

**Minutes
Transylvania County Board of Education
January 21, 2014**

INVOCATION/PLEDGE OF ALLEGIANCE

CALL TO ORDER/WELCOME

BUSINESS ITEMS

1. Closed Session
2. Approval of Agenda
3. Public Comment
4. Good News Report
5. Former Students in the Military
6. Consent Agenda:
 - A. Minutes
 - B. Personnel Report
7. Update on Artificial Turf for BHS
8. Annual Financial Report
9. FY13 Capital Outlay Update
10. Policy:
 - A. ACAA, "Sexual Harassment"
 - B. ACB, "Discrimination, Harassment and Bullying"
 - C. JFC, "Student Conduct/Discipline"
 - D. GBMA, "Prohibition Against Retaliation"
 - E. DO, "Medicaid Funding for Eligible Services"
 - F. GCBDB, "Employee Leaves and Absences"
 - G. IIC, "Field Trip Approval and Cancellation"
 - H. CGI, "Employee Assignments and Transfers"
 - I. GBM, "Staff Grievances"
 - J. JHCF, "Do Not Resuscitate Orders"
 - K. DJ-R, "Purchasing Requirements"
11. Resolution to Join Litigation Challenging Constitutionality of Voucher Law
12. Topics for Retreat
13. Superintendent's Update
14. Dates for School Facility Tours
15. Important Dates
16. Public Comment
17. Other Items

The Transylvania County Board of Education met in regular session at 6:00 p.m. on January 21, 2014 at the Morris Education Center. Members Tawny McCoy, Chair; Cindy Petit, Vice Chair; Sue Fox; Ron Kiviniemi and Mike Rogers were in attendance. Also present were Dr. Jeff McDaris, Superintendent; Jenny Hunter, Administrative Assistant; Dr. Scott Elliott, Assistant Superintendent; Jeremy Gibbs, Director of Human Resources; Norris Barger, Director of Business Services; Audrey Reneau, K-8 Curriculum Director; School Resource Officer Nathan Whitmire; Meredith Licht, TCAE; student representative Allie Williams; Park Baker, *Transylvania Times*; Nancy Tanker, *Hendersonville Times-News*; and approximately seven guests. Chairman McCoy led in a moment of silence and Mrs. Petit led the Pledge of Allegiance. Chairman McCoy welcomed everyone and called the meeting to order.

1. Closed Session

ON A MOTION BY MRS. MCCOY, SECONDED BY MRS. FOX, the Board went into closed session at 6:07 p.m. to discuss confidential information pursuant to N.C.G.S. §

143-318.11(a)(3). Present in the closed session were Mrs. McCoy, Mrs. Petit, Mrs. Fox, Mr. Kiviniemi, Mr. Rogers, Mr. Barger, Dr. McDaris and Attorney Mike Pratt. No action was taken in the closed session. ON A MOTION BY MRS. FOX, SECONDED BY MRS. PETIT, the Board reconvened in open session at 6:42 p.m.

2. **Approval of Agenda**

ON A MOTION BY MR. ROGERS, SECONDED BY MR. KIVINIEMI, the meeting agenda for January 21, 2014 was approved as presented.

3. **Public Comment**

There was no public comment.

4. **Good News Report**

Dr. McDaris reported the following items:

THE HAVEN VISITS RES CLASSROOM

In December, students in AIG Specialist Carol Weeks' 5th grade reading enrichment class hosted guest speaker Jennifer Flood, Director of The Haven of Transylvania County. The students were reading the novel *Maniac Magee*, which includes issues of homelessness and racism throughout. Students researched homelessness within our county and country and brought questions for Mrs. Flood. The group also raised funds to buy Christmas gifts for clients staying at the shelter over the holidays.

BES FOOD DRIVE

Madelyn Foster, a fifth grader at Brevard Elementary School, held a food drive at her school, collecting nearly 1000 pounds of food. She and her mother, Michelle Foster, delivered the food to the Bread of Life, a free community kitchen in Brevard.

KINDERGARTEN STUDENTS LEARN ABOUT LAS POSADAS

In December, students in Ms. Keever's and Mrs. Riddle's kindergarten classes at Rosman Elementary School learned about the country of Mexico and the Hispanic Christmas celebration, *Las Posadas*. They learned how to make traditional Mexican blanket cookies with help from the students in Billie Wilson's Foods I class and sang Spanish Christmas songs with Mrs. Queen's Spanish I class. The kindergarten students look forward to a *Cinco de Mayo* field trip to Rosman High School in May to learn more about the Spanish culture.

GUEST CHEFS AT BHS

Students at Brevard High School got a lesson in cooking from some of the best professional chefs in the county. These "guest chefs" took time from their busy schedules to teach the students new recipes and cooking techniques. The guest chefs and the dishes they taught the students to prepare are listed below:

Pat Carrington (College Walk) - country pie casserole
 Anne Somich (Wild Indigo Catering) - butternut squash lasagna
 Jennifer Malo - chicken verde chili
 Peter Stone (Lake Toxaway Wine and Cheese) - chicken and dumplings
 Naren Schoenacher- potato and leek soup
 Dave Williams- arroz con pollo, black beans and plantain chips
 Marnie (Earthshine) - chicken pot pie and spinach souffle
 Marc Dambax (Marco's Italian Restaurant) - lasagna

BHS STUDENT COUNCIL WINTER DAYS

Thanks to a generous community and the Brevard High School faculty and staff, the Brevard High School Student Council raised more than \$1,800 for this year's Winter Days Project. Student council members shopped for, wrapped, and delivered over 200 items to the Department of Social Services to provide Christmas presents for 29 foster children and 11 adults with no family.

Dr. McDaris welcomed Brevard High School student representative, Allie Williams, to the meeting.

5. Former Students in the Military

The Board reviewed the list of former students from Brevard High School, Rosman High School, and Davidson River School who are currently serving or have previously served in the U.S. Military. There were no new names.

6. Consent Agenda

ON A MOTION BY MRS. FOX, SECONDED BY MR. ROGERS, the minutes from the December 16, 2013 meeting and the personnel report for January 21, 2014 (see attached) were approved.

7. Update on Artificial Turf for BHS

At the December meeting, the Board heard a proposal to provide artificial turf for the Brevard High School stadium. Dr. McDaris stated that there is a strong need to improve the condition of the BHS football field and recommended that the Board pursue the means to obtain artificial turf as soon as possible. ON A MOTION BY MRS. MCCOY, SECONDED BY MR. KIVINIEMI, the Board unanimously adopted the following resolution:

WHEREAS, the Transylvania County Board of Education realizes the vital role that athletics and other extra-curricular activities play in the development and education of young people; and

Realizing the role the Brevard Memorial Stadium plays in the overall economic success and potential for Transylvania County; and

In acknowledgment of the condition of the field at Brevard Memorial Stadium; its use; the limited growth and maturation cycle necessary for proper natural turf growth; the safety and functionality of a playing surface, a performance venue, and an outdoor classroom for our students;

NOW, THEREFORE BE IT RESOLVED, that the Transylvania County Board of Education does hereby authorize the superintendent to approach the county manager to state the Board of Education's support for the installment of artificial turf on the Brevard Memorial Stadium field, and to seek help from the Transylvania County Board of Commissioners in securing the financial means necessary to complete the turf project.

Adopted by unanimous vote this the 21st day of January 2014.

Commissioner Larry Chapman recommended that a presentation on turf be given at the Board of Commissioners' regular meeting on January 27, with further discussion to take place at the joint meeting on January 28. Mr. Chapman suggested that the Board also

address the BHS track in its presentation. Chairman McCoy clarified that the Board is not at this point agreeing to fund or asking the commissioners to fund the turf proposal. MR. KIVINIEMI MADE A MOTION, SECONDED BY MRS. FOX, to direct Mr. Barger to seek bids for turf in order to have an exact cost should the Board decide to go forth with a turf project. The motion was unanimously approved.

8. Annual Financial Report

Mr. Barger presented the Transylvania County Schools Annual Financial Report for the 2012-2013 school year. The auditors' report showed that there were no significant findings, questioned costs or compliance issues for the fiscal year ended June 30, 2013.

Mr. Barger pointed out the state public school fund has decreased 11.4% from four years ago and the general fund lost \$777,707 last year. He stated that the Board will not be able to cover these losses using its fund balance for much longer. Mr. Rogers discussed the losses in restricted grants funding, local funding and other sources. He asked Mr. Barger to project where the system stands currently in terms of revenues and expenditures. Mr. Barger explained that it is hard to predict what state and federal reimbursements will be for expenditures, but estimated that the district is in roughly the same position as it was in FY13. He estimated potential losses of \$700,000 to \$900,000 due to no longer having the option to save money by paying the highest-paid positions from state funds. Mr. Kiviniemi asked how much is being taken out of the general operational budget to cover losses. Mr. Barger stated that he has budgeted \$700,000-\$900,000 out of fund balance to cover expenditures. Chairman McCoy gave a reminder that the Board had planned for the cuts several years ago and saved its EduJobs funding and stimulus money to protect positions. Dr. McDaris added that once those funding sources were gone, the state did not make up the difference.

Mr. Rogers asked why, if the district has been receiving less from the state each year, it has been spending more on instructional programs, support and development. Mr. Barger reported that the expenditures were necessary to make up for the state cuts to teacher and teacher assistant positions and instructional support. Chairman McCoy noted that keeping our teachers and teacher assistants has been a Board priority. Mr. Rogers questioned what the solution would be to having expenditures that exceed revenues. He commented that a business could not run that way. He asked whether the costs for instructional support are expected to increase for this fiscal year. Mr. Barger stated that they should stay about the same.

Dr. McDaris reported that there are indications that Governor McCrory may propose a teacher pay raise for next year. If that occurs, an increase in local funds would be needed to cover the pay raise for locally funded employees. He reported that special education costs are rising dramatically, and Child Nutrition costs continue to go up. The school system already receives \$100,000 from the county to offset losses to the Child Nutrition program. This loss of revenue is largely due to the high number of families in the county who qualify for free and reduced-price meals. Dr. McDaris pointed out that the only solution to this problem would be jobs. Chairman McCoy thanked Mr. Barger for his excellent work.

9. FY13 Capital Outlay Update

Mr. Barger presented an update on the status of capital outlay projects that were budgeted for the 2012-2013 school year. He reported that all of the projects but one, the sidewalk at RHS, have been completed. Mr. Barger reported that the sidewalk would be finished as soon as the weather improves. Mr. Kiviniemi noted that the bus relocation

item at BMS came in considerably over budget. Mr. Barger explained that additional dirt was moved in order to widen the back parking area by 40-45 feet in order to give buses a better angle for parking. Board members noted that a lot of money had been spent on HVAC repairs. Mr. Barger reported that three chillers had gone out, which is not unusual due to the age of the schools' HVAC equipment. He explained that the typical life expectancy for a chiller is 20-25 years. TCS has a number of chillers that are at least 35 years old. Board members received updates on roof repairs and the BHS auditorium wiring project. Mr. Barger stated he is quite pleased with the results of these jobs. Mr. Rogers highly commended the BES front office relocation, stating that the finished project turned out even better than expected.

10. Policy

Dr. Scott Elliott submitted for action the nine policies that were presented at the December board meeting. With the exception of Policy IIC, there were no new changes to the policies. Dr. Elliott briefly reviewed the new language in Policy IIC, and Mr. Rogers stated that the revised language satisfied his concerns. ON A MOTION BY MR. KIVINIEMI, SECONDED BY MRS. FOX, policies ACAA, "Sexual Harassment" and ACAA-R, "Sexual Harassment" were unanimously rescinded. ON A MOTION BY MR. KIVINIEMI, SECONDED BY MRS. FOX, the following policies were unanimously approved:

- ACB, "Discrimination, Harassment and Bullying" (revised)
- ACB-R, "Discrimination, Harassment and Bullying Complaint Procedure" (revised)
- JFC, "Student Conduct/Discipline" (revised)
- GBMA, "Prohibition Against Retaliation" (new)
- DO, "Medicaid Funding for Eligible Services" (new)
- GCBDB, "Employee Leaves and Absences" (revised)
- IIC, "Field Trip Approval and Cancellation" (revised)

Dr. Elliott presented the following policies for first-read information. He and Mr. Gibbs discussed the changes to the Staff Grievances policies. Board members had no questions or concerns. Approval of the policies will be requested at the next regular meeting.

Code	Title	Status
GCI	Employee Assignments and Transfer	revised; 1 st read
GCI-E	Employee Assignments and Transfer	to be rescinded; 1 st read
GBM	Staff Grievances	revised; 1 st read
GBM-R	Staff Grievances	revised; 1 st read
GBM-E	Staff Complaints and Grievances	to be rescinded; 1 st read
JHCF	Do Not Resuscitate Orders	new; 1 st read
DJ-R	Purchasing Requirements	revised; 1 st read

11. Resolution to Joint Litigation Challenging Constitutionality of Voucher Law

Dr. McDaris reported that a lawsuit has been filed in Wake County Superior Court that challenges the constitutionality of legislation passed earlier this year, which creates a private school voucher program using public funds. Under the legislation, which takes effect in the 2014-2015 school year, a private school can receive up to \$4,200 from public school funding for each student that it enrolls. The suit was filed by four individual

taxpayers, three of whom have children attending public schools, and the North Carolina School Boards Association (NCSBA), which represents 115 local boards of education in the state. The complaint asserts that the legislation violates the state constitution by:

- Using public dollars for a non-public purpose—private education opportunities outside of the constitutionally required “general and uniform system of free public schools”;
- Failing to require participating private schools to adhere to any substantive educational standards or practice non-discriminatory admissions;
- Diverting public dollars from the State School Fund, which is to be used “exclusively for establishing and maintaining a uniform system of public schools”; and
- Creating a system of selective secondary educational opportunities that denies students equal opportunities.

MR. KIVINIEMI MADE A MOTION, SECONDED BY MRS. FOX, that the Board adopt a resolution stating that the Transylvania County Board of Education agrees to join as a plaintiff in the lawsuit and authorizes the attorneys engaged by the NCSBA and other plaintiffs to represent the Board in the litigation, with the litigation costs to be borne by the NCSBA’s Legal Assistance Fund. Mr. Kiviniemi stated that the voucher legislation fails to require accountability and provides no upper income limit on families, not to mention that \$4,200 would be sufficient to pay tuition at few, if any, private schools.

Mr. Rogers stated that he was not in favor of the resolution. He stated that the legislation does contain an accountability requirement in that a private school with more than 25 scholarship students would be required to report standardized test results. He stated that he is a strong proponent of public schools and knows that TCS is an exceptional public school system; however, not all districts in the state are like Transylvania. He feels that the legislation would help to increase competition and give parents choice.

Mr. Kiviniemi stated that competition and choice for parents already exist. He stated that under the voucher legislation, public schools would be funding the competition and the funds that are designated for public schools would be siphoned off to private entities---a major concern considering the cuts that public schools have already experienced over the last several years. Chairman McCoy called the vote, and ON A VOTE OF 4:1 (FOR: Fox, Kiviniemi, McCoy, Petit; AGAINST: Rogers), the resolution was approved (see attached).

12. Topics for Retreat

Board members reviewed the proposed topics for the planning retreat that will held at 4:30 p.m. on February 3, 2014 at the Morris Education Center. In addition to the TCS compensation study (next steps), teacher tenure and 25% selection plan, and bond referendum, the Board added FY15 budget (first look) to the agenda.

13. Superintendent’s Update

Dr. McDaris gave the following updates on new and ongoing issues for the 2013-2014 school year:

- Recent delayed starts have been due to extreme temperatures and wind chills.
- The agenda for the joint meeting will be finalized later this week.

- Dr. McDaris has been appointed the “Read to Achieve” task force. The group will meet in Raleigh on January 31.
- Everyone is encouraged to visit the City of Brevard’s website and provide input on the city’s comprehensive plan.
- Board members have been sent photos of the new gym floor at PFES.
- The district will revisit its mission and goals statements this spring.
- The Board and administration has been asked to be prepared for questions at the joint meeting regarding where they want the school system to be in 5-10 years.

14. Dates for School Facility Tours

The Board discussed possible dates for the 2014 school facility tours. It was agreed that the last two weeks of February were the best options for scheduling the visits.

15. Important Dates

Jan. 23	BHS Art Gallery Grand Opening, 6:30 p.m., BHS
Jan. 27	Science Fair Awards Ceremony, 6:00 p.m., BHS Auditorium
Jan. 28	JOINT MEETING, 7:00 p.m., Rogow Room
Feb. 3	PLANNING RETREAT, 4:30 p.m., MEC
Feb. 12	Early Dismissal
Feb. 13-14	NCSBA February Law Conference, Raleigh, NC
Feb. 17	Leave Day
Feb. 17	REGULAR MEETING, 6:30 p.m., MEC
Feb. 24	National Technical Honor Society Inductions, 5:00 p.m., Rogow Room
Mar. 3	REGULAR MEETING, 6:30 p.m., MEC
Mar. 17	REGULAR MEETING, 6:30 p.m., MEC
Mar. 24-28	Spring Break

16. Public Comment

There was no public comment.

17. Other Items

Miss Williams was offered an opportunity to share any comments or concerns. She thanked the Board for all they do in support of students and schools.

There was no further business, and ON A MOTION BY MR. ROGERS, SECONDED BY MRS. FOX, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Chairman

Secretary

**PERSONNEL REPORT
January 21, 2014**

- I. ACCEPT THE REPORT OF RESIGNATIONS/TERMINATIONS ACCEPTED/INITIATED BY THE SUPERINTENDENT FROM/FOR THE FOLLOWING PERSONS:

Licensed Personnel

Tamera Moman, Teacher, RHS, effective February 7, 2014

Classified Personnel

Jessica Merrill, Office Support, MEC, effective February 14, 2014

Larry Wiggins, Custodian and Bus Driver, PFES, effective December 20, 2013

- II. APPROVE THE EMPLOYMENT RECOMMENDATIONS MADE BY THE SUPERINTENDENT FOR THE FOLLOWING PERSONS:

Licensed Personnel

Jennifer Bost, Teacher, BMS, effective January 21, 2014

Gaynelle Patterson, Interim Teacher, RMS, effective January 13, 2014, through June 6, 2014

Classified Personnel

Barbara Kilpatrick, Bus Driver, TCS, effective January 22, 2014

Abigail Majerus, Interim Teacher Assistant, RES, effective January 9, 2014

- III. ACCEPT THE REPORT OF TRANSFER OF ASSIGNMENT MADE BY THE SUPERINTENDENT FOR THE FOLLOWING PERSONS:

Licensed Personnel

Chris Whitlock, from Technology Technician III, MEC, to Director of Technology, MEC, effective February 3, 2014

Classified Personnel

None

- IV. APPROVE THE LEAVES OF ABSENCE RECOMMENDED BY THE SUPERINTENDENT FOR THE FOLLOWING PERSONS:

Licensed Personnel

None

Classified Personnel

None

- V. APPROVE THE SUPERINTENDENT'S RECOMMENDATION FOR THE FOLLOWING SUBSTITUTE EMPLOYEES:

Substitute Teachers

None

Substitute Child Nutrition Workers

None

**TRANSYLVANIA COUNTY BOARD OF EDUCATION
RESOLUTION TO JOIN LITIGATION
CHALLENGING CONSTITUTIONALITY OF VOUCHER LAW**

WHEREAS, the North Carolina General Assembly passed Senate Bill 402 (hereafter, "the budget bill") in July 2013; and

WHEREAS, the budget bill includes a provision appropriating \$10 million to provide private school vouchers;

WHEREAS, the fiscal note prepared for an earlier version of the voucher legislation indicates the General Assembly's intent to increase annual appropriations for the program to \$50 million per year;

WHEREAS, the voucher program created in the budget bill does not require participating private schools to provide students with the opportunity to receive a sound basic education, as required by the N.C. Constitution;

WHEREAS, the voucher program created in the budget bill does not require participating private schools to engage in non-discriminatory admissions practices;

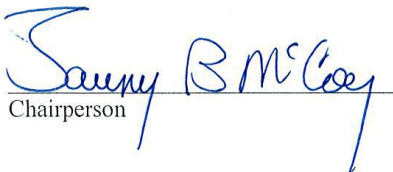
WHEREAS, the voucher program requires the State Board of Education to reduce funding to each local board of education in an amount equal to the local board's per pupil allocation for average daily membership multiplied by the number of students who have received vouchers and were enrolled in the local board's schools during the prior semester;

WHEREAS, reducing funding to public schools to fund a private school voucher program, particularly in the wake of substantial cuts to public education funding during the previous five years, will significantly impair local boards' ability to ensure that students have the opportunity to receive a sound basic education, as required by the N.C. Constitution;

WHEREAS, the voucher program created in the budget bill uses public funds for a non-public purpose, in violation of the N.C. Constitution;

NOW, THEREFORE, BE IT RESOLVED, the Transylvania County Board of Education hereby agrees to join as a plaintiff the pending litigation, captioned *Reverend Robert Richardson, III, Michael and Delores Galloway, Steven W. Sizemore, and the North Carolina School Boards Association v. the State of North Carolina, the North Carolina State Board of Education, and the North Carolina State Education Assistance Authority*, and authorizes the attorneys engaged by the NCSBA and other plaintiffs to represent the Board of Education in the litigation, with the litigation costs to be borne by the NCSBA's Legal Assistance Fund.

Adopted this 21st day of January, 2014.


Chairperson


Superintendent