

**Whitfield County Board of Education
Board Governance Training
February 25, 2014
Offices of Harben, Hartley, and Hawkins
340 Jesse Jewell Pkwy, SE
Gainesville, Georgia 30501**

The Whitfield County Board of Education held a Board Governance Training at the offices of Harben, Hartley, and Hawkins in Gainesville, Georgia on Tuesday, February 25, 2014. Chairman Louis Fordham called the meeting to order at 10:00 a.m.

Present were the following board members:

Thomas Barton
Louis Fordham
Rodney Lock
Tony Stanley
Bill Worley

Also present were the following staff members:

Judy Gilreath
Karey Williams
Rhonda Yim

Board Member Board Governance Training

The Whitfield County Board of Education members are required to do nine hours of training each year. The board traveled to the office of Stan Hawkins, attorney with Harben, Hartley, and Hawkins, who facilitated the three hours of training. The power point that was used for this training is part of the backup minutes.

Adjournment

There being no further business, the meeting was adjourned at 1:00 p.m.

Chairman

Secretary

WHITFIELD COUNTY BOARD OF EDUCATION

**Board Governance Training
February 25, 2014**

Presented by: J. Stanley Hawkins
Harben, Hartley & Hawkins, LLP

WHITFIELD COUNTY BOARD OF EDUCATION

Board Governance Training

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J. Stanley Hawkins
Harben, Hartley & Hawkins, LLP

§ 20-2-49 Legislative findings

The General Assembly finds that local boards of education play a critical role in setting the policies that lead to the operation and success of local school systems. School board members hold special roles as trustees of public funds, including local, state, and federal funds, while they focus on the singular objective of ensuring each student in the local school system receives a quality basic education. Board duties require specialized skills and training in the performance of vision setting, policy making, approving multimillion dollar budgets, and hiring a qualified superintendent. The motivation to serve as a member of a local board of education should be the improvement of schools and academic achievement of all students. Service on a local board of education is important citizen service. Given the specialized nature and unique role of membership on a local board of education, this elected office should be characterized and treated differently from other elected offices where the primary duty is independently to represent constituent views. Local board of education members should abide by a code of conduct and conflict of interest policy modeled for their unique roles and responsibilities. And although there are many measures of the success of a local board of education, one is clearly essential, maintaining accreditation and the opportunities it allows the school system's students.

§ 20-2-61 Establishing policy to focus on student achievement

(a) The fundamental role of a local board of education shall be to establish policy for the local school system with the focus on student achievement. The fundamental role of a local school superintendent shall be to implement the policy established by the local board. It shall not be the role of the local board of education or individual members of such board to micromanage the superintendent in executing his or her duties, but it shall be the duty of the local board to hold the local school superintendent accountable in the performance of his or her duties. Local board of education members should work together with the entire local board of education and shall not have authority as independent elected officials but shall only be authorized to take official action as members of the board as a whole. Nothing in this subsection shall be construed to alter, limit, expand, or enlarge any powers, duties, or responsibilities of local boards of education, local board members, or local school superintendents.

(b) Except as may be allowed by law, no local board of education shall delegate or attempt to delegate its policy-making functions.

AdvancEd/SACS Standards

- 2.1 The governing body establishes policies and supports practices that ensure effective administration of the system and its schools
- 2.2 The governing body operates responsibly and functions effectively.
- 2.3 The governing body ensures that the leadership at all levels has the autonomy to meet goals for achievement and instruction and to manage day-to-day operations effectively
- 2.4 Leadership and staff at all levels of the system foster a culture consistent with the system's purpose and direction
- 2.5 Leadership engages stakeholders effectively in support of the system's purpose and direction
- 2.6 Leadership and staff supervision and evaluation processes result in improved professional practice in all areas of the system and improved student success

Standards for Effective Governance of Georgia School Systems

• Standard Domain Areas

- Domain I: Governance Structure
- Domain II: Strategic Planning
- Domain III: Board and Community Relations
- Domain IV: Policy Development
- Domain V: Board Meetings
- Domain VI: Personnel
- Domain VII: Financial Governance
- Domain VIII: Ethics

Standards for Effective Governance of Georgia School Systems Domain I: Governance Structure

• **Domain Description** The board of education and superintendent form the governance leadership team of the local school system, and act in a manner that focuses on improving student achievement and organizational effectiveness.

• **Standard C.** The board acts as a policy-making body separate from the roles and responsibilities authorized to the superintendent.

• Elements:

- 1 The board establishes and follows written policies governing its work in compliance with state constitution, state law, local legislative act(s) and policy
- 2 The board fully supports and recognizes that operational issues are the responsibility of the superintendent and school system personnel

Standards for Effective Governance of Georgia School Systems -
Domain II: Strategic Planning

Description: The governance leadership team, in collaboration with the community, adopts and enacts a planning process that results in an adopted system strategic plan designed to improve student achievement and organizational effectiveness

- Standard A The governance leadership team provides input to and adopts the system strategic plan.

– Elements:

- 1 The governance leadership team, in collaboration with the community, provides input to and the Board adopts a strategic plan that contains the system's beliefs, vision, mission, and strategic goals, performance objectives, performance measures and targets for improving student achievement and organizational effectiveness
- 2 At least annually and as needed, the governance leadership team reviews, assesses the system strategic plan, and the Board readopts
- 3 The governance leadership team conducts the strategic planning process consistent with Domain VIII - Ethics

Standards for Effective Governance of Georgia School Systems -
Domain II: Strategic Planning

Description: The governance leadership team, in collaboration with the community, adopts and enacts a planning process that results in an adopted system strategic plan designed to improve student achievement and organizational effectiveness

- Standard B. Annually and as needed, utilizing the adopted strategic planning process, the governance leadership team monitors and reports progress on performance measures

– Elements:

- 1 The board implements board action plan for monitoring and reporting performance objectives, performance measures and targets, and effectiveness that is aligned with the school system's strategic plan
- 2 The governance leadership team participates in professional development focused on the development, implementation and assessment of the school system's strategic plan
- 3 The governance leadership team annually and as needed self-assesses performance in fulfilling its duties, responsibilities, and ability to work as a team in support of implementing the strategic plan

Standards for Effective Governance of Georgia School Systems -
Domain II: Strategic Planning

Description: The governance leadership team, in collaboration with the community, adopts and enacts a planning process that results in an adopted system strategic plan designed to improve student achievement and organizational effectiveness.

- Standard B: (cont'd) Annually and as needed, utilizing the adopted strategic planning process, the governance leadership team monitors and reports progress on performance measures

– Elements:

- 4 The governance leadership team meets annually to appropriately focus upon.
- Analyzing appropriate data to assess progress toward fulfilling the school system's strategic plan
- Assessing the strengths and needed improvements of the school system
- Addressing compelling problem(s) or emerging issue(s) that may prevent the school system from accomplishing its strategic plan
- Identifying and address emerging opportunities for advancing the school system's strategic plan
- Self-assessing the governance leadership team's educational, governance and leadership performance

Standards for Effective Governance of Georgia School Systems -
Domain III: Board & Community Relations

Description: In order to ensure improved student achievement and organizational effectiveness, the governance leadership team creates and sustains healthy community relations, models professional relationships, creates a culture of mutual respect, and serves as a public school advocate for effective collaboration and engagement of internal and external stakeholders.

- Standard A The governance leadership team develops a process for creating a culture where input is sought, heard, and valued

– Elements:

- 1 The governance leadership team aligns its actions and decisions, which impact board and community culture, to the school system's strategic plan.
- 2 The interactions of the governance leadership team with the community create a culture in which ideas are sought, heard, and valued, and are based on collaborative review of research and data

Standards for Effective Governance of Georgia School Systems -
Domain IV: Policy Development

Description: The board adopts, revises, and follows written policies in accordance with laws and state board rules that include but are not limited to those that support improved student achievement, fiduciary responsibility, community and stakeholder engagement, organizational effectiveness, and continuous improvement.

- Standard A. The board of education adopts, revises, and follows written policies that are clear, up-to-date, and in compliance with the school system's strategic plan, state constitution, state and federal laws and state board rules.

– Elements:

- 1 The governance leadership team promotes policy development that is aligned with the system strategic plan and supports improved student achievement and organizational effectiveness
- 2 The board, through a local board policy, adopts, revises, and follows effective procedures for:
 - a) Policy development, adoption, revisions, and repeal
 - b) Emergency adoption of policies
 - c) Policy dissemination
- 3 The board solicits and receives recommendations from the superintendent on any proposed policies
- 4 The board provides opportunities for public review on proposed policies before final board action is taken
- 5 The board approves procedures for policies to be systematically reviewed.
- 6 The board holds the superintendent accountable for the consistent implementation of adopted policies.
- 7 The governance leadership team develops policies consistent with Domain VIII - Ethics

Standards for Effective Governance of Georgia School Systems -
Domain V: Board Meetings

Description: In order to conduct official business for the purpose of improving student achievement and organizational effectiveness, the governance leadership team plans and conducts board meetings in accordance with Open Meetings Law and local board policy

- Standard A. The board announces and holds meetings in accordance with local board policy and the Open Meetings Law (O.C.G.A. §50-14-1)

– Elements:

- 1 The board adopts a policy defining the process for developing board meeting agendas, to include, but not limited to:
 - a how the agenda is prepared and by whom
 - b a process to remove or place items on the agenda
 - c a process to allow requests for additional information on agenda items
 - d procedures through which the public can provide information, ideas, or input on agenda items
- 2 Board of education meeting agendas consistently include components that demonstrate alignment with the system's strategic plan
- 3 The superintendent posts board meeting agendas for public review
- 4 The board of education uses a "consent agenda" procedure when appropriate.

Standards for Effective Governance of Georgia School Systems –
Domain V: Board Meetings

Description: In order to conduct official business for the purpose of improving student achievement and organizational effectiveness, the governance leadership team plans and conducts board meetings in accordance with Open Meetings Law and local board policy.

Standard A (cont'd) The board announces and holds meetings in accordance within local board policy and the Open Meetings Law (O.C.G.A. §50-14-1).

• Elements:

1. The board of education conducts meetings in accordance with the meeting agenda, once approved, and departs from the agenda only under circumstances allowed under the Open Meetings Law (O.C.G.A. §50-14-1) and by a majority (simple majority, super majority, or unanimous vote) previously specified in local board policy.
2. The Board is trained in, and conducts meetings in a manner consistent with, parliamentary procedure.
3. The superintendent ensures accurate records are recorded and maintained as prescribed by the Open Records Act (§ 50-18-70).
4. The board of education plans and conducts business meetings in open and closed sessions in a manner consistent with the Open Meetings Law (O.C.G.A. §50-14-1).
5. The governance leadership team conducts meetings consistent with Domain VIII – Ethics.

Standards for Effective Governance of Georgia School Systems –
Domain VI: Personnel

Description: The Board of Education employs, sets performance expectations for, and evaluates the work of the superintendent, sets personnel policies and approves or denies personnel actions recommended by the superintendent in order for him/her to manage the system workforce to improve student achievement and organizational effectiveness.

Standard A. The board of education employs a superintendent who acts as the Executive Officer of the school system.

• Elements:

1. The board's search and hiring processes result in selecting a superintendent with the verified knowledge, expertise, skills and prior performance history that predict successful performance in execution of Superintendent duties and responsibilities in alignment with the school system strategic plan.
2. The board sets performance expectations for the superintendent through the adoption of a strategic plan, the adoption of a current job description, the adoption of professional development and evaluation plan, and adherence to state law.
3. The board of education invests in the Superintendent professional development to ensure alignment to the school system strategic plan, and current job description.

Standards for Effective Governance of Georgia School Systems –
Domain VI: Personnel

Description: The Board of Education employs, sets performance expectations for, and evaluates the work of the superintendent, sets personnel policies and approves or denies personnel actions recommended by the superintendent in order for him/her to manage the system workforce to improve student achievement and organizational effectiveness.

• Standard B: The board of education evaluates the professional performance of the superintendent.

• Elements:

1. The board annually evaluates the superintendent's job performance as outlined in the evaluation plan.
2. The evaluation instrument and process are developed by the board in collaboration with the superintendent, based on clear, written measurable performance targets and indicators, and aligned with the school system's strategic goals.
3. The board receives training in the superintendent's evaluation process, and current evaluation instrument, and objectively follows that process for evaluation.
4. The superintendent's evaluation will be reflected in meeting agenda minutes, noting participating members, however, the results of the evaluation of the superintendent will remain confidential.

Standards for Effective Governance of Georgia School Systems –
Domain VI: Personnel

Description: The Board of Education employs, sets performance expectations for, and evaluates the work of the superintendent, sets personnel policies and approves or denies personnel actions recommended by the superintendent in order for him/her to manage the system workforce to improve student achievement and organizational effectiveness.

• Standard C: The board adopts personnel policy that is implemented by the superintendent.

• Elements:

1. The board adopts personnel policies that are aligned with the school system's strategic plan and organizational effectiveness and consistent with applicable statutes.
2. The board and individual board members do not engage in the implementation of personnel policy, including the employment, assignment, or dismissal of personnel, except to accept or reject the recommendations of the superintendent.
3. The board holds the superintendent accountable for assuring that all personnel in the school system are evaluated in accordance with the school system's mission, strategic plan, school system personnel policies, and applicable statutes.
4. The board follows state laws in matters of school system employee discipline.
5. The board makes personnel decisions consistent with Domain VIII – Ethics.

Standards for Effective Governance of Georgia School Systems –
Domain VII: Financial Governance

Description: The board provides guidance to the superintendent and sets sound fiscal policy so that the school system is an effective steward of all resources to support student achievement and organizational effectiveness.

• Standard A: The board of education upon recommendation of the superintendent adopts a budget that adheres to State law provisions and consistent with its strategic plan.

• Elements:

1. The board provides guidance to the superintendent, who develops and manages the budget in accordance with the school system's strategic plan, and adopts fiscal policies that assure improved student achievement and organization effectiveness.
2. The board conducts budgeting discussions with the superintendent and establishes specific budget parameters where deemed necessary or appropriate.
3. The governance leadership team seeks community and stakeholder input, review, and feedback on the budget.
4. The board approves, after careful consideration of sound business and fiscal practices, the school system's budget reflecting the strategic plan.

Standards for Effective Governance of Georgia School Systems –
Domain VII: Financial Governance

Description: The board provides guidance to the superintendent and sets sound fiscal policy so that the school system is an effective steward of all resources to support student achievement and organizational effectiveness.

• Standard B: The board of education adopts policy for sound fiscal management and monitors the implementation of the budget in accordance with state laws and regulations.

• Elements:

1. The board develops policies to ensure sound fiscal management, including but not limited to: balanced budget requirements, spending level authorizations and permissions, deficit spending restrictions, establishment of special funds, and reserve maintenance requirements.
2. The board holds the superintendent accountable for the implementation of the budget in a manner consistent with the strategic plan.
3. The board establishes, through policy, the level of spending beyond the budget for which the superintendent must seek board approval.
4. The board monitors the school system's audits, monthly financial reports, and additional financial reports needed to make informed decisions and to ensure execution of the budget in a manner consistent with the strategic plan and strategic goals of the school system.

Roles of LBOE & Superintendent O.C.G.A. § 20-2-61(a)

- LBOE – fundamental role shall be to establish policy for the local school system with the focus on student achievement
- Superintendent – fundamental role shall be to implement the policy established by the local board
- The LBOE or individual members shall not micromanage the superintendent in executing his/her duties, but it shall be the duty of LBOE to hold the school superintendent accountable in the performance of his/her duties

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Standards for Effective Governance of Georgia School Systems--Domain III: Board & Community Relations

Description: In order to ensure improved student achievement and organizational effectiveness, the governance leadership team creates and sustains healthy community relations, models professional relationships, and creates a culture of mutual respect for effective collaboration and engagement of internal and external stakeholders.

- Standard B: The board develops policies to ensure effective communication and engagement of all stakeholders which support the strategic plan, desired culture and continuous improvement of the school system
 - Elements:
 - 1 The governance leadership team develops and supports implementation of a communications plan aligned with the school system's strategic plan
 - 2 The governance leadership team formally and informally communicates to stakeholders, its strategic plan, desired culture and improvement needs, and student performance expectations progress, targets, and results
 - 3 The governance leadership team and individual members' communication demonstrates transparency of intentions, actions, decisions, successes, progress statuses, benchmarks and barriers to achievement of goals and performance targets
 - 4 The governance leadership team will implement a communication plan consistent with Domain VIII – Ethics

Standards for Effective Governance of Georgia School Systems- Domain V: Board Meetings

Description: In order to conduct official business for the purpose of improving student achievement and organizational effectiveness, the governance leadership team shall plan and conduct board meetings in accordance with Open Meetings Law and local board policy.

Standard A The board announces and holds meetings in accordance with local board policy and the Open Meetings Law (O.C.G.A. §50-14-1)

- Elements
 1. The board adopts a policy defining the process for developing board meeting agendas, to include, but not limited to
 - a. how the agenda is prepared and by whom
 - b. a process to remove or place items on the agenda
 - c. a process to allow requests for additional information on agenda items
 - d. procedures through which the public can provide information, ideas, or input on agenda items
 2. Board of education meeting agendas consistently include components that demonstrate alignment with the system's strategic plan
 3. The superintendent posts board meeting agendas for public review
 4. The board of education uses a "consent agenda" procedure when appropriate

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Open Meetings

(e)(1) Prior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting site, as far in advance of the meeting as reasonably possible, but shall not be required to be available more than two weeks prior to the meeting and shall be posted, at a minimum, at some time during the two-week period immediately prior to the meeting. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

O.C.G.A. § 50-14-1

When Does the Board Make Decisions?

- Board governs only during its meetings,
- Board may not take action outside a meeting of the Board;
- Board members are responsible to be prepared for meetings

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When the Board Meets . . .

- All meetings of the board must be called and conducted as required by Georgia's Open Meetings Act (O.C.G.A. § 50-14-1 and following sections);
- OMA requires. Prior notice of any meeting of the board and its proposed agenda;
- All meetings must be open to the public unless specifically authorized to be closed

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"Meeting" is defined as follows:

The gathering of a **quorum** of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is **formulated, presented, discussed, or voted upon**;

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"Meeting" definition

The gathering of a quorum of any committee of the members of the governing body of an agency or a quorum of any committee created by the governing body at which any official business, policy, or public matter of the committee is *formulated, presented, discussed, or voted upon*.

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Five Gatherings that are NOT meetings

- (i) The gathering of a quorum for the purpose of making inspections of physical facilities or property under the jurisdiction of such agency at which no other official business of the agency is to be discussed or official action is to be taken,
- (ii) The gathering of a quorum for the purpose of attending state-wide, multijurisdictional, or regional meetings to participate in seminars or courses of training on matters related to the purpose of the agency or to receive or discuss information on matters related to the purpose of the agency at which no official action is to be taken by the members,

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Five Gatherings that are NOT meetings cont'd

- (iii) The gathering of a quorum for the purpose of meeting with officials of the legislative or executive branches of the state or federal government at state or federal offices and at which no official action is to be taken by the members,
- (iv) The gathering of a quorum for the purpose of traveling to a meeting or gathering as otherwise authorized by this subsection so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum, or

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Five Gatherings that are NOT meetings cont'd

- (v) The gathering of a quorum at social, ceremonial, civic, or religious events so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum

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But ...

This subparagraph's exclusions from the definition of the term 'meeting' shall not apply if it is shown that the primary purpose of the gathering or gatherings is to evade or avoid the requirements for conducting a meeting while discussing or conducting official business.

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This chapter shall not apply to the following:

- Mediation of a dispute between the agency and any other party
- Any decision or resolution agreed to by an agency at any such caucus shall not become effective until ratified in a public meeting and the terms of any such decision or resolution are disclosed to the public. Any final settlement shall be subject to the [ORA]
- Incidental conversation unrelated to the business of the agency, or
- E-mail communications among members of an agency, provided, however, that such communications shall be subject to disclosure pursuant to [the ORA]

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Three Types of Board Meetings

- Regularly scheduled monthly meeting,
- Special or called meeting,
- Emergency meeting

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May a Board Close to the Public a Portion of a Meeting?

- Executive sessions of the board;
- Personnel, real estate, student matters & attorney-client conferences;
- Procedure for closing a portion of the meeting;
- Chair's affidavit

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Executive Session Subjects

O C G A § 50-14-3(b)(2)

Meetings when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee or interviewing applicants for the position of the executive head of an agency. This exception shall not apply to the receipt of evidence or when hearing argument on personnel matters, including whether to impose disciplinary action or dismiss a public officer or employee or when considering or discussing matters of policy regarding the employment or hiring practices of the agency. The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available. Meetings by an agency to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public as provided in this chapter;

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Executive Session Subjects

- O C G A. § 50-14-3(b)(1) - Meetings when any agency is discussing or voting to.
 - (A) Authorize the settlement of any claims that could be discussed with legal counsel in executive session,
 - (B) Authorize negotiations to purchase, dispose of, or lease property,
 - (C) Authorize the ordering of an appraisal related to the acquisition or disposal of real estate,
 - (D) Enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote, or
 - (E) Enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote

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But ...

No vote in executive session to acquire, dispose of, or lease real estate, or to settle litigation, claims, or administrative proceedings, shall be binding on an agency until a subsequent vote is taken in an open meeting where the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote or where the parties and principal settlement terms are disclosed before the vote,

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Executive Session Subjects

O.C.G.A. § 50-14-3(b)(4)

Portions of a meeting during which that portion of a record made exempt from public inspection or disclosure pursuant to [the Open Records Act] is to be considered by [the board] and there are no reasonable means by which the agency can consider the record without disclosing the exempt portions if the meeting were not closed

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What about Closing a Meeting to Meet with the Board's Attorney?

[A] meeting otherwise required to be open to the public may be closed in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the [Board] or any officer or employee or in which the [Board] or any officer or employee may be directly involved, provided, however, the meeting may not be closed for advice or consultation on whether to close a meeting

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What if a Board Violates the Open Meetings Act?

Any . . . official action of [the Board] adopted, taken, or made at a meeting which is not open to the public as required by this chapter shall not be binding. Any action contesting . . . action of [a Board] based on an alleged violation of this provision shall be commenced within 90 days of the date such contested action was taken . . . or from the date the challenging party knew or should have known of the violation

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Sanctions

- Knowing and willful violation
 - Misdemeanor, fine up to \$1000.00
- Civil penalty may be imposed for negligently violating Open Meetings Act
 - Fine up to \$1000 for first violation
- Civil penalty or criminal fine up to \$2500 per violation for each additional violation within a 12 month period from date first penalty or fine imposed
- Good faith defense in criminal action

Hiring Personnel: What Does the Law Provide?

All teachers, principals, other certificated professional personnel, and other personnel of a local unit of administration shall be employed and assigned by its governing board on the recommendation of its executive officer

O.C.G.A. § 20-2-211(a)

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Hiring Personnel Requires Board and Superintendent Concurrence

- No person may become an employee of the district without board approval;
- The board may not hire any person without the recommendation of the superintendent

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Conflict of Interest in Hiring Employees

No local board of education shall employ or promote any person who is a member of the immediate family of any board member unless a public, recorded vote is taken on such employment or promotion as a separate matter from any other personnel matter. Any board member whose immediate family member is being considered for employment shall not vote on such employment.

O C G A § 20-2-58 1

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Who Is the "Immediate Family" of a Board Member?

As used in this Code section, the term "immediate family" means a spouse, child, sibling, or parent, or the spouse of a child, sibling, or parent.

O C G A § 20-2-58 1

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Nepotism

- No person who has an immediate family member sitting on a LBOE or serving as the local school superintendent, or as a principal, assistant principal, or system administrative staff in the local school system shall be eligible to serve as a member of such LBOE.
- "Immediate Family Member" – spouse, child, sibling, or parent or spouse of a child, sibling or parent whose employment as the local school superintendent or as a principal, assistant principal, or system administrative staff in the local school system began on or after January 1, 2010.
- Applies only to BOE members elected or appointed after 7/1/09.

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Terminating Employees and Federal Law

- All school district employees protected by Title VII, ADEA, ADA prohibiting discrimination based on race, color, national origin, sex, religion, disability or age,
- Employees also have certain first and fourteenth amendment rights while employed by a school district.

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Terminating Employees and the Fair Dismissal Act of Georgia

- Know the Difference: "At will" employees, employees under contract and employees with tenure,
- How are "at will" employees terminated?

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Terminating Employees Under Contract

- What reasons does the law provide for terminating employees under contract?
 - Incompetency, Insubordination, Willful neglect of duties,
 - Immorality, Encouraging students to violate rules or laws, Reduction in force, Failure to maintain educational training, and
 - Other good and sufficient cause
 - Requires a hearing
- O C G A § 20-2-940

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Which Employees Have Tenure?

- What is tenure?
- What is transfer tenure?
- Do administrators have tenure?
- A person who first becomes a school administrator on or after April 7, 1995, shall not acquire any [tenure]rights with respect to any position of school administrator
O.C.G.A. § 20-2-942

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Procedures for Non-Renewing Tenured Employees

- May 15th every year,
- Right to Request a hearing,
- Thereafter, process essentially the same as terminating teacher under contract

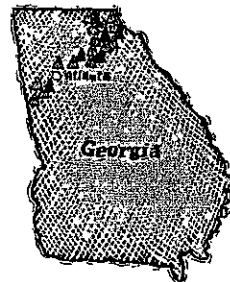
50

Importance of Evaluation and Documentation of Ineffective Teachers or Administrators

- Documenting performance problems is key to establishing grounds for termination or non-renewal, or,
- All employees must be evaluated annually,
- Defending against charges of discrimination
- Evaluations should not be paperwork burden but a teacher improvement program
- Board must support administrators when they do their jobs

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The Fundamentals of State and Federal Law



VS.



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What is Due Process?

Nor shall any State deprive any person of life, liberty or property, without due process of law....

—14th Amendment of the U.S. Constitution

Why All the Hoops?

➤ "Having chosen to extend the right to education. .[the State] may not withdraw that right on grounds of misconduct, absent fundamentally fair procedures to determine whether the misconduct has occurred." Goss v. Lopez

➤ "The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia. Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation." Art. VIII, Sect 1, Para 1, Constitution of State of Georgia

What About the US Constitution?

"Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a **property interest** which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause."

—Goss v. Lopez

What is Due Process?

- Notice
 - What can lead to consequence?
 - What is the consequence?
- Right to be heard
- Before impartial tribunal

Goss v. Lopez

- The Supreme Court in Goss specifically limited its decision to short suspensions – those not exceeding 10 days, but...
- "Longer suspensions or expulsions for the remainder of the school term, or permanently, may require more formal procedures."

When and Why a Tribunal is Necessary

Disciplinary Tribunal Act - O.C.G.A. § 20-2-751

As used in this subpart, the term:

- (1) "Expulsion" means expulsion of a student from a public school beyond the current school quarter or semester
- (2) "Long-term suspension" means the suspension of a student from a public school for more than ten school days but not beyond the current school quarter or semester.
- (3) "Short-term suspension" means the suspension of a student from a public school for not more than ten school days.

Goss v. Lopez

What does it say about short-term suspension?

"Students facing temporary suspension have interests qualifying for protection of the Due Process Clause, and due process requires, in connection with a suspension of 10 days or less, that the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story"

Goss v. Lopez cont'd

"In the great majority of cases the disciplinarian may informally discuss the alleged misconduct with the student minutes after it has occurred. We hold only that, in being given an opportunity to explain his version of the facts as this discussion, the student first be told what he is accused of doing and what the basis of the accusation is. Lower courts which have addressed the question of the nature of the procedures required in short suspension cases have reached the same conclusion."

O.C.G.A. § 20-2-753

O.C.G.A. § 20-2-753. Alleged violation of student code of conduct resulting in recommendation of suspension or expulsion of longer than ten school days or alleged assault or battery of a student by a teacher or other school official or employee so

(a) In a hearing before the local board of education, the principal shall recommend a suspension or expulsion of longer than ten school days or an alleged assault or battery by a student upon any teacher or other school official or employee, if such teacher or other school official or employee so

(b) Nothing in this Code section shall be construed to infringe on any right provided to students with Individualized Education Programs pursuant to the federal Individuals with Disabilities Education Act, Section 304 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990.

Meeting Timelines & Essentials of the Charge Letter – O.C.G.A. § 20-2-754

(a) The provisions of Code Section 20-2-1160 shall apply to disciplinary proceedings under this subpart.

(b) A disciplinary officer, panel, or tribunal of school officials appointed as required by Code Section 20-2-753 shall, in addition to any other requirements imposed by rules and regulations which may have been promulgated pursuant to Code Section 20-2-752, ensure that:

(1) All parties are afforded an opportunity for a hearing after reasonable notice served personally or by mail. This notice shall be given to all parties and to the parent or guardian of the student or students involved and shall include a statement of the time, place, and nature of the hearing; a short and plain statement of the matters asserted; and a statement as to the right of all parties to present evidence and to be represented by legal counsel;

(2) The hearing is held no later than ten school days after the beginning of the suspension unless the school system and parents or guardians mutually agree to an extension;

O.C.G.A. § 20-2-754 cont'd

(3) All parties are afforded an opportunity to present and respond to evidence and to examine and cross-examine witnesses on all issues unresolved;

(4) Any teacher who is called as a witness by the school system shall be given notice no later than three days prior to the hearing, and

(5) A verbatim electronic or written record of the hearing shall be made and shall be available to all parties

(c) If appointed to review an instance pursuant to Code Section 20-2-753, the disciplinary officer, panel, or tribunal shall conduct the hearing and, after receiving all evidence, render its decision, which decision shall be based solely on the evidence received at the hearing. The decision shall be in writing and shall be given to all parties within ten days of the close of the record. Any decision by such disciplinary officer, panel, or tribunal may be appealed to the local board of education by filing a written notice of appeal within 20 days from the date the decision is rendered. Any disciplinary action imposed by such officer, panel, or tribunal may be suspended by the school superintendent pending the outcome of the appeal.

O.C.G.A. § 20-2-754 cont'd

(d) The local board of education shall review the record and shall render a decision in writing. The decision shall be based solely on the record and shall be given to all parties within ten days, excluding weekends and public and legal holidays provided for in Code Section 1-4-1, from the date the local board of education receives the notice of appeal. The board may take any action it determines appropriate, and any decision of the board shall be final. All parties shall have the right to be represented by legal counsel at any such appeal and during all subsequent proceedings.

(e) Either or both parents or guardians or legal counsel of the student involved may obtain a copy of any documents relating to a disciplinary proceeding conducted pursuant to this Code section.

O.C.G.A. § 20-2-1160

(a) Every county, city, or other independent board of education shall constitute a tribunal for hearing and determining any matter of local controversy in reference to the construction or administration of the school law, with power to summon witnesses and take testimony if necessary. When such local board has made a decision, it shall be binding on the parties, provided, however, that the board shall notify the parties in writing of the decision and of their right to appeal the decision to the State Board of Education and shall clearly describe the procedure and requirements for such an appeal which are provided in subsection (b) of this Code section.

(b) Any party aggrieved by a decision of the local board rendered on a contested issue after a hearing shall have the right to appeal therefrom to the State Board of Education. The appeal shall be in writing and shall distinctly set forth the question in dispute, the decision of the local board, and a concise statement of the reasons why the decision is complained of, and the party taking the appeal shall also file with the appeal a transcript of testimony certified as true and correct by the local school superintendent. The appeal shall be filed with the superintendent within 30 days of the decision of the local board, and within ten days thereafter it shall be the duty of the superintendent to transmit a copy of the appeal together with the transcript of evidence and proceedings, the decision of the local board, and other matters in the file relating to the appeal to the state board. The state board shall adopt regulations governing the procedure for hearings before the local board and proceedings before it.

O.C.G.A. § 20-2-1160 cont'd

(c) Where an appeal is taken to the state board, the state board shall notify the parties in writing of its decision within 15 days after hearing thereon and of their right to appeal the decision to the superior court of the county wherein the local board of education is located and shall clearly describe the procedure and requirements for such an appeal which are provided in this subsection and in subsection (d) of this Code section. Any party aggrieved thereby may appeal to the superior court of the county wherein the local board of education is situated. Such appeal shall be filed in writing within 30 days after the decision of the state board. Within ten days after filing of such appeal, it shall be the duty of the State School Superintendent to transmit to the superior court a copy of the record and transcript sent up from the local board as well as the decision and any order of the state board, certified as true and correct.

(d) The following form shall be sufficient for an appeal

"In re _____
_____ hereby appeals to the _____ from the decision of _____ rendered in the above-stated matter on _____
This _____ day of _____, _____."

O.C.G.A. § 20-2-1160 cont'd

(e) Neither the state board nor the superior court shall consider any question in matters before the local board nor consider the matter de novo, and the review by the state board or the superior court shall be confined to the record. In the superior court, the appeal shall be determined by the judge sitting without a jury.

(f) The procedures provided in subsections (a) through (e) of this Code section shall not be applicable to disabled children when a hearing is necessary to decide a complaint made under the federal Education for All Handicapped Children Act of 1975. The state board shall promulgate by rules and regulations an impartial due process procedure for hearing and determining any matter of local controversy in reference to the construction or administration of the school law with respect to disabled children as such term is defined by the state board. Any tribunal which the state board shall empower to hear such cases shall have the power to summon witnesses and take testimony as such tribunal deems it necessary in promulgating such rules and regulations, the state board shall consult with local boards of education and other local school officials in order to establish procedures required by this subsection which will coordinate, to the extent practicable, with the administrative practices of such local boards.

Appeal to the State Board

> What is the standard of review of the evidence as to guilt?

> What is the standard of review as to the appropriateness of the punishment?

> What about procedural issues?

Remove from any policies or handbooks any reference to April 15 as the contract/nonrenewal deadline, since May 15 is now permanent.

O.C.G.A. § 20-2-211

69

Do not hire retired employees under a 100% employment contract.

O.C.G.A. § 47-3-127.1

70

Review insurance available to classified employees in light of budget restrictions, dramatically increased costs, and changes in federal law.

Begin to plan for substitute teachers to either work less than 30 hours per week or to be provided health insurance, once the ACA goes into effect.

71

Make sure that your procedures for student-on-student bullying/ harassment are in place and try to avoid those incidents that might lead to an OCR complaint.

72

HB 284 – Concussion Management

Develop concussion management and return to play policy, provide information sheet to parents, and train staff.

O.C.G.A. § 20-2-324.1

73

HB 337: Epi-pens Again

- Schools authorized to “acquire and stock a supply of auto-injectable epinephrine” with prescription
- Schools may designate trained “employee or agent” to be responsible for storage, maintenance, and distribution of stocked epi-pens
- Employee can administer or give to student for self-administration, even without student prescription
- School personnel who in good faith administer or choose not to administer are immune from civil liability for any act or omission to act, unless misconduct is willful or wanton.

74

SB 212 – CPR and AED Training O.C.G.A. § 20-2-149.1

- Beginning 2013-2014 school year
- Schools with grades 9-12 must provide instruction in cardio-pulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) to students in existing high school health or physical education courses

75

How Not to Waive Official Immunity?

Avoid mandates in policy and procedures

Provide discretion to those in charge

Use the right words

76

HB 382: Recreational Joint-Use Agreements

- *Written agreement between the governing authority of a school and a private entity authorizing such entity to access the facilities of a school under the governing authority's jurisdiction for the purposes of conducting or engaging in recreational, physical, or performing arts activity.*
- *Agreement must include terms and conditions for use, hold-harmless provision, allow governing authority to revoke at any time, \$1 million in liability insurance, and citation to new code section, O.C. G.A. § 51-1-52.*

77

A new SBOE Rule for Awarding Units and Transferring Credits

Review policy for validating credit for courses taken at non-accredited and home schools;

Decide whether to develop local policy for awarding credit based on competency and not seat time;

Implement “test out” provision based on EOCT and determine who pays if student does not test out.

SBOE Rule 160-5-1-.15

78

Making Online Learning Opportunities Available to Students

- Required by 2012's SB 289
- Districts must notify students and parents of opportunities beginning 2013-14 school year
- Online courses can be accessed through Georgia Virtual School, local virtual schools, or for-profit school vendors
- Students attending public schools can take courses during regular school day at no cost to them; fees may apply for courses outside regular school day
- Courses taken during day from for-profit vendor must be paid by school district; districts make arrangements with such vendors

79

Complying with SB 289

- May 2013 E-mail from DoE:
- Notifying parents and students of online opportunities
 - Use SDOE model letter or create your own
 - "Notify via email and/or district/school webpage"
 - Utilize information through cleannghouse
- Providing opportunities within reason to students who request online courses as part of their regular school day
 - Access to computer in lab or media center staggered throughout school day
 - Opportunity to take course off campus at beginning or end of each school day
 - Access through BVOT initiative

80

HB 283 and Tax Credits for Private Schools

- Requires public school enrollment and attendance for 6 weeks unless the student:
 - lives in zone for low-performing school;
 - has been documented to be subject of physical violence or verbal abuse threatening physical harm, or,
 - was enrolled for one year in home study program.

O.C.G.A. § 20-2A-1

81

HB 70- Special Education Vouchers

- SBOE is authorized, on case by case basis, for student's "specific medical needs" upon parent request in accordance with SBOE procedures, to:
- require LBOE to expedite development of IEP, even before beginning of school year
 - waive the prior school year attendance requirement

O.C.G.A. § 20-2-2114(a)(3)

82

Review your options prior to June 30, 2015 whether to become IE2 system, charter system or maintain the status quo; unless the law gets changed or extended by the General Assembly.

O.C.G.A. § 20-2-80

83

What options are available?

- O.C.G.A. § 20-2-84.3: By June 30, 2015, each local school system must either:
 - Notify SDOE of its intent to request flexibility pursuant to an IE² (Investing in Educational Excellence) contract with SBOE, OR
 - Comply with O.C.G.A. § 20-2-80(b) (status quo)
- O.C.G.A. § 20-2-84.5 IE² legislation does not apply to charter systems or those in the charter system application process.

84

What is a charter system?

Definition	<ul style="list-style-type: none"> A local district that has an executed charter from the SBOE that grants the district flexibility from almost all of Title 20, SBOE rules, and GDOE guidelines
Facts & Features	<ul style="list-style-type: none"> The charter is a contract between district and SBOE The district gains flexibility to innovate in exchange for increased academic accountability Emphasis on school based leadership and decision making
Relative Advantages/Disadvantages	<ul style="list-style-type: none"> Increased school level autonomy and accountability Financial savings possible from waivers Additional per pupil funding in QBE if appropriated
Federal/State Compliance	<ul style="list-style-type: none"> Must comply with all federal laws and regulations Must comply with all state laws, rules and regulations that cannot be waived (e.g., health and safety)

55

Definitions in Charter Schools Act - O.C.G.A. § 20-2-2062

- (5.1) "Governing council" means a school level council of parents, teachers, administrators, and others who are involved in school level governance within a charter system.
- (12.1) "School level governance" means decision-making authority in personnel decisions, financial decisions, curriculum and instruction, resource allocation, establishing and monitoring the achievement of school improvement goals, and school operations.

56

Charter Systems and Governance O.C.G.A. § 20-2-2063(d)

The State Board of Education shall establish rules, regulations, policies, and procedures to provide for a charter petition from a local school system to establish a charter system. Such rules, regulations, policies, and procedures shall require that a charter petition and the charter contain an explanation of the structure, rights, and responsibilities of the principal, governing council, and local board of education of the system charter school, with an objective of maximizing school level governance and the involvement of parents, teachers, and community members in such governance.

57

GDOE Guidelines for the Charter Schools Petition Process

GOVERNANCE STRUCTURE AND SCHOOL LEVEL GOVERNANCE.

All charter system petitions must provide a detailed explanation of the system's governance structure and school-level governance, which highlights the differences between the current structure of the system and the proposed charter system, addressing each of the following elements:

- (1) Description of the organizational structure, including the general areas of responsibility for the principal of each charter system school, the governing council of each school, and the LBOE. With respect to governing councils, provide a statement for each of the following:

- (a) The composition of the governing council, terms, removal, etc

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Charter System Petitions cont'd

- (2) A detailed description of the decision-making authority of the principal of a charter system school, the governing council, and the LBOE, including an explanation of the rights and responsibilities of each, and providing specific examples of how decisions will be made, in each of the following areas:
 - (a) Personnel decisions, including hiring school principals and teachers,
 - (b) Financial decisions,
 - (c) Curriculum and instruction,
 - (d) Resource allocation,
 - (e) Establishing and monitoring the achievement of school improvement goals, and
 - (f) School operations
- (3) Provide a plan for maximizing school-level governance throughout the duration of the charter.

59

2013 Changes in HB 283 Affecting Charter Systems

For charter systems, annual report must include description of:

- Actual authority exercised by governing councils with regard to school level governance components in listed in O.C.G.A. § 20-2-2062 (12.1);
- Training received by governing councils and school administrators;
- Steps, if any, the charter system plans to take to increase school level governance in the future
- Itemization of how additional funds have promoted school level governance or improved student achievement
- Comparison of actual performance vs. goals set in charter

60

More 2013 Changes - HB 283

- Supplemental funding for charter systems now “shall be used in accordance with the recommendations of the school level governing body...or to advance student achievement goals and school level training objectives pursuant to the charter.”
- As to Charter School Petitions
 - Local board has 90 days instead of 60 days to approve or deny petition; still only 60 days to give reasons for denial to petitioner and SBOE

91

What is a status quo system?

Definition	• A local district that has formally rejected all flexibility options
Facts & Features	• No performance contract • No district flexibility from Title 20, SBOE rules, or CaDOE guidelines except in the case of a natural disaster
Relative Advantages/Disadvantages	• No change is required • No financial savings from waivers
Federal/State Compliance	• Must comply with all federal laws and regulations • Must comply with ALL state laws, rules and regulations

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If you choose the status quo...

O.C.G.A. § 20-2-80

(b) A local school system may elect not to request increased flexibility in exchange for increased accountability and defined consequences and opt to remain under all current laws, rules, regulations, policies, and procedures, and such local school system shall

(1) Conduct a public hearing for the purpose of providing public notice that such local school system is opting for the status quo. The public hearing shall be advertised in a local newspaper of general circulation which shall be the same newspaper in which other legal announcements of the local board of education are advertised, and

(2) Sign a statement on a form provided by the state board that such local school system is opting for the status quo

93

What laws and rules do we really want to waive?

- School districts have come to rely on waivers for:
 - Class size
 - Expenditure controls
 - Employee certification requirements
 - State salary schedule
 - Required personnel, such as 49% superintendent

94

So What Can Be Waived in Charter Schools or Systems?

- Certification (replaced with what?)
- Contracts for teachers (at will employment?)
- State salary scale (separate scale or negotiated)
- Benefits to extent statutory, ex sick leave
- Nonrenewal Rights and Tenure
- Who is Employer?

95

What cannot be waived under any option?

- Federal rules/ regulations
- State and local rules/regulations such as insurance, physical health, school safety; assessment, QBE funding, etc.
- Court orders, civil rights statutes
- Conflicts of interest; unlawful conduct
- Clearance certificates
- New evaluation system

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Flexibility and Title 20

IEP System	System of Charter Schools	Strategic School System	Charter System	Status Quo
>School System seeks waivers – must include at least one of the following: class size, expenditure control, certification, salary schedule	>Schools must state how broad flexibility permitted by the Charter Schools Act will be utilized to improve student achievement >School must provide examples of how they will utilize the broad relief from Title 20 permitted by the Charter Schools Act	>School System must state how bundled Title 20 waiver requests for flexibility permitted by state statute and State Board rule will be utilized. >School System cannot include the following: class size, expenditure control, certification, salary schedule	>School System must provide examples of how broad flexibility permitted by the Charter Schools Act will be utilized to improve student achievement	>Waivers granted only in the case of a natural disaster >Statewide waivers expire June 30, 2015

Governance

IEP System	System of Charter Schools	Strategic School System	Charter System	Status Quo
>School System may maximize school level governance by granting local schools authority to determine how to reach goals	>School System must provide each school with substantial autonomy and maximum school-level governance and decision making over budgets, programs, personnel and innovation	>School System may maximize school level governance by granting local schools authority to determine how to reach goals, manage personnel, and develop innovative strategies	>School System must provide each school with substantial autonomy and maximum school level governance and decision making over budgets, programs, personnel and/or innovation	>No change in school level governance

4 Responsibilities of a School Board

Strategic Plan	• Adopt a five-year strategic plan
Budget	• Adopt a budget to fund the strategic plan
Superintendent	• Hire a leader to implement the strategic plan within budget
Accountability	• Hold the leader accountable for implementing the strategic plan within budget

Sharing the Superintendent's Authority

- Beyond the 4 responsibilities of a school board, everything else is the Superintendent's responsibility
- Therefore, it is the Superintendent's authority that is shared with schools in a charter system or a system of charter schools
- The authority of a local Board of Education is not diminished unless it has inappropriately taken the Superintendent's authority

2013's HB 327 is still alive... Flexibility and Accountability Act for Student Achievement

- Tiered flexibility based on CCRPI ratings- state would focus its efforts on struggling schools and systems, while allowing successful ones to "continue their efforts unfettered by state oversight."
- School systems would be categorized as Category 1, 2, or 3;
 - Category 3- charter systems, which continue as currently
 - Category 2- high performers with certain scores will be free of most state regulations
 - Category 1- all other districts, who remain under all laws and regulations or apply for waivers aligned with strategic plan, subject to strong oversight from SDOE

Governing without a net ...

- Local Control in the Eye of the Beholder
- How Local Do We Want Our Control to Be?
- Who Makes the Rules if There Are no Rules?
- What if it Doesn't Work?
- Follow the Money

SB 115 and Local Boards

- Board members who were not serving on the local board at the time an accrediting agency placed the board on probation will not be subject to removal by the SBOE
- LBOE is prohibited from spending any public funds for attorneys' fees or litigation expenses relating to such proceedings.
- LBOE member who is suspended and subsequently reinstated though appeal process can be reimbursed for reasonable attorneys' fees and related expenses
- Watch for Georgia Supreme Court decision

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More HB 283 and Local Boards

- When local acts require submission for preclearance to the U.S. Dept of Justice, a local board member who votes against such submission or to withdraw such submission, shall be guilty of a misdemeanor
- No local funds can be expended for attorney's fees for litigation related to defense of such violation
- Watch for United States Supreme Court Decision

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HB 143- Board Member Local Filings

- Returns filing of contribution reports and personal financial reports for local candidates to local level
- County candidates file with county election superintendent; municipal candidates with city clerk
- Local officials can file electronically, if available, by certified mail or overnight delivery
- Eliminates filing report when raising less than \$2500 per year-candidate signs written notice at qualifying of intent not to accept or expend more than \$2500 during campaign (qualifying fee doesn't count)
- Must file 2 reports if >\$2500 and < \$5000; all reports if exceed \$5000

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MINUTES OF CALLED BOARD MEETING
March 3, 2014

The Whitfield County Board of Education held a called meeting at the Whitfield County Central Office on March 3, 2014. Chairman Louis Fordham called the meeting to order at 5:02 p.m.

Present were the following board members:

Thomas Barton
Louis Fordham
Rodney Lock
Tony Stanley
Bill Worley

Also present were the following staff members:

Judy Gilreath
Carolyn Weaver
Eric Beavers

Adoption of Agenda

Chairman Louis Fordham recommended the board members adopt the agenda as presented. Thomas Barton moved approval and Rodney Lock seconded. The board approved 5-0.

Executive Session

Superintendent Judy Gilreath recommended the board move into executive session for the purpose of discussing a tribunal appeal. Tony Stanley moved approval and Louis Fordham seconded. The board approved 5-0.

Return to Regular Session

The board having taken no action in executive session returned to regular session at 5:39 p.m. Tony Stanley moved approval and Thomas Barton seconded. The board approved 5-0.

Present were the following board members:

Thomas Barton
Louis Fordham
Rodney Lock
Tony Stanley
Bill Worley

Also present were the following staff members:

Judy Gilreath
Carolyn Weaver

Student Tribunal Appeal Decision

Louis Fordham made a motion to uphold the decision of the tribunal panel but with stipulations discussed in executive session. Tony Stanley moved approval and Thomas Barton seconded. The board approved 5-0.

Adjournment

There being no further business, the meeting was adjourned at 5:39 p.m.

Chairman

Secretary

MINUTES OF
CALLED WORK SESSION
March 3, 2014

The called work session meeting of the Whitfield County Board of Education was held at the Whitfield County Central Office on March 3, 2014. Chairman Louis Fordham called the meeting to order at 5:39 p.m.

Present were the following board members:

Thomas Barton
Louis Fordham
Rodney Lock
Tony Stanley
Bill Worley

Others present:

Judy Gilreath, Superintendent
Karey Williams
Eric Beavers
Daniel Theis
Mike Ewton
Carolyn Weaver

Adoption of Agenda

Chairman Louis Fordham recommended the board members adopt the agenda as presented. Rodney Lock moved approval and Louis Fordham seconded. The board approved 5-0.

Executive Session

Superintendent Judy Gilreath recommended the board members move into executive session to discuss personnel and real estate. Chairman Louis Fordham said that a recommendation had been made to move into executive session. Thomas Barton moved approval and Bill Worley seconded. The board approved 5-0.

Adjournment

The board members having taken no action in Executive Session adjourned Executive Session at 6:15 p.m. Rodney Lock moved approval and Bill Worley seconded. The board approved 5-0.

Meeting was adjourned at 6:15 p.m.

Secretary

Chairman

MINUTES OF BOARD MEETING
March 3, 2014

The regular meeting of the Whitfield County Board of Education was held at the Whitfield County Central Office on Monday, March 3, 2014. Board Chairman Louis Fordham called the meeting to order at 6:30 p.m.

Present were the following board members:

Thomas Barton
Louis Fordham
Rodney Lock
Tony Stanley
Bill Worley

Also present were the following staff members:

Judy Gilreath	Audrey Williams
Karey Williams	Wanda Phillips
Daniel Theis	Carolyn Weaver
Eric Beavers	
Mike Ewton	

Also present:

A list of the public in attendance is a part of the backup minutes.

Adoption of Agenda

Chairman Louis Fordham recommended the board members adopt the agenda as presented. Rodney Lock moved approval and Bill Worley seconded. The board approved 5-0.

Pledge of Allegiance

The following students from Valley Point Elementary entered the board room singing a song listing all of the 50 states in the United States:

Emma Bearden	Adrea Norrell
Samantha Ibarra	Leigha Scott
Torre Llewellyn	Maliyah Williams
Paola Loya	

They asked everyone to stand as they led the Pledge of Allegiance.

Moment of Silent Reflection

Louis Fordham asked everyone to observe a moment of silence.

Inspiration

The students that led the Pledge also presented a medley of patriotic songs (You're A Grand Old Flag, This Land Is Your Land, and America, The Beautiful) led by Nancy Dryden, music teacher at Valley Point Elementary School. The board thanked the students.

Recognitions and Presentations

Southeast and Southeast Students Place at the Georgia DECA Region 5A Competition

Louis Fordham recognized the following students for placing 1st, 2nd, or 3rd in the Georgia DECA 5A Competition:

Gabriela Gonzalez for placing 1st in Quick Serve Restaurant Management Series

Raul Garcia for placing 1st in Principles of Business Management Series
Jeff Davis for placing 1st in Principles of Finance Series
Dulce Martinez for placing 2nd in Principles of Marketing Series
Jose Soto-Gomez for placing 2nd in Automotive Services Marketing Series
Cesar Villareal for placing 2nd in Food Marketing Series
Cynthia Maqueda for placing 2nd in Hotel and Lodging Management Series
Kara Ratcliff for placing 2nd in Human Resources Management Series
Dylan Tomasini for placing 3rd in Restaurant and Food Services Management Series
Southeast High School for placing 2nd overall in their DECA Chapter

Louis presented these certificates to Denise Pendley, principal at Southeast High School, since the students could not be there.

Target Recycling - New Hope Middle and Pleasant Grove Elementary

Louis Fordham and Bill Worley presented the following schools certificates of congratulations for making it into the top five schools in Georgia for the 3rd annual Keep America Beautiful Recycle-Bowl a nationwide competition.

New Hope Middle School Placed 2nd overall. Janet Crumley, a teacher at New Hope who was in charge of the project was presented the certificate.

Pleasant Grove Elementary School Placed 3rd overall. Chris Harrison, teacher at Pleasant Grove who was in charge of the project was presented the certificate.

The board thanked them for the great effort.

Youth Art Month Recognition and Proclamation

Louis Fordham shared the following information on Youth Art Month:

Youth Art Month is an annual observance each March to emphasize the value of art and art education for all children and to encourage support for quality school art programs. Youth Art Month serves to recognize art education as a viable component of the total education curriculum that develops citizens of a global society. At this time Louis Fordham read and signed the Youth Art Month Endorsement.

Louis Fordham shared the following information on two students from Whitfield County whose art was chosen to be on display at the state capitol for the month of March. He said that the Capitol Art Exhibit is cosponsored by the Georgia Art Education Association and the Office of the Secretary of State. It is the premier event of Youth Art Month and the largest student exhibit in the state. The purpose of the exhibit is to share with our legislators and the public the exceptional, creative ability of Georgia's students.

Louis Fordham and Bill Worley presented the following students certificates of congratulations for having artwork displayed in the month-long exhibit at the state capitol:

Maribel Fraire – 8th Grade Eastbrook Middle
Viviana Martinez – 8th Grade Eastbrook Middle

2014 Governor's Honors Program Nominees

Louis Fordham and Bill Worley presented the following students certificates of congratulations for being nominated to represent Whitfield County Schools at the Governor's Honors Interviews:

Autumn Lankford – Northwest High School for Agriscience/Biotechnology
Megan Parker – Northwest High School for Agriscience/Environmental Science
Tyler Linder – Northwest High School for Chemistry
Vanessa Suarez – Coahulla Creek High School for Communicative Arts
Shelbi Bryant – Southeast High School for Communicative Arts
Kami Hopkins - Southeast High School for Communicative Arts
Daniela Hannah – Northwest High School for Dance

Katie Johnson - Northwest High School for Dance
Beau Patton – Northwest High School for Executive Management
Natalie Wright – Northwest High School for Mathematics
Bryan Moss - Southeast High School for Mathematics
Bram Pulliam – Northwest High School for Music/Jazz (Guitar)
Silvia Esteban – Coahulla Creek High for School Music/Voice (Alto)
Julie Cole – Southeast High School for Music/Woodwinds (Clarinet)
Kathleen Jones – Northwest High School for Music/Woodwinds (Clarinet)
Ethan Davis – Northwest High School for Social Studies
Justin Deal - Northwest High School for Social Studies
Michael Lanning - Northwest High School for Technology
Edgar Corona – Southeast High School for Theatre Design
Abigail Cooper – Northwest High School for Theatre Performance
Rosa Esteban –Coahulla Creek High School for Visual Arts
Zachary Finley - Coahulla Creek High School for Visual Arts
Paige Doutre - Southeast High School for Visual Arts
Alejondro Fajardo - Southeast High School for Visual Arts
Carla Solis - Southeast High School for Visual Arts

Louis asked the following teachers to stand and be recognized for all of the hard work they had done to pull all of this together:

Shanda Hickman – District Gifted Lead Teacher
Kristi Harvey – Fine Arts Lead Teacher
Rebecca Jenkins – Northwest Governor’s Honors Coordinator
Leigh Ann Noll – Southeast Governor’s Honors Coordinator
Donna Williams - Coahulla Creek Governor’s Honors Coordinator

Louis said that this is a great number of students to represent Whitfield County Schools at the state. This just shows the quality of teachers and students that we have. The board thanked them.

School Board Appreciation Week is March 17-21, 2014

Dr. Gilreath said that School Board Appreciation Week is March 17-21, 2014. We want to thank our board for all that they do for Whitfield County Schools. She said that school board members are elected to represent the community’s voice on education matters and to set the vision for the school district. She said that they spend countless hours fulfilling its responsibilities and working together to continually improve education. Dr. Gilreath said that school board members are responsible for setting educational policies, employing school personnel, providing buildings and equipment, operating a transportation system and disbursing school funds. They are always evaluating and deciding what actions are in the best interest of our students. They spend time away from their jobs and families to make sure that we have the best school system possible. Dr. Gilreath said that the schools have provided gifts for them from the students and staff of Whitfield County Schools. She presented each board member a certificate of appreciation and told them it was an honor to work with each one of them. The board thanked Dr. Gilreath and the schools of Whitfield County.

Hearing of Individuals

None

Approval of Minutes – February 3, 2014 and February 5, 2014

Louis Fordham recommended the board approve the minutes for the February 3, 2014 meetings and February 5, 2014 meeting. Thomas Barton moved approval and Louis Fordham seconded. The board approved 5-0.

Approval of Purchase Order over \$25,000.00

Louis Fordham presented the following purchase orders for approval:

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
Dell Computer	Optiplex 3020 Desktop Computer W/Speaker	\$47,163.00
Callahan Mechanical Contractor	Replacement of coils for 3 Cooling Towers (CCHS)	\$186,400.00
Competition Athletic Construction	Tennis Courts Renovation at Valley Point Middle School	\$80,245.00

Louis Fordham recommended the board approve the Purchase Orders as presented. Bill Worley moved approval and Tony Stanley seconded. The board approved 5-0.

Financial Reports

Daniel Theis, CFO, presented the General Fund Balance and the Capital Projects report as of January 31, 2014. Louis Fordham recommended the board approve the report as presented. Bill Worley moved approval and Rodney Lock seconded. The board approved 5-0. The financial reports are a part of these minutes.

Superintendent's Reports

Teaching & Learning

Minimum Direct Classroom Expenditures (65%) Waiver

Karey Williams, Assistant superintendent, presented the Minimum Direct Classroom Expenditures (65%) Waiver. She said that with the economic hardship has caused, and will continue to cause, declines in local and state revenues collected to fund public education. Whitfield County School System requested a waiver to the Georgia Department rule for FY13:

160-5-1-.29 Minimum Direct Classroom Expenditures (65% Rule)

Waive the 65% rule in the event that the local school system is unable to meet the 65% requirement or increase their total operating expenditures by two or more percentage points over the previous fiscal year.

Louis asked Karey if this is the first time that we have done this. She said no. Louis Fordham recommended the board approve the Minimum Direct Classroom Expenditures (65%) Waiver as presented. Rodney Lock moved approval and Thomas Barton seconded. The board approved 5-0.

Striving Readers Grant

Dr. Merry Boggs, Director of Elementary Curriculum, shared the following information about the Striving Readers Grant:

Background

- Awards federal funds to support schools that implement research-based literacy practices. Literacy is defined as Reading, Writing, Listening, and Speaking.
- Supports improvement of all types of readers.
- Supports professional learning at target campuses that will impact the whole district.

Focus

Professional Development

- Ongoing, systematic development
- Teachers attend state and national conferences

Striving Readers funds may support

- Instructional materials
- Substitute teachers
- Teacher stipends for summer training

Initial District and Campus Implementation

- Meet with Georgia Department of Education Striving Readers Team on March 13

Develop district and campus action plan

- Include all academic coaches in trainings

Facts

- 160 schools from 36 districts applied: 11 Districts awarded
- Our teachers and principals deserve commendation for extra hours spent completing grant application.
- WCS earned a 3-year grant totaling \$2.3 million
 - Campus awards based on student enrollment

The schools that received the grant are:

Northwest High School, Principal Britt Adams

New Hope Middle School, Principal Joe Barnett

Westside Middle School, principal Angela Hargis

New Hope Elementary School, Principal Carla Maret

Westside Elementary School, principal Tracy Mardis

Pleasant Grove Elementary School, Principal Richard Knox

Tunnel Hill Elementary School, Principal Connie Kopcsak

Merry told the board that these schools have worked very hard and should be very proud to receive this grant. Louis Fordham said that this \$2.3 million is awesome. He said they should be proud. The board and Dr. Gilreath congratulated them on their success.

Amended 2013-2014 School Calendar

Dr. Gilreath, Superintendent, made the following recommendations for making up days missed due to weather for the 2013-2014 school year:

Students

1. Attend all day on March 12th which is listed as an early dismissal day on the current calendar
2. Attend March 28th which is listed as an inclement weather day on the current calendar

Staff

1. Teachers may document 3 days of work outside the regular school day and turn in documentation to the principal.
2. Teachers will work March 28th which is listed as an inclement weather day on the current calendar.
3. One Professional Development day will be added to post planning. Principals may choose to use this day for professional development prior to post planning, if they wish.
4. Two days will not be made up.

Note: Six hours will be considered a day

Louis Fordham recommended that the board approve the Amended 2013-2014 School Calendar as presented. Rodney Lock moved approval and Bill Worley seconded. The board approved 5-0.

Operations

Easement Request from Georgia Northwestern Technical College

Mike Ewton, Chief Officer for Operations, said that Georgia Northwestern had requested land for and easement to be able to hook up utilities. Louis Fordham recommended that the board approve the Easement Request from Georgia Northwestern Technical College. Tony Stanley moved approval and Bill Worley seconded. The board approved 5-0.

Facilities Project Update

Facilities Projects Underway

- Demolition of old Eastbrook Middle School

- Middle School STEM Lab wrap-up
- Facility Security Upgrades
- Coahulla Creek High School HVAC
- Varnell Elementary School Cabinet Installation
- Dug Gap Elementary School Cabinet Installation
- Dug Gap Elementary Parking Lot
- Southeast High School Athletic Facilities

Upcoming Facilities Projects

- Kitchen Freezer/Coolers and Cooking Hoods
- CTAE Lab Renovations and Construction
- Gym Construction at Eastbrook Middle School
- Eastside Elementary School Renovation and Modernization
- North Whitfield Middle Restroom Renovations
- Cedar Ridge Elementary Playground Upgrade
- Southeast High School Gym Lobby
- New Hope Elementary Grounds Improvements and Security Upgrade
- Valley Point Middle School Athletic Facilities
- Dug Gap Elementary Futsal (Soccer) Field Construction

Facilities Maintenance

- Cold Weather Impact
- Work Orders

The board thanked Mike for the update on the facilities.

Support Services

No Report

Personnel

Louis Fordham recommended the board approve the personnel actions as discussed in executive session. Bill Worley moved approval and Louis Fordham seconded. The board approved 5-0.

Previous Business

New Business

First Reading of Change in Board Policy: Wellness Program: EEE

First Reading of Change in Board Policy: Food Service Management: EE

First Reading of Change in Board Policy: Employee Tobacco Use: GAN

First Reading of Change in Board Policy: Student Tobacco Use: JCDAA

Dr. Gilreath recommended the board approve the first reading of board policies Wellness Program: EEE, Food Service Management: EE, Employee Tobacco Use: GAN, and Student Tobacco Use: JCDAA. Thomas Barton moved approval and Tony Stanley seconded. The board approved 5-0.

Donation Check for New Freezer in Concession Stand at Southeast High School

Dr. Gilreath said that Southeast was given a donation check in the amount of \$2,100.00 to replace the freezer in their concession stand at Southeast High School. Dr. Gilreath recommended the board accept the check in the amount of \$2,100.0. Bill Worley moved approval and Thomas Barton seconded. The board approved 5-0.

Donation Check for Tennis Courts Renovation at Valley Point Middle School

Dr. Gilreath said that Valley Point Middle School was given a donation check in the amount of \$80,245.00 for renovation of their tennis courts. Competition Athletic Construction, LLC is the contractor on the job. This is who the donor wants to do the job. Dr. Gilreath said that since the check is under \$100,000.00 they can designate who they want

to do the work. Dr. Gilreath recommended the board accept the check in the amount of \$80,245.00. Rodney Lock moved approval and Louis Fordham seconded. The board approved 5-0.

Donation Check for Cameras/Door Buzzer at New Hope Elementary School

Dr. Gilreath said that New Hope Elementary School was given a donation check in the amount of \$2,420.00 for security cameras and a door buzzer. Dr. Gilreath recommended the board accept the check in the amount of \$2,420.00. Bill Worley moved approval and Tony Stanley seconded. The board approved 5-0.

Release and Settlement Agreement with Perkins & Will

Dr. Gilreath said that the Release and Settlement Agreement with Perkins & Will is for the improper design of the HVAC at Coahulla Creek High School which in part caused problems with the HVAC system. The settlement price of \$50,000.00 shall be paid to Whitfield County Schools. Dr. Gilreath recommended the board approve the Release and Settlement Agreement as presented. Thomas Barton moved approval and Bill Worley seconded. The board approved 5-0.

North Georgia EMC Contract

Dr. Gilreath recommended that the board approve the contract with the North Georgia EMC. Chairman Louis Fordham said that a recommendation had been made to approve the North Georgia EMC Contract. Rodney Lock moved approval and Louis Fordham seconded. The board approved 5-0.

Dr. Gilreath told the board that we meant to play a video from New Hope Elementary during the Board Appreciation Recognition. We would like to play it now. The video is thanking the board for all that they do.

Adjournment

There being no further business, the meeting was adjourned at 7:35 p.m.

Secretary

Chairman