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**CUMBERLAND COUNTY BOARD OF EDUCATION
REGULAR MEETING
Thursday, April 28, 2011**

INSPIRATIONAL: Little Girl who "Likes Everything"

The Cumberland County Board of Education met in regular session on Thursday, April 28, 2011 in the Central Office Board Room, where the meeting was called to order by Chairman Schlafer at the approximate hour of 6:00 p.m. He welcomed everyone to the meeting.

PRESENT: Schlafer, Randolph, Davis
Janeway, Tollett, Blalock
Brewer, Bowman, Hyder
Tyler Janow (CCHS Representative)
(This is Tyler's last board meeting. Chairman Schlafer thanked him for all his help and the things he has done for the school board. He will be missed.)

ABSENT: None

COUNSEL: Mr. Earl Patton

- 1 **Call to Order:** (See above)
- 2 **Welcome to Visitors:** (See above)
- 3 **Moment of Silence:** Chairman Schlafer asked everyone to remember the Buck family for the passing of Larry Buck, a long time teacher and administrator in our school system. He also reminded everyone how grateful we should be to be alive with all the tornadoes and floods that have been so devastating.
- 4 **Pledge to Flag:** Davis led the audience in the Pledge of Allegiance.
- 5 **Special Recognition: SMHS Rocket Club - Tom Tatum, Sponsor**
Mr. Tatum announced that the Rocket Club will be going back to the National competition. James Mitchell, Jacob Young, and Chris Zitchko were the members with Mr. Tatum tonight. There were 650 schools in the competition, and SMHS is in the top 100. The club will be going to Virginia on May 13th to shoot with the top 100 teams. If our club wins, we will get an all-expense paid trip to Paris, France to attend the Paris Air Show. The club will also get \$60,000.00 in scholarships if they come in in the top 10 to split amongst themselves. The club showed their 2009 rocket, which is now a display. Ms. VanWinkle presented the club with a certificate and pictures were made with the boys and their parents.

Bowman, Level I Board Member: Chairman Schlafer congratulated Bowman for becoming a Level I board member in the short time of six months that he has been on the board. He had to work hard to accomplish this. Ms. VanWinkle presented him with a certificate of appreciation. He will receive his actual pin at the fall district meeting in September. He predicts that he will be a Level II member by that time.

6 Roll Call: (See above)

7 *Approval of Minutes of March 24, 2011: (See Exhibit #2) Bowman made and Davis seconded a motion to approve the 3-24-11 minutes as presented.

VOICE VOTE: Bowman (mover-yes)
Davis (seconder-yes)
All ayes

MOTION: Carried **unanimously**

8 *Approval of Agenda: (See Exhibit #1) Blalock asked that 17-F-3 and F-5 be taken off the consent agenda for discussion. Janeway asked to take 17-D and E from the consent agenda for discussion. Janeway made and Randolph seconded a motion to approve the agenda with the changes.

VOICE VOTE: Janeway (mover-yes)
Randolph (seconder-yes)
All ayes

MOTION: Carried **unanimously**

9 Community Comments: (none)

10 School Board Reports

A. TLN Report: (See Exhibit #3) Brewer stated that it appears that the issue of elected versus appointed superintendents has failed at least until next year.

Legislation has passed through the Senate Education Committee and House Education Subcommittee that will prohibit schools from starting before the 4th Monday of August. However, Ms. VanWinkle stated that schools systems that miss more snow days than they have planned for will be able to ask the Legislature to permit them to start school earlier. (More discussion under Questions from the Media, Page 8.)

A bill has been introduced to enroll students into kindergarten at an earlier age. It will be up to the school board to adopt the policy to allow the director of schools and a parent, on a case-by-case basis, to determine if a child is ready to enter kindergarten before turning five before September 30th. The bill is expected to pass.

Bills to allow the director of schools to dismiss unlicensed personnel (within the policy of the school board) have been introduced and are expected to pass by both the House and Senate soon.

11 Legal Report:

A. Attorney Contract: (See Exhibit #4) Mr. Patton stated that he has made the changes to this contract that were requested by board members at the last meeting. Davis made and Bowman seconded a motion to approve the revised attorney's contract as per Exhibit #4.

VOICE VOTE: Davis (mover-yes)
Bowman (seconder-yes)
Blalock (no), Tollett (no)
Janeway (yes), Brewer (no)
Hyder (yes), Randolph (yes)
Chairman Schlafer (yes)

MOTION: Carried **(6-yes, 3-no)**

B. Dodd Litigation: Mr. Patton stated that at the summary judgment hearing on March 25th, the Board of Education was dismissed from the lawsuit.

12 Director of Schools Report

A. Report on Progress of Energy Efficient Schools Initiative: Ms. VanWinkle announced that the heat and air will be installed in the CCHS gym by graduation. The TRANE project throughout the county is on schedule. The heat and air at CCHS will be started in the classrooms as soon as school is out. There have been a few problems in the transition from old to new heating and air systems, but those are being resolved. If any temperature goes above 73 degrees in a classroom, a work order must be turned in and the problem will be addressed.

B. *Approval of Tenure-If-Elected (TIE) Personnel: (See Exhibit #5)
Ms. VanWinkle stated that she approves the list of Tenure-if-Elected personnel as per Exhibit #5. These teachers have been evaluated by more than one person and all have met the requirements to become tenured. Davis made and Brewer seconded a motion to approve the TIE personnel as per Exhibit #5.

VOICE VOTE: Davis (mover-yes)
Brewer (seconder-yes)
All ayes

MOTION: Carried unanimously

C. *Approval of Textbook Adoption Report/Certification: (See Exhibit #6)
Mr. Simmons stated that it was decided to stay with the same adoption of textbooks for this year with the same three companies because of the amount of money it would cost to change now, when the new books are not what we need and want. When new standards for textbooks are adopted by the state, that will be the time to change textbooks. In the meantime, to bring the old textbooks up to the current state standards, a set plan has been established to pull other resources to meet the core curriculum. No teacher has been left without the ability to meet the present state requirements. After discussion, Bowman made and Janeway seconded a motion to approve the adoption of textbooks as per Exhibit #6.

VOICE VOTE: Bowman (mover-yes)
Janeway (seconder-yes)
All ayes

MOTION: Carried unanimously

D. *Dismissal of Tenured Teacher: (See Exhibit #7) Chairman Schlafer stated that this is an issue that has not been taken lightly. Principal of Brown Elementary, Christy Thompson, was asked the following questions by Chairman Schlafer:

Question: Your documentation over a long period of time is in order?

Answer: Yes.

Question: It is your recommendation that this is the move that needs to be made?

Answer: Yes.

Chairman Schlafer asked for Mr. Patton's legal opinion regarding this matter and where the board stands in taking this action. He stated that the decision is supported by the documentation and the following law:

The rationale for the dismissal of the tenured teacher is stated as follows: “Tennessee Code Annotated (TCA) 49-5-511 states a tenured teacher may be dismissed for inefficiency, neglect of duty, and/or insubordination. Documentation of teacher’s failure to follow procedures outlined in the Brown Elementary Faculty and Staff Handbook and the written improvement plan issued by her immediate supervisor warrants and gives rise to these charges against her as defined in TCA 49-5-501.”

Randolph made and Tollett seconded a motion to approve the dismissal of the tenured teacher as per Exhibit #7.

VOICE VOTE: Randolph (mover-yes)
Tollett (seconder-yes)
Schlafer (yes), Blalock (yes)
Bowman (yes), Davis (yes)
Randolph (yes), Hyder (yes)
Brewer (yes) Janeway (yes)
Tollett (yes)

MOTION: Carried unanimously

B. FYI: (See Exhibit #8) Ms. VanWinkle stated that of the several items in the FYI folder, she wants to point out the TSBA Law Institute that will be held on June 24, 2011 at the Doubletree Hotel in Nashville. She asked anyone interested in going, to please let her know.

13 School Board Committees

A. Building and Grounds Committee: (Janeway reported that this committee did not meet this month.)

B. Policy Committee: Tollett stated that the committee has a continuing recommendation on policies that have made it to the second reading. One of those policies will be discussed later in the meeting.

C. Safety Committee: Davis stated that the committee will meet on the 25th of June. They are pretty close to having a recommendation.

14 Business Manager Report

A. March Monthly Financial Report: (See Exhibit #9) Ms. Randol reported that the March property taxes were low; the sale taxes were also low. Revenues are at 79%. On Expenditures, most line items are in the 60-70% bracket, with an average of 65.31%, at \$31,150,271.00. BEP will not be received in the month of May. So even though we have received \$37.0 Million and only spent \$31.0 Million, in the month of May, \$2.8 Million in BEP will not be received. Also, more projects are coming out of the Capital Outlay budget, and teachers’ salaries will have to be paid through the summer.

B. Sales Tax Report: (See Exhibit #10) Ms. Randol stated that the sales tax for March (actually, two months behind), are at \$514,082.55, which is only \$48,000.00 more than March of last year. Based on how the sales tax is coming in at this time, if we average collecting basically \$600,000.00 for the next four months, the budget will be met. Our sales taxes were low last year, which put the county below the BEP match. If it happens this year, it will be the third year in a row.

15 *Approval of North Cumberland Elementary Grant Applications

A. Dollar General Youth Literacy Grant: (See Exhibit #11)

B. Target Grant: (See Exhibit #12)

Bowman made and Randolph seconded a motion to approve the grant applications as per Exhibits #11 and #12. Chairman Schlafer thanked the staff at North for their leadership and their work in seeking extra funding.

VOICE VOTE: Bowman (mover-yes)
Randolph (seconder-yes)
All ayes

MOTION: Carried unanimously

16 *Approval of CCSNP Recommendations

A. Approval of Food/Non-Food Supplies Bid Specs: (See Exhibit #13)

B. Approval of Steamer Specifications: (See Exhibit #14)

C. Approval to Sell Obsolete Equipment: (See Exhibit #15)

Blalock made and Janeway seconded a motion to approve the CCSNP Recommendations as per Exhibits #13, 14 and 15. In discussion, Randolph is of the opinion that there should be a Line Item established to put the Sell of Obsolete Equipment under (maybe such as Maintenance in Food Service.) The bus that is being referenced tonight has already been surplus once. It was just moved to Food Service for their use. The bottom line is that a paper trail must be kept for the sale of all surplus equipment that is sold. Mrs. VanWinkle will make sure this happens.

VOICE VOTE: Blalock (mover-yes)
Randolph (seconder-yes)
All ayes

MOTION: Carried unanimously

17 *Consent Agenda

A. *Approval of Field Trips: (See Exhibit #16)

1. Brown Elementary 7th/8th Grade
2. SMHS Panther Chorale
3. SMHS Rocket Club
4. CCHS Math Club

B. *Approval of Volunteers: (See Exhibit #17)

1. CCHS
2. North Cumberland Elementary
3. Pine View Elementary
4. South Cumberland Elementary

C. *Approval of Disposal of Surplus Property: (See Exhibit #18)

1. Brown Elementary
2. Technology/Transportation

D. *Approval of Contracts; (Removed for discussion; see Item #20)

E. *Approval of Locations for School Sponsored Field Trips: (Removed for discussion; see Item #21)

F *Approval of 2nd Reading on Policies: (See Exhibit 19)

1. 4.301 – Interscholastic Athletics
2. 5.100 – Goals and Objectives
3. 5.103 (Removed for discussion; see Item #18)
4. 5.104 – Equal Opportunity Employment
5. 5.105 (Removed for discussion; see Item #19)
6. 5.109 – Evaluation

7. 5.1101 – Temporary Contracts
 8. 5.501 – Complaints and Grievances
- E. *Approval of 1st Reading on Policies:** (See Exhibit #20)
1. 5.113 – In-Service and Staff Development Opportunities
 2. 5.202 – Suspension/Dismissal of Non-Certified Employees
 3. 6.208 – Release During School Hours
 4. 6.209 – Child Custody/Parental Access
- F. *Approval of Specs for Pleasant Hill Elementary Carpet:** (See Exhibit #21)

Janeway made and Randolph seconded a motion to approve the Consent Agenda with the changes that were made as per Exhibits #16, 17, 18, 19, 20 and 21.

VOICE VOTE: Janeway (mover-yes)
 Randolph (seconder-yes)
 All ayes

MOTION: Carried unanimously

- 18 * Policy 5.103 – Job Descriptions:** (Item #17-F-3): (See Exhibit #22)
- Blalock wants to know why the following sentence was taken out of Policy 5.103: “A copy of each job description will be provided to employees.” Tollett stated that this is a recommendation that was made to that committee by the administration. The committee voted to approve the recommendation. Mrs. VanWinkle stated it was being repetitive to do this. We already have a job description for every position. This was recommended during the time that some Board Policy was trying to be separated from Board Procedure so there wouldn’t be so much in Policy. In further discussion, Tollett stated that it’s up to the board whether to leave that in the policy or not. Just to take no action on the matter would leave the marked-out part in the policy. Mrs. VanWinkle stated that it is planned to post all job descriptions on the website. Tollett stated that at the time this was talked about, it just seemed to make sense to separate administrative regulations from the statement of the school board’s policy. But if no others are going to be separated, he doesn’t see a reason to separate this one (Job Descriptions). Tollett, as chairman of the policy committee, made the recommendation to take no action on the proposed change; therefore, it reverts to it’s original form. No action was taken.

- 19 *Policy 5.105 – Recruitment of Employees:** (Item #17-F-5) (See Exhibit #23)
- Blalock asked if a secretary or office clerk were to resign, would a teacher’s assistant be able to step up to that position if it has not been posted? Mrs. VanWinkle stated that in the past, all vacancies have not been posted. Chairman Schlafer stated there is no legal precedent that says it has to be posted. Davis stated that usually they know who they want to hire, so posting the position would be a waste of time. Blalock made and Bowman seconded a motion to approve Item #19 as per Exhibit #23.

VOICE VOTE: Blalock (mover-yes)
 Bowman (seconder-yes)
 8-ayes, Janeway (nay)

MOTION: Carried (8-yes, 1-no)

- 20 *Approval of Contracts:** (Item #17-D, 1 through 4) (See Exhibit #24)
1. Crab Orchard Elementary
 2. North Cumberland Elementary

3. Stone Elementary
4. Brown Elementary

Janeway stated that he took this item off the Consent Agenda for discussion on how to get the entire school system to use the same companies or put out bids for photography services. He is of the opinion that it is unfair to parents to have to pay different amounts for their children's pictures. After looking at all the differences in the contracts, he thinks maybe the smaller schools are at a disadvantage. Further discussion was had and comments were made by principals, each saying they would rather be able to choose their own companies. After a lengthy discussion, Brewer made and Janeway seconded a motion to approve the contracts tonight as per Exhibit #24 for this year, but next year, on a one-year trial basis, form a committee of principals and others that are directly involved to bid the picture contracts out for the 2012/13 school year and explore what can be done as far as getting better prices and see if it works. (Two separate bids could be done -- one for the high schools and one for the elementary schools.) If it doesn't work, then go back to the old system of letting the principals make their own choices.

VOICE VOTE: Brewer (mover-yes)
 Janeway (seconder-yes)
 All ayes

MOTION: Carried unanimously

At this point, Brewer made and Randolph seconded a motion to approve the contracts as presented tonight as per Exhibit #24.

VOICE VOTE: Brewer (mover-yes)
 Randolph (seconder-yes)
 All ayes

MOTION: Carried unanimously

- 21 *Approval of Locations for School Sponsored Field Trips: (Item 17-E)**
 (See Exhibit #25) Janeway asked for clarification on why we would take a field trip to Cookeville just to go to Cici's Pizza. Mrs. VanWinkle stated that the field trip is an educational trip, but the children want to stop at the pizza place to eat. Also, Roane County Skating Center is owned by one of our teacher's parents; they have agreed to let the students skate at no charge before/after their educational trip. Janeway made and Tollett seconded a motion to approve the locations as per Exhibit #25.

VOICE VOTE: Janeway (mover-yes)
 Tollett (seconder-yes)
 All ayes

MOTION: Carried unanimously

22 Old Business

A. Budget Work Session: Chairman Schlafer asked board members to allot two hours of their time for a work session on the budget for May 16th at 5:00 p.m., and if needed, the meeting will reconvene on May 17th.

23 Questions from Media

A. Stacey Karge: In regard to not starting school before the 4th Monday of August, Chairman Schlafer answered that the

legislation for that has not passed yet. If it does pass, it will go into effect on July 1st if it follows the way other legislation has gone into effect. If that happens, a contingency plan will have to be made by adjusting the school calendar. Chairman Schlafer further stated that he does not think the state legislature has any business telling school systems when they can start a school year. Even if it does pass, schools systems that have missed ten days over their allotted time for snow days in the last three years will be able to back up the start date by at least ten days.

B. Stacey Karge: Stacey asked about the dollar amount of the Dollar General and Target Scholarships. The board only approved the filing of the applications tonight. No dollar amount was given.

(One (1) tape dated 4-28-11 is marked as Exhibit #26)

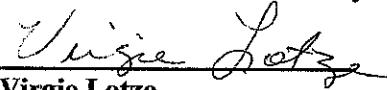
- 24 Adjournment:** Hyder made and Brewer seconded a motion to adjourn.
VOICE VOTE: All ayes
MOTION: Carried unanimously

**(WHEREUPON, the meeting was adjourned
at the approximate hour of 7:30 p.m.)**

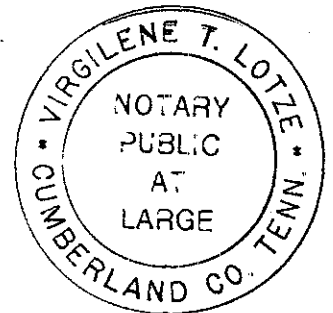
**Ms. Aarona VanWinkle
Director of Schools**

**Mr. Dan Schlafer
Chairman of the Board**

I, Virgie Lotze, do hereby certify that I reported the foregoing minutes and that I delivered said minutes to the office of the Director of Schools on May 10, 2011.


**Virgie Lotze
Court Reporter and Notary
Public at Large for the
State of Tennessee**

(My Commission expires 6-6-11)



- 25 (*) Indicates Board Approval Required**