

July 9, 2009

The Marshall County Board of Education met in regular session on Thursday, July 9, 2009, at 6:00 p.m. in the Board Conference Room at Jones School.

Members present were Ann Tears, Mike Keny, Todd Tietgens, Mark Wilkerson, Delinda Owens, Curt Denton, Craig Michael, Kristen Gold, and Randy Perryman. No members were absent.

Prayer/Pledge

To open the meeting, the following New Business items were added to the agenda: Ms. Tears – Letter from Technology Supervisor; Mr. Michael – Discussion of Director’s contract. Ms. Owens made a motion to approve the agenda with the New Business items; Mr. Wilkerson seconded the motion, and the motion passed 8-0. (Ms. Gold was not present for this vote.)

Three bus drivers (Rheba Walls, Jennifer Noller, Larry Barlar) addressed the board with their concerns of not being rehired for the 2009-2010 school year. Following Ms. Walls’s and before Ms. Noller’s address, Ms. Tears wanted it on record that the board does not employ; therefore, there is no action the board can take regarding the drivers’ employment. At Mr. Barlar’s five-minute limit, Mr. Michael made a motion to suspend the rules and allow Mr. Barlar to continue; Mr. Perryman seconded the motion and the motion passed 9-0.

Mr. Keny made a motion to approve the minutes of the June 11, 2009, regular session and the June 16, 2009, special called session. Mr. Wilkerson seconded the motion, and the motion passed 9-0.

There was no MCEA report.

Jennifer Fincher of Education Logistics gave a brief overview of Edulog. She told the board her office performed an overview of where our system’s data was at this point, and she said our system is “moving along nicely” and we are at a good point. Following her presentation, Ms. Fincher fielded questions from the board. Mr. Michael asked if Ms. Fincher could provide savings realized by other school systems, as well as the average capacity of the buses in those systems; she said she would gather the information and forward it to Suzanne Ingram, Technology Supervisor.

Mr. Keny made the motion to accept the Distance Learning Grant funds with the second by Mr. Perryman. Nancy Aldridge, Grant Writer for the school system, told the board all the county’s high schools will benefit from this grant. The motion passed 9-0.

Ms. Tears announced that under section “Approve Contracts with City and County for SROs,” the county has not been through the proper channels in the commission, so the board was looking only at the city contract. Mr. Denton and Ms. Tears questioned the statement in the contract which reads “City of Lewisburg – 50% of the costs; Marshall County School Board – 50% of the costs.” Mr. Denton felt this could become costly to the school system. Ms. Tears suggested the board pay what the system has paid the past ten years, then it would not affect the budget. Mr. Denton asked what we pay the county for their SRO services. Janet Wiles, Budget Director, stated the county SROs are paid what the board receives through the Safe Schools Grant; therefore, it doesn’t cost the school system anything. The finance department has not been notified at this time what the grant amount will be for the coming year, but it’s usually around \$25,000-\$27,000. Ms. Owens asked if the grant states the system must provide SROs for all high schools and middle school; Dr. Curtis answered the Safe Schools Grant only funds high school SROs, and that’s why the county supplies the officers. There is no grant for middle school. He went on to say at the County Commission’s Education Committee meeting the previous evening, it was stated the city and school board approved a contract in 1998 to provide an SRO at Lewisburg Middle School. Mr. Tietgens asked if, instead of getting an SRO from the city, the county could provide another SRO at a lower price. Mr. Denton asked County Commissioner Larry McKnight, who was in the audience, if Mr. Tietgens’ suggestion is possible; Mr. McKnight stated it would have to go before the commission’s Law Enforcement Committee, then to the Budget Committee. Mr. Keny asked what the city received last year; Dr. Curtis replied \$37,000. Ms. Tears added that prior to that it was \$35,000. Mr. Keny made a motion to instruct Linda Williams-Lee (Title Supervisor) and Dr. Curtis to take an offer to the City of Lewisburg in the amount of \$30,000 for an SRO at LMS. Mr. Michael seconded the motion and the motion passed 9-0.

Mr. Denton made the motion that since both Air Conditioning Bids were submitted by local companies (see attached) and their bids were very close, that Lawrence Brothers be awarded the Forrest bid and Lewisburg Plumbing be awarded the Westhills Elementary bid, with the second by Mr. Perryman. Ms. Gold added to give Lewisburg Plumbing the option to do the job at the lower bid. The motion passed 9-0.

Ms. Tears told the board the Policy Committee met on June 23 in which members discussed Policy 2.805 (Purchasing) and Policy 4.206 (Special Programs) (see attached). Ms. Tears made a motion to approve these policies with the changes, with the second by Mr. Wilkerson. The motion passed 9-0.

Dr. Curtis stated the board had directed the negotiating team to re-open discussions on Article 10 with the Marshall County Education Association. The MCEA presented a proposal that would eliminate the second item under “C: Due Process” which gives the Director the authority to recommend non-tenured employees for rehire year to year. Dr. Curtis asked the board for direction on a proposal. In response to a question posed by Mr. Michael regarding granting a non-tenured, non-rehired teacher a hearing, board attorney Chuck Cagle, who was in attendance, reiterated information provided at the June 16, 2009, Special Called session that if the board grants a non-tenured teacher a hearing and the teacher is looking for reasons for non-renewal, the board has no ability to put that person back to work. Mr. Keny asked for verification that granting a hearing to a non-tenured, non-rehired teacher could harm future employment opportunities; Mr. Cagle said that is correct because the reasons are now on the record. Mr. Cagle recommended that Article 10 not be re-opened. Mr. Keny made a motion to withdraw the proposal on re-opening Article 10; Ms. Tears seconded the motion and the motion passed 9-0.

Ms. Gold made a motion to approve the organizational chart (see attached) and BEP sheets; Mr. Tietgens seconded the motion. Mr. Denton questioned why position descriptions (Employee Complaints and Extended Contracts Mentoring) were included on the chart; Dr. Curtis stated those could be taken off. Mr. Michael expressed concerns about the attendance position being a part-time position and recommended it become a full-time position. Ms. Gold asked Dr. Curtis if Jackie Abernathy (indicated as attendance on organizational chart) is able to fulfill her duties as a part-time attendance supervisor, and if the social workers are addressing the needs of the students; he responded yes. Ms. Gold amended her motion to read approve the organizational chart omitting “Employee Complaints” and “Extended Contracts Mentoring.” Mr. Tietgens’s seconded the amended motion. The roll call vote was as follows:

Ms. Tears	No	Ms. Owens	No
Mr. Denton	No	Mr. Perryman	Yes
Ms. Gold	Yes	Mr. Tietgens	Yes
Mr. Keny	Yes	Mr. Wilkerson	Yes
Mr. Michael	No		

The motion passed 5-4.

The only item on the consent agenda was Cornersville High School asking permission for Jordan Turner to help with the football program as a volunteer assistant under the leadership of head coach Ray Stocstill. Mr. Denton made a motion to approve the consent agenda, and Mr. Michael seconded the motion. The motion passed 9-0.

In the Transportation Committee report, Mr. Denton stated the committee met on June 18 by request of the board to discuss the Transportation Supervisor's work schedule and salary. The committee recommends the position be a 12-month position instead of a 10-month position. The committee also recommends setting the salary at \$43,500 as a base salary. Mr. Denton made a motion to make the Transportation Supervisor's position a 12-month contract job instead of 10 months; Mr. Michael seconded the motion. Mr. Wilkerson wanted verification that the motion was not about adjusting salary but about length of contract; Mr. Denton said yes. Dr. Curtis added if the position is increased by two months then the new supervisor would have to be paid for the additional two months, as well. On the subject of length of contract, Mr. Cagle stated that one of the things the board does by policy is adopt job descriptions, whether the position is a 10- or 12-month position is a matter of policy for a school board. He stated the policy committee may want to undertake the writing of job descriptions for the positions on the organizational chart and the board to approve those as part of policy. On the subject of salary, Mr. Cagle explained that once a licensed employee is moved into a classified position, their salary must be honored; the salary cannot be cut. And if the position in question is made a 12-month position, the supervisor must be paid for the two additional months. Mr. Perryman sought clarification on if this position is changed to 12 months, does it have to go through the policy committee; Mr. Cagle said yes, by establishing job descriptions, in policy, states the board's desire of minimum qualifications. He stated job descriptions need to be updated annually. The roll call vote was as follows:

Ms. Tears	No	Ms. Owens	Yes
Mr. Denton	Yes	Mr. Perryman	Yes
Ms. Gold	No	Mr. Tietgens	No
Mr. Keny	Yes	Mr. Wilkerson	Yes
Mr. Michael	Yes		

The motion passed 6-3.

Mr. Keny made a motion to prorate the Supervisor of Transportation's salary accordingly; Mr. Michael seconded the motion and the motion passed 9-0.

In the Policy Committee report, Ms. Tears said that during the June 23 meeting, members decided Dr. Curtis would do administrative procedures pertaining to charging for making copies; discussed Policy 2.805 Purchasing (approved earlier in the meeting by the board); tabled Policy 1.405 Rules of Order; and agreed to review Section II.

In the Budget Committee report, Ms. Gold stated the Budget Committee met on June 30 and approved a budget draft to bring before the board. Mr. Wilkerson made a motion to approve the budget with modification of this draft to include the salary increase (of the Supervisor of Transportation) previously voted on, with

the draft to be taken to the County Commission's Education Committee on July 16, and then to the County Commission on July 17; Mr. Keny seconded the motion. The roll call vote was as follows:

Ms. Tears	Yes	Ms. Owens	No
Mr. Denton	No	Mr. Perryman	Yes
Ms. Gold	Yes	Mr. Tietgens	Yes
Mr. Keny	Yes	Mr. Wilkerson	Yes
Mr. Michael	No		

The motion passed 6-3.

Mr. Wilkerson made a motion to approve the Food Service Budget with a second by Ms. Tears. The motion passed 9-0.

In the Director's Evaluation Committee report, Ms. Tears distributed copies of the 2009 Director Evaluation Composite along with the evaluation results which showed actual points achieved and actual percentage ranking. She announced to the board the committee would meet the following morning (Friday, July 10 at 8:00 a.m.) to complete the letter of recommendation and specific instances of unsatisfactory performance. Ms. Gold stated she would like to see the letter of recommendation and the list of instances before they are presented to Dr. Curtis; Ms. Tears said the board would receive all the information before Dr. Curtis in case they have something to change or add.

Under New Business, Ms. Tears told the board she was asked by Technology Supervisor Suzanne Ingram to submit a letter of support to ENA to be under the consideration for the Broadband Technology Opportunities Program (BTOP) of the *American Recovery and Reinvestment Act of 2009* (ARRA). Ms. Tears will submit a letter to ENA.

Mr. Michael stated that TCA 49-2-203 A14C stipulates that a ten-calendar-day notice be given prior to any meeting in which there's discussion of termination of the director's contract. Mr. Michael made a motion that a Special Called Meeting be determined by the majority of the board scheduled for July 20 to consider buying out or terminating the contract of Dr. Curtis; Mr. Denton seconded the motion. After a date conflict for some board members, the motion was amended to July 28; Mr. Denton seconded the amended motion. After discussion, board members expressed their desire to wait until after the evaluation process is complete and all board members are allowed to review the evaluation feedback/final product before making a decision about a scheduling a meeting. Mr. Michael expressed concerns about the time limitations in getting a final product complete, allowing the full board to look it, and holding discussions with the board in time to present to Dr. Curtis by the end of the day July 15. Mr. Keny made a motion to stand in recess until Tuesday, July 14 at 6:30 p.m.; Ms. Owens

seconded the motion. Due to a date conflict, Mr. Keny amended his motion to Monday, July 13 at 7:00 p.m.; Ms. Owens seconded the amended motion. The motion passed 9-0.

The meeting was recessed.

The July regular session of the Marshall County Board of Education reconvened on Monday, July 13 at 7:00 p.m.

Members present were Ann Tears, Mike Keny, Todd Tietgens, Mark Wilkerson, Delinda Owens, Curt Denton, Craig Michael, Kristen Gold, and Randy Perryman. No members were absent.

The meeting continued with the reading of Mr. Michael's motion: that a Special Called Meeting be determined by the majority of the board scheduled for July 28 to consider buying out or terminating the contract of Dr. Curtis; Mr. Denton seconded the motion.

Ms. Gold began by saying the entire board approved the evaluation forms, but after seeing it put to use she had questions and concerns about the grading scale used to calculate the grade for Dr. Curtis. She was also concerned about an evaluation form submitted by a board member that did not have questions answered but were given scores for those questions on the composite. She also stated that on the evaluation form she submitted, she answered questions board members were told not to answer because she felt she had answers to those questions, but the scores were thrown out. Ms. Gold stated she believes the board should reconsider the scoring used in the evaluation process and how it can distort and skew the final score; and she strongly urged members to go back and not arbitrarily assign scores for other board members when they do not answer questions.

When concerns were voiced about members submitting the evaluation prior to test scores being available, Mr. Denton told the board that Dr. Curtis helped develop the questions [on the evaluation] and the issue of whether or not the test scores would be available by July 15<sup>th</sup> (the date, per the director's contract, the evaluation was to be presented to Dr. Curtis) was brought up during the development process. He said Dr. Curtis answered he thought the scores would be in by that time.

Mr. Tietgens stated he also looked at the grading scale. He distributed copies to the board showing the results of where he determined the average on each question, resulting in 34 being the overall average. He said if 34 is the average, then three board members gave Dr. Curtis a score below average and the majority gave him above average.

Ms. Tears told the board she wished the evaluation committee had been provided feedback during the process of developing the evaluation, which would have given the committee better direction. She went on to say that since no one on the evaluation committee received any comments about what was sent out, the committee moved on with the final product.

Mr. Michael reminded the board the scoring process and questions were approved by the full board and signed off on by Dr. Curtis. He felt if there were such issues at that point and time, they should have been raised at that time. He added that in the future if the board has changes to the evaluation it could be done, but it was a little late for changes now.

Ms. Gold reiterated that the board needs to evaluate this process and was not suggesting the rules be changed in the middle of the game. She just wanted everyone to understand how this evaluation works and how it has worked to accumulate the score that was given, then to consider whether or not this process needs to be changed in the future.

Mr. Wilkerson expressed concern about a comment taken from an evaluation form that appeared in the local media which addressed Dr. Curtis's attire. He asked if comments had any bearing on scoring the director; Mr. Denton said no. Mr. Denton added the comment section gave reasons why the board members scored Dr. Curtis as they did.

Mr. Perryman stated he felt it was way too early for discussion on buying out Dr. Curtis's contract or calling for his dismissal.

The roll call vote on the motion was as follows:

Ms. Tears	No	Ms. Owens	Abstain
Mr. Denton	Yes	Mr. Perryman	No
Ms. Gold	No	Mr. Tietgens	No
Mr. Keny	No	Mr. Wilkerson	No
Mr. Michael	Yes		

The motion failed 6-2 with Ms. Owens abstaining.

Ms. Tears then asked for approval of the Letter of Recommendation compiled by the Director's Evaluation Committee to be presented to Dr. Curtis, or for direction on composing a new letter. Mr. Wilkerson wanted it on record that he, as a representative of District 2, refused to sign the letter of recommendation which was presented to the board.

Mr. Michael said it was his understanding that the specific instances of unsatisfactory performance, from which the detailed background information built the platform on which the letter of recommendation is based, would be reviewed with the board. He felt those issues should be addressed.

Referring to the specific instances of unsatisfactory performance, Ms. Gold asked if a list of the positive comments from the evaluations would be compiled, as well. Ms. Tears answered no, that the contract stated to list all unsatisfactory instances.

Ms. Gold said it was interesting that the letter of recommendation sent out by the Director's Evaluation Committee did not address issues of academic leadership or how academics and curriculum are handled with the students. Ms. Tears reminded the board that it is their responsibility to present Dr. Curtis with a letter of recommendation for the *unsatisfactory* performance matters. Ms. Gold said she just wanted to point out that there was nothing in the letter concerning unsatisfactory performance as it relates to academic leadership or the educational process.

After a board member addressed a statement on the letter, Mr. Michael told the board that not going over all the instances used to compile the letter is irresponsible. He went on to say if one issue is going to be addressed, all issues need to be addressed in order to get input from the board on the work the committee has done on the evaluation.

Mr. Perryman suggested taking out the line in the letter which includes the statement "...be more visible in the community..."

Ms. Gold asked Dr. Curtis if current job descriptions were on file for all employees of the system; Dr. Curtis responded yes. Referring to Chuck Cagle's comment during the previous week's meeting that the board updates and adopts job descriptions through policy, Ms. Gold suggested deleting the statement "To have current job descriptions available to employees."

Mr. Michael asked if the only items being struck from the specific instances of unsatisfactory performance were the ones mentioned; Ms. Tears stated the only consideration at this point was approving the letter of recommendation. Mr. Michael stated he wasn't sure if that would fulfill the contractual obligations of the board.

Mr. Tietgens made a motion to approve the letter with the corrections mentioned, and then check with Mr. Cagle to assure it meets with the contract requirements. Mr. Wilkerson seconded the motion. Mr. Michael expressed concerns that without addressing the specific instances of unsatisfactory performance, there is no reason to send a letter of recommendation. Ms. Gold suggested that in addition to the letter that Dr. Curtis receives a copy of all the evaluations, which includes every individual board member's comments since those were the basis for the list of instances. Mr. Michael stated there were some

items on the specific instances list that were not included on the letter but should be addressed.

The roll call vote on the motion was as follows:

Ms. Tears	Abstain	Ms. Owens	Yes
Mr. Denton	Yes	Mr. Perryman	Yes
Ms. Gold	Yes	Mr. Tietgens	Yes
Mr. Keny	Yes	Mr. Wilkerson	Yes
Mr. Michael	No		

The motion passed 7-1 with Ms. Tears abstaining.

Mr. Keny suggested the call to Mr. Cagle be attempted by the Director's Evaluation Committee after the evening's meeting since the deadline (July 15, 2009) to complete and deliver the letter is quickly approaching. Ms. Tears agreed.

In the Director's Report, Dr. Curtis distributed: enrollment data; attendance performance of the system; announced that Lewisburg Plumbing and Heating withdrew their AC bid; new positions (CHES assistant principal, alternative school teacher, administrative assistant for Spot Lowe/CSH); list of certified personnel from last year to this year; cost of cubbies at MES.

Dr. Curtis announced that the school system has been awarded a \$900,000 after-school grant (\$300,000 per year for 3 years); Nancy Aldridge, grant writer, told the board she and Becky Hill, Supervisor of Elementary Instruction, worked together on the grant. Mr. Wilkerson made a motion to accept the grant; Ms. Gold seconded the motion. The motion passed 9-0.

Dr. Curtis told the board he will have the Central Office payscale available at the September board meeting; he has Survey Monkey results in which parents, teachers and students answered survey questions about the Director's performance; he said he is trying to visit every school every week; test scores are still embargoed, so they cannot be released at this time.

The meeting was adjourned.

Respectfully Submitted,

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Ann Tears, Chairperson

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Dr. Stan Curtis, Director