

**CUMBERLAND COUNTY BOARD OF EDUCATION
REGULAR MEETING
Thursday, March 26, 2009**

The Cumberland County Board of Education met in regular session on Thursday, March 26th, 2009 at the Central Office Board Room; the meeting was called to order by Chairman Parris at the approximate hour of 6:00 p.m. She welcomed everyone to the meeting.

PRESENT: **Parris, Randolph, Schlafer
Houston, Blalock, Hyder
Scarborough, Smith, Janeway
CCEA Rep Timson, PTO/PTA Rep Camera
Tyler Janow, CCHS Rep
Cassie Conley, CCHS Rep
Megan McDonald, SMHS Rep
Megan Lee, SMHS Rep**

ABSENT: None

COUNSEL: Mr. Earl Patton

Moment of Silence

Pledge to Flag: Victoria Ports led the audience in the Pledge of Allegiance.

Special Recognition

A. SMHS: Principal Janet Brooker gave a wonderful power point presentation of some of the things that are going on at SMHS. She is very proud of her staff, her students, and her school.

Approval of Minutes of February 26, 2009: Randolph made and Smith seconded a motion to approve the minutes of February 26, 2009 as presented.

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

MOTION: **Carried unanimously**

Approval of Agenda: (See Exhibit #1) Smith made and Schlafer seconded a motion to approve the Agenda as presented.

VOICE VOTE: **Smith (mover-yes)**
 Schlafer (seconder-yes)
 All ayes
MOTION: **Carried unanimously**

Community Comments: (Comments regarding tenure of Mr. Eggleston)

1. **Johnny Ray Patterson:** Representing students in attendance tonight.
2. **David Jones:** Representing parents of students
3. **Terry Bowen:** Representing those not present
4. **Coach Dave Prichard:** Baseball coach at CCHS
5. **Ms. Timson:** Representing CCEA

Item 1 – Renewal of Director’s Contract: (See Exhibit #2) Schlafer made and Smith seconded a motion to renew the Director of Schools contract until 2012 as per Exhibit #2. In discussion, Scarbrough stated that because there is legislation pending at this time to change the procedure back to an elected position instead of being appointed by the school board, he opposes the renewal. Janeway expressed the opinion that this legislation could take years to be passed, and he thinks until that legislation is passed, the board should continue with its everyday business as usual. Mr. Patton stated that if such a law were passed, typically there would be some legislative direction in the bill that would guide the board on how to proceed with a contracted director of schools. Another option is that language could be added to a new contract addressing this point. Schlafer stated that according to Governor Bredesen, if the bill does pass, his intention is to veto the bill. Further discussion was had.

ROLL CALL VOTE: Schlafer (mover-yes)
 Smith (seconder-yes)
 Houston (yes), Blalock (no)
 Janeway (yes), Randolph (no)
 Scarbrough (no), Hyder (no)
 Chairman Parris (yes)
MOTION: **Carried (5-yes, 4-no)**

Item 2 - School Board Reports

1. TLN Report

A. American Recovery Investment Act: Schlafer reported on the cuts that have been reinstated due to the stimulus package. Governor Bredesen has emphatically stated that no cuts will be made in Education. He commented on several other topics of interest. More specific information on the state budget is forthcoming soon.

B. From FYI Packet, (Exhibit #9, Page 1): Schlafer asked the board to pay special attention to a bill that mandates the school calendar start date, which he disapproves of.

C. TLN Notes: (See Exhibit #9, FYI Packet)

Item 3 – NSBA National Affiliation: (See Exhibit #3) Schlafer made and Smith seconded a motion to approve the Board’s enrollment in NSBA. In discussion, Blalock stated that he thinks \$2,298.00 is a lot of money; he asked how this would help the children. Schlafer stated that all professionals should be abreast of everything that is going on with respect to organizations that will help the people that they represent. NSBA is the ultimate tool to keep with all federal laws. There are legal services, board advocacy services, publications, and other services that are available through the NSBA. He thinks this is a small price to pay for all these services. The cost tonight is 35% less than what the normal fee would be due to the fact that Schlafer attended the Federal Relations Network Conference in Washington this year. Further discussion was had.

ROLL CALL VOTE: Schlafer (mover-yes)

Smith (seconder-yes)

Janeway (yes), Randolph (no)

Blalock (no), Hyder (yes)

Scarborough (no), Houston (yes)

Chairman Parris (yes)

Janow (yes), Conley (no)

McDonald (yes), Lee (yes)

Timson (yes), Camera (yes)

MOTION:

Carried (6-yes, 3-no)

Item 4 - Legal Report

A. Memorandum of Understanding Regarding Radio Frequencies: Mr. Patton stated that to his knowledge, Mayor Hill has not signed this Memorandum of Understanding which was sent to him about two months ago. He is not exactly sure what the issues are, but he has sent Mayor Hill a letter earlier this month that reiterated the board’s position that the County is not to be using the board’s radio frequencies at all until this Memorandum of Understanding is signed and in place. He will keep the board updated.

B. Sewer Lines on Lantana Road: Mr. Patton has sent a letter to the City Manager earlier this month but has had no response regarding this issue. He had spoken to the City Manager and City Attorney Ken Chadwell about the subject before he sent the letter. He will try to have an update by the next board meeting.

Item 5 - Director of Schools Report

A. Contract with TDOT for Lantana Rd. Project: (See Exhibit #4) Ms. VanWinkle reported that this contract with TDOT about the Lantana Road right-of-way property in front of South Cumberland Elementary needs to be approved. It had been put on the back burner by TDOT, but with the new stimulus money, the project can now go forward. TDOT is offering \$50,300 for the right-of-way property.

In addition, they are offering \$6,800 for moving the sign. This would total \$57,300. (The school gets to keep the sign; they just have to move it.) Scarbrough made and Smith seconded a motion to approve both contracts as per Exhibit #4.

VOICE VOTE: **Scarbrough (mover-yes)**
 Smith (seconder-yes)
 All ayes

MOTION: **Carried unanimously**

B. 2009-2010 School Calendar: (See Exhibit #5) Ms. VanWinkle stated that she has approval of the request from the Fair Board to allow the students a day off for the fair on August 28th. Teachers have agreed to move one of their staff development days to August 28th instead of at the end of the year in order for the students to have this day off. Hyder made and Schlafer seconded a motion to approve the discussion of the school calendar.

VOICE VOTE: **Hyder (mover-yes)**
 Schlafer (seconder-yes)
 All ayes

MOTION: **Carried unanimously**

In discussion, Mr. Simmons stated that the point of the calendar as per Exhibit #5 is that students need to have at least 85 days of classes before Christmas. He explained that if school starts before August 1st, there is no money available. The administration decided that if school starts on August 10th, the students would get those 85 days in before Christmas. From the comments that he collected from people that voted on-line, over half of them said they were fine with this calendar. A lengthy discussion was had, after which Hyder made and Scarbrough seconded a motion to approve the calendar as per Exhibit #5.

VOICE VOTE: **Hyder (mover-yes)**
 Scarbrough (seconder-yes)
 7-eyes, Smith (no), Randolph (no)

MOTION: **Carried (7-yes, 2-no)**

C. Tenure Personnel List for 2009-2010: (See Exhibit #6) Ms. VanWinkle stated that this list does not require board approval.

D. Non-Tenure Personnel List for 2009-2010: (See Exhibit #7) Ms. VanWinkle stated this list does not require board approval.

(Break: 7:30 to 7:45)

E. Approval of TIE Personnel: (See Exhibit #8) Ms. VanWinkle stated that this list must be approved by the board. Randolph made and Scarbrough seconded a motion not to approve the list of TIE Personnel as per Exhibit #8. In discussion, Schlafer asked Mr. Patton to comment on TCA with respect to the Board's responsibility on this issue. Mr. Patton stated that with state law and with board policy, it is the Director of School's sole responsibility to nominate personnel for tenure. It is

the Board's sole authority to approve personnel for tenure. If, for whatever reason, the Board chooses not to approve the list, then it goes back to the drawing board. Personnel who are not being rehired must be notified by April 15th; therefore, the Board must take action in time for these notifications to be sent out. In discussion, Randolph stated that since Mr. Eggleston has been recommended for re-hire by his principal, Ms. Graham, his opinion is that if this teacher has had only one bad evaluation, he thinks he should be re-evaluated. Ms. VanWinkle stated that her recommendation is based on incidents that happened after Ms. Graham's staff evaluations were done. Ms. VanWinkle stated that her evaluation of this teacher was an unscheduled evaluation. (She did these on several TIE personnel; not just one.) She stated that there are many errors in the CCEA's letter that was written. In answer to Schlafer's question as to whether this teacher is the only teacher not recommended for tenure, Ms. VanWinkle stated that there are several teachers. Mr. Patton stated that he does not think the board is duty-bound to re-evaluate any teacher. The Board's decision is solely to "elect for tenure"; and it is not legally bound to handle the day-to-day hiring and firing. Ms. VanWinkle stated that the Board can approve tenure at any time; it doesn't have to be done at this board meeting. But those people who are not on this list tonight must be notified by April 15th whether they have been granted tenure or not. She stated that a month, two months, or three months down the road, if issues are resolved and if the Board makes a different decision, then anyone can be recommended back for hire, but before they can work one day of the next school year, the Board has to grant them tenure. Chairman Parris stated that she would like to always have both the Principal's and the Director's approval for tenure, and not just one or the other. Mr. Patton stated that if the Director feels that she should reconsider one person for tenure, she would be duty-bound to reconsider the entire list as a whole. The Board does not have the authority to single one person out for re-evaluation; this is up to the Director. In further discussion, it was questioned whether a motion in the negative is in order; Mr. Patton stated that he does think it is out of order. The motion stood as made and seconded.

ROLL CALL VOTE: Randolph (mover-yes)

Scarbrough (seconder-yes)

Janeway (no), Smith (no)

Blalock (no), Schlafer (no)

Hyder (no), Houston (no)

Chairman Parris (no)

MOTION:

Failed (2-yes, 7-no)

At this point, Houston made and Schlafer seconded a motion to approve the TIE Personnel as per Exhibit #8.

ROLL CALL VOTE: Houston (mover-yes)

Schlafer (seconder-yes)

Janeway (yes), Blalock (yes)

Randolph (no), Scarbrough (no)

Hyder (yes), Smith (yes),

Chairman Parris (yes)

MOTION:

Carried (7-yes, 2-no)

F. FYI: (See Exhibit #9) Ms. VanWinkle stated that the Facilities and Maintenance plan is on the computer; she did not run those off for the packets. The other items are for information.

Item 6 - School Board Committees

A. Committee Reports: (None)

Item 7 - Business Manager Report

B. Monthly Financial Report: (See Exhibit #10) Ms. Randol stated that our Local Option Sales Tax is low right now at about 61%. (Sales tax projections are at \$2,049.00 above what was expected to be received, according to Ms. Vanwinkle.) The BEP is at 70%, but there are only three more months to receive this. (None will be gotten in June and July.) The \$15,000.00 under Operating Transfers indicates the money that the county gave for the JROTC program. Total percentage of Revenues is at 71.9%. Expenditures are running level on everything other than Regular Capital Outlay; these monies will be spent this summer for on-going projects. Fund Balance right now looks good, but it cannot be taken for granted because of the big summer projects and the payroll for teachers through July.

Item 8 - Approval of Grant Applications: (See Exhibit #11)

- A. North Cumberland Dollar General Youth Literacy Grant:**
- B. Carol M. White Physical Education Program Grant**
(application on file at Central Office)

Item 9 - Cumberland County School Nutrition Program: (See Exhibit #12)

- A. Approval of Breakfast Expansion Grant**
- B. Approval of Dishwasher Specifications**
- C. Approval of Surplus Equipment Disposal**

Schlafer made and Smith seconded a motion to approve Item #8-A and B as per Exhibit #11, and Item #9-A, B, and C as per Exhibits #12.

VOICE VOTE: **Schlafer (mover-yes)**
 Smith (seconder-yes)
 All ayes

MOTION: **Carried unanimously**

Item 10 - Consent Agenda

- A. Approval of Volunteers:** (See Exhibit #13)
 - 1. Brown Elementary**
 - 2. CCHS**
 - 3. Pleasant Hill**

4. South Cumberland Elementary
5. SMHS
- B. Approval of School Trips: (See Exhibit #14)
 1. CCHS Advanced Choir
 2. North Cumberland Honors Trip
 3. SMHS Beta Club
 4. SMHS Criminal Justice
- C. Approval of Contracts: (See Exhibit #15)
 1. CCHS with Network Solutions
 2. SMHS with Lifetouch
 3. SMHS with Josten's
- D. Approval of Phoenix School FFA Request: (See Exhibit #16)
- E. Approval of North Cumberland Disposal of Surplus Property: (See Exhibit #17)
- F. Approval of Vinyl Floor Tile Specs for South Cumberland Elementary: (See Exhibit #18)
- G. Approval of 2nd Reading on Policies: (See Exhibit #19)
 1. (2.800) Expenditure of Funds
 2. (2.811) Compensation
 3. (2.8041) Travel Policy (6.4031)
 4. Pediculosis (Head Lice)
- H. Approval of 1st Reading on Policies: (See Exhibit #20)
 1. (4.602) Class Ranking
 2. (5.114) Personnel Records
 3. (5.200) Suspension/Dismissal of Non-tenured Teachers
 4. (5.306) Military Leave

Randolph made and Smith seconded a motion to approve the Consent Agenda as per Exhibits #13 through #20.

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

MOTION: **Carried unanimously**

Item 11 - Other Old Business

A. Status of TYE House: Ms. VanWinkle stated that the auction date for the TYI house is set for April 1st, 2009.

B. Bus Advertisements: New legislation has been passed to allow advertising on buses. Ms. VanWinkle will pursue this when it is signed into law.

Questions from Media: (None)

(Two (2) tapes dated 3/26/09 are marked as Exhibit 21.)

Adjournment: Randolph made and Hyder seconded a motion to adjourn.

VOICE VOTE: **All ayes**

MOTION: Carried unanimously

**(WHEREUPON, the meeting was adjourned
at the approximate hour of 8:15 p.m.)**

**Ms. Aarona VanWinkle
Director of Schools**

**Ms. Shirley Parris
Chairman**

**(Continued on Page 8)
(Minutes of 3/26/09 continued from Page 7)**

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 April 4th, 2009.

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

(My Commission expires 6/6/11)