

**CUMBERLAND COUNTY BOARD OF EDUCATION
REGULAR MEETING
Thursday, March 24, 2011**

The Cumberland County Board of Education met in regular session on Thursday, March 24, 2011 in the Central Office Board Room, where the meeting called to order by Chairman Schlafer at the approximate hour of 6:00 p.m. He welcomed everyone to the meeting.

INSPIRATIONAL: "Greatest Challenge of Your Life"

PRESENT: Schlafer, Tollett, Bowman
Janeway, Hyder, Davis
Brewer, Blalock
Timson (CCEA Rep)
Janow (CCHS Rep)

ABSENT: Randolph

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 people of Japan, who are suffering because of the tsunami that hit there last week, and that everyone be grateful for what we have and our way of life in the United States.

4 **Pledge to Flag:** Ms. VanWinkle led the audience in the Pledge of Allegiance.

5 **Special Recognition:** (See Exhibit #2) Pine View Elementary History Club: 2nd Place in the East TN Regional History Day Competition: Chairman Schlafer read Exhibit #2 to the audience to give everyone an idea of what National History Day is. Principal Pat Allen stated that this is only the second time this club has participated in the Regional History Day Competition, and they won 2nd place. The theme for National History Day this year was "Diplomacy and Debate in History." The club will go to the State Competition next week. Sponsor Rachel Eckelson introduced the students who participated: Chelsea Yarde, 7th grader; Kaylee Vance, 7th grader; Alexis McElhaney, 7th grader; and Tyler Green, 7th grader who couldn't be here tonight. Ms. Eckelson stated the competition is for students in the 6th through 12th grades, and in encouraging 5th grade students to become involved, Seth Eckelson, a 5th grader, was present and will be active in the club next year. Ms. VanWinkle presented the group with a certificate of appreciation. Chairman Schlafer asked parents of the students to come up and be recognized.

6 **Roll Call:** (See above)

7 *** Approval of Minutes of February 24, 2011:** (See Exhibit #3) Davis made and Bowman seconded a motion to approve the minutes of 2-24-11 as per Exhibit #1,

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

- 8 * Approval of Agenda: (See Exhibit #1) Bowman made and Janeway seconded a motion to approve the Agenda as per Exhibit #1. Blalock made and Bowman seconded an amendment to the motion to add discussion of the book, The Catcher in the Rye, as Item #16 to the Agenda

VOICE VOTE ON

AMENDMENT: Blalock (mover-yes)
Bowman (seconder-yes)
All ayes

MOTION: Carried unanimously

VOICE VOTE ON

ORIGINAL MOTION: Bowman (mover-yes)
Janeway (seconder-yes)
All ayes

MOTION: Carried unanimously

- 9 **Community Comments:** Mr. Michael Bice addressed the board regarding his child. Chairman Schlafer told Mr. Bice if he is willing to stay after the meeting tonight, he and Mrs. VanWinkle will talk to him about his concerns.

10 **School Board Reports**

A. TLN Report: (See Exhibit #4)

1. Tenure Bill: Brewer reported that the governor's Tenure Bill was on the House of Representative's calendar for today. (Ms. Timson got an email during the meeting informing us that the bill passed in the House by a vote of 65 to 36. This will lengthen the tenure time for teachers from three to five years.

2. Truancy Bill: This bill, if passed, will mean that parents or guardians of students who have control of truant students can be charged with "Educational Neglect." This bill also applies to students that are required to attend remedial instruction in after-school programs or summer schools.

3. Elected Superintendents: This bill passed the House Education Subcommittee on March 16th. This allows any city or county to re-establish the elected office of Superintendents of Schools by a vote of two-thirds of their governing body; a Referendum must then be established and put before the public for voting. Once the Referendum is passed, the election of a Superintendent of Schools will take place every four years. (In Cumberland County's case, the County Commission will have to approve the Referendum by a two-thirds vote.)

4. Uniform School Start Date: Brewer reported that this bill is on the House Education Subcommittee calendar for 4-13-11. The bill will prohibit schools from starting school before the 4th Monday in August. The bill has an amendment that will allow schools who have missed an average of ten days for the last five years for bad weather, to take that average and add five days to it and back up the start date from the 4th Monday in August by that

number of days. The opposition to the proposed bill is that local school systems should have a choice of when to start the school year.

5. Negotiations Bill: This bill has been amended and re-submitted with more defined language pertaining to Collective Bargaining. A clear definition of "Working Conditions" is being developed at this time. In answer to Tollett's question about the position of this board on the bill, Chairman Schlafer stated that the board has taken no position at this time. (TSBA has taken a very strong stand on the bill.) Further discussion was had.

11 Legal Report

1. Motion for Summary Judgment: Mr. Patton reported that this motion will be heard tomorrow in the Dodd case. He will report on that at the next meeting.

2. Other litigation: Mr. Patton stated that there has been no action taken on any of the Board's other litigation.

12 Director of Schools Report

A. Report on Progress of Energy Efficient Schools Initiative: Ms. VanWinkle reported that the controls are being installed at North, Brown, and Stone Elementary. The pad for the CCHS project will be poured as soon as the weather permits. The week school is out, installation of the heating and cooling unit at CCHS will begin. The bad ballasts are still being replaced (120 in the last month); they will continue to replace them and weed the bad ones out.

B. 2012-2013 School Calendar: (See Exhibit #5) For the 2012/13 school year, teacher in-service will start on August 8th, with the first full day for students being on August 10th. The last day of school will be on May 23, 2013. Ms. VanWinkle stated that three staff development days have been scheduled; these can be used for make-up days if more than ten days are missed. The next two days that could be used will be Martin Luther King's Day and President's Day; spring break could be used if any other days are needed. Mr. Bruce Simmons commented on the calendar. Further discussion was had.

C. State Testing as Percentage of Final Grade: (See Exhibit #6) Mrs. VanWinkle stated that she has been notified by the State Department that TCAP test scores will not be received in time to be counted as part of the grades for this year. The law has not changed, but the State Department has assured us that we will be in compliance even if the scores are not received in time to be counted as a part of this year's grades. Further discussion was had.

D. FYI: (See Exhibit #7) Mrs. VanWinkle stated that there is information in Exhibit #7 about the TSBA School Facilities Workshop that she would like board members to look at.

13 School Board Committees

A. Attorney Contract Committee: (See Exhibit #8) In discussion, Mr. Patton stated that the Committee did a very good job in preparing this contract. He explained the differences in the contract as it exists now and the contract as it will exist if this contract is approved in July of 2011. In reference to #9 of the contract, Mr. Patton explained that he will not be coming to meetings unless somebody says he is needed, or if he looks at the agenda and sees something that may need his attention. He stated that this puts a lot of pressure on him, since there may be things that come up in a meeting that are not

on the agenda; or there may be things on the agenda that appear won't need his attention, but develop during discussion to being something where legal advice is needed.

On #13, Mr. Patton stated his client is the Board of Education. Technically, none of the nine individual board members are his client; therefore, he probably has no business talking to or taking direction from any board member individually. This contract puts Ms. VanWinkle in as the "gate-keeper" by saying that if any individual member wants to discuss something with Mr. Patton, they must get approval from Ms. VanWinkle.

Blalock made a motion to approve the contract as per Exhibit #8 since this is their recommendation. (No second is needed since the motion comes from the Chairman of the Committee.) A lengthy discussion was had regarding employees going through the Director of Schools to get permission to contact Mr. Patton and regarding board members contacting Mr. Patton individually. Mr. Patton stated that if any board member gets advice, he wants it to come from him, since the board is his client. (This would ensure consistency to the board about legal matters.)

ROLL CALL VOTE: Blalock (mover-no)
Bowman (no), Davis (no)
Hyder (no), Brewer (no)
Janeway (no), Tollett (no)
Chairman Schlafer (no)

MOTION: Failed (8-no)

Chairman Schlafer stated that the contract will be sent back to the drawing board. It was decided that no committee meeting will be needed, since Mr. Patton has volunteered to make two amendments to the contract and bring it back before the board at the next meeting.

B. Building and Grounds Committee: Janeway reported that this committee, along with Ms. VanWinkle and Mr. Wilson, visited Pleasant Hill Elementary on February 25th, and that the meeting was very enjoyable. He further stated that decisions must be made soon regarding the old portion of the building. The building is used for storage, and the floors have fallen through with personnel in the past. It needs to be condemned if something isn't done soon. The committee will meet again Monday, March 28th and will visit Crab Orchard. Anybody who wishes to go with the committee is welcome and should be at the Central Office at 8:00 a.m.

C. Policy Committee: Tollett stated that this committee's recommendations are on the Consent Agenda tonight. He stated that Policy 5.103, Job Descriptions, is being approved on the first reading, but Blalock can address it at the next meeting if he so desires, before it goes to the second reading.

Tollett further stated that 50% of the Policy Manual is Rules and Regulations; therefore, that 50% is not School Policy. He stated that he needs direction from the board as to whether the two should be separated. He is of the opinion that they should be separated. He further stated that there are many things included in Rules and Regulations about what is not wanted in the school system; he feels that the board should consider moving toward policy addressing the kinds of things that are wanted in the school system. He would like to write policies regarding the kind of school system we would like to have – purpose, vision, mission for the future. In discussion, Mr. Patton stated that even if the board agrees to Tollett's suggestion,

policies must be grounded on state and federal law. In further discussion, Chairman Schlafer stated that he likes the Policy Manual the way it is now.

C. Safety Committee: Davis stated that this committee met yesterday. They are still reviewing different organizations. A thorough plan will be presented to the board for its recommendations. The next meeting will be on April 20th.

14 Business Manager Report

A. *Approval of Line Item Budget Amendments: (See Exhibit #9) Ms. reported that there are two Line Item Budget Amendments that need to be approved.

1. Coordinated School Health Expenditures: The Director/Supervisor's days have been increased from 200 days to 240 days. Those funds have been taken from Other Salaries and Wages in the total of \$3,390.00. Janeway made and Davis seconded a motion to approve the Line Item Budget Amendment as per Exhibit #9.

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

MOTION: Carried unanimously

2. LEAPS Expenditures: Ms. Randol stated that the LEAPS grant is a total lottery grant. This amendment increases Instructional Supplies and Staff Development in the amount of \$14,557.94, with the funds being taken from Instructional Equipment. The staff development is through the Renaissance Reading Program. Brewer made and Janeway to seconded a motion to approve the Line Item Amendment as per Exhibit #9. Ms. VanWinkle stated that this person is not getting an increase in salary; she will be paid partly out of another line item.

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

MOTION: Carried unanimously

B. February Monthly Financial Report: (See Exhibit #10) Ms. Randol reported that Property Taxes are at 89.5% for the year, which means that we are about \$800,000 dollars short after February (the month all property taxes are due). On Local Option Sales Tax, we are at 62.8% (this is always a month behind). This did increase a little in February. Total Revenues are at 70%; Expenditures are at 57%. Ms. Randol stated that Sale of Recycled Materials consists of things that would normally go in a dumpster. There is a company that buys old computers, etc., (so much per pound), collects them and takes them away. That would go in the Sale of Recycled Materials, also, but we haven't had any of those lately.

C. Sales Tax Report: Sales Taxes are at \$468,864.00 for the month of February. For the month of February last year, they were at \$671,000, which means we are down from last year by \$202,787.

15 Consent Agenda

A. *Approval of Field Trips: (See Exhibit #11)

1. Pine View Elementary History Club
2. South Cumberland Elementary Cheer Squad
3. SMHS Boys Basketball Team and Cheerleaders

- B. ***Approval of Volunteers:** (See Exhibit #12)
 - 1. CCHS
 - 2. Crab Orchard Elementary
 - 3. Martin Elementary
 - 4. Pleasant Hill Elementary
 - 5. South Cumberland Elementary
 - 6. SpEd Volunteer at Martin Elementary
- C. ***Approval of Disposal of Surplus Property:** (See Exhibit #13)
 - 1. CCHS
 - 2. Homestead Elementary
 - 3. Martin Elementary
 - 4. Central Office
- D. ***Approval of Contracts:** (See Exhibit #14)
 - 1. Martin Elementary
 - 2. Pleasant Hill Elementary
- E. ***Approval of Specifications:** (See Exhibit #15)
 - 1. Specs for Sealing Parking Lot at Stone Elementary
 - 2. Specs for Flooring at North Cumberland and Martin
 - 3. Specs for Painting at Homestead
 - 4. Specs for Parking Lot at Crab Orchard
- F. ***Approval of 2nd Reading on Policies:** (See Exhibit #16)
 - 1. 2.100 – Fiscal Management Goals
 - 2. 2.802 – Payroll Procedures
 - 3. 2.804 – Expenses and Reimbursements
 - 4. 2.8041 – Travel
- G. ***Approval of 1st Reading on Policies:** (See Exhibit #17)
 - 1. 4.301 – Interscholastic Athletics
 - 2. 5.100 – Goals and Objectives
 - 3. 5.103 – Job Descriptions
 - 4. 5.104 – Equal Opportunity Employment
 - 5. 5.105 – Recruitment of Employees
 - 6. 5.109 – Evaluation
 - 7. 5.1101 – Temporary Contracts
 - 8. 5.501 – Complaints and Grievances

Before a motion was made to approve the Consent Agenda, Mr. Patton stated that in regard to 15-D1 and D2, Approval of Contracts, there is a statement at the bottom of the page that says: “This agreement is subject to the terms and conditions on the reverse side”; there is no “reverse side” to these contracts. For future reference, he would like to see “the reverse side” of the contract.

Hyder made and Brewer seconded a motion to approve the Consent Agenda as per Exhibits #11, 12, 13, 14, 15, 16, and 17.

VOICE VOTE: Hyder (mover-yes)
 Brewer (seconder-yes)
 7-ayes, Janeway (no), Bowman (no)

MOTION: Carried (6-yes, 2-no)

16 **The Catcher of the Rye discussion:** Blalock made and Davis seconded a motion to remove the book, The Catcher of the Rye, from the Cumberland County School System

immediately and that it not be used in the Cumberland County School System again. In discussion, Davis stated that the book uses the strongest language than any book he has ever read. Hyder stated that as he understands, the book has been taken out of the school system; is not being used anymore. A lengthy discussion was had regarding the board's right to censor any book. Ms. VanWinkle stated that had she known this would be on the agenda tonight, she would have had a report from the Review Committee that addressed this issue. The Committee followed board policy, and its recommendation was that the book not be required reading as an assignment, and that alternate material be available for the students. Ms. VanWinkle stated that The Catcher of the Rye is not on the required reading list. Nobody is required to read it. It is in the library if somebody wants to check it out if they may choose to do so. But it is on no one's required reading list. Student Rep Janow stated that he feels it might be infringing on students' rights to censor the book. After a further lengthy discussion, Mr. Patton's guidance to the board was not to vote on this issue tonight. At this point, Davis withdrew his second to the motion; the motion died for lack of a second.

17 Old Business

A. Contracts: Janeway stated that in the past, the board has been asked to review different possibilities to see if it would be feasible to have all schools use the same company for all their contracts, which might be more economical for the students and parents. He asked Ms. VanWinkle, principals and administration to look into negotiating a total school system contract,

B. Alteration of Sports Program: Davis stated that he has been getting some feed-back from his constituents and others about the possibility of alterations to the 7th and 8th grade sports program in the county. Ms. VanWinkle stated that the only recommendation that has been made to her was the possibility of considering doing a softball girls program by using feeder schools to fill the position. (The boys' baseball is done this way now.) Some elementary girls' softball teams have to use 4th graders; they simply do not have enough students in the 7th and 8th grades to fill the positions of the team. She stated that football and basketball programs have not even been discussed. In further discussion, Tollett stated that he had heard the games would be played on a "middle school schedule". Ms. VanWinkle stated that our boys' baseball teams do play a middle school schedule, as do all the 6th, 7th and 8th grade athletic programs, which means the teams play a middle school schedule with surrounding counties. ISMA (Tennessee Middle School Association) has a middle school schedule, and both of our high schools (SMHS and CCHS) do play a middle school schedule, but this is the way it has always been done; it is nothing new. Further discussion was had.

18 Questions from Media

A. Gasoline prices: Andy Vaughn asked about how our fuel is holding up due to the increase in gasoline prices. Ms. VanWinkle stated that we are getting worried, but she thinks we can make it through the year. We may have to cut down on some field trips towards the end of the year, or have students pay more on the fuel for these trips. At this time, schools are paying the cost of up to \$2.00 per gallon for fuel.

(Two (2) tapes dated 3-24-11 are marked as Exhibit #18.)

(Continued on Page 8)

(Minutes of 3-24-11 continued from Page 7)

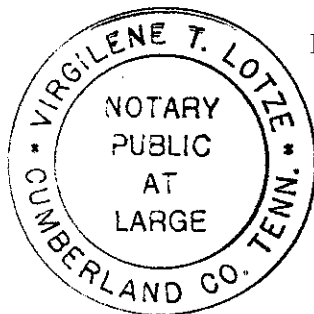
- 19 **Adjournment:** Hyder made and Bowman seconded a motion to adjourn.
VOICE VOTE: All ayes
MOTION: Carried unanimously

(WHEREUPON, the meeting was
adjourned at the approximate hour
of 7:55 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 March 28, 2011.



BY:

Virgie Lotze

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

(My Commission expires 6-6-11)

20 * Indicates Board Approval Required