

November 17, 2009

The Marshall County Board of Education met in regular session on Tuesday, November 17, at approximately 6:40 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, and Ann Tears; there are two unfilled seats. No members were absent. School board attorney Chuck Cagle was also in attendance.

Prayer/Pledge, followed by the National Anthem presented by members of the Marshall County High School Concert Choir under the direction of Elise Dumser. Following the performance, Ms. Dumser told the board the Concert Choir recently traveled to Nashville for a taping for National Public Television (NPT) Channel 8; NPT chose 14 top high schools from the 50 states and MCHS's Concert Choir was chosen to represent Tennessee. The choir will be on television nationally in March. Mr. Keny stated Ms. Dumser will help coordinate choirs from throughout the county's schools to open each board meeting. Mr. Denton thanked her for the work she puts into the choirs.

To open the meeting, the following New Business items were added to the agenda: Mr. Denton – board minutes; Ms. Tears – TSBA Convention; Ms. Gold – schedule a budget committee meeting; Mr. Michael – year-to-date expenses. Mr. Michael made a motion to approve the agenda with the New Business items; Ms. Tears seconded the motion, and the motion passed 7-0.

Mr. Perryman made a motion, seconded by Ms. Tears, to approve the minutes of the October 19, 2009, regular session, and the October 27, 2009, special called session. The motion passed 7-0.

There was no MCEA report.

Ms. Tears made a motion, seconded by Ms. Gold, to approve a request by the Marshall County Imagination Library (MCIL) to allow payroll deduction for teachers to donate to the MCIL. Charlotte Zajac, a representative of the MCIL, was in the audience and informed the board that up to this point, MCIL has been funded only with private donations, clubs/civic organization donations, and fund raisers; since those donations have slowed, they need to seek funding in other venues. Ms. Zajac added the payroll deduction program is strictly voluntary. Interim Director of Schools Roy Dukes said since the proposal is through payroll deduction, the contract with MCEA states permission has to be granted in order to do payroll deduction. Mr. Cagle told the board that according to TCA 49-5-611, the association may wish to waive allowing the MCIL payroll deductions to take place this year, but he urged the board's negotiating team to add this deduction to a

list of alternate payroll deductions to which teachers may avail themselves in future years and include it in the next round of negotiations. Mr. Keny asked Mr. Michael, who is a member of the board's negotiating team, if he would see that this is done; Mr. Michael said yes, then asked if the MCEA had already been approached about and Okayed this particular deduction. Mr. Dukes said he had not discussed it with the MCEA; Budget Director Janet Wiles stated the contract (Article 9: Payroll Deductions) does not individually list the deductions, but indicates such deductions as "Other Deductions." Ms. Gold clarified this is just the first step in approving a potential payroll deduction per policy; no funds are guaranteed to MCIL. The motion passed 6-0-1, with Mr. Michael abstaining.

Wanda Odum, co-chair of the Marshall County Education Association Professional Rights and Responsibilities Committee, brought before the board a grievance concerning Article 23: Insurance. She began by telling the board she had received a response to the MCEA grievance concerning the contractual agreement for insurance premiums which were not paid in the August checks. Since the grievance has not been resolved, she is addressing the board. She stated insurance monies were increased in the contract and as of the October check, the increase has not been paid. The MCEA's stand is the county commission requested that funds be redistributed, but did not cut money from the budget; therefore, the association asserts the contract is legal and binding and respectfully requests the board honor the contract. Mr. Cagle told the board that according to TCA 49-5-612 any items negotiated by the Board of Education and a professional employees organization which require funding shall not be considered binding until such time as the body empowered to appropriate funds (the county commission) has approved the appropriation. In the event the amount of funds appropriated is less than the amount negotiated, the board or its representatives and the professional employees' organization or its representatives shall renegotiate and agree to the amount of funds appropriated. Mr. Cagle went on to say it was his understanding the county commission did not approve funds for any benefit increase for this purpose, and in doing so there was no money re-appropriated by the county commission to fund this. The law mandates that the parties must now return to the table and renegotiate that portion of the contract, whether they want to or not; if the board should choose to approve to fund this, the board would have to vote an amendment to the budget and take it to the county commission for approval. Ms. Wiles stated that, in the past, when insurance went up at the beginning of the calendar year, the increase would be reflected on the November check; during the fiscal year, three months would show the old rate and seven months would show the increased rate. Ms. Wiles said an error was discovered in the contract [concerning when the rates would change on payroll checks] before the budget was complete, and the MCEA was asked to come back to the table to work it out, but the organization refused to reopen negotiations. Ms. Wiles said the money to cover

the three months in question would cost approximately \$107,000, which is not in the budget.

For further clarification, Mr. Cagle said there was an intent to begin the benefit increase on a certain date; however, it was miswritten in the contract to begin in August instead of later. Mr. Cagle stated it was his understanding the parties were placed on notice by the county commission that there was an error in the contract stating the premium would be paid three months prior than customary practice. The parties were invited back to the table, and one party refused to return to the table. Now, the county commission has adopted the budget and the appropriation necessary to fund the three-month increase was not included on the final budget of the school system. According to the contract, if the MCEA wishes to pursue this, they must return to the table; so the grievance is premature because the increase was not funded. He said given the language of the statute, the grievance is not proper.

Mr. Michael made a motion to deny the grievance based on Mr. Cagle's explanation; Mr. Denton seconded the motion. Miley Durham, Tennessee Education Association UniServe Coordinator, spoke on behalf of the MCEA. He stated the county commission did not notify MCEA they would not fund the increase; he said the budget passed by the commission was the total dollar amount submitted by the board, and included the language in the contract. He added that the budget passed by the commission included a 10% increase in premiums and premiums only increased by 4%, so he feels this money will go a long way in paying the funds.

To clarify Mr. Durham's statement regarding the 10%/4% increase in premiums, Ms. Gold stated the board did decide to fund a certain dollar amount based on the 10% increase, and included in the budget to begin that increase in January; those funds are still in the budget based on the 10% increase, even though the premiums didn't go up but 4%. What was never in the budget was to begin paying that amount three months earlier; the fact the insurance didn't go up but 4% didn't change the fact that the funds (10%) weren't budgeted for until January, which is consistent with past practice. Therefore, the increase is not funded at all for the three months in question.

Mr. Michael's motion to deny the grievance based on Mr. Cagle's explanation passed 7-0. Mr. Cagle will draft a letter to the MCEA stating as much.

Mr. Perryman, chairman of the Maintenance Committee, stated the committee met and unanimously approved proceeding with the Energy Savings Performance Contracting Program. He added that the sum of \$18,000 for services rendered (on page 2 of the letter of intent) in the event the board does not go with Siemens has been reduced to \$12,000. Mr. Michael made a motion, with a second by Mr. Perryman, to approve the letter of intent (see attached) as long as the amount is reduced to \$12,000 from \$18,000. Mr.

Perryman added that the program is self-funded, and if the savings are not enough to pay the loan payment, Siemens will cut a check for the difference. The motion passed 7-0.

Mr. Denton made a motion to approve acceptance of the Rural Utilities Service Grant. Mr. Michael seconded the motion and the motion passed 7-0. Mr. Keny expressed his appreciation to grant writer Nancy Aldridge and all involved who secured the grant.

Mr. Dukes recommended Budget Director Janet Wiles to serve as the Senior Accountable Official for Recovery Act Activities to ensure compliance with the American Recovery and Reinvestment Act (ARRA). Mr. Denton made a motion dependent upon Mr. Dukes' recommendation; Mr. Michael seconded the motion and the motion passed 7-0.

In discussion of job descriptions (Electrician, HVAC), Mr. Denton asked if those applying for the positions are told the jobs may be temporary. Ms. Tears expressed concerns with the job titles indicating the employee as a "specialist" since the employees will be doing other duties in addition to electrician and HVAC; she also felt if the job title indicates specialist, applicants would assume they would be paid more than \$16.00 an hour. HR director Mitchell Byrd stated all applicants are being told they will be paid \$16.00 per hour. Mr. Cagle stated when the applicants are hired, there needs to be a written contract specifically stating these two positions are assigned to county government and the positions are contingent on continuing funding. Mr. Michael asked if Ms. Wiles could get clarification if the county would pay for the services monthly; Ms. Wiles said she would. Mr. Perryman made a motion to approve the job descriptions (see attached), and Mr. Denton seconded the motion. In response to a question concerning whether or not there would be a problem with the school system's maintenance supervisor supervising employees working on county buildings while he is 100% an employee of the school system, Mr. Cagle stated there is no problem. The motion passed 6-1, with Ms. Tears voting no. Since the contract with the county began on November 1, Mr. Denton asked Mr. Dukes if he would be sure Maintenance Supervisor Sheldon Davis is keeping up with the time spent on maintenance of the county buildings; Mr. Dukes said he would.

Mr. Dukes gave a presentation on the recently-released State Report Card. Concerns were expressed about the declining attendance rates over the past three years; the graduation rate; being significantly below the state average on ACT scores; being below state average on value added. Mr. Michael asked if the attendance supervisor position (currently a part-time position) would be better served as a full-time position; Mr. Dukes said he felt it should be a full-time position. Ms. Tears stated this issue could be addressed by the board through a job description. Mr. Michael asked if the organizational chart approved by the board indicates a position as a 120-day contract, does the director need board approval to change the position to full-time; Mr. Cagle said yes, if funding doesn't change. Mr. Cagle added if it can't be done without a funding change, the board would have to appropriate money to fund the position.

Mr. Michael asked what message Mr. Dukes has provided principals and supervisors: 1) principals need to run their schools; 2) follow state rigorous curriculum; 3) provide interventions and help sessions; 4) improve school climate. Ms. Tears asked: if directives previously handed down are not working in a school, does the principal have the option to change; Mr. Duke said yes. Mr. Denton asked if nap time can be placed back in the kindergarten schedule; Mr. Dukes said he would check into the issue.

Under discussion of the contract/salary of Interim Director Roy Dukes, Mr. Denton asked that the car allowance be taken from the contract, considering Mr. Dukes is provided a school system owned vehicle. Mr. Cagle added that if Mr. Dukes chooses to use his own car, for example, to travel to a conference, Mr. Dukes would be reimbursed at the rate of the state mileage chart. Regarding compensation, Ms. Tears said the proposed contract states \$98,000, which she feels, due to Mr. Dukes' experience and knowledge, is too low. She would like to see the salary between \$106,000 and \$108,000. Mr. Michael added that since the car allowance was removed and Mr. Dukes is serving as interim director, as well as performing assistant director duties, the monthly salary be prorated at \$110,000. Mr. Cagle said the agreement states (with suggested changes) Mr. Dukes is the director for one year or until a new director is in place; at that point Mr. Dukes' position will revert back to assistant director of schools. This contract can be renewed. In the role as director, he assumes all duties of the director of schools; his compensation is set at \$110,000, with all the benefits outlined in Article 6; participate in such agencies as TOSS and other agencies for professional growth; be provided liability insurance; and the car allowance is eliminated due to use of the county car, with the option to use his own car and be reimbursed. Mr. Michael made a motion to approve the contract (with the stated changes) with the intent that Mr. Dukes return to the position of assistant director when the new director is in place. Ms. Tears seconded the motion and the motion passed 7-0. Mr. Cagle will draft the contract.

In the maintenance committee report, Mr. Perryman stated a maintenance committee meeting was held prior to the evening's meeting to hear a presentation from Capital Project Solutions (CPS) concerning placing geothermal units in some or all schools. The maintenance committee recommended to give Capital Project Solutions permission to be on standby so when grants become available, they can explore those grants for the school system. Once CPS brings the grant proposals to the board, the board will have the right to approve or decline the package. If the board chooses to decline, there will be no cost. Mr. Perryman made a motion to allow Capital Projects Solutions to watch for grants to bring before the board; Mr. Denton seconded the motion and the motion passed 7-0.

Under new business, Mr. Denton addressed concerns that had been voiced to him regarding internet access at Cornersville High School. He felt the school system's filters were even stricter than the state level; in researching for homework, students have

found sites blocked. Teachers are unable to update Internet Explorer programs currently on the computers. Mr. Denton felt someone should be in each school to handle technology problems. Mr. Dukes stated the light speed filter has been turned off; the light speed filter may have contributed to the strict blocking of websites. He added that 70% of the fiber optics has been installed; once this job is complete teachers and students should see a difference. Suzanne Ingram, Technology Supervisor, stated that the installation was supposed to be complete at the end of October, but a crushed conduit was discovered at Oak Grove and MCHS which had to be cleared; she is now waiting on AT&T. As far as unblocking websites, Ms. Ingram stated she has only declined a teacher's request to unblock a website on two occasions; if a teacher asks to unblock a site, she does. Concerning updating programs, Ms. Ingram said some of the updates conflict with software the school system currently uses. Mr. Michael stated the board needs to help Ms. Ingram find a way to have someone at every school, through her guidelines, have the ability to do day-to-day functions. Mr. Denton asked Ms. Ingram if she would check to see if teachers at Cornersville can use the software "Making the Grade"; she said they are able to use it, and she would check to see why they say they can't. Mr. Keny asked the timeline of finishing the fiber installation; Ms. Ingram estimated the end of March for completion. Mr. Michael suggested setting a curriculum/technology meeting to discuss the issues further.

Mr. Denton stated the board has held numerous meetings over the past few months, and without realizing it, the board has placed some restrictions on [board secretary] Rhonda Poole by asking the minutes be completed by the next day. Mr. Denton made a motion to give Ms. Poole at least two days to complete minutes; Ms. Tears, who stated she wanted it on record that Ms. Poole does an excellent job, seconded the motion. After discussion, Mr. Denton amended his original motion, with Ms. Tears amending her second, to give Ms. Poole at least three days to complete minutes. The motion passed 7-0.

Ms. Tears gave a presentation covering the TSBA Convention she attended. She gave Mr. Keny several brochures and information she collected at the convention.

Ms. Gold scheduled a Budget Committee meeting for Monday, December 7, 2009, at 6:30 p.m.

Mr. Michael asked Ms. Wiles if the October summery financial statement was ready; Ms. Wiles stated it would be ready soon. Mr. Michael said he noticed areas in which more money was spent this year than last, and this year's budget is less than last year's budget. The issue will be examined closer during the budget committee meeting.

In the Director's Report, Mr. Dukes informed the board that Sanford had donated office furniture to the school system. Ms. Owens made a motion to write a letter of

appreciation to be sent to Sanford; Mr. Perryman seconded the motion and the motion passed 7-0.

Mr. Perryman made a motion to accept the bid of Learning Labs (see attached) for a 3-D Printing System floor model. Ms. Gold seconded the motion and the motion passed 7-0.

Ms. Owens made a motion to approve out-of-adoption books for surplus (see attached). Ms. Tears seconded the motion and the motion passed 7-0.

To conclude the meeting, Mr. Dukes read a list of good things that had taken place in our schools.

The meeting was adjourned.

Respectfully Submitted,

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Mike Keny, Chairman

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Roy Dukes, Interim Director