

CUMBERLAND COUNTY BOARD OF EDUCATION
Regular Meeting
Thursday, October 23, 2008

The Cumberland County Board of Education met in regular session on Thursday, October 23rd, 2008 in the Central Office Board Room where 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, Schlafer, Blalock
Houston, Janeway, Hyder
Scarborough, Smith
Camera (PTO/PTA Rep)
Susan Serleth (CCEA Rep)
Cassie Conley, Tyler Janow (CCHS Reps)
Caroline Mercer, Cacey Scarlett (SMHS Reps)

Absent: Randolph

Counsel: Mr. Earl Patton

Moment of Silence

Pledge to Flag: Scarborough led the audience in the Pledge of Allegiance.

Special Recognition: Ms. VanWinkle accepted a plaque from Jason Bagwell, with Tennessee Risk Management Trust, for Cumberland County for their achievements in reduction of losses, safety training and formation of safety committees in their work with TRM. We were one of 14 counties out of 135 accounts to receive this award. Mr. Bagwell stated that this kind of work helps everyone that participates in the Trust.

Approval of Minutes of September 26 and September 29, 2008

A. 9/26/08: Houston made and Schlafer seconded a motion to approve the minutes of September 26, 2008, with the following correction: Page 3, Special Education (71200): reflect that Janeway voted instead of Houston voting twice.

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

B: 9/29/08: Janeway made and Hyder seconded a motion to approve the September 29th, 2008 minutes as presented.

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

MOTION: Carried unanimously

Approval of Agenda: Schlafer made and Smith seconded a motion to approve the agenda as per Exhibit #1, with the following change: Remove the Resolution Proposal - 2009 from the FYI packet and add it to Item #2 as Item 2-B since it needs board approval.

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

MOTION: Carried unanimously

Community Comments

A. Jonathan Foust: Jonathan is a student at CCHS and a student in the JROTC program. He addressed the “pending funding” wording on the contract with the

Army for this program. Ms. VanWinkle stated that she is aware that it does not say “pending funding” on the contract. She has been in touch with the Cadet Corp and they realize that the BOE must have funding to continue the contract. In answer to his question about the contract stating that the Army must have a one-year’s notice of cancellation, Ms. VanWinkle responded that the contract does that, but it also speaks of the number of officers that we have to have for the program and the number of students that we have to have, both of which we do not have. The Army Corp is working with the Director of Schools on this.

B. Donna McDermitt: Ms. McDermitt asked to have rumors cleared up about what she is hearing – questions about the minimum amount of money that is being allotted to our schools, 180-day contracts, statements made by our State Representative, funding for the JROTC program. These questions were answered.

C. Ralph Leeks: Mr. Leeks, with the Tennessee PTA Upper Cumberland Region, consisting of 14 counties, addressed the board regarding PTA programs in our schools. He stated that there is now one school in our county - Martin Elementary - that has reinstated the program. Plans to have a region-wide PTA are almost complete.

Item 1 - Facilities Update – Scott Nicholson

A. North Cumberland Sewer Proposal: Mr. Nicholson reported that survey information has been obtained from Clinton Surveying about the alignment of the sewer project. TDOT has also supplied information about boundaries and road realignment. It is going to be impossible to keep all the alignment on the state road right-of-way; therefore, according to the survey, a portion will have to be on private property, which means that easement acquisitions will have to be made. TDOT right-of-way is typically 100 to 120 feet, and in some areas, the line can be kept on that. But for the majority of the project, the right-of-way is only 50 feet wide. The City of Crossville is assisting with the acquisitions, with the estimated cost being approximately \$45,000. Acquiring these easements is the only option available to the board if they install a force main. TDOT will not allow it to be installed in the road or shoulder area; the City of Crossville will not allow it to be installed in the ditch area. The approximate length of the project is 15,800 feet and there is only about 1200 feet where the right-of-way can be used. Ms. VanWinkle stated that she hopes the Pleasant Hill project will cost a little less and maybe that will balance out the cost for the North Cumberland project. If not, since our fund balance is depleted, a request will have to be made to the county to fund the difference. Some of the needed easement areas are already being used by other utilities, so maybe those landowners will let us use the land. Mr. Steve Smith reiterated what Ms. VanWinkle said – that this project must be done; that it is just a matter of time before there are real problems at North. After further discussion, Smith made and Janeway seconded a motion to go ahead with the North Cumberland sewer proposal.

ROLL CALL VOTE: **Smith (mover-yes)**
 Janeway (seconder-yes)
 Houston (yes), Hyder (yes)
 Blalock (yes), Schlafer (yes)
 Scarborough (yes)
 Chairman Parris (yes)
MOTION: **Carried unanimously**

Item 2 - School Board Reports

A. TLN Report

1. Leslie Farmer, Director of the Tennessee Office for Civil Rights: Schlafer reported that he has put a corrected hard copy of the email that he received from Ms. Farmer at each board member’s desk.

2. Letter from Stephen Smith to Chairs across the State: (See Exhibit #2) Schlafer stated that each board member has a copy of Resolution 16 which was voted on at the delegate assembly of the TSBA annual convention. He stated that Tennessee is one of only eleven states in the country that does not allow school boards taxing authority.

B. Resolution Proposal: (See Exhibit #3) This is a resolution written by Schlafer addressing accountability of our funding sources. He stated that there is a law that allows for Directors of School and school board members to be removed from office if there is chronic failure to meet Adequate Yearly Progress (AYP). There is no provision that holds our funding agencies accountable for the lack of funding to meet these AYP standards. After further discussion, Smith made and Janeway seconded a motion to approve this resolution and present it to the General Assembly.

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

Item 3 - Legal Report

A. School Board Attorney: Mr. Patton gave a summary of his duties as the board attorney. In his report, he stated that the board is his client, and even though anything that is said between him and his client is normally confidential, with a nine-member board, he has to ask questions sometimes in public which he would not normally do. In that sense, these conversations are not privileged. In general, board members speak to him through their votes. The only time he can meet with the board in private sessions is when pending litigation is being discussed, which would involve any lawsuit that has been filed, any lawsuit that might be filed in the immediate future, or if threat of a lawsuit is received. In these cases, he can meet with the board and give them legal advice, but immediately afterwards, he will advise the board to reconvene in public and to discuss his advice and what the board's actions will be as a result of that advice. He encouraged board members to call him at any time if they have questions about a legal matter. If a lawsuit is filed against the board, the first thing he does is call the insurance company to see if the matter is covered. If the insurance company hires another lawyer to represent the board, Mr. Patton's role is secondary. He stated that sometimes he talks with principals when immediate action is required in certain situations, even though it is advisable for principals to call the Director of Schools and apprise her of these calls.

Item 4 - Director of Schools Report

A. FYI: (See Exhibit #4)

B. 2008-2009 School Calendar: (See Exhibit #5) Schlafer made and Scarbrough seconded a motion to adopt the calendar that is attached and marked as Exhibit #1 to Exhibit #5. He stated that this is the calendar that was voted the best in the survey that was done. In discussion, Ms. VanWinkle stated that this calendar takes out the week-long spring break, with school ending on June 5th, 2009. Blalock opined that Martin Luther King, Jr. Day and Presidents' Day could be taken out, resulting in school ending earlier. Further discussion was had.

VOICE VOTE: **Schlafer (mover-yes)**
 Scarbrough (seconder-yes)
 7-eyes, Blalock (no)
MOTION: **Carried (7-yes, 1-no)**

C. City of Crossville Resolution: Ms. VanWinkle called attention to an item in the FYI folder that informs board members that the City of Crossville

has sent a resolution to the State of Tennessee, asking for support in funding the school nurse program. She commended the city for this action.

Item 5 - School Board Committees:

A. Committee Reports

1. Policy Committee Calendar: Houston has included this calendar in the FYI packet for the Board's information.

B. Committee Appointments/Review: (None)

Item 6 - Business Manager Report

A. Monthly Financial Report: (See Exhibit #6) Ms. Randol stated that Revenues are running as expected. Under Local Option Sales Tax, we are running a little behind last year. In discussion, Ms. VanWinkle stated that we are staying anywhere from 3:0 to \$3.5 Million in the red which is coming out of Fund Balance. BEP has not been issued to the teachers; large items have not been ordered. The situation is so bad that we are not even ordering instructional materials for the classrooms because the cash flow is not there. Until property taxes start coming in, this will remain the case. With three certified payrolls in December (personnel will receive their third paycheck on the 19th before Christmas break), the Fund Balance will be almost entirely wiped out. BEP will come in in December, but the two payrolls on December 19th will use all of that. Mrs. VanWinkle reiterated that the Fund Balance will not be there next year, which means there will no cash flow. Ms. Randol reported that Expenditures are down to try to keep from going further into the Fund Balance.

Item 7 - Approval of Grant Proposals: (See Exhibit #7)

A. AT Grant Proposal for SpEd Department

B. Brown Elementary Food Lion Grant Application

Schlafer made and Smith seconded a motion to approve Item #7, A and B, as per Exhibit #7. Schlafer thanked everyone who worked so hard to prepare the applications.

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

MOTION: Carried unanimously

Item 8 - Consent Agenda

A. Approval of Volunteers: (See Exhibit #8)

1. Brown Elementary
2. CCHS
3. Homestead
4. Martin Elementary
5. Pine View
6. Pleasant Hill
7. South Cumberland Elementary
8. Stone Elementary
9. SMHS

B. Approval of School Trips: (See Exhibit #9)

1. CCHS Golf Team
2. Martin Elementary Beta Club

C. Pleasant Hill Elementary PTO By-Laws: (See Exhibit #10)

Houston made and Smith seconded a motion to approve Item #8, Consent Agenda, as per Exhibits #8, 9 and 10.

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

Item 9 - Set Date for Upcoming Meetings

A. November Board Meeting: After discussion, the regular November board meeting was set for 6:00 o'clock on Monday, November 24th, 2008, since the 4th Thursday is Thanksgiving Day.

B. Fall Retreat: After a brief discussion, Saturday, November 22nd at 8:00 a.m. at the Central Office was set for the Fall Retreat.

(Houston left meeting)

Item 10 - Other Old Business

A. Paperless Meetings: In answer to Schlafer's question about paperless meetings, Chairman Parris stated that this will be on the agenda for the fall retreat.

B. Board of Distinction: Chairman Parris stated that this will also be on the agenda for the fall retreat.

C. Status of JROTC Program: Schlafer asked to hear some discussion about the JROTC program since time is running out on whether this program will be continued. Mrs. VanWinkle stated that the County Commission postponed this issue until their next meeting in order to get answers to some legal issues on how they could provide the money, one issue for them being whether they could pull the money from the Drug Fund. In discussion, Colonel Philpot and Mrs. VanWinkle gave the funding numbers that they think must be had to continue the program. Colonel Philpot's numbers differed from Mrs. VanWinkle's by several thousand dollars due to the fact that Mrs. VanWinkle must include all benefits (including medical benefits) in the budget for all instructors for the program. The minimum amount that the system would have to pay, based on an unforeseen person coming in, would be \$71,525.94 of local money. Therefore, the budget would have to increase for the second semester by \$133,641.44. The Army would pay \$55,818.59. The total amount, counting the insurance benefits, that the local system would have to fund for the second semester would be the maximum amount of \$77,822.85. Colonel Philpot stated that if the program has to be closed, it will be necessary to keep the people who work there on board to take care of all the things that must be done to close it. He is of the opinion that if the program is going to be closed, serious actions should be taken during November to get everything in shape for closing. Mrs. VanWinkle stated that the program is funded through this semester, and she has been in touch with Carl Phillip (with the Army), who has indicated that if funding is found even at the end of the semester in January, the program can be continued for the second semester. Further discussion was had.

In answer to Schlafer's question to Mr. Patton about the contract stating that a year's notice must be given to terminate the JROTC Program, Mr. Patton responded that the legal ramifications regarding his concern for this have decreased. He explained that the board is not a body that has money; it is not the funding body for the program. Based on the letter that was emailed to him today, his concern about that has decreased dramatically.

Mr. Chris King, with the CTE Program (who has a long military record), stated that this program is a very good program to develop leadership and self-confidence in the students involved. In further discussion, Schlafer made and Scarbrough seconded a motion that, if outside funding is obtained from somewhere or somebody that would cover this expense, if the board would accept that funding (whatever it may be and from whomever may give it) and apply it toward saving the JROTC Program so there is no question in anyone's mind who is wondering what the board would do with the money should that happen. In discussion, Schlafer clarified that if money is gotten from folks who want to

preserve the JROTC program, that the board will accept the money and use it for that purpose. After further discussion, Schlafer and Scarbrough withdrew the motion and second. Mr. Patton stated that it would be necessary to have a motion to earmark any money taken in from any outside organizations for a specific purpose before that money could be used for that purpose. After further discussion, Janeway made and Scarbrough seconded a motion that if monies become available from an EEOC money source, that those monies be applied in reverse order of the way that the programs were cut when the last budget cuts were made; the monies must fully fund each cut.

ROLL CALL VOTE: **Janeway (mover-yes)**
 Scarbrough (seconder-yes)
 Schlafer (yes), Blalock (no)
 Smith (pass), Hyder (no)
 Chairman Parris (no)
MOTION: **Failed (3-yes, 3-no, 1-pass)**
 (Smith did not change her “pass” vote)

At this point, Chairman Parris made and Janeway seconded a motion to allow Chairman Parris to reconsider the prior motion in order for her to change her “no” vote.

VOICE VOTE: **Chairman Parris (yes)**
 Janeway (yes)
 All ayes
MOTION: **Carried unanimously**

At this point, the following vote was taken on the prior motion:

ROLL CALL VOTE: **Janeway (mover-yes)**
 Scarbrough (seconder-yes)
 Smith (yes), Blalock (no)
 Hyder (no), Schlafer (yes)
 Chairman Parris (yes)
MOTION: **Carried (5-yes, 2-no)**

QUESTIONS FROM MEDIA

A. Title of Carl Phillip: In answer to Mr. Andy Kendrick’s question about the title of Mr. Carl Phillip, Chairman VanWinkle stated that his title is Chief, 7th Brigade JROTC; he is headquartered out of Fort Knox, Kentucky.

(Two (2) tapes dated 10/23/08 are marked as Exhibit #11)

Adjournment: Schlafer made and Janeway seconded a motion to adjourn.

**(WHEREUPON, the meeting was adjourned
at the approximate hour of 8:00 p.m.)**

Mrs. Aarona VanWinkle
Director of Schools

Ms. Shirley Parris
Board Chairman

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 November 2nd, 2008.

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

(My Commission expires 6/6/11)