

**MINUTES OF MEETING OF BOARD OF TRUSTEES  
OF  
CLAY COMMUNITY SCHOOLS**

A Regular Session of the Clay Community Schools Board of Trustees was held at North Clay Middle School, 3 West Knight Drive, Brazil, IN 47834, on Thursday, August 13, 2009. Forrest Buell, Dottie King, Jennifer Kaelber, Brian Atkinson, Terry Barr, and Ted Jackson were present. Tina Heffner was absent.

**I. Call to Order**

Mr. Jackson, President of the Board, called the meeting to order at 7:30 pm. Mr. Jackson led the Pledge of Allegiance and offered the prayer.

**II. Consent Agenda**

**A. Claims**

**B. Board Meetings**

Regular Session Minutes for July 9, 2009

Executive Session Certification for July 9, 2009

**C. Field Trips**

None at this meeting

Dr. King moved to approve the Consent Agenda as presented, and Mr. Atkinson seconded. The motion was approved by a 6-0 vote.

**III. Comments from Patrons**

None at this meeting

**IV. Old Business**

**A. Update on Personnel and Budget**

Dr. Schroeder noted that at the last board meeting there had been discussion about class sizes, especially at the elementary level. At this point, there are not as many students enrolled as there were last year. Class sizes at the lower level are pretty good; however, enrollment tends to go up from this time of year until ADM. Actual enrollment for the first day of school was 4,444, which was down 22 from the same time last year. If tradition follows, the number of students will increase. It was projected that two less teachers at Jackson Township and one less teacher at Clay City Elementary would be needed because of the numbers. If any changes need to be made, the recommendation will be presented at the September 10<sup>th</sup> board meeting.

**B. Reasonable Suspicion Drug Testing: Second Reading**

Dr. Schroeder stated that Mr. Rayle had described this program in depth at the previous board meeting. He recommends that this be accepted.

Mrs. Barr moved to approve the recommendation. Mr. Atkinson seconded, and the motion was approved by a 6-0 vote.

## **V. Superintendent's Report**

Dr. Schroeder noted the following:

- Thanks were offered to everyone for the good beginning to the school year, which was deemed an exciting time, especially at the elementary level. All in all, the first day went pretty well. There were a few scheduling problems due to the new student management program (Power School), but they are being worked through.
- Thanks were offered to Frank Misner and his crew. All of the school buses passed inspection on July 21 and July 22. The department continues to operate very effectively.
- Upcoming board meetings: August 27, 6:30 p.m., a special session to award construction bids for bid packages 2 (Jackson Township sewer) and 3 (Staunton, Meridian and East Side); September 1, 6:30 p.m., a special session for the 2010 budget hearing; September 10, 7:30 p.m., the regular session board meeting to be held at East Side Elementary; September 14, 6:30 p.m., a special session during which approval for the 2010 budget, CPF Plan and School Bus Replacement will be requested; and, September 24, 6:30 p.m., a special session to award construction bids for bid package 4.
- Thanks were offered to Tom Reberger, Carolyn Kumpf, and Liz Withers, for applying for a grant for kitchen equipment. The corporation received over \$20,000 from stimulus money, and the equipment that was purchased with these funds is being installed.
- Congratulations were offered to East Side Elementary for receiving an Indiana Early Literacy Intervention Grant from the Department of Education in the amount of \$32,479.

## **VI. Board Member Comments**

**Brian Atkinson** welcomed everybody back to the start of another school year. He attended the sixth grade parent night, which went very well. He thanked Kim Tucker for putting on an excellent presentation for welcoming teachers and staff back.

**Forrest Buell** asked how the holding company for the present building project was selected. Mr. Jackson stated that he knew the board voted on that last November. Dr. Schroeder added that board members were asked to give recommendations on individuals. The corporation worked with Jeff Qualkinbush, bond counsel for the project. Mr. Qualkinbush recommended having three individuals to serve on the holding company. After board member recommendations had been made, Dr. Schroeder asked those individuals if they wanted to serve. All three that were asked agreed to serve. On November 13, they were approved by the board.

**Jennifer Kaelber** welcomed everybody back to school, and she hopes everyone has a good school year.

**Ted Jackson** also wished everybody the best for the school year that is getting started. He noted that the quarterly report from Jim Clausen regarding energy management showed that cost avoidance over the past five years is over \$1 million across all utilities.

## **VII. New Business**

### **A. Construction Project Bid Package Number 4**

Permission is requested to advertise for bids for bid package 4, which pertains to Clay City Elementary, Jackson Township Elementary, Forest Park Elementary, and Van Buren Elementary. Mr. Jim Boots of The Skillman Corporation noted that the project is in budget and on schedule. Dr. Schroeder added that he had accompanied Tom Reberger and building principals to the offices of Schmidt Associates in Indianapolis when they were choosing carpet, painting, tile, and other finishing materials. Bids are being compiled by Mr. Boots and his associates and they will come back with a recommendation and ask for approval at a special session on August 27. There was a meeting with some of the tentative low bidders yesterday. Kyle Miller of Schmidt Associates expressed his appreciation to the administration for the time they have spent on the project. The process is going very well. Dr. Schroeder concluded comments by noting that the security projects are winding down at the high schools and middle school.

Mr. Atkinson moved to approve final design estimate and alternate matrix for bid package 4. Mrs. Kaelber seconded, and the motion was approved by a 5-1 vote with Dr. Buell opposed.

### **B. YMCA Summer Day Camp**

Pam Fischer, head of the YMCA Summer Day Camp, presented an overview of summer accomplishments. She noted that it may be necessary to find a new location for the summer day camp next year due to scheduled renovations at Forest Park Elementary. Mrs. Fischer stated that this YMCA is the only YMCA in the state that offers Indiana academic standards tutoring for grades K-junior high for two hours per day. This summer, the program received a grant from the state that provided for free lunches for all children up to the age of 18. Forest Park was an open site and fed any child in the county for free; they did not have to be a member of the summer day camp program to receive a free lunch. Mrs. Fischer hopes to continue this program next year. She added that the YMCA Strong Kids campaign raised \$32,000 for the 2009 year. \$20,000 was used for the summer day camp. 75% of students qualify for some type of scholarship assistance. The rest of the money will be used for scholarships for after-school care, memberships, and athletic programs.

Mrs. Fischer next introduced the summer day camp counselors in attendance at the school board meeting, which included Deb Plummer (director of all youth programs), Krista Wilson, Abby Fischer, Alyssa Papinchock, Nathan Hopf, Caitlyn McKinney and Leigh Tabasco. Several other counselors were unable to attend the meeting. Mrs. Fischer concluded her presentation by thanking Mr. Tom Reberger, Mrs. Connie Cook, the Forest Park staff, and everyone that contributed to the success of the summer day camp. A video of activities that occurred during the summer day camp was then presented.

### **C. School Corporation Budget for 2010**

Mike Fowler requested permission to advertise the corporation budget for 2010. He noted that the budget is not different from anything that has been done in the past. The major change that the state has done is to roll the Pre-School/Special Education Fund into the General Fund effective January 1, 2010. Taxes have not been increased; it is a status quo budget.

Dr. Schroeder noted that there are some major changes looming on the horizon, most notably the Circuit Breaker legislation. This year the state allowed a grant to mitigate some of the cost of the circuit breaker to local schools and they will allow that again for 2010, but beyond that it is unknown what the state will do. It may force the corporation to cut some of the budget out of the tax bearing funds. He added that local units of government are very concerned about how the circuit breaker will affect their budgets. It was thought that there would be a switch to a fiscal year budget, but the legislature delayed that for at least another year. Other than that, he believes the corporation to be in pretty good shape. There are cash balances in all funds, and this budget does not break any of those cash balances.

Dr. King moved to grant permission to advertise the 2010 Budget, School Bus Replacement Fund, and Capital Projects Fund Plans as presented. Mrs. Barr seconded.

Under discussion, Dr. Buell asked if the board approves advertising the budget, could the budget be changed after the board takes action on it. Dr. Schroeder clarified that once the budget is advertised, it is set. Any changes that need to be made should be made now. Dr. Buell then asked what could be done if an issue arose that needed more funds, such as student/teacher ratios. Dr. Schroeder explained that when Mr. Fowler builds a budget, he puts in a figure, and that figure is not exact. It is padded a little because it is unknown what new money the corporation might get from the state. The corporation could also petition the state for additional appropriations.

The motion was approved by a 6-0 vote.

### **D. Request for Retirement of Bonds Clarification**

Dr. Buell stated that he had received a letter from attorney Jeff Boyll that he believes throws a little different light on the situation. Dr. Buell also has another letter on the same subject that he wanted to include in the minutes. Mr. Jackson suggested allowing Dr. Schroeder to present background information on the agenda item before Dr. Buell reads his letter. Dr. Schroeder then responded to two questions that Dr. Buell had presented at the last board meeting. The first question: When did taxpayers stop paying on the bond issue for Northview and Clay City Jr/Sr High School? Dr. Schroeder noted that Jeff Boyll had responded with two letters and he indicated in one of the letters that the corporation stopped paying on the bonds on December 30, 2008. The second question: Whose idea was it to spend surplus bond proceeds out of the Debt Service Fund? Dr. Schroeder stated that, as noted in Jeff Boyll's letters, the surplus bond money wasn't placed in the Debt Service Fund; it was placed in the Capital

Projects Fund. Dr. Schroeder would like to include Dr. Buell's letter with those two questions as well as Jeff Boyll's two letters of response in the board meeting minutes.

Dr. Buell expressed his wish to read his letter concerning appointment of a holding corporation as well as meetings of the holding corporation on November 13, 2008. At this time, Dr. Buell was given the opportunity to read his letter.

Discussion about Dr. Buell's letter ensued. Board President Jackson interjected that he had the November 13 minutes and he would supply Dr. Buell with a copy. Mr. Jackson added that Dr. Buell had voted when the three people were selected and had voted against it. It is clearly stated in the minutes who those individuals are and what the purpose was.

Mr. Atkinson stated that he was not going to go along with putting Dr. Buell's letter in the minutes of this meeting. There are accusations in there that are totally baseless and those don't belong in the minutes of the meeting. Dr. Schroeder responded to Dr. Buell's statements by suggesting that if any board member would like to contact Jeff Boyll on that whole issue of the appointment of the bond corporation, this would clarify the matter. Dr. Schroeder's response in a fax to Jeff Boyll concerning Dr. Buell's letter and holding corporation concerns was to contact Jeff Qualkinbush of Barnes and Thornburg and get the information from Mr. Qualkinbush. According to Dr. Schroeder, he didn't provide information to Jeff Boyll concerning the holding corporation.

Mrs. Barr stated that, although she doesn't remember the exact dates, she does remember Dr. Schroeder asking the board members for suggestions of people to serve and he was given three names. She added that the point Mr. Boyll was trying to make is that the information is available, and the corporation doesn't have to pay \$1,500 of the taxpayers' money to get the questions answered. To Dr. Buell's claim that the board did not appoint the three members but rather voted in some names that were given to them, Mrs. Barr stressed that the board members DID give Dr. Schroeder those names over a four month period of time and he followed their recommendations.

Mr. Atkinson proposed putting the letter dated August 11, 2008 from Jeff Boyll in the minutes. Mr. Atkinson noted that the letter includes Dr. Buell's questions, Mr. Boyll's answers, his recommendations, and the cost for the two letters, which totaled \$1,500 for information that was readily available without paying for it. Mrs. Barr pointed out that personnel information, which is confidential, must be removed from the letter.

Dr. Schroeder concluded the discussion by noting that Jeff Qualkinbush had put together the information included in the November 13, 2008 agenda item VII.A., and although the formation of the holding corporation was not a separate agenda item, it was included in a set of information.

Mr. Jackson, noting that Item VII. D. had been fulfilled, asked that the letters of response from Mr. Boyll be included in the minutes; however, Dr. Buell's letter, which is opinion and not based on correct facts, should not be included in the minutes.

Mrs. Barr made the motion to follow the recommendation of Ted Jackson. Mr. Atkinson seconded, and the motion was approved by a 5-0-1 vote with Dr. Buell abstaining.

Jeff Boyll's letter of response to Dr. Buell, dated July 23, 2009:

"Dear Dr. Buell:

Thank you for your letter of July 12 and for the opportunity to help explain why the current construction funding program is distinct from Clay School Building Corporation. I am happy to report that the school corporation does not have a legal problem with the current program or with the transfer of monies from the building corporation. Hopefully, this will alleviate your concerns about the board's legal vulnerability.

In page two of your letter-the part that was presented to the board at the July 9 meeting-you question whether the corporation has "a Bond Issue to cover this Project", meaning the Elementary School Renovation Project. The answer is that we do. It consists of General Obligation Bonds, issued in 2008 and payable in 2009. The issue date for those bonds was December 12, 2008. The amount borrowed was \$3,000,000.00. The Debt Service Levy for those bonds is \$3,075,509.00, with the tax rate for them being 0.3983. The bonds are for one year and will be paid off in December, 2009. At that time, the corporation plans to continue financing the Project by issuing additional bonds in 2009.

The current school construction financing plan is not unlike that used to finance Northview and Clay City. As you will recall, the corporation used two separate General Obligation Bond issues, in 1985 and 1986, to begin the process, before Clay School Building Corporation was created to conclude the financing. A building corporation was only necessary because of the large amount of that financing – over \$35,000,000. As you know, a new building corporation has been formed to finance the remainder of the current project.

You go on to ask, "What is the truth about the \$160,000 plus left over from this {Clay School Building Corporation} Bond Issue as to what fund it would be transferred?" I explained that transfer in my July 10, 2009 letter to Dr. Schroeder, but will repeat it here. When the bonds were retired in January, 2009, the amount of money left in Clay School Building Corporation accounts was \$116,112.99. Since its Lease with Clay Community Schools lasted until the middle of 2010, the building corporation had two options concerning the remaining money. It could have remained in existence and overseen the expenditure of that money. As I pointed out in my earlier letter, it had shown considerable talent and devotion to the needs of the school system in doing so throughout the term of the lease. The only reason it would have stayed in existence would have been to make sure that the money was applied to needed school maintenance and improvement projects. Tom Reberger had, however, already identified enough projects to completely use up the remaining funds. The building corporation, therefore, decided to accept the second option: to dissolve its corporate existence and return the remaining money to Clay Community Schools, with the request that it be used for the projects that Tom had identified. Once it decided to dissolve, Indiana Code 20-47-2-23 then applied. That statute requires that, upon the termination of a Lease between a school corporation and a building corporation, the building

corporation must return any money that it holds to the school corporation, which must deposit the money in either its Debt Service Fund or its Capital Projects Fund. The money cannot be deposited in any other fund, pursuant to Indiana law. Because the building corporation had requested that the money be deposited in the Capital Projects Fund for use by Tom on the previously-identified projects, that request was honored. That is the truth about the "left over" money.

You then ask, "Why is tax money currently being collected in our Debt Service Fund based on a Bond Issue terminated in December 2008?" It is not. The Debt Levy for Northview and Clay City ended last year and the final payment on the bonds was made in December, 2008. Although tax money is currently being levied, it is clearly earmarked for the 2008, payable 2009 General Obligation Bond issue, not the Northview/Clay City bonds. The clearest proof that these are different levies is the different debt service rates. It was .4393 for Northview/Clay City. It is .3922 for the current bonds, a difference of almost a nickel.

Finally, you make the statement that there is an "apparent controversy" between Clay School Building Corporation and Dr. Schroeder. As the attorney for the building corporation, who attended every meeting it ever had, I am not aware of any such controversy and, frankly, cannot see how one could exist. Dr. Schroeder had absolutely nothing to do with Clay School Building Corporation, and vice versa. Furthermore, Clay School Building Corporation no longer exists. Its reason for existence has been realized and it has been dissolved.

If I can provide any further information or answer any further questions for you, please let me know.

Sincerely yours, FOR THE FIRM Jeffrey A. Boyll"

Jeff Boyll's letter of response to Dr. Buell, dated August 11, 2009:

"Dear Dr. Buell:

I am writing in response to the questions you asked in your letter of July 28, 2009. I did share your letter with the other board members and with Dr. Schroeder, so that everyone will have the same information, and will do the same with this response. I apologize for the delay in getting this response to you. You have asked several broad-ranging questions and it took me some time to get all of the answers.

You first ask what items were paid from the 2009 General Obligation Bond issue of \$3 million. I have enclosed for your information a Budget History Report, which I obtained from Dr. Schroeder and Mr. Fowler, itemizing the expenditures made to date and totaling \$1,308,272.85. Later, in your letter, you ask specifically about payments to the architects. Those payments are listed on this Report under the heading "Architect Related Services". It appears that Schmidt Associates, Inc. have been paid \$960,282.47 from this Bond Issue to date. Under our contract with them, their total fee will be \$1,485,656.00. The payments to date represent 100% of the design and development portion of their contract. A recent invoice from Schmidt Associates is enclosed to show the components of their total fee and the percentage of each component paid.

Your next set of questions relate to the new building corporation which has been created to assist in funding the renovations to the elementary schools. That corporation is named Clay Community Multi-School Building Corporation. It has a Board of

Directors consisting of James Deal, Frank Farmer, and Tyler Fischer. The three of them were appointed by the board of trustees of Clay Community Schools on November 13, 2008. The new building corporation will issue bonds in an amount greater than Clay Community Schools can issue and will use the bond proceeds to repair and renovate elementary school buildings which will be leased to Clay Community Schools. It will collect the lease payments on those school buildings and use the money to pay off the bonds. When the bonds are retired, it will transfer the school buildings back to the school corporation and will then dissolve itself.

You next ask about the bond balance transferred by Clay School Building Corporation to the Capital Projects Fund. You mention confusion about the actual amount involved and list a figure of \$160,058. Nowhere can I find any document from Clay School Building Corporation or Clay Community Schools concerning that amount, although I do find a document in which there is reference to \$164,058. Based upon that document, I believe that I understand the confusion and can help to explain the situation. As I mentioned in my last letter to you, the board of directors of Clay School Building Corporation had remaining bond proceeds that it desired to see expended on repair and improvement projects at Northview and Clay City. In May, 2008, the amount of those funds was \$165,465.72. As it had always done in the past, it asked Tom Reberger to propose projects at those two schools that he would like to see completed. Tom proposed a series of projects totaling \$164,058.00. I have enclosed a copy of his proposal, as well as minutes of the building corporation meeting of May 29, 2008, at which the projects were discussed. As you can see from those minutes, the directors approved everything except a \$40,960.00 expenditure for a new track grandstand at Clay City. That expenditure was rejected on the advice of Mr. Reberger, who felt that it was unreasonably high. When the directors met next on April 8, 2009, Tom had completed some but not all of the projects. There remained at that time \$116,112.99 in bond proceeds, out of which the building corporation must wind up its affairs and dissolve. Dissolution costs were estimated then to be approximately \$15,000.00. Again, Tom was asked to propose projects for use of any amount that exceeded the cost of winding up and dissolution. Tom listed several projects that far exceeded the remaining amount and asked the directors which ones they wanted him to do. They gladly did so. I have enclosed copies of Tom's 2009 report and proposals, as well as the minutes of the meeting. As it turned out, the expenses of winding up were less than anticipated. Thus, the amount that was transferred to the Capital Projects Fund for Tom to complete the agreed-upon projects was \$110,630.02. Accounting for that money is now handled by Mr. Fowler.

After that, you shift gears and ask whether the corporation is required to rehire an elementary principal who is called up to active military duty. The answer is that it must. Under the Uniform Services Employment and Reemployment Rights Act, found at 38 United States Code, Sections 4301-4335, an employer is obligated, upon return of the veteran, to promptly reemploy him in the position in which he would have been employed if his continuous employment with the corporation had not been interrupted by his military duties. 38 U.S.C. Section 4313. You further ask whether the board can evaluate the principal now and, if unfavorable, discharge him. That answer is no. Doing so would almost certainly be viewed as an illegal attempt to get around the veteran's guaranteed reemployment rights. Although there are some exceptions to the



duty to rehire, none of them apply to Clay Community Schools. As for the question how long a substitute principal is a substitute and not a full time employee, if the interim principal is hired as a substitute or on a temporary contract – both of which I understand will be used in this case - she is always a temporary employee and never becomes a permanent employee of the school corporation.

Hopefully, this letter addresses all of your questions. I do feel it necessary to point out to you that getting this information from me costs the school corporation for the time that I spent gathering it and drafting this letter. On these last two letters, that has been approximately \$1,500.00. I point this out, because you can get the same information from Dr. Schroeder at no cost to the corporation. I know that to be true because much of this information I got from him.

Finally, I want to address your belief that I should attend all school board meetings, so that I can provide a “valid answer” before you vote on any resolutions. As you know, I have been general counsel for the school corporation since 1985. There have been times when I attended all meetings and times when I attended only when requested. Experience has shown that having me attend every meeting is a poor idea. At most meetings, I sit there for several hours, charging you \$100.00 plus per hour, without providing any service. On those rare occasions when a question does come up, it almost always involves research of legal documents and statutes, so that I can give no “valid answer” at that meeting. The far better approach has been to have me attend only when specific legal issues are on the agenda.

If I can provide any further information or answer any further questions for you, please let me know.

Sincerely yours, FOR THE FIRM Jeffrey A. Boyll”

### **E. Federal Stimulus Funds**

Dr. Schroeder stated that the corporation is at the point where it needs to petition the state for the stimulus funds. There are three parts: IDEA, which is Special Ed Part B; Pre-School IDEA; and, Title I. The amounts in Title I are \$330,493.21 and the IDEA Part B funds are \$1,065,469. The Pre-School IDEA stimulus is \$39,474. The school corporation has to apply to the State to spend these dollars, and there are only two school years to do so. Information from Mike Fowler and Kim Tucker was included in the board packet.

Mr. Fowler expounded upon the information in the board packet by noting that out of the three grants, in the IDEA section (the Pre-School Special Ed and the normal Special Ed) the corporation will be allowed, out of stimulus funds only, to supplant one-half of the budget. Normally, federal funds are used as a supplement, which means General Fund monies currently being spent cannot be moved to federal dollars. The federal intent of the programs is not to free up local dollars; rather, federal dollars are typically to enhance whatever programs are in place. However, with the stimulus monies, they are allowing the funds to supplant up to one-half, which for Clay Community Schools is roughly \$532,000. The corporation has the ability to move up to \$532,000 of costs out of a local tax-supported fund (General Fund) and onto the federal grant. This would free up General Fund dollars that could be spent on one-time expenditures. Title I did not get that exception, and the funds must be used 100% to supplement programs.

On the current IDEA grant, there was a structural deficit of roughly \$80,000-\$100,000. What that meant is that the corporation was going through \$80,000 to \$100,000 more every year than what was being taken in. The good news is that there was a 3-month surplus built up so that this was going to become a problem three or four years from now. Mr. Fowler's proposal for the stimulus funds is to take \$440,000 of stimulus money and transfer current IDEA expenditures from the current federal grant onto the stimulus. What that will do is shore up the current federal grant so that there is not a structural deficit scenario and allow the corporation to continue with current federal programs for the next six to seven years. The second part of the program is to deal with additional resources and programs that the Special Ed department has requested. The CAPE Grant will receive funds to continue for an additional year, which will allow the corporation to keep the program for the next two years. The stimulus funds will also be used to run fiber optic lines to Jackson Township and Clay City.

Ms. Tucker stated that the Title I allotment of approximately \$330,000 in stimulus funds will be used for the three Title I schools in the corporation: East Side Elementary, Forest Park Elementary and Meridian Elementary. Plans are to put in place a "coaching" program where three intervention coaches come in at each of the Title I schools over two years to help model researched best-practice instruction for teachers in literacy and numeracy. They would also help to learn to use data more specifically and to offer professional development. Ms. Tucker stated that the positions would be contracted positions with no benefits. A contracted stipend will be offered over the course of a couple of years. \$15,000 to be spent for technology has also been included.

Dr. Schroeder concluded discussion of this topic by noting that the process has been going on for months and a lot of thought has gone into it. He stated that the key is that this funding is only for two years. He stressed that if personnel is hired, their salary must not be a recurring cost in the budget. This issue will be discussed at least one more time with the teachers' association.

Dr. Schroeder is requesting permission to apply for these funds.

Mrs. Barr moved to allow the corporation to apply for the federal stimulus funds. Dr. King seconded, and the motion was approved by a 6-0 vote.

#### **F. VALIC Amendment**

Mr. Fowler stated that VALIC has informed the school corporation that its plan document needs to be updated to comply with the Economic Growth and Tax Relief Reconciliation Act of 2001 because the IRS has just now put out the regulations associated with that. This changes nothing of what is done by the school corporation; it just updates the plan document so that it is in a format approved by the IRS. Even though the board passed a resolution a couple of years ago that allows Mr. Fowler to fill out the paperwork, they need an approved adopting resolution from the board so that pre-tax contributions can still be done.

Dr. King read the resolution into the minutes. Mr. Jackson moved to approve the resolution. Mr. Atkinson seconded, and the motion was approved by a 6-0 vote.

### **G. Surplus Equipment**

Technology Director Bill Milner has asked to have 90 computers and monitors declared surplus items so that they can be sold to Technology Exchange for \$370.00. Also, there is a request from Tom Reberger to declare equipment at Meridian surplus so that bids to purchase it can be taken. Dr. Schroeder recommends that those requests be approved.

Dr. King moved to approve the requests. Mrs. Kaelber seconded, and the motion was approved by a 6-0 vote.

### **H. Portable Classroom at Meridian Elementary School**

Berean Baptist Church has bid \$1,000 for the portable classroom at Meridian Elementary School. Dr. Schroeder recommends accepting their bid.

Mr. Atkinson moved to accept the bid. Dr. King seconded, and the motion was approved by a 6-0 vote.

### **I. Special Education Services Contract**

Dr. Schroeder explained that the school corporation has had a very difficult time getting occupational and physical therapists. There is a firm that will offer services with an agreement that doesn't bind the school corporation to a long-term commitment. It would allow the corporation to hire people on a contractual basis at an hourly amount. It is recommended that the contract, which was reviewed and approved by the school corporation attorney, be approved by the board. Dr. Schroeder added that it is sometimes difficult to find individuals that provide these services.

Dr. King moved to approve the special education services contract. Mrs. Barr seconded, and the motion was approved by a 6-0 vote.

### **J. Revision of School Board Policies 6430, 6531, 6541, 6542, 6543, 6544, 6545, 6810, and 8600: First Reading**

Dr. Schroeder noted that the changes are courtesy of the state legislature. This is a first reading, so no vote needs to be taken. If approved at the next board meeting, they will replace existing policies in the board policy handbook.

Under discussion, Mr. Atkinson had a question about Policy 6430 and Policy 6435. In the proposed revision of Policy 6430, the statement "The classroom teacher shall have the authority to suspend a student from his/her classroom for no more than one day for each violation of school or classroom rules" was suggested to be amended to read "The classroom teacher shall have the authority to suspend a student from his/her classroom for violation of school or classroom rules. Proposed new Policy 6435 includes the statement "1...a) A middle school, junior high, or high school teacher may remove a

student from the teacher's class or activity for a period (a class period is considered a day) of up to 5 school days if the student is assigned regular or additional work to be completed in another school setting (see I.C. 20-33-8-25). A principal or designee must be notified prior to student's removal under this policy." Mr. Atkinson believes the statement in Policy 6435 to very broad. He noted that it doesn't state what the specific removal policies are. He would like to maintain Policy 6430 the way that it is. Regarding Policy 6435, Items 1. a, b, and c, Mr. Atkinson doesn't really agree with any of that. He believes there should be a maximum of one day rather than five days. In his opinion, if there needs to be more than one day, the principal should take the lead. Dr. Schroeder pointed out that the legislature has written the law to give teachers the right to go to the principal and say, "I don't want this student in my class because of ...". Dr. Schroeder acknowledged that most of the time teachers don't do this, but in cases where a principal may be nonchalant and doesn't work with a teacher, this legislature has put into effect the law that says they have the right to do that and the principal doesn't have the right to send them back to the classroom; they have to find an alternate placement. According to law, teachers must provide work for the students. Mrs. Barr asked if the policy had to state that teachers have to provide work, and Dr. Schroeder stated that it could be put in there. Dr. King agreed with Mr. Atkinson that one day was plenty. Dr. Schroeder verified that he would make the change to Policy 6435 Item 1 a. would be changed to one school day. The policies will be brought to the next meeting for a vote.

#### **K. New School Board Policies 6432, 6435, 6470, and 8605: First Reading**

Covered along with Item J

#### **L. Grant Application Approval**

Each year, Kathy Knust asks that the Title II Part A Grant, the Drug-Free Schools Grant, and the High Ability Grant go before the board for approval to apply. Dr. Schroeder recommends approval at this time.

Mr. Jackson moved to grant permission to apply for the grants. Mrs. Kaelber seconded, and the motion was approved by a 6-0 vote.

#### **M. Acting Principal at Clay City Elementary and Signatures of Principal and Secretary**

With Mr. Russell being deployed by the National Guard, Assistant Superintendent Kim Tucker has temporarily assumed his duties until someone has been hired on an interim basis. The position has been posted and applications are being taken until this Friday (August 14). It is hoped that an interim principal will be named by the first of September. In the meantime, Ms. Tucker, as well as new school secretary Bradi Oberholtzer, will need permission to sign ECA checks.

Mrs. Barr moved to approve Kim Tucker and Bradi Oberholtzer as being authorized to sign checks for the school ECA account through First Financial Bank in Clay City. Mr. Atkinson seconded, and the motion was approved by a 6-0 vote.

#### **N. Assistant Principal/Athletic Director at Clay City Junior/Senior High School**

The recommendation is to hire Larry Michael Owens as the Assistant Principal/Athletic Director at Clay City Jr/Sr High School for the salary of \$66,000 for a 200-day position.

Mrs. Barr moved to approve Mr. Owens. Mr. Jackson seconded, and the motion was approved by a 6-0 vote.

#### **O. Building Trades Assistant Position and Job Description**

Rodney Clarke, instructional assistant for Dan Dragon in the Building Trades program, had been paid through the payroll of the Vigo County School Corporation out of the Perkins Grant. Vigo County contacted this school corporation and stated that they were no longer going to process Mr. Clarke's salary through their payroll system. Mr. Clarke will continue to be paid out of the Perkins Grant, but it is recommended that he be processed through Clay Community Schools' payroll. To do that, a job description needs to be adopted. Two items need to be approved: 1) a job description for Mr. Clarke's position; and, 2) adding Mr. Clarke to the payroll system. He will have the same salary and benefits as he had when being paid through Vigo County.

Dr. King moved to approve the recommendations. Mrs. Barr seconded, and the motion was approved by a 6-0 vote.

#### **P. Discussion of School Board Agenda Order**

Terry Barr had requested that this item be added to the agenda. She believes there is confusion between board member comments and future agenda items, and she is finding it increasingly distracting. She suggests a discussion about changing the board member comments to the end of the agenda with future agenda items. Mr. Jackson's opinion is that often the board member comments time is used to offer praise to different individuals. He is concerned that if the comments are moved to the end of the agenda there will be few people still in attendance to hear the comments. He believes that it would be nice if there was an agreement that board member comments would be for those types of comments. If a question for the next board meeting or clarification needed to be made, it could be made near the end of the meeting with future agenda items. Mrs. Barr agreed that it would be productive to have such an agreement as a board to do that. Mr. Jackson added that if there was a concern about an agenda item, it needed to be brought up during that agenda item and not during board member comment time. Dr. Buell suggested having board members sign in like the public does if they have comments. Mr. Jackson clarified that he wasn't saying that a board member couldn't bring up a topic; rather, he is suggesting that it be brought up during future agenda items or during an agenda item that is in the packet instead of during board member comments.

Mr. Jackson proposed that the board members make an effort to keep board member comments as they should be: Positive comments about things that are going on in the schools and community. If there are concerns about an agenda item, they should be brought up during that agenda item. If there is something to be brought up at the next

meeting, it should be brought up during future agenda items. Mrs. Kaelber suggested putting a reminder in the board packet.

**Q. Discussion of School Board Work Sessions**

Mr. Jackson is suggesting an opportunity for the public to give their input or feedback on a specific topic. He is asking that a public work session be publicized during the months of October, January and March in a public, non-corporation venue such as a library or community room. There would be two topics set by the president of the board. The first topic would be informational with a short presentation. The aim of that would be to provide information to the public. The second topic would be something for which the board is solution-seeking and the public would be asked to give input. There would be a time limit and it would be facilitated. Mr. Jackson is contacting the Indiana School Boards Association to make sure everything is legitimate. There would be no voting or decision-making during that time. He is asking that this be done as a pilot for this school year in those three months.

Under discussion, Mr. Atkinson asked to clarify that work sessions were by definition where the board works on a topic and there isn't any public input. Mr. Jackson doesn't know the specifics as to what it must be called; he will check on that.

**VIII. Personnel**

**A. Leaves of Absence**

**1. Certified**

- a. Maternity (FMLA) ESE Laura Maurer
- b. Maternity (FMLA) NHS Jennifer Smith

**2. Non-Certified**

None

**B. Retirements**

**1. Certified**

None

**2. Non-Certified**

- a. Bus Driver (Medical Waiver Requested) TRANS Nancy Ellis

**3. Place on Retirement Index**

- a. Teacher (retirement 2011-2012) FPE Jane Crooks
- b. Teacher (retirement 2011-2012) ME Marsha Kirchner
- c. Teacher (retirement 2011-2012) CCE Janine R. Mullinix
- d. Guidance Director (retirement 2011-2012) CCHS Don Yegerlehner
- e. Teacher (retirement 2011-2012) NCMS Constance Young
- f. Teacher (retirement 2011-2012) NCMS Kevin Kumpf

**C. Resignations**

**1. Certified**

None

**2. Non-Certified**

- a. Cafeteria Manager NCMS Candace Thompson
- b. Instructional Assistant (Title I) LEAAP Joan Rissler
- c. Instructional Assistant (Sp Serv) NHS Jerri Garrison
- d. Instructional Assistant SE Penny Stone

	e. Instructional Assistant	FPE	Catherine Williams
	<b>3. ECA Resignation</b>		
	a. Yearbook Sponsor (50%)	NCMS	Leslee McDonald
	b. Student Council Sponsor (50%)	NCMS	Leslee McDonald
	c. Super Bowl Sponsor (Science)	NHS	Randy Eppert
<b>D.</b>	<b>Transfers</b>		
	<b>1. Certified</b>	None	
	<b>2. Non-Certified</b>		
	a. Food Service to 185-day Custodian	NCMS	Laura Wright
<b>E.</b>	<b>Employment</b>		
	<b>1. Certified</b>		
	a. Teacher (Science)	NCMS	Kendall Sheets
	b. Teacher (Science, 2 periods)	NCMS	Alice Romas
	c. Teacher (Art, 2 periods)	NHS	Rayna White
	d. Teacher (Math, 4/5)	CCHS	Chandra Burns
	e. Teacher (Social Studies – 3/5)	CCHS	Jana Deal
	f. Teacher (Elementary)	ESE	Lindsey Burnett
	g. Teacher (Elementary)	ME	Jamie Garvin
	<b>2. Non-Certified</b>		
	a. Instructional Assistant	NHS	Dana Bottomley
	b. Bus Driver	TRANS	Karen Price
	c. Custodian (6 hrs evening)	FPE	Robinne Smith
	d. Bus Aide	TRANS	Irma Mae Jones
	e. Instructional Assistant (Sp Serv)	NHS	Pete Paullus
	f. Instructional Assistant (Sp Serv)	NHS	Brenda K. Shaw
	<b>3. Extra-Curricular Certified</b>		
	a. Fall Play (school year 09-10 only)	NHS	Dianna Knox
	b. Volleyball (8 <sup>th</sup> grade)	CCHS	Chandra Burns
	c. Cross Country – Jr. High	CCHS	Vance Edmondson
	d. Varsity Cheer Sponsor	NHS	Ruth Ann Medworth
	e. Student Council	JTE	Becky Jeffers
	<b>4. Extra-Curricular Non-Certified</b>		
	a. Yearbook Sponsorship (50%)	NCMS	Sheri Yocom
	b. Student Council (50%)	NCMS	Sheri Yocom
	c. Newspaper	JTE	Lori Conrad
	<b>5. Extra-Curricular Lay Coach/Lay Sponsor</b>		
	a. Percussion Specialist (Summer/Fall)	NHS	Brian Blume
	b. Drill Team Assistant (Summer)	NHS	Katie Townsend
	c. Volleyball Assistant	CCHS	Lauren Gottardi
	d. Football (Head 8 <sup>th</sup> Grade)	NCMS	Karl Schiefer
	e. Football (Assistant 8 <sup>th</sup> Grade)	NCMS	Benjamin Reinhardt
	f. Soccer (Boys JV 1/3)	NHS	Trent Piatt
	g. Soccer (Boys JV 1/3)	NHS	Josh Clarke
	h. Soccer (Boys JV 1/3)	NHS	Christopher Ibberson

i. Soccer (Girls JV)	NHS	Garth Woodcox
j. Football Assistant	NHS	John Andrews
k. Football Assistant	NHS	Dan Mikesell
l. Football (Assistant 9 <sup>th</sup> 50%)	NHS	Amos Wegner
m. Football (Assistant 9 <sup>th</sup> 50%)	NHS	Nick Lancaster
n. Volleyball (7 <sup>th</sup> Grade)	CCHS	Courtney Dayhuff

**6. Volunteers**

a. ECA	NHS	Brandon Hathaway
b. ECA	NHS	Linda Payton
c. ECA	NHS	Robert McCullar
d. ECA	NHS	Kenneth Wright
e. ECA	NHS	Dwight Clerk
f. ECA	NHS	Kehrt Miller
g. Football	NCMS	Eric Dyar
h. Football	NCMS	Kyle Fricke

**F. Changes**

**1. Certified**

- a. 11 Extra Days for Connie Cook, Principal at FPE (Paid for by Title I Grant)
- b. 8 Extra Days for Karen Phillips, Principal at ME (Paid for by Title I Grant)
- c. Increase Cindy Deter from half-time to 3/5 Social Studies
- d. Change Nathan Hopf from 50% Assistant Football Coach to 100% Assistant Football Coach
- e. 4 Extra Days for Jennifer Swaim, Title I Building Coordinator (Paid for by Title I Grant)
- f. 2 Extra Days for Debbie Zimmerman, Title I Building Coordinator (Paid for by Title I Grant)

**2. Non-Certified**

- a. Instructional Assistant (Special Services one-on-one) – Jane Crowley from 4 days to 5 days. She will be with a student who was a 4-day Pre-School to KG 5 days.
- b. Instructional Assistant Linda Haas will change from 3.5 hours/day to full-time IA.
- c. Rebecca Proffitt will become the Food Service Manager at NCMS (Has been acting).
- d. Christina Reberger will become the Assistant Food Service Manager at NCMS (has been acting).
- e. Brenda Timberman will become the Food Service Manager at NHS.
- f. Debra Grigsby will become the Assistant Food Service Manager at NHS.

**3. Lay Coach** None

**G. Termination**

- 1. Certified** None
- 2. Non-Certified** None

**H. Information Only**



1. Diane Jones has served on a Supplemental Contract as a GED teacher for several years. She will no longer be teaching for us.

**I. Classroom Volunteer** None

Mrs. Barr moved to approve the personnel items. Dr. King seconded, and the motion was approved by a 6-0 vote.

**IX. Future Agenda Items**  
None at this meeting

**X. Adjournment**  
Mr. Atkinson made a motion to adjourn and Mrs. Kaelber seconded. With a 6-0 vote, the meeting was adjourned at 9:37 p.m.

The meeting was audio and video recorded and copies may be requested by contacting the Central Administration Office.