

MINUTES

Murfreesboro City School Board
Special Called Retreat
4 p.m., Monday, June 30, 2014
Central Administration Office

ORDER OF BUSINESS

I. CALL TO ORDER BY BOARD CHAIR

Chair Campbell called the meeting to order at 4:10 p.m.

II. REVIEW OF BO 8, PUBLIC PARTICIPATION IN BOARD MEETINGS

Ms. Baker completed a review of BO 8 regarding public participation in board meetings. Currently, BO 8 allows public participation in board meeting under the following circumstances:

1. The Director may ask a citizen with business before the Board to make a presentation as part of the regular agenda. For example, each year the auditors are asked to make a presentation to the Board regarding the audit report or architects or engineers overseeing a Murfreesboro City School construction project are asked to present a status report relative to the project.
2. The Board may, when topics of general interest occur, schedule public hearing on specific topics as part of its regular agenda. For example, during rezoning, the Board could schedule a public hearing allowing the public to speak on the specific topic of zoning.
3. In accordance with other Board policies or state or federal law, the Board may schedule a hearing in which members of the public may be witnesses as part of the Board's predetermined agenda. For example, a tenured teacher facing charges of termination may request a due process hearing before the Board pursuant to T.C.A. §49-5-512. Another example, is a student suspended from school for more than ten (10) days or expelled, could appeal the decision of the Disciplinary Hearing Authority to the Board pursuant to T.C.A. §49-6-3401.
4. The Director and the Board Chair may grant a request from an individual or a group to address the Board to express a concern or complaint. Any such matter shall be scheduled by the Director and Board Chair for presentation at a Board meeting only after the concern or complaint has been processed in accordance with established complaint procedures.

A concern or complaint must first be addressed with the employee most directly involved. If the result is unsatisfactory to those raising the concern or complaint, they

shall seek additional review by a supervisor of that employee or program and shall proceed through successive supervisors to the Director of Schools. If they are not satisfied with the response of the Director, they may ask to bring the matter to the Board. Any request to address the Board must be submitted to the Director after completion of the complaint procedure.

The Director and the Board Chair shall then make the determination about whether to grant the request and, if granted, shall schedule a date for the complainant to appear before the Board. The request shall include the names of all persons who wish to speak and the nature of their business before the Board. The Director and Board Chair may limit the number of person given prior approval to speak.

Additionally, if the Chair deems it in the public interest, the Chair may recognize individuals who wish to speak on the topic but who had not requested permission to do so in advance but any such decision of the Chair can be overruled by a majority vote of the Board members present. Ms. Baker said MCS' policy differs somewhat from other policies, giving examples of what other districts' procedures are. Dr. Brown said it does not appear that this Board has anyone complaining, but it could be tweaked by making the agenda and meeting information a little more accessible on the website, adding he would like someone to look at the website for ease of use. Mr. Barrett commented that the information is on the website but it has to be drilled to get to it.

III. DISCUSSION OF NAME CHANGE FROM "POLICY SESSION" TO "WORK SESSION" FOR POLICY SESSION MEETING

Ms. Baker said that a regular meeting is held every fourth Tuesday of the month. She said changing the policy meeting to call it "work session" would be fine, but it would still be a special called meeting under state law. Ms. Baker said if the Board wanted to have two regular meetings a month; the City code could be amended to read that the Murfreesboro City School Board shall have two regular meetings a month. If the meetings are both called regular meetings, the advertisement for the meeting does not have to list each item set forth in the agenda. Ms. Baker said this change to the City Code must be taken to City Council for approval and will require three readings. Dr. Brown moved to revise the City Code to allow the School Board to hold two regular meetings per month. Mr. Barrett seconded, and the motion carried.

IV. DISCUSSION OF ADDING "OTHER ITEMS" ON AGENDA FOR BOTH THE SPECIAL MEETING, POLICY SESSION AND THE REGULAR BOARD MEETINGS (BO 7, Agenda Preparation and Dissemination)

Dr. Gilbert said the District has been hit with a lot of items to come before the Board lately, which are then added to the agenda under "Other Business". Dr. Brown suggested that, unless it is a time sensitive issue, Dr. Gilbert tell the Board she needs more time and defer to next meeting. Ms. Baker stated pursuant to Board Policy BO 7, that "Other Business" is for the sole purpose of a Board member to request that an item or issue be placed on the next meeting's

agenda. No discussion of the item or issue is to take place when brought up during “Other Business”.

V. DISCUSSION OF THE LAW RELATIVE TO OPENING MEETINGS WITH PRAYER VERSUS MOMENT OF SILENCE

Ms. Baker provided the Board with an update on the status of the law relative to the use of a prayer at the start of a school board meeting rather than a moment of silence in light of the recent United States Supreme Court ruling in Town of Greece, NY v. Galloway, decided May 5, 2014. In Town of Greece, the Supreme Court held that the Town Council’s practice of having a prayer said at the beginning of Town Council meetings was constitutionally permissible under the legislative-prayer test established by the Court in 1983 in Marsh v. Chambers. Ms. Baker noted that the decision in Town of Greece was very fact specific and that the Supreme Court analyzed the constitutionality of the practice at issue under the “legislative prayer” line of cases.

The Sixth Circuit Court of Appeals in Coles v. Cleveland Board of Education decided March 18, 1999, held that prayers at the beginning of School Board Meetings are not constitutionally permissible. It concluded that School Board Meetings do not have the same status as meetings of legislative bodies where such prayers are allowed. The Sixth Circuit Court of Appeals held that the Cleveland school board was “so inextricably intertwined with the public schools that it must be evaluated on the same basis as the schools themselves.” The court further determined that the case fell “squarely within the history and precedent concerning the school prayer line of cases.” Using the “school prayer” analysis adopted by Supreme Court in Lemon v. Kurtzman, the Sixth Circuit held that the practice of opening school board meetings with a prayer was unconstitutional. Moreover, the Sixth Circuit specifically concluded that the prayer before a school board meeting should not be analyzed under the “legislative prayer” line of cases.

Tennessee is part of the Sixth Circuit. At this point it does not appear that the Town of Greece, NY v. Galloway has overruled the Sixth Circuit Court of Appeals decision set forth in Coles v. Cleveland Board of Education under the “school prayer” analysis because the Town of Greece, NY v. Galloway specifically dealt with “legislative prayer,” i.e, a prayer before a town council meeting and not a school board meeting. Thus, Ms. Baker recommends that the Board continue to follow the ruling of the Sixth Circuit at this time. Ms. Smith moved to continue opening meetings with a moment of silence. Ms. Phillips seconded, and the motion carried. Mr. Barrett thanked Ms. Baker for her review of the law.

VI. ROTATION of LEADING OF PLEDGE OF ALLEGIANCE

Chair Campbell advised the Board that he is going to start rotating the Pledge of Allegiance among Board members when there are no students to lead the pledge.

VII. GETTING MEETING AGENDA ITEMS BY THURSDAY PRIOR TO TUESDAY MEETING

Chair Campbell stated the Board would like to get the Board packet and be able to view it on the website by Thursday morning prior to the Tuesday evening meetings. Dr. Brown said it is frustrating when there are agenda changes in the afternoon of the 6:00 meeting, but since the Board has decided to go to two regular meetings he believes it will help that situation.

VIII. BO 2, RULES OF ORDER, AND LIMITING COMMENTS TO NECESSARY COMMENTS

Chair Campbell acknowledged that everyone likes to compliment those who are doing a good job but there is no need to do it repeatedly. Dr. Brown recommended one public acknowledgment followed by a handwritten thank you note signed by each member of the Board. There was much discussion regarding whether to limit comments. Ms. Baker reminded the Board to keep on topic, following the agenda.

IX. ROTATION OF ORDER OF VOTING

Chair Campbell advised the Board that he did not want to start the voting each time with Mr. Barrett on a roll call vote, but wants to rotate alphabetically. After discussion, Chair Campbell said a roll call vote shall be rotated.

X. COMPENSATION STUDY

Ms. Baker said she believes the school system has used Burriss Thompson & Associates for compensation studies in the past. She advised the Board there must be a competitive sealed proposal, which is where you are not just looking for the low bidder, but the best and lowest bidder when procuring the services of a company to conduct a salary study. Ms. Baker said there must be parameters such as type of work, experience, references, and other information that would be put on a matrix. Chair Campbell recommended a committee of three to see what, specifically, the Board wants studied then come back to the Board with recommendations. Chair Campbell asked for volunteers for the committee, and Ms. Phillips volunteered and Chair Campbell asked Dr. Brown if he would serve on the Committee. Dr. Brown noted that Ms. Phillips had volunteered. Ms. Baker and Mr. Ringstaff were asked to serve on the committee too. The committee consisted of Ms. Phillips, Dr. Brown, Mr. Ringstaff, and Ms. Baker.

XI. REVIEW OF OPEN MEETINGS LAW AND THE PUBLIC RECORDS LAW

Ms. Baker gave a review of the Open Meetings Law and its principals. The fundamental principal of the Open Meetings Law is the formulation of public policy and decisions are not to be conducted in secret. Two or more members cannot come together to deliberate. This extends to conversations, emails, and social media. If two or more Board members are on the same Facebook page and discuss or deliberate on something that is going to come before the Board that could be construed as a violation of Open Meetings Law. Ms. Baker advised the Board not to comment on social media because you never know when someone has already made a post and you have not seen it. Chair Campbell asked if mass email replied could be a violation. Ms. Baker said if it is deliberation, then yes, adding that is why staff often asks to be contacted

directly. Ms. Baker added that if the email is just a thank you, or I appreciate you, it would not be considered a violation. Exchanging information with another Board member during a meeting other than through the microphone could be construed as a violation such as whispering, handwritten notes, and texting, during the meeting. If they are occurring, Ms. Baker said the communications could be considered a violation of the Open Meetings Law if the communication constitutes a discussion or deliberation of school board business. Ms. Baker added that such behavior creates the appearance that something improper may have been said even if such is not the case. Ms. Baker recommended that to share information with another Board member such as that obtained by attending a conference, should be given to the director with the request that she disseminate the information to the Board or share it with her so the Board does not run any risk of violating the Open Meetings Law. Ms. Baker said that under the Tennessee Public Records Law, any Tennessee resident could inspect and or request copies of electronic or handwritten message concerning school board bus. Additionally, any social media post about school board issues is a public record that can be requested under the Public Records Law.

XII. POLICY REVIEW STATUS UPDATE

Ms. Baker said there is a list of policies that are from 2010 or before, and they have been assigned to various department heads for review so they should be coming to the Board soon. She also included policies for the Board to review. Ms. Baker advised the Board that TSBA has a numbering system that most schools in the state use. She asked if the Board would be interested in converting to the numbering system that is used by TSBA. Dr. Brown moved change to the TSBA classification. Mr. Jarrett seconded, and the motion carried.

XIII. TSBA LEGISLATIVE CONFERENCE

Ms. Rainier referenced a session on advocacy and leadership, and School Board effectiveness. She recommended that the Board develop a schedule whereby a member attends each City Council meeting in an effort to develop Council support. She also recommended that each member of the Board be prepared to be advocates in the community, and tell the MCS story and what is good about our schools. Dr. Brown added that it is interesting to note how many for-profit organizations are trying to influence public education. Ms. Smith said the mission should be put on a newsletter that goes to parents, and Board member names should be a part of this newsletter. Ms. Smith said she would like to see them in the parent/student handbook that is handed out at the beginning of the school year. She recommended linking the televised meetings to the website. Mr. Barrett agreed the Board should have an ongoing plan of support with City Council and recommended assigning a school board member to each council member to share information. He added that the Board would already have open communication and a unified message. Mr. Barrett also suggested members be at schools on the first day of school to welcome everyone. Mr. King suggested the Board be available to speak to civic organizations. Dr. Brown requested Ms. Trail provide the Board with basic information that could be used in speaking to people and for speaking in front of people. Dr. Brown also told Dr. Gilbert that if she gets invited to speak about MCS and it does not fit in her schedule to call a Board member to do it. Ms.

Baker suggested Ms. Trail put a calendar on the website of where Board members will be visiting.

Chair Campbell and Board members developed the following contact system between MCS Board and City Council:

Collier Smith and Rick LaLance
Andy Brown and Doug Young
Phil King and Shane McFarland
Nancy Rainier and Madelyn Scales
Jared Barrett and Toby Gilley
Nancy Phillips and Eddie Smotherman
Butch Campbell and Ron Washington

XIV. TSBA ANNUAL CONVENTION

The dates for the TSBA Annual Convention are November 14-15, 2014 at Opryland Hotel. The Fall District Meeting is scheduled for September 25, 2014 at Dickson County High School.

XV. COMMITTEES

Chair Campbell assigned Phil King to the Cable Commission, and assigned himself to the BEP Board.

XVI. ADJOURNMENT

Meeting adjourned at 8 p.m.

Director of Schools