association UniServe Coordinator, spoke to the board regarding a grievance filed by Michael Frey on September 9, 2009. He explained the grievance alleges that Mr. Frey (Transportation Supervisor) is not being paid according to a supervisor's schedule nor is being paid a supervisor's supplement as provided for in the contract; he is currently being paid on a teacher's salary schedule. He asked the board remedy the situation by placing Mr. Frey on the supervisor's salary schedule that's in the contract and pay the 14% supplement that is also provided for in the contract. Mr. Michael asked Mr. Jackson how the Education Professional Negotiations Act applies to this situation; Mr. Jackson said the Act applies to any person employed by the board of education in a position which requires a license issued by the Department of Education. He added that the position Mr. Frey currently holds does not require a professional license, therefore, the contract does not apply to that position. To clarify a question, Mr. Jackson said the board can grant the portion of the grievance which would allow Mr. Frey to attend in-service and professional development in order to keep his license active. Mr. Jackson has not seen anything that would prevent Mr. Frey from having the opportunity to attend in-service or professional development, and a motion was not needed by the board in order to grant Mr. Frey that opportunity.

Mr. Frey, who was a member of the audience, stated he has earned his Master's in Administration and Supervision and as a teacher there are no in-service opportunity hours that he has to obtain; therefore, in-service hours do not have to be provided to him, except for the ordinary 30 hours a year. His concern lies in keeping his license active; within a 10-year period he must teach five of those years to keep his license active. With his license set to expire in 2016, he would have been in the classroom only three years; he has to get five years of professional development or he would lose his professional license. Mr. Jackson said that shouldn't be an issue until 2013, and the board would have to check with the state department concerning any waivers. He added the decision of where personnel are placed in the system is with the Director of Schools; therefore, the board doesn't have the authority to reverse Mr. Frey's transfer from the classroom into the position of Supervisor of Transportation. In referring to a statement made by Mr. Durham concerning Mr. Frey being paid on a 10-month contracted teacher's salary, Mr. Jackson clarified that the board made a special vote to set the salary for the position on a 12-month basis, so he's not being paid a teacher's salary but a salary set by the board for this position. He concluded that the only decision the board can make regarding this situation is to set the salary of the position, which appears to have already been done.

Mr. Wilkerson made a motion to approve the out-of-adoption books for surplus (see attached), and Mr. Perryman seconded the motion. Roy Dukes, Interim Director of Schools, said once the books are declared surplus, an advertisement will be placed informing the public they are available for free give-away. Any leftover books will be recycled. The motion passed 8-0.

Mr. Wilkerson made a motion, with a second by Ms. Owens, to approve Special Courses (see attached). The motion passed 8-0.

Ms. Tears made a motion to approve the Compliance Report (see attached). Mr. Wilkerson seconded the motion and the motion passed 8-0.

Mr. Michael made a motion, seconded by Mr. Wilkerson, to approve the Amendments to Federal Budgets (see attached). The motion passed 8-0.

Mr. Perryman made a motion, seconded by Ms. Owens, to approve the technology supplement for Chapel Hill Elementary School (see attached). Mr. Dukes explained that not all schools have technology supplements, but CHES is requesting to use school funds (not paid by MCBOE) for this purpose. Suzanne Ingram, Technology Supervisor, further explained that CHES is the only school that does not have a technology lab teacher; in other schools, the lab teachers take care of a lot of those responsibilities. Since Mr. Delk does not have a lab

teacher, he has requested that he be able to assign the duties to two of his teachers who have served in this capacity in the past. Mr. Perryman asked why CHES is the only school without a computer lab teacher; Ms. Williams-Lee, Federal Programs Director, stated that all the Title I lab teachers are paid by Title I funds. She went on to say this is the first year CHES has been a Title I school, and Mr. Delk had the opportunity to use those teachers (funded by Title I) in any capacity he would like, and he chose to make them classroom teachers to assist the low performing students in his school to increase student achievement. Mr. Denton asked if everyone was on a level playing field, but just not hold the same positions; Ms. Williams-Lee responded yes. Mr. Michael questioned why the issue was placed before the board if the funds are being paid by the school and not the board of education; Mr. Dukes said he felt the reason it was before the board is because supplements were approved in August and Mr. Delk wanted permission to add two teachers to the supplement list. Janet Wiles, Budget Director, further explained that in the past the board had always approved all supplemental pays, regardless of the source, and this money will be paid from the Central Office but it is money Mr. Delk has to use at his discretion. She added that the supplement list has to be approved every year. Ms. Gold further clarified the issue by saying in the past school-funded supplements have appeared on the supplement list to be approved, and they were designated as such; Ms. Wiles concurred. The motion passed 8-0

Mr. Perryman made a motion, seconded by Mr. Michael, to approve Blaise Spencer as a volunteer assistant boys' basketball coach at Lewisburg Middle School. The motion passed 8-0.

Mr. Wilkerson made a motion to allow Logan Scott, a senior at Forrest High School who has been accepted as an official candidate for admission to the United States Naval Academy, to complete physics through the A+ Learning Systems Software, and Mr. Denton seconded the motion. Mr. Perryman asked if the system would be able to continue doing this in the future for students needing courses; Mr. Dukes stated that whatever it takes to help a student qualify to go on to college or be successful in other areas, he hoped the system could provide additional classes. He went on to say that when Distance Learning is in place, students at all the county's high schools would have the opportunity to take their needed courses. Mr. Denton asked if the system was close to having Distance Learning technology; Mr. Dukes responded we are close. Mr. Perryman asked the timeframe for Distance Learning; Ms. Ingram said the wiring has been completed, the principals at all three high schools have designated a room for this purpose, the equipment has been ordered, someone will be on site next week to do a site review, during the first two weeks of November the three classrooms will be

installed, and Distance Learning courses should begin in January. Mr. Perryman asked if this would enable all three high schools to have the same courses; Ms. Ingram said yes. The motion passed 8-0.

Under agenda item "Approve Purchase of Tow Motor," Mr. Dukes explained the school system is paying \$1,100 a month to rent a tow motor used to unload trucks delivering books, paper and other items for the system. He stated it would be more cost effective to buy the used tow motor for between \$7,000 and \$8,000 than to continue renting the piece of equipment. Mr. Wilkerson made a motion to approve the purchase of a tow motor; Mr. Perryman seconded the motion. Mr. Dukes clarified that the tow motor would be housed at the Central Office but could be used throughout the system. He told the board he would instruct Maintenance Supervisor Sheldon Davis to check the hours of use on the tow motor to better determine the value of the machine. The motion passed 8-0.

The only item on the consent agenda was Forrest Junior Beta Club asking approval to attend the 2009 Junior Beta Club Convention at the Opryland Hotel in Nashville on November 22-24. Mr. Perryman made the motion to approve the consent agenda, with a second by Ms. Tears. The motion passed 8-0.

Under agenda item "Discuss Contract/Salary of Interim Director," Mr. Jackson explained the need for a contract with the interim director (Mr. Dukes) which will define his responsibilities while a director's search is in progress. If the board would give him the authority, Mr. Jackson said he would talk with Mr. Dukes and draft a contract to bring before the board on which members can make a judgment. Mr. Michael made a motion, with a second by Ms. Tears, to allow Mr. Jackson and Mr. Dukes to formulate a proposed contract and present it to the board for the board's review. The proposed contract will be presented at the November 9, 2009, regular session of the board. The motion passed 8-0.

Before discussion of new business, Wanda Odum asked for clarification as to what was decided earlier in the meeting (during discussion of grievances) regarding insurance, since according to the contract the MCEA is to have a written decision from the board within ten days. She was also confused as to why board members didn't realize the issue would be addressed since a request had been delivered to Mr. Dukes and Mr. Keny on October 6. Mr. Keny and Mr. Dukes explained they understood what was being addressed during the meeting was the issue postponed from last meeting (Article 18), plus what was included in the board book (Mr. Frey's grievance). Ms. Odum said the board could ask for an extension on the topic. Mr. Jackson stated he understood when the discussion was held earlier in the meeting, the board asked if it could be brought back next month and it was agreed upon; he felt an extension had been granted. Mr. Keny asked Ms.

Odum if the board could be granted an extension until the November meeting; Ms. Odum, Ms. Brown, and Colin Beatty (MCEA President) agreed to the extension.

Mr. Keny deferred new business until after Mr. Dukes's Director's Report.

In the Director's Report, Mr. Dukes brought members' attention to the papers at each person's seat and made announcements: FERPA/Confidential Information Acknowledgement Form which explains the confidentiality of student records (each employee of the system will sign a form); TCAP tests will be given April 12, 2010, through April 19, 2010; OCR (Office of Civil Rights) is conducting an investigation throughout the state of Tennessee which deals with gender discrimination when disciplining students (males receive stricter discipline than females).

Mr. Dukes told the board that he and Mr. Keny had attended a County Commission Education Committee meeting on October 15 in which the Preliminary Geothermal Energy Analysis (placed at each board member's seat) was presented which could possibly benefit the school system in energy savings; Mr. Keny added that the gentleman who made the presentation at the October 15 meeting would also be willing to make a presentation to the school board. There is an application fee should the system decide to go forward with the project; Mr. Dukes and Mr. Keny said that the geothermal system would be funded with stimulus money. Mr. Keny suggested having a work session in which a presentation could be made. Ms. Gold asked about a similar presentation previously made by Siemens; she suggested if a work session was held, that the board revisit all such systems available to see if there are one or more systems that may be feasible. Mr. Michael asked Mr. Jackson if TSBA had a list of preferred vendors or information on companies soliciting school systems; Mr. Jackson said yes, and TOSS does, as well. He went on to say that if the school system should decide to install an energy-saving system, due to the cost it will have to be bid. Mr. Keny stated that the question was asked at the October 15 meeting if this would have to be bid out, and he was told the work itself would be bid out by Capital Project Solutions (the presenter of the Geothermal Energy Analysis), but Capital Project Solutions would be similar to hiring an accountant. Mr. Jackson clarified that Capital Project Solutions would be like a contract manager; Mr. Michael asked how to check out a contract manager. Mr. Jackson said his firm has a construction practice group and he would be glad to talk with that group and get a recommendation.

Continuing new business, Mr. Dukes pointed out the Circuit Court Summons at each board member's place.

Mr. Dukes stated that since the budget has passed, the school system will move forward on filling the 7-1/2 teacher assistant positions which had been on hold.

The secretary/bookkeeper position has been filled in the Title I position, but due to the increased amount of accountability in Title I, Title II-D, and Title X, and with three Title I Target Assisted Schools and six Title I schools, and with the tracking of stimulus money, a part-time (6-hours per day) administrative assistant is needed in the Federal Programs Department; this position would be funded 100% from the federal program. Mr. Dukes also requested that the title of secretary/bookkeeper be changed to administrative assistant. Mr. Denton made a motion, seconded by Ms. Tears, to change the position title to administrative assistant. The motion passed 8-0. Mr. Wilkerson made a motion, seconded by Mr. Denton, to hire a part-time administrative assistant in the Federal Programs Department. Ms. Gold asked if we've had this position in the past and if the responsibilities have changed; Mr. Dukes stated the accountability and job description have changed due to receiving the stimulus funds. Mr. Michael asked if while the stimulus funds will eventually go away, the need for the position would still be there. Linda Williams-Lee, Federal Programs Supervisor, stated yes, and added that not only does she serve Title I, she also serves Title II A and B, Titles III, IV, IX, and X. The motion passed 8-0.

Mr. Dukes informed the board that he and Dr. Thomas have been approached by Jason Lewis, Marshall County Health Coordinator, about making schools available for H1N1 vaccination clinics for the community. Mr. Lewis has not gotten back with Mr. Dukes and Dr. Thomas, but Mr. Dukes would let everyone know when he has more details. Mr. Dukes stated Dan Long (Executive Director Office of Assessment Evaluation & Research, Tennessee Department of Education) would address the Principals/Supervisors/Teacher/Facilitator meeting on Wednesday, October 21 at 9:30 a.m. to talk about baseline testing and how test scores have changed; board members are invited. The EEOC (Equal Employment Opportunity Commission) office will provide sensitivity training ("Culture of Respect") on November 10 in two sessions: 9:30-11:30 for principals, supervisors, and managers, and again from 12:30-2:30 for assistant principals and central office staff. The cost for the training will be approximately \$1,200. Board members are invited to attend.

During the recent LEAD Conference, Mr. Dukes's name was drawn as the winner of a Promethean Board which consists of an Activity Expression, Activity Slate, and an Interactive Board valued at \$5,000. To determine which school will house the Promethean Board, Mr. Dukes will find out which schools do not have one of these systems, then put those names in a hat for a drawing. On the subject of the

LEAD Conference, Mr. Dukes said most all principals and supervisors were in attendance to participate in sessions on assessments, interventions, standards, leadership, etc.

Mr. Dukes said since the board recently approved the contract for Sheldon Davis to work the county's maintenance and have two employees (electrician and HVAC), does the board want to post for the two positions. Mr. Keny asked if the school system hires the two employees or if the county will hire them; Human Resources Director Mitchell Byrd stated the school system would hire them. For clarification, Ms. Gold stated the county would be funding the positions. A question was raised about the legalities of Mr. Davis supervising the work on non-school system projects and being paid 100% by the school system; Mr. Jackson said he would research the issue and report to Mr. Dukes.

Mr. Dukes concluded the director's report by inviting the board members to the director's office following the meeting to view banners submitted by Cornersville School, Chapel Hill Elementary School, and Oak Grove Elementary School which will be on display at the upcoming TSBA Convention in Nashville.

Under old business, it was decided to discuss the role/responsibilities of Ex Officio members during a work session. A work session to discuss this issue, five-year goals and objectives, Geothermal, and a director's search, as well as a special called meeting to discuss responses to grievances was set. The special called meeting will start at 6:30 p.m. on Tuesday, October 27, 2009, immediately followed by the work session.

Mr. Wilkerson resigned his seat on the board effective Tuesday, October 20, 2009, due to job relocation.

Mr. Keny distributed copies of committees for 2009-2010 which showed an opening on the negotiating team; this issue will be addressed during the October 27 special called meeting.

The meeting was adjourned.

Respectfully Submitted,

Mike Keny, Chairman

Roy Dukes, Interim Director