

**Minutes
Transylvania County Board of Education
February 19, 2024**

INVOCATION/PLEDGE OF ALLEGIANCE

CALL TO ORDER/WELCOME

BUSINESS ITEMS (including amendments and rescissions):

1. Approval of Agenda
2. Facilities Update
3. Meeting Schedules for March and April

WORK SESSION ITEMS:

1. Public Comment
2. Policy: Fall 2023 PLS Custom Updates
3. Budget Update
4. Endowment Fund of the Public Schools of Transylvania County
5. Setting Agenda for March 18, 2024
6. Closed Session

The Transylvania County Board of Education held a business meeting/work session on February 19, 2024 at 6:00 p.m. at the Morris Education Center. Chairman Kimsey Jackson led in a moment of silence and Bryan O'Neill led the Pledge of Allegiance. Chairman Jackson called the meeting to order and welcomed everyone. In addition to approximately 46 guests, the individuals listed below were in attendance.

BOARD MEMBERS:

Kimsey Jackson, Chair
Tanya Dalton, Vice Chair
Tawny McCoy
Bryan O'Neill
Chris Wiener

STAFF:

Dr. Lisa Fletcher, Superintendent
Jenny Hunter, Administrative Assistant
Dr. Brian Weaver, Assistant Superintendent; HR
Kerry Putnam, Director, Facilities; CTE
Audrey Reneau, Director, Federal Programs
Gabi Juba, Chief Finance Officer
Chris Whitlock, Director, Technology Services

BOARD ATTORNEY:

Chris Campbell, Campbell Shatley

SECURITY:

MEDIA:
Nick Haselhoff, Transylvania Times
Dan DeWitt, Brevard NewsBeat

Greg Stroup, School Resource Officer
Scott Thomas, School Resource Officer
Justin Bell, School Resource Officer

BUSINESS SESSION

1. Approval of Agenda

ON A MOTION BY MRS. MCCOY, SECONDED BY MR. WIENER, the meeting agenda for February 19, 2024 was unanimously approved as presented.

2. Facilities Update

Director Kerry Putnam presented Task Order 2023-03 from McGill Associates to provide engineering services for the Rosman High School football field and drainage improvements project. Mr. Putnam reported that the county commissioners had previously approved \$325,000 for the project; after that, work may be halted awaiting a further funding decision. He emphasized that the main line under the field must be repaired whether grass or turf is installed. The board had previously decided on turf.

Mrs. McCoy asked about any potential relocation of utilities. Mr. Putnam stated that at this time, he does not expect utilities to be impacted. ON A MOTION BY MRS. MCCOY, SECONDED BY MR. O'NEILL, the board unanimously approved Task Order 2023-03 from McGill Associates as presented.

3. Meeting Schedules for March and April

Dr. Lisa Fletcher recommended the following changes to the March and April meeting schedules:

- The board of education and the board of commissioners are scheduled to meet in joint session on March 4, 2024 at 4:00 p.m. at the county administration building, which could conflict with the board of education's regular business meeting at 6:00 p.m. Dr. Fletcher recommended that the board cancel its March 4 meeting and hold one meeting in March as scheduled on March 18. The March 18 meeting would be designated as a business meeting/work session.
- The week of March 25–29 is spring break and Monday, April 1 is an annual leave day for staff. No meeting has been scheduled for April 1 as staff will not be available to prepare an agenda packet the week before. The board could consider moving meetings to April 8 and April 22; however, this would conflict with county commissioner meetings. Dr. Fletcher recommended that the board hold one meeting in April as scheduled on April 15. The April 15 meeting would be designated as a business meeting/work session.

ON A MOTION BY MR. O'NEILL, SECONDED BY MRS. DALTON, the board unanimously approved the superintendent's recommendation to cancel the March 4, 2024 meeting and designate the March 18 and April 15, 2024 meetings as business meetings/work sessions.

WORK SESSION

1. Public Comment

Chairman Jackson reviewed the guidelines for public comment.

David Borman – I wanted to comment on the proposed Endowment for Public Schools. Before anyone accuses me of blasting the board for no reason or opposing funding for education, I've been to all of these meetings and I've read the proposal backwards and forwards. I attended Mr. Wiener's discussion at the Republican Party headquarters last week. I still think this is an unworkable idea. The two main problems that I have are first, the funding system for this is far too open to special interests. By accepting funds from anyone—the public, a corporation, or a religious organization—that comes with ties. It comes with interests. While I recognize there is an additional line saying that funders will be told there are no strings attached, money talks. I don't think it is reasonable to open this board up to that kind of influence. The second problem I have is that it seems the idea of bringing money for the schools closer to home is about controlling the curriculum. That the so-called encumbrances from state and federal funds are curricular in nature. I think it should scare everybody in this room that a group of politicians or a board appointed by politicians would be controlling the curriculum in our classrooms. I think that smacks of telling students what to learn, not how to learn. So in the spirit of trying to raise more money for schools, I would ask you to be tireless advocates. Work with the commission and be advocates for raising the local supplement for teacher salaries. Be advocates for the state to change the tier system

that prevents us from getting the needs-based funding that we need. Work with the community and be tireless advocates for teachers. Raise funds for our existing Education Foundation. I don't think we need a board of directors. I think we need advocates.

Peter Offen – I have done a lot of thinking about Mr. Wiener's endowment proposal. Since its inception, I have heard from folks who attended his listening sessions. It seems to me that the express purpose of the endowment is unconstitutional under the North Carolina Constitution and it is unlawful under the general statute that defines the authority to create the endowment. The statute specifically says it is not meant to replace local and state funds or federal funds. It is meant to supplement. The North Carolina Constitution requires a uniform system of free public schools. An endowment that is targeted to remove all state and federal funding is in violation of that portion of the North Carolina Constitution. I would also say that a public body cannot create a private entity. This endowment would be a public entity subject to the open Sunshine laws that you and every other public body are subject to, for very good reason, and which would include donors, who they were, and how much they gave. This clearly unlawful endowment proposal, as Mr. Borman said, seems to be about one thing, control. The more I thought about the proposal, the more I learned about the local system--that teacher supplements add to pay, that the Education Foundation provides grants for specific projects, and that the capital funding needs haven't been met in the five years since the bond was passed. So I don't know that a proposed private endowment would have any faith from the voters on actually meeting the needs of our schools. I would also say that to support and advocate for a clearly unlawful resolution and proposal is a violation of your oath of office and an ethical violation. I would beg you to keep that in mind. I think the real issue is highlighted quite well in Mr. DeWitt's article showing just how far support for our teachers has fallen. I encourage you all to read it. It is extensive and detailed and fantastic. It gives you a real perspective of what our teachers need, which is advocates. Support from you and the public. If the commissioners won't give you what you want, advocate for it. There's no more finger pointing back and forth. You advocate for what our schools, students, and teachers need. Don't let them hold you up, and you don't be a roadblock either. It's time to stop wasting time with these proposals and to address what we actually need to do and that's fix our schools.

James Carli – I have some questions. I work in fundraising for some non-profits as my career, and I have never seen an endowment structured quite like this. To cover the expenses of the school system one-hundred percent from local funding, the endowment would need to have over a million dollars in capital. I don't know long any of you have lived and worked in Transylvania County, but we don't have those kinds of resources for any public initiative. I understand there is mention of a \$100,000 donor or a group of seed donors for this endowment. We as the public would be entitled to know who those people are since this is a public body. My questions are why are you guys creating a board that you would have to answer to? We already have the Educational Foundation. Why wouldn't they be the ones to pursue such an endowment structured like this if we want to establish one? Your job is to run the public schools, to advocate for the students and the teachers and the needs of the schools among the public and among the people who give you the resources to do your jobs. So that's what you need to do instead of creating some very byzantine government structure with six-year funding cycles, and people who serve three-year terms, but half of those people only serve one-year terms—it doesn't make any sense. Again, your job is not to privatize or outsource the public schools, nor to give curriculum control to a group outside of the public oversight. If you don't want to run or champion the public schools, then why are you here? Failing to do

that is a dereliction of your duty, and if that is not what you're here to do, then maybe consider getting another job.

Jami Reese – It seems that the endowment is coming from a good place because we have seen evidence of governmental overreach. I think we could approach it in a different manner. And that is knowing some things. I was at a forum this weekend, and I was surprised that folks did not fully understand the difference between standards and curriculum. The way that I described it is standards are the “what” and curriculum is the “how.” Curriculum refers to the specific materials, resources and methods used to teach the content outlined in the standards. Standards define the knowledge, skills and concepts that students are expected to learn at each grade level or course. In North Carolina, the state standards are established by the NC State Board of Education and cover core subject areas as English, language arts, mathematics, science, social studies and other content areas. That is the “what.” The “how” is the curriculum. The local board of education is in control of the curriculum. We do have control of the curriculum. We do make those decisions. We don't need an endowment to tell us that we can control our curriculum. We need to understand what our local power already says and does, okay? I would love to know that each of you sitting up here knows what your local authority already says that you can do. We don't need anything extra to tell us what our local authority says we can do. Please understand that.

Steve Keate – I would like to offer a specific set of recommendations that I hope the board will find helpful. The public is fed up with the lack of progress addressing the school facility issues. I've been personally interviewing a broad spectrum of people asking them what they think is the most important local issue affecting them. Far and away, the most often stated concerns are over the schools and the school board's inability to address the facility needs. The major reserve study that you have been touting for more than a year as a solution has taken far too long to complete and you've provided no transparency to the public. Your inability to provide a comprehensive and workable long-term plan is destroying your credibility in the eyes of the public. The issues existed for many years. While three members of the board have held their positions for little more than a year, you are all being painted with the same brush. It's not too late to rebuild the board's credibility, but you need to demonstrate to the public a sense of urgency and provide full transparency. So here are my recommendations. Within the next 60 days, develop and publish a plan. Define major projects. Establish a budget for each project. Set timelines for each project including milestones. Identify who is accountable for completing each milestone. Establish the milestones' accountability of timing to secure the necessary funding. Hold a town hall to present the plan to the public. Once that is done, monitor and report progress on a monthly basis to the public. Create a dedicated website open to the public. Hold quarterly town hall meetings open to the public. You have a short window of opportunity to address this issue. I hope you do so.

Dave Owen – I am the president of Ghost Wrestling Club and I am here on behalf of the student athletes. We are holding the first ever open to the public wrestling tournament in Transylvania County. Our club currently has about 40 student athletes participating in our K-12 program. The tournament will be held April 13 in the Brevard High School gym. (introduced the coaches present). Our club has a huge emphasis on the K-5 program before they get to the middle school and high school levels. We are hoping to see 300-400 wrestlers from all across the Southeast attend. We will have trophies, singlets, and medals. Women's wrestling is the fastest growing sport in the USA. Please help us publicize this great local event that will have a significant economic impact on the county

with all the wrestlers and fans visiting the county on the weekend of April 13. Our club is a 501(C) non-profit, and all our coaches and volunteers are working because they have a love for the athletes and a love for the sport of wrestling (handed out flyers for the event). We are trying to grow a better wrestling program for Rosman and the middle schools and the high schools. We have two state champions sitting right here, and we want to prove to everyone that we can keep this going year round.

Chad Laney – I am the head coach for BHS wrestling. We are trying to raise awareness and support for our youth in the middle school and high school programs. We have the tournament coming up and we invite anyone interested in being an honorary coach with us for the day, or a short time or the whole time to feel free to email me. We just returned yesterday from the state tournament, and we came back with two state champs, Jackson Turner and Ray Laney. The last time we had multiple state champs was 1985. This was very special, very big. Jackson was state champion last year and Ray was runner up. We have some incredible youth coming up. Some of them are undefeated. What I'm saying is we've been working our tails off to try to improve the program and get support. I am so proud of everyone. We would love to have you come to the tournament. This is the first official year for our girls' program. The girls have won several tournaments. Until regionals, we had one undefeated girl. We had girls win matches at the state tournament. I'm very excited for the girls. Very excited for everybody. Big things are ahead.

2. Policy: Fall 2023 PLS Custom Updates

Dr. Brian Weaver presented five policies with minor changes from the NCSBA Fall 2023 PLS (Policies to Lead the Schools) Custom Updates as first-read information. Other policies from the Fall Updates will be presented at a future date. There were no questions from the board.

- **4150, School Assignment.** Updates the legal references. Includes a minor editorial change.
- **4334/5035/7345, Use of Unmanned Aircraft (Drones).** Updates the legal references.
- **6230, School Meal and Competitive Foods Standards.** Updates a legal reference for the new state law stating that boards shall strive to ensure that 100% muscadine grape juice is made available to students in every school as a part of the school's nutrition program or through the operation of the school's vending facilities.
- **7232, Discrimination and Harassment in the Workplace.** Updates the legal references.
- **7820 Personnel Files.** Updates the legal references.

3. Budget Update

Finance Officer Gabi Juba provided an expenditure report to date and two budget amendments reflecting increases from state and federal allotments. The budget amendments will be presented for approval at the March 18 meeting.

Ms. Juba gave a first look at budget for FY25. The state approved a biennium budget last year. Unless the state legislature enacts changes, teachers will receive a raise based in location in the state pay scale. Assistant principals and principals will also see raises following the state salary schedule. Non-certified staff will receive 3% raises across the board. Benefit rates will change—retirement will decrease from 25.02% to 24.04% and medical will increase from \$7,557 to \$8,095. Ms. Juba reviewed a first draft of items likely to be included in the local funding request for FY25:

- Funding to cover the 3% local salary increase to match state mandates
- Funding to support mandated benefit rate changes
- Funding support for impact of increase to teachers, assistant principals, and principals. Top three combined \$529,910
- Two counselor positions currently funded by ESSER \$165,163
- Dropout prevention specialist currently funded by ESSER \$90,878
- Miscellaneous increases (utilities, SROs, school nurses, copier costs, insurance, legal, etc.) \$500,000
- Increase to charter school payments based on increase in local funding \$277,854

Ms. Juba gave a breakdown of small county money and explained that it is used almost exclusively to fill positions to help children (e.g., guidance counselors, dropout prevention specialist). She reviewed utility costs and reported that the school system has outsourced its phones to Comporium as a way to save money. It is also cutting cleaning services for the Education Center. She reported that the state is switching employee health insurance from Blue Cross Blue Shield to Aetna next year. It is not known yet how this will impact costs.

Board members discussed at length the upcoming capital reserve study and how it may differ from the bond projects and the board's capital priorities. Board Attorney Chris Campbell clarified that the school board has the responsibility to determine the needs of the school system. The county has the responsibility to fund the needs. Ultimately, the school board has zero control over how much funding is given to the school system for its needs.

The board discussed the possibility of holding a special called budget work session before the next meeting on March 18. Mr. Wiener recommended scheduling another meeting and/or receiving more information before the joint meeting on March 4.

4. **Endowment Fund of the Public Schools of Transylvania County**

Mr. Chris Wiener discussed his proposal to create an Endowment Fund of the Public Schools of Transylvania County. He thanked everyone who had offered feedback on his previous draft and reviewed the rewrites he had made in response to the feedback. He explained that this would not be a private endowment. Governance would be administered by a Board of Trustees which would be comprised of two ex-officio members from the existing school board, the superintendent, and a committee of six county residents selected from various categories.

During discussion, Mrs. McCoy noted that no public body may bind a future public body, which means that a current board of education would not be able to prevent a future board of education from changing how monies are spent or changing bylaws. Attorney Campbell stated that the purpose of an endowment cannot be to replace regular appropriations. All state and federal funds are restricted (for example, state salary funds must be spent on salaries). Mr. O'Neill stated that if the intent is to provide supplementary funds for the schools, an endowment could be set up within the existing Transylvania County Schools Educational Foundation (TCSEF). Mr. Wiener stated that the TCSEF is a private entity, and the proposed endowment would give the constituency a say over how the money is spent.

Mr. Wiener asked the board attorney about setting up a 501(c)(3). Mr. Campbell explained that the board of education may not have the authority to do so because that would require a separate board of directors. Mr. Wiener stated that his research shows that other districts have done so with 501(c)(3)s. Mr. Campbell indicated that he would have to look into that because their state laws may differ from North Carolina's laws. Mr. O'Neill stated that he does not support spending school system money on legal fees to research this. Mrs. McCoy expressed concern that the intent of the endowment goes against state statute. In addition to the fact that this board cannot encumber future boards, she feels the basis for the governing committee could open up the board to gray areas if a public body is looking at things like religion, etc. Mr. Campbell noted that current law may be sticky on this issue. He added that the board may not delegate decision-making to another group.

Mrs. McCoy stated that the board does not have the funding available to pay for the extra legal work, and she would not want to burden the superintendent and staff with the extra time/effort that would be required to set up a new endowment. If a donor wants to give that kind of money, the board could consider revisiting. Chairman Jackson noted that it would take a huge amount of principal to produce any benefit for the schools, not to mention the expenses involved in setting up and maintaining an endowment. He questioned why the board would take that on as a public body. Mr. O'Neill stated that if Mr. Wiener has a donor in mind who could raise \$100 million and come in with a proposal that could pass legal review, he might be willing to take another look.

5. Setting Agenda for March 18, 2024

Board members designated the following items for approval on the March 18, 2024 consent agenda: 1) the state and federal FY24 budget amendments as received during the budget update, and 2) the five policies with minor revisions from the Fall 2023 PLS Custom Updates.

Dr. Fletcher thanked Officers Greg Stroup, Scott Thomas, and Justin Bell for securing the meeting and recognized the student artwork from Rosman Middle School that was on display in the board room.

6. Closed Session

ON A MOTION BY MR. WIENER, SECONDED BY MRS. DALTON, the board voted unanimously to go into closed session pursuant to N.C.G.S. § 115C-318.11 subsection (a)(1) to prevent the disclosure of personnel information that is privileged or confidential pursuant to N.C.G.S. 115C-319 et seq., and confidential student information pursuant to 20 U.S.C. 1232g et seq.; and subsection (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. Following a brief recess, the closed session convened at approximately 7:44 p.m. Present in the closed session were board members Kimsey Jackson, Chair; Tanya Dalton, Vice Chair; Tawny McCoy; Bryan O'Neill; and Chris Wiener. Dr. Lisa Fletcher, Superintendent; Dr. Brian Weaver, Assistant Superintendent; Tonya James, Exceptional Children Director; and Board Attorney Chris Campbell were also present in the closed session. At approximately 7:53 p.m., BY MOTION MADE BY MR. WIENER SECONDED BY MRS. DALTON, the board adjourned closed session and returned to open session.

There was no further business, and ON A MOTION BY MRS. MCCOY, SECONDED BY MR. WIENER, the meeting was adjourned at 7:53 p.m.

February 19, 2024

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Respectfully submitted,

Chairman

Secretary