

**Minutes
Transylvania County Board of Education
November 21, 2019**

INVOCATION/PLEDGE OF ALLEGIANCE

CALL TO ORDER/WELCOME

Work Session (5:30 - 6:30 p.m.)

BUSINESS ITEMS:

1. Approval of Agenda
2. Public Comment
3. Good News Report
4. Former Students in the Military
5. Consent Agenda:
 - A. Minutes
 - B. Personnel Report
 - C. Non-Faculty Coaches
6. Request to Name School Facility
7. Student Growth Data
8. Policy: Fall 2019 PLS Updates
9. Bond Update
10. FY20 Budget Update
11. Resolution Urging Remittance of Civil Penalties Withheld from NC Public Schools
12. Superintendent's Update
13. Important Dates
14. Reports from Training Events
15. Applications for CEU Training Credit
16. Public Comment
17. Other Items
18. Closed Session

The Transylvania County Board of Education met in regular session at 5:30 p.m. on November 21, 2019 at the Morris Education Center. Marty Griffin led in a moment of silence and Chairman McCoy led the Pledge of Allegiance. Chairman McCoy welcomed everyone and called the meeting to order. In addition to one guest, the following board members, staff, and others were in attendance:

BOARD MEMBERS:

Tawny McCoy, Chair
Courtney Domokur
Marty Griffin
Alice Wellborn

BOARD ATTORNEY:

Chris Campbell

MEDIA:

John Lanier, Transylvania Times

STAFF:

Dr. Jeff McDaris, Superintendent
Jenny Hunter, Administrative Assistant
Dr. Brian Weaver, Assistant Superintendent
Norris Barger, Director, Business Services
Missy Ellenberger, Director, Curriculum & Instruction
Alan Justice, Director, Transportation/Safety/Health
Kevin Smith, School-Community Relations Coordinator
Josh Tinsley, TCAE President
Mark Ellenberger, School Resource Officer

Work Session

The board continued work on the district strategic plan. Discussion centered on opportunities for students:

- There should not be financial barriers to participation for any student.

- There should be an equal number of opportunities for academic recognition as there are for athletic recognition.
- Increase communication efforts to make elementary parents aware of clubs and other opportunities coming up in middle school (and make middle school parents aware of high school opportunities). Put links on parent pages at each school.
- Certain leadership opportunities such as the Duke TIP program cost money. Some deserving students may be excluded if their families cannot afford the costs.
- Create an all-inclusive list of the many activities and opportunities for that are available to students in our district. The list should be widely disseminated and part of the annual budget discussion. In addition to academics and athletics, the list should include CTE, clubs, TIME science, student government, student VIZ, etc.
- Make sure that we are telling our story, especially during budget discussions.
- Make sure our priorities and the community's priorities are reflected in the budget.
- Look at mentoring opportunities for older students to work with younger students.
- Consider additional opportunities such as a life skills class to provide basic knowledge such as cooking, sewing, balancing a checkbook, budgeting, changing a tire, etc.
- Continue non-traditional leadership opportunities such as male culinary arts teachers, female agriculture teachers, etc.
- Show what we do that other school systems don't do. This should also be a part of the budget message. For example, we feed students in the summer whether they are our students or not. We provide SROs in every school. We do not charge teams or groups for the cost of using activity buses, which allows schools to use their funds in other ways.

The board took a brief recess at 6:23 p.m. At 6:30 p.m., Chairman McCoy called the meeting back to order.

1. **Approval of Agenda**

ON A MOTION BY MR. GRIFFIN, SECONDED BY MRS. DOMOKUR, the business meeting agenda for November 21, 2019 was unanimously approved as presented.

2. **Public Comment**

None

3. **Good News Report**

Dr. McDaris reported the following items:

BREVARD HIGH TEAMS GO TO PLAYOFFS

Congratulations to the Brevard High School Blue Devils football team, the Brevard High School Men's and Women's Cross Country teams, and the Brevard High School Women's Volleyball team on their conference achievements. The BHS Lady Devils were undefeated Mountain Six Champions and went on to the regional conference playoffs before being eliminated one game away from the state championship. The BHS cross country teams went to the state playoffs on November 9 and earned several individual awards. The Blue Devils defeated Hendersonville 22-21 in the first round and will host Chase in this week's second round of the 2-A state playoffs.

NC STATE ELEMENTARY HONORS CHORUS

Six student musicians were selected for the 2019 North Carolina State Elementary Honors Chorus Clinic. Evie Crider, Odin Cleveland, Sophia Purcell, and Wylie Dodson from Brevard Elementary, and Haley Fort and Emma Stevens from Pisgah Forest Elementary traveled with music teachers Sarah Moser (BES) and Carolyn Smith (PFE) to the annual convention of the North Carolina Music Educators Association (NCMEA) in Winston-Salem on November 9-10. There they performed with over 200 chorus

members from across the state in the Stevens Center at the UNC School of the Arts. Congratulations to these students and their teachers.

2019 RHS ALUMNI HALL OF FAME

At a special ceremony on October 18, Rosman High School inducted five new candidates into its Alumni Hall of Fame. Congratulations to Carlos Allen Pangle (Public Service), Dr. Betty Reed (Career Success), Kirk Dotson (Athletic Success), Doris Owen, (Inspirational Experiences), and Kim Green (Contributions to RHS).

PRESIDENTIAL AWARD FOR EXCELLENCE IN MATH & SCIENCE

Congratulations to Brevard High School teacher Adria Hardy for being honored as a finalist in the North Carolina Presidential Awards for Excellence in Math and Science. This is the highest honor awarded to a math or science teacher in the state.

NORTH CAROLINA HOMELESS LIAISON OF THE YEAR

The NC Department of Public Instruction Division for the Education of Homeless Children and Youth recently named Beth Branagan as the Homeless Liaison of the Year for North Carolina. Congratulations and thanks go to Ms. Branagan for her many accomplishments and all that she does for our most vulnerable population of children.

BES IS A "LOWE'S HEROES" SCHOOL

Congratulations to Brevard Elementary School for being selected as a "Lowe's Heroes" school for 2019-2020. Part of this recognition is getting free materials. The most recent donation to the school included materials to fence the entire track area. Principal Carrie Norris requested this project to improve safety for students in special needs and K/1 classes. With the Greenville Highway so close, it is often an area that teachers avoid. Brevard Elementary School is excited about making its campus more accessible for all students.

RHS SENIORS GIVE BACK TO THE COMMUNITY

On October 15, sixty Rosman High School students and seven adults donated over 400 work hours to bettering their community during the annual Senior Service Day. About 10 students did a river cleanup project, collecting enough trash and tires to require three trucks to haul it all to the dump. HOSA students performed approximately 400 vision screenings for students at RHS, RMS, RES and TCH. A group working at TCH painted tiger paws on the driveway and cleaned up flower beds and the walking trail. At RES, students took 5th grade pictures, helped paint the spirit rock, built flower boxes, and assisted in classrooms. Students also sorted, organized and purged donations at the Tiger Town Thrift Store. Organizer Julie Queen tries to find a new group or organization to help each year. This year was Ridge Haven Conference Center. These students helped set up for a fall festival and cleaned up walking trails. RHS provided each student with a commemorative t-shirt as well as lunch and snacks. Many thanks to Queen's Mini Mart and Whitmire Grading for helping fund the event and Headwaters Outfitters for providing canoes and river guides.

Dr. McDaris recognized the student artwork from T. C. Henderson School of Science & Technology that was on display in the board room and thanked Officer Ellenberger for attending the meeting.

4. Former Students in the Military

In recognition of Veterans Day on November 11, the board read aloud 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 on the list.

5. **Consent Agenda**

ON A MOTION BY MRS. DOMOKUR, SECONDED BY MRS. WELLBORN, the board unanimously approved the minutes of the August 19 and October 21, 2019 closed sessions; the minutes of the October 21, 2019 meeting; the personnel report for November 21, 2019 (attached); and the following non-faculty coaches for winter sports 2019-2020:

Brevard High

Paul Witt, Men's Varsity Basketball
Troy Kessinger, Men's JV Basketball
Chad Owenby, Women's Basketball
Nicole Owenby, Basketball Statistician
Christie Cabe, Basketball Statistician
Philip Latter, Indoor Track
Jackie Witherspoon, Indoor Track
Tanner Whitman, Wrestling
Jimmy Jones, Weight Certification

Brevard Middle

Jacob Miner, Boys' Basketball

Rosman High

Kim Green, Basketball Statistician
Ethan Orr, Wrestling

Rosman Middle

Emily Taylor, Girls' Basketball
Preston Garren, Wrestling

6. **Request to Name School Facility**

Dr. McDaris presented a request from Transportation Director Alan Justice to name the school bus garage in honor of Howard Blinn Hyatt who passed away in September. Mr. Hyatt taught in Transylvania County Schools for 36 years, and was considered by many students to be their favorite teacher. He served as a school bus driver for 33 years (while teaching and after retirement), coached softball and football, and ran the concession stand. Mr. Hyatt proudly served his country in both the U.S. Army and Marines. Mr. Justice shared anecdotes and described Mr. Hyatt as an inspiration, saying "Howard represented what we all strive to be every day." Per board policy 9300, Naming Facilities, Dr. McDaris recommended that the board honor the request. ON A MOTION BY MR. GRIFFIN, SECONDED BY MRS. WELLBORN, the board unanimously approved the request to name the Transylvania County Schools Bus Garage the *Howard B. Hyatt School Transportation Center*.

7. **Student Growth Data**

Missy Ellenberger gave a report on student growth data, including how student growth is measured, demographic subsets for each school, and strategies for increasing math rigor and growth scores. She also provided a summary of math curriculum changes and social studies curriculum changes.

8. **Policy: Fall 2019 PLS Updates**

Dr. Brian Weaver presented 41 revised policies and two new policies from the NCSBA *Fall 2019 PLS Updates* as first-read information. He reported that many of the revised policies have only minor changes or technical revisions. The following updates were noted/discussed:

- Policy 7360/8225, Crowdfunding on Behalf of the School System: This new policy established to assist the board in controlling crowdfunding on behalf of the school system. It authorizes employees to engage in crowdfunding activities within the limits established by the policy.

- Policy 4334/5035/7345, Use of Unmanned Aircraft (Drones): This new policy authorizes the use of drones on school property and at school sponsored events with prior approval of the superintendent or designee when certain conditions are met.
- The following policies have been updated to reflect the General Records Schedule for Local Government Agencies, the new records retention and disposition schedule applicable to LEAs: policy 4700, Student Records; policy 5070/7350, Public Records - Retention, Release, and Disposition; and policy 5071/7351, Electronically Stored Information Retention. Attorney Campbell noted that the board will need to approve a consent document at the next meeting.
- Policy 7410, Teacher Contracts: This policy was updated to address a change in the teacher contract law. The policy was updated (1) to add a definition of “year” for purposes of determining a teacher’s years of employment by the board, in accordance with a change in law, and (2) to specify that three consecutive years of employment are necessary for eligibility for a multi-year contract.
- Policy 3620, Extracurricular Activities and Student Organizations: This policy was updated to address NCHSAA rule changes. The update adds new provisions regarding transgender student participation and eligibility of home school students for participation. Dr. Weaver reported that based on current practice, an additional change was made to specify that classes taken at Brevard College and Blue Ridge Community College are considered as “on campus” classes.
- The following policies have been updated to address CBD-containing substances: policy 4325, Drugs and Alcohol (prohibits all substances containing CBD or THC); policy 6125, Administering Medicines to Students (prohibits the administration of CBD- and THC-containing substances, with some exceptions); and policy 7240, Drug-Free and Alcohol-Free Workplace (prohibits all substances containing CBD or THC). Regarding policy 7240, Chairman McCoy asked about employees who use lawfully purchased CBD products at home. Attorney Campbell explained that is permissible under the policy as long as the employee does not bring the CBD product to school or come to work impaired. Dr. Weaver and Mr. Campbell will review policy 7240 to see if further clarification is needed before the second read/approval.
- Policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety: This policy was updated to add other forms of prohibited behavior, including planting fake explosive devices on school property, threatening an act of mass violence, making a false report of an impending act of mass violence, and planting a fake weapon of mass destruction on school property.
- Policy 5210, Distribution and Display of Non-School Material: Includes new content to address political signs placed on school rights-of-way during designated periods.
- Policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators: This update is necessary to comply with Federal Motor Carrier Safety Regulations issued in 2016 that have a compliance deadline of January 6, 2020. The regulations require employers of drivers whose duties require a CDL under federal law to conduct queries of the new federal Commercial Driver’s License Drug and Alcohol Clearinghouse.

ON A MOTION BY MRS. DOMOKUR, SECONDED BY MR. GRIFFIN, the 43 policies listed below were unanimously accepted as first-read information. Approval of the policies will be requested at the next regular meeting.

Fall 2019 PLS Updates (first-read information)	
1200	Governing Principle - Student Success
1310/4002	Parental Involvement
1400	Governing Principle - School Initiatives
1500	Governing Principle - Safe, Orderly, and Inviting Environment
1700	Governing Principle - Removal of Barriers
1800	Governing Principle - Stewardship of Resources
2010	Board and Superintendent Relations
2300	Board Meetings
3102	Online Instruction
3225/4312/7320	Technology Responsible Use
3620	Extracurricular Activities and Student Organizations
4040/7310	Staff-Student Relations
4240/7312	Child Abuse - Reports and Investigations
4270/6145	Concussion and Head Injury
4325	Drugs and Alcohol
4333	Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety
4334/5035/7345 NEW	Use of Unmanned Aircraft (Drones)
4400	Attendance
4700	Student Records
5015	School Volunteers
5070/7350	Public Records - Retention, Release, and Disposition
5071/7351	Electronically Stored Information Retention
5210	Distribution and Display of Non-School Material
5220	Collections and Solicitations
6120	Student Health Services
6125	Administering Medicines to Students
6140	Student Wellness
6220	Operation of School Nutrition Services
6230	School Meal and Competitive Foods Standards
6305	Safety and Student Transportation Services
6315	Drivers
6420	Contracts with the Board
7100	Recruitment and Selection of Personnel
7130	Licensure
7240	Drug-Free and Alcohol-Free Workplace
7241	Drug and Alcohol Testing of Commercial Motor Vehicle Operators
7360/8225 NEW	Crowdfunding on Behalf of the School System
7410	Teacher Contracts
7430	Substitute Teachers
7820	Personnel Files
8220	Gifts and Bequests
8340	Insurance
8350	Fixed Assets Inventory

9. Bond Update

Norris Barger reported that engineers have completed energy consumption data collection and are designing building systems to meet LEED standards. Mrs. Domokur emphasized that no additional funds are being spend for this certification. Initial soil and

hazardous materials sampling took place over the holiday weekend. The architect and CMAR contracts were submitted to the Board of Commissioners in early September for approval. The commissioners had indicated they had some questions and were directed to submit their concerns to the school board attorney. Mr. Campbell reported that nothing has been submitted to his office so far.

The School Bond Construction Committee has met and architects are developing schematics for the design development phase, during which they will begin drafting and modeling the proposed campuses. New conceptual plans will be shared soon with RHS staff, BHS staff, and the board, after which opportunities for public comment will be scheduled. The TCS bond website will provide regular updates to the school community and the public.

Chairman McCoy asked Mr. Barger to address the redesign at RHS since the road closure option has been eliminated. Mr. Barger reported that there will be a new 2-3 story building that will provide more CTE maker space, larger health occupations area, and other new spaces. Mr. Barger noted that the new design would not cause any change in the budget; it may in fact allow the board to put more money into the building itself and spend less on foundation prep.

Mr. Barger presented a resolution exempting certain professional service contracts for the Brevard High School, Rosman High School, and Rosman Middle School bond construction project from the RFQ process. Mr. Campbell reported that the superintendent's authority to contract for professional services up to certain amounts has been established in local policy. This resolution confirms similar authority for the bond projects. ON A MOTION BY MRS. WELLBORN, SECONDED BY MRS. DOMOKUR, the resolution waiving the RFQ process for certain professional service contracts was unanimously approved (see attached).

The board discussed the prolonged delay by the board of commissioners in signing the architect and CMAR contracts. Mr. Campbell stated that he sees no reason why this cannot be finished by December. Mrs. Wellborn stated that it is fine if the commissioners want to make minor changes, but it is not acceptable that this has taken three months.

10. FY20 Budget Update

Mr. Barger presented an updated FY20 local current expense recommended budget and summary of fund 2 changes. He reviewed the budget items that are settled: (1) retirement rate increase - 18.86% to 19.70%; (2) health insurance increase - \$6,044 to \$6,306; (3) step increase for teachers and assistant principals - 2.55% average for the first 10 steps; and (4) zero percentage increase for noncertified employees. Still unsettled is a potential COLA increase. Other changes include an additional ELL teacher, increase in payment to charter schools; supplement increase to cover certified COLA and veteran teachers, and SRO salary adjustment. Based on these changes, Mr. Barger recommended that the board ask the commissioners for \$310,699 from the reserve fund that was set aside pending an approved state budget. If the legislature approves a raise for noncertified employees or other items when the General Assembly returns in January, the board could request an additional amount. ON A MOTION BY MRS. DOMOKUR, SECONDED BY MRS. WELLBORN, the board directed the superintendent to request \$310,699 from the county's reserve fund for the FY20 fund 2 budget changes. ON A MOTION BY MRS. MCCOY, SECONDED BY MRS. WELLBORN, the board directed the superintendent to ask the county manager to place the request on the commissioners' first meeting agenda in December.

11. Resolution: Civil Penalties

Dr. McDaris reported that NCSBA has been working to develop a payment option for the unpaid \$730 million that the state still owes to NC public schools per a 2008 court judgment regarding civil penalties. The judge ruled that those funds should have been used exclusively for school technology, but were instead unconstitutionally diverted to other purposes. The General Assembly plans to reconvene in January 2020. NCSBA believes this gives the General Assembly time to put a payment plan in place before they work on the next budget during the short session. They also recommend that local boards approve a resolution urging legislators to adopt a payment plan and send copies to legislators. ON A MOTION BY MR. GRIFFIN, SECONDED BY MRS. DOMOKUR, the board unanimously approved a resolution urging the state to take action to remit civil penalties unconstitutionally withheld from North Carolina's public schools (see attached).

12. Superintendent's Update

Dr. McDaris gave an update on the MyFutureNC Land of Sky Regional Educational Attainment and Workforce Collaborative. The collaborative includes superintendents, community college presidents, four-year college and university presidents and chancellors, Jack Cecil from the Biltmore Estate, representatives from the Belk Endowment, economic development directors, and Workforce Development Board leadership. The group is examining the following issues:

EDUCATION GAP

- Fewer than half of North Carolinians age 25-44 have completed higher education
- 3% report they have not reached their desired level of education
- Of students going to 4-year college, 25% don't complete their degree
- Of students going to 2-year college, two-thirds don't complete their degree

SKILLS GAP

- 50% of NC employers feel they need more hireable workers
- 67% of the jobs projected by next year require a high-quality post-secondary degree or credential by 2020
- Only 49% of those aged 25 to 44 have completed that level

THE GOAL

- Two million 25 to 44 year-olds will have a high-quality credential or post-secondary degree by 2030
- At the current rate, we will have at least a 400,000 shortfall

OTHER FACTORS

- NC remains a "persistently rural" state
- 2nd largest rural population in the nation with 4.2 million people
- 2nd largest number of small towns <10,000 in the nation
- Urban centers less dense and more dispersed: 26 of 80 rural counties are within Metropolitan Service Areas (MSAs)
- Rural communities more dense: 80 (of 100) counties are rural but have 415 (of 532) towns

13. Important Dates

Nov. 27	Annual leave (no students)
Nov. 28-29	Thanksgiving holidays
Dec. 16	REGULAR MEETING, 6:30 p.m., MEC
Dec. 20	Students dismissed at 12 noon
Dec. 23 - Jan. 2	Christmas break
Jan. 3	Teacher workday
Jan. 6	Students return from break
Jan. 20	MLK Day (teacher workday)

- Jan. 21 Teacher workday
- Jan. 21 REGULAR MEETING, 6:30 p.m., MEC
- Jan. 22 Second semester begins

Chairman McCoy recommended postponing the budget work session that had been planned for December 2, 2019 due to Mrs. Wellborn being selected for jury duty and Mr. Kiviniemi recovering from surgery. All were in agreement with postponing the work session until January. Ms. Hunter will poll members for a potential date to reschedule.

14. Report from Board Training Events

Local board policy states that members who attend a professional development activity will provide a report of the event to other board members. Mrs. Wellborn attended the Public School Forum of NC “Color of Education” Summit in Raleigh on October 26. On November 18-20, Mrs. Domokur and Mr. Griffin attended the NCSBA 50th Annual Conference for Board Member Development in Greensboro.

- Mrs. Wellborn reported that the “Color of Education” summit was interesting and included strategies for recruiting and retaining educators of color. Presenters emphasized that racial equity requires personal relationships and support of a diverse teaching force.
- Mrs. Domokur attended a session on students in poverty which suggested having a district-wide book study from the board down to the classroom in order to support meaningful discussion for reaching these students.
- Mr. Griffin attended a session on superintendent/board relations. He reported that many school boards have gone to partisan elections and superintendents nowadays stay for 3-5 years on average. He attended a session on transgender students and athletic participation and heard a presentation from a school system that has started a STEM program for kindergarten.

15. Applications for CEU Training Credit

Dr. McDaris reported that in order for board members to receive CEU credit for non-NCSBA sponsored training activities, local boards must approve and submit an application for each event. ON A MOTION BY MRS. MCCOY, SECONDED BY MR. GRIFFIN, the following applications for non-sponsored training credit were unanimously approved.

Domokur	UNC School of Government, “Working Together: Counties, Schools Boards and Local Funding”	Oct. 3, 2019	7.0 hours
Wellborn	UNC School of Government, “Working Together: Counties, Schools Boards and Local Funding”	Oct. 3, 2019	7.0 hours
Wellborn	Public School Forum of NC “Color of Education” Summit	Oct. 26, 2019	5.0 hours

16. Public Comment

None

17. Other Items

Dr. McDaris requested prayers for the family of Sgt. Major Hall, BHS, whose infant grandson passed away. Dr. Brian Weaver reported that teacher Renee Compton’s son is very ill at Duke University Hospital.

18. Closed Session

ON A MOTION BY MRS. MCCOY, SECONDED BY MRS. DOMOKUR, the board went into closed session at 8:50 p.m., pursuant to N.C.G.S. § 143-318/11(a)(1), 143-318.11(a)(3), and 115C-319 to (1) consult with the board attorney regarding *Kendrick v. the Transylvania County Board of Education, et al* (18-CVS-537), and (2) discuss a confidential personnel matter. Attending the closed session were the four board members present at the meeting, Dr. Jeff McDaris, Dr. Brian Weaver, and Attorney Chris Campbell. No action was taken in the close session, and ON A MOTION BY MRS. MCCOY, SECONDED BY MR. GRIFFIN, the board adjourned the closed session and reconvened in open session at 9:21 p.m.

There was no further business, and ON A MOTION BY MRS. MCCOY, SECONDED BY MR GRIFFIN, the meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Chairman

Secretary

**PERSONNEL REPORT
November 21, 2019**

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

Licensed Personnel

None

Classified Personnel

Holly Hayes, Bus Driver, BES, effective November 15, 2019
Steve Tilson, Head Custodian, BHS, effective November 20, 2019

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

Licensed Personnel

May Long, Interim Teacher, PFES, effective November 7, 2019 through June 10, 2020

Classified Personnel

Deborah Schardt, Bus Driver, BES, effective November 15, 2019
Claire Sikes, Teacher Assistant, RES, effective November 12, 2019

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

Licensed Personnel

None

Classified Personnel

None

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

Licensed Personnel

Megan Hoots, Teacher, PFES, Family Leave (BOE policy 7510), effective November 18, 2019 through June 10, 2020

Classified Personnel

Leah Graves, Teacher Assistant, BHS, Short-Term Disability Leave effective December 9, 2019 through December 8, 2020

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

Substitute Teachers

Ashley Borman
Ashley Corn
Yvonne Cullipher
Tammy Snyder DiNardo
Erin Dula
Marina Logan
Lora Smith
Melissa Walter
Pam Willoughby
Sarah Wood

Substitute School Nutrition Workers

Veronica Lossiah

**RESOLUTION OF THE TRANSYLVANIA COUNTY BOARD OF EDUCATION
EXEMPTING CERTAIN PROFESSIONAL SERVICE CONTRACTS FOR THE BREVARD
HIGH SCHOOL AND ROSMAN HIGH AND MIDDLE SCHOOLS CONSTRUCTION PROJECT
FROM THE RFQ PROCESS**

WHEREAS, on Tuesday, November 6, 2018, the voters of Transylvania County approved a school construction bond referendum for sixty-eight million dollars (\$68,000,000.00), the proceeds of which are the source of funding for new construction and renovations at Brevard High School, Rosman Middle and Rosman High School (the "Project");

WHEREAS, the Transylvania County Board of Education (the "Board") and the County of Transylvania (the "County") entered into an interlocal agency agreement dated February 25, 2019, pursuant to which the County irrevocably appointed the Board as its agent to carry out all phases of construction or renovations for the Project, which appointment included the negotiation and execution of all contracts for the Project including design and other professional services;

WHEREAS, in addition to design services provided by the duly selected architect for the Project, the planning and execution of the Project have and will continue to require the services of other professionals, including engineers providing services based in multiple and various disciplines;

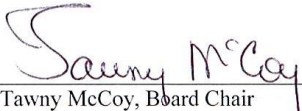
WHEREAS, pursuant to G.S. § 143-64.32, a unit of local government may in writing exempt projects from the provisions requiring a request for qualifications ("RFQ") process contained within Chapter 143, Article 3D of the North Carolina General Statutes, in the case of estimated professional fees in an amount less than \$50,000; and

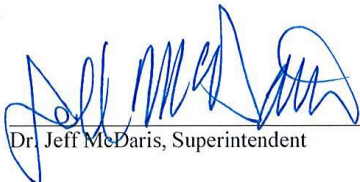
WHEREAS, the Board has previously authorized its Superintendent, pursuant to Board Policies 6420 and 9110 to enter into certain contracts on the Board's behalf with architects, engineers, and surveyors in amounts less than \$50,000, and now desires to specifically designate the Project for waiver pursuant to the statute referenced above in order to fully document the Superintendent's authority;

NOW, THEREFORE, BE IT RESOLVED BY THE TRANSYLVANIA COUNTY BOARD OF EDUCATION that:

1. Pursuant to G.S. §143-64.32, the RFQ process is hereby waived with respect to professional services having an estimated fee of less than \$50,000 for the Project.
2. The Superintendent may, in his discretion, enter into such contracts within the limits of his delegated authority on behalf of the Board, without prior approval.
3. Notwithstanding this Resolution, the Superintendent shall have discretion to conduct an RFQ process as he deems fit for any professional services within his authority to contract that are necessary for accomplishment of the Project.
4. This Resolution shall take effect immediately on its adoption.

ADOPTED this the 21st day of November 2019.


Tawny McCoy, Board Chair


Dr. Jeff McDaris, Superintendent

**Resolution Urging the State to Take Action to Remit Civil Penalties
Unconstitutionally Withheld from North Carolina's Public Schools**

WHEREAS, the North Carolina Supreme Court ruled that under Article IX, Section 7 of the NC Constitution, the public schools are entitled to the clear proceeds of specific civil penalties collected by various state agencies, including the Department of Revenue (DOR), Department of Transportation (DOT), the campuses of the University of North Carolina (UNC), the Department of Commerce (DOC), the Employment Security Commission (ESC), state owned psychiatric institutions in the Department of Health and Human Services (DHHS), and the Department of Environment and Natural Resources (DENR, now DEQ); and

WHEREAS, in 1997, the General Assembly created the Civil Penalty and Forfeiture Fund in G.S. 115C-457.1 and provided that the clear proceeds of all civil penalties collected by state agencies should be paid into the fund; and

WHEREAS, in 2008, the NC Superior Court upon remand from the NC Supreme Court ruled that state agencies were in clear violation of the State Constitution by improperly withholding \$747,883,074 that should have been paid to the Civil Penalty and Forfeiture Fund from January 1996 through June 2005; and

WHEREAS, the 2008 court order lists the amount to be paid by each state agency to public schools: DOR \$583,340,162; DOT \$104,071,323; UNC \$42,368,982; ESC \$18,017,467; DHHS \$53,955; DOC \$10,404; DENR/DEQ \$20,781; and

WHEREAS, the legislature declared that such funds should be used exclusively for school technology and appropriated to the individual public-school units on a per pupil basis; and

WHEREAS, public school units are in dire need of additional technology funding; and

WHEREAS, according to the Department of Public Instruction (DPI), only 38% of North Carolina's 115 local school districts in 2018-19 reported having achieved the State's four-year replacement goal for student devices (Chromebook, iPad, laptop, etc.); and

WHEREAS, more than 30% of school districts in 2018-19 reported having no resources budgeted for replacement devices; and

WHEREAS, investing in current technology is necessary to achieve a 21st century education that utilizes innovative, collaborative, and learner centered experiences; and

WHEREAS, since 2008, the public schools have received only \$18.1 million, approximately 2.5% of the total amount owed; and

WHEREAS, the defendants have not fulfilled their constitutional obligation to make up for the remaining \$729,699,823 that was diverted from public schools; and

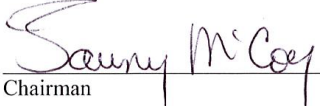
WHEREAS, on March 6, 2019, a consent order was entered to extend the enforceability of the existing unpaid 2008 judgment to prevent it from expiring; and

WHEREAS, the plaintiffs have tried to work with state leaders for almost fifteen years to find an amicable resolution to this matter; and

WHEREAS, the plaintiffs continue to seek a win/win outcome and remain willing and ready to work on a mutually beneficial resolution.

THEREFORE, BE IT RESOLVED that the Transylvania County Board of Education respectfully requests the General Assembly to approve during its January 2020 session a multiyear plan to pay the remaining \$729.7 million judgment for civil penalties that should have gone to public school units for school technology but were diverted to other purposes in violation of the North Carolina Constitution.

ADOPTED this the 21st day of November 2019.


Chairman


Secretary