

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

A Special Session of the Clay Community Schools Board of Trustees was held at the Central Administrative Office, 1013 S. Forest Avenue, Brazil, IN 47834, on Thursday, August 22, 2013. Tom Reberger, Kevin Kumpf, Fred Froderman, Jennifer Kaelber, Ron Scherb and Amy Burke Adams were present. Rob Miller was absent.

I. Call to Order

The special session meeting was called to order at 6:35 p.m. by board president Jennifer Kaelber.

II. Budget Review of 2014 Budget, Capital Projects Plan, School Bus Replacement Plan and Levy Neutrality

Mr. Mike Fowler, who has been assisting the superintendent with the preparation of the budget due to the vacancy in the Director of Business Affairs position, attended the meeting to answer any questions that board members might have. He fully anticipates tax rates to be about the same with this budget. He stated that this is a "status quo" budget that allows the school corporation to continue to do the goods things it has been doing.

Mr. Fowler noted that the school board needed to approve the Levy Neutrality form at this meeting. This is a part of the pension bond obligations that were taken out in 2004. Indiana Code requires this to be approved, and it also needs to state that the board is requesting the adjusted percentage that was put into law two years ago.

III. Classified Handbook Revision: Second Reading

The first reading was presented at the August 8, 2013, regular session school board meeting. At that meeting, it was noted that on Page 8 of the handbook, the title "Assistant Food Services" should be changed to "Extended Services". No other changes were suggested. Approval of this handbook was recommended.

Dr. Froderman moved to approve the classified handbook revisions. Mr. Reberger seconded, and the motion was approved by a 6-0 vote.

IV. Bus Driver Handbook Revision: Second Reading

The first reading was presented at the August 8, 2013, regular session school board meeting. At that meeting, it was noted that on Page 3 of the handbook, Item 34 and the accompanying paragraph were not included in the version that was sent with the board packet. The correct version was included with the board packet for this meeting. No other changes were suggested at that time. Approval of the handbook was recommended.

Mrs. Adams moved to table this item. Mr. Scherb seconded.

Under discussion, Mrs. Adams stated that it had come to her attention and other board members' attention that many of the school bus drivers feel as though they did not have any input on this, and they feel that the changes that are being made aren't in the best interests of the school corporation or the safety of the children or their own benefits. The bus drivers had sent a letter, which was received by the board members last evening, and the letter encouraged dialogue. Mrs. Adams would not only like to see this tabled, she would also like to see dialogue take place with the bus drivers between now and the next board meeting. When Mrs. Adams first became a board member a couple of years ago, bus drivers would choose the people with the most experience and who were content area experts to meet with administration, although the administration was under no obligation to do so. She thinks it is a smart thing to meet with the people who do the job.

In response to Mrs. Adams' comments, Superintendent Tucker stated that the administration did receive a letter last spring that was drafted by one of the bus drivers on behalf of all of the bus drivers. One of the points that was brought out in the letter had to do with being able to take unpaid leave without having to have authorization beyond the transportation director. The other issue concerned not having their personal days split over the two semesters and having the ability to take those all at one time in the first semester. A meeting was held with all of the bus drivers shortly before the start of school. At that time, Mike Howard had been named to take over the duties with transportation. He had a full assembly of bus drivers who were also coming in for training. The meeting was held at the end of July. The elements that would be going into the new handbooks were discussed at that meeting.

Superintendent Tucker pointed out that the purpose for putting together some of these issues was to be consistent with the entire district. It is the same process for decision-making that is used for the leave question and the personal day and is consistent with all classified staff, not just bus drivers. While it is understood that bus drivers think that it is somehow a benefit to the school corporation or to the children to have substitute bus drivers, the administration wants the bus drivers who are supposed to be on those buses on the buses because they have the familiarity with the students, and the parents expect consistency.

Mrs. Adams wanted to know if that philosophy could apply also to administrators and superintendents. Superintendent Tucker replied that there are no unpaid leave issues: Contracted individuals and teachers in this corporation are not allowed to take unpaid leave. Mrs. Adams then asked if bus drivers received paid leave. Superintendent Tucker responded by stating that paid leave days were part of their benefits, and Mr. Howard pointed out that bus drivers receive four sick and two personal days annually. In addition, Superintendent Tucker noted that the proposed handbook would allow bus drivers the opportunity to carry over a personal day to the next year, which they had not been able to do before.

In terms of tabling this issue, Superintendent Tucker pointed out that a lot of this language also has to do with rates of pay for circumstances such as ECA trips. In

tabling the handbook, the language would revert to the status quo of the original handbook. She believed the points of contention to be in the original handbook. It doesn't change what has to be done administratively, which would be to refer to the status quo handbook. Those provisions are already in the handbook, although they are somewhat ambiguous. The opportunity to deny an unpaid leave is still retained in the original handbook. The issue of splitting the personal days into two semesters is also a part of that handbook. Tabling doesn't allow an increase in the rate of pay for ECA trips and doesn't give bus drivers the opportunity to carry over a personal day. As Superintendent Tucker sees it, tabling is going to be more problematic for both sides than what it may appear.

Mrs. Adams next asked why the handbooks were being brought to the board for approval almost two months into the new school year. She wanted to know why the handbooks had not been discussed before July 1 rolled around. She believes it should be squared away in May and June before a new school year starts. Superintendent Tucker's response was that changes for handbooks are typically brought to the board in late summer before the start of school. In this instance, she was waiting to see what happened in making the umbrella position and the positions under that in maintenance and transportation. The language changes have been discussed as handbooks have been re-done. Also, money was being looked at as far as what can be expected from the basic grant, and those figures are not available until July. She was concerned about tabling the handbook in part because of the money issue. Mr. Scherb asserted that any pay changes could be retroactive. Superintendent Tucker pointed out that 18 ECA field trips have already been taken in the first week and a half of school, so, depending on how long the handbook would be tabled, it might be a considerable effort to go back and re-issue, proportionally, those extra checks on payroll; it's cleaner to have it approved.

Mrs. Adams thought it would benefit everyone if the handbook approval was tabled until the September meeting. That would give the administration almost two weeks to see if there are bus drivers who want to sit down and discuss the issue. She did not believe the bus drivers' concern was the money; rather, she believed their concern to be the days. Mrs. Adams also believed that this could have been discussed in May and June and the wrinkles could have been worked out early on. Superintendent Tucker's response to that was that they could sit down and have a meeting; however, it is unlikely that administration would want to recommend otherwise. Unless there are specific directives about changing particular language, she does not want language, such as the language for unpaid leave, to be different for one employee group versus another. To this, Mrs. Adams asserted that if the language was to be the same for all employee groups, then all groups should be entitled to the same benefits as teachers. Superintendent Tucker's response was that the bus drivers have a special advantage that makes them different because they receive insurance: They are the only group in the corporation that does not have the hours requirement that makes them eligible for insurance. As Mrs. Adams sees it, the bus drivers' job is different from other employee groups, and many of them have jobs outside of the school corporation. Mr. Scherb interjected that, to him, the language is unfair. As an example, he commented that a farmer who needs to harvest his crops should not be penalized for harvesting his crops

when he has such a short timeframe for harvesting. He pointed out that the driver would not be paid anyway when using an unpaid leave.

Mr. Scherb noted that there were a lot of bus drivers in attendance at the meeting, and they were there for a reason. His assumption was that they were there because they were not happy for some reason. Superintendent Tucker stated that they want to be able to take unpaid leave at their discretion without the penalty of it being a disciplinary consequence, and the administration disagrees with that. Mr. Scherb asked if that was a problem if they took an unpaid leave.

A member of the audience, a bus driver, spoke at this point. He stated that the school corporation wants experienced drivers out there so the kids get safely to school. At the same time, that experience comes with a price, and that is sometimes everybody needs a day off to take care of something. Three times, three days in a row and a bus driver is going to be fired, or at least that's what he is hearing. He noted that a bus driver recently quit her job because she couldn't take time off. He thinks bus driving is different. As he pointed out, bus drivers must have a CDL license, must maintain discipline, and must get them there safely and on time. This bus driver has only been driving for about five years, and it is not as simple as he thought it was.

To conclude Mr. Scherb's comments, he referred to a comment made last month by Mr. Reberger: We're all in this together, we're all a team, and we're all working together. Mr. Scherb asserted that if this is going to create a problem with the bus drivers, our team has a problem. He observed that we are probably not working together if this is passed.

Noting that unpaid leave days could not be unlimited, Mrs. Adams wondered what the maximum amount of unpaid leave days could be to create balance. Superintendent Tucker commented that there had been individuals who had wanted to take a week to two weeks for a personal vacation during the school year. It was thought that if there was the occasional one day that something came up and it must be taken care of and a driver had no leave days remaining, one day would be a warning. To eliminate a situation where a driver wanted to take a week off in the fall and two weeks off in the spring or a month off without pay and would only receive one discipline warning per incident, it was determined that graduated discipline would be followed. One day of unpaid leave would be one incident, the second day would be a second incident, and a third day would be the dismissal point. Superintendent Tucker noted that the change didn't have a lot to do with extreme or extenuating circumstances; rather, it has been related to drivers who have wanted to take vacations. She noted that no other employee group is able to do that, and it has presented a problem with consistency.

At this point, Mr. Kumpf stated that he believed it had been proven that there needs to be further discussion about this issue. Mrs. Adams asked if the board could count on the administration to meet with the bus drivers to discuss this issue further. Superintendent Tucker replied that she would be happy to discuss it, but she would not be happy to say that she would recommend a different kind of language on the leave.

Mrs. Adams asked if Superintendent Tucker would be willing to lose experienced bus drivers through resignation because they don't want to be fired. It is Mrs. Adams' opinion that bus driving is very different from other jobs because of the morning commitment and the afternoon commitment. She thinks the school corporation should be more flexible and understanding with the bus drivers. In response to this, Superintendent Tucker stated that administration had presented language that she knows the employee group doesn't agree with. That is the administration's prerogative to set forth a recommendation for this policy and this handbook. It was done for reasons that it was felt were in the best interests of the school corporation.

Mrs. Adams asked what prompted the change and whose idea it was. Superintendent Tucker's response was that with the previous transportation director, over the years, the ability to take unpaid leave was given to a number of bus drivers. When Mr. Howard came into the position, they spoke about the contractual terms of this for 180 days, the disruption of having bus drivers in and out, and the case of one bus driver taking an extra two weeks of spring break every year. It was determined that it was not a fair balance with what was expected from other employee groups. It was felt that last year's language was ambiguous in the handbook, so specificity was added this year to say that it would be one day, one incident.

To Mrs. Adams' question of whether this ability was abused, Superintendent Tucker replied that, over the years, it was felt that the unpaid leave requests were continuously approved, and the administration did not feel that it should be continuously approved and that there needed to be true extenuating circumstances before those unpaid leaves were approved. Mrs. Adams suggested that the policy could have remained as it was, and the administration could just have denied the requests for unpaid leave. In her opinion, an unexcused leave would describe someone who was AWOL: The person would not show up for work, would not tell anyone they were not coming and would disappear for days at a time. When Mrs. Adams thinks of graduated discipline, she thinks of conduct issues. She does not think of asking for time off as a disciplinary issue. Superintendent Tucker responded by stating that the administration was just trying to be specific in what would be the determination if a driver decided to take a day that had been denied, in which case they would be insubordinate. The insubordination would be the call for discipline.

Mr. Reberger posed the question as to what would happen if a teacher who is under contract came in and said that they were taking two weeks off to go to Florida. Superintendent Tucker stated that the request would be denied. Mr. Reberger asked to clarify that the request would be denied because the teacher is under contract, which was correct.

Mr. Reberger then asked what would happen if a cook or custodian, even though they are not under a contract, did the same thing. Superintendent Tucker replied that it would be the same response.

Continuing his questioning, Mr. Reberger asked if the language that has been proposed for bus drivers for the current school year included an increase in the number of sick days and/or personal days over what they were in the past or how they can accumulate. Superintendent Tucker's response was that the new proposal does increase the number of days and it does specify how they will be taken. It also has the carryover language.

Mr. Howard was asked by Mr. Reberger if the unpaid leave days were a real problem with the corporation's 70 bus drivers. Mr. Howard's response was that there were four to five drivers who had taken unpaid days. Mr. Reberger commented that if there was a family emergency, drivers would be allowed to be off. As he sees it, he wants teachers in the classroom every day and he wants to know who the bus driver is every day. He believes that what has been proposed is fair, and if there are exceptions, they will be handled.

Mr. Howard concluded discussion of this item by noting that he had seen Les Webster almost every morning since the start of school. Mr. Webster kind of represents the bus drivers, and he had not brought anything to Mr. Howard's attention until the letter last night.

The motion to table the bus driver handbook until September 12 regular session board meeting was approved by a 4-2 vote with Mr. Reberger and Dr. Froderman opposed.

V. Personnel

A. LEAVES OF ABSENCE

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|------------------|------|
| 1. Certified | None |
| 2. Non-Certified | None |

B. RETIREMENTS

- | | |
|------------------------------|------|
| 1. Certified | None |
| 2. Non-Certified | None |
| 3. Place on Retirement Index | None |

C. RESIGNATIONS

- | | | |
|----------------------------|-------|-----------------|
| 1. Certified | None | |
| 2. Non-Certified | | |
| a. Instructional Assistant | FPE | Chanda Thomas |
| b. Bus Aide | TRANS | Nancy Applegate |
| 3. ECA Resignations | | |
| a. Student Council (50%) | VBE | Derik Tipton |
| b. Student Council (50%) | SE | Denise Brush |
| c. Student Council (50%) | SE | Marci Nussel |
| 4. ECA Lay Coaches | None | |

D. TRANSFERS

- | | |
|------------------|------|
| 1. Certified | None |
| 2. Non-Certified | None |

Prior to adjournment, Superintendent Tucker read the levy neutrality pension bond resolution into the minutes. Mrs. Adams moved to approve the levy neutrality pension bond resolution. Mr. Reberger seconded, and the motion was approved by a 6-0 vote.

VI. Adjournment

Having exhausted all agenda items, the meeting was adjourned at 7:12 p.m.

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