



Board of Education
September 28, 2009
7 PM

Committee of the Whole
following regular meeting
RFP, Transportation
Curriculum Update

BECC Building, Board Room
125 S. Church Street
Brighton MI 48116

| | | | |
|------|--|--------------|---------|
| I. | Call to Order | | |
| II. | Pledge of Allegiance | | |
| III. | Recognition/Reports | | |
| IV. | Public Participation | | |
| V. | Board Reports/Correspondence | | |
| VI. | For Action: | | |
| A. | Consent Agenda. | Report 09-29 | Page 7 |
| | September 14, 2009 Minutes | | |
| | Bills of September 17, 2009 | | |
| B. | Policies. | Report 09-30 | Page 12 |
| | 2260 Non-Discrimination | | |
| | 3120/4120 Employment of Prof. Staff | | |
| | 3120.04 Employment of Substitutes | | |
| | 3120.09/4120.09 Volunteers | | |
| | 3121/4121 Criminal History Record Check | | |
| | 3121.01 Criminal Conviction Review | | |
| | 3130 Assignment and Transfer | | |
| | 3140/4140 Termination/Resignation | | |
| | 3362/4362 Harassment of Staff or | | |
| | Applicants | | |
| | 3430.01/4430.01 Family & Medical Leaves of | | |
| | Absence | | |
| | 3437.01/4437.01 Military Leaves | | |
| C. | Staff Recalls, Support Personnel. | Report 09-31 | Page 63 |
| D. | New Hires. | Report 09-32 | Page 64 |
| E. | Award of Bid, Snow Removal. | Report 09-33 | Page 73 |
| F. | Level 3 Grievance Hearing, BEA. | Report 09-34 | Page 75 |

| | | | |
|--------------------|---|--------------|----------|
| For Future Action: | | | |
| A. | Policies. | Report 09-35 | Page 79 |
| | 5114 Foreign Exchange Students | | |
| | 5136 Cell Phones/Electronic Communication Devices | | |
| | 5320 Immunization | | |
| | 5330 Use of Medications | | |
| | 5460 Graduation Requirements | | |
| | 5517 Harassment of Students | | |
| | 5517.01 Bullying and Other Aggressive Behavior Toward Students | | |
| | 5605 Suspension/Expulsion of Students with Disabilities | | |
| | 5610 Suspension & Expulsion | | |
| VIII. | For Information | | |
| A. | Finance | | |
| | 1. Financial Statements, June 2009. | Report 09-36 | Page 104 |
| B. | Human Resources | | |
| C. | Instruction/Curriculum | | |
| | 1. Annual Report. | Report 09-37 | Page 113 |
| IX. | Hearing, Employee Dismissal. | Report 09-38 | Page 147 |
| X. | Next Meeting, October 12, 2009 | | |
| XI. | Committee of the Whole, September 28, 2009 | | |
| A. | RFP's, Transportation. | Report 09-39 | Page 157 |
| B. | Instruction/Curriculum Report. | Report 09-40 | Page 159 |
| XII. | Adjournment | | |

This is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is time for public participation during the meeting as indicated in agenda item "Public Participation."

Board of Education
Brighton Area Schools
Regular Meeting
Monday, September 28, 2009
7 PM - BECC

Minutes

I. Call to Order

The meeting was called to order by President Anderson at 7:02 p.m. Members present: William Anderson, Joe Carney, Jay Krause, Cheryl Leach, Beth Minert, Joyce Powers and Greg Rassel. Also present: Superintendent Gray; Assistant Superintendents Bolen, Schwager and Surrey; Attorney William McCririe; staff; press and visitors.

II. Pledge of Allegiance

III. Recognition/Reports

IV. Public Participation

Camille Piner, Brighton High School student, invited the Board to participate in the Homecoming parade on Friday, October 9, 2009.

V. Board Reports and Correspondence

Trustee Carney thanked Anne Rennie, Director of Community Education, and Michigan Works for providing opportunities for our students in the Adult Education program.

Trustee Powers spoke about protecting instructional time.

VI. For Action

A. Consent Agenda

Moved by Leach, supported by Carney to approve the consent agenda as presented. Voice vote: 6 ayes, 1 abstention-Rassel. Motion carried.

B. Policies

Moved by Leach, supported by Krause to approve policies 2260, 3120/4120, 3120.04, 3120.09/4120.09, 3121/4121, 3121.01, and 3130. Voice vote: 7 ayes. Motion carried.

C. Staff Recalls, Support Personnel

Moved by Carney, supported by Krause to recall nine paraprofessional staff members for a total of 7.3 FTE as recommended. Voice vote: 7 ayes. Motion carried.

Mr. Schwager will provide information on the paraprofessional staffing impact on the budget.

D. New Hire

Moved by Leach, supported by Minert to approve the employment of Cheryl Whitfield .5 FTE Media Specialist, Matthew Brady .9 Vocal Music, and Diane Crang as 1.0 Media Specialist as presented. Voice vote: 7 ayes. Motion carried.

E. Award of Bid

Moved by Rassel, supported by Krause to award the snow removal bid to YardMaster for the sum of \$207,000 per year for 2009/2010 and 2010/2011. Voice vote: 6 ayes, 1 nay - Powers. Motion carried.

Trustee Rassel asked district personnel to discuss with YardMaster the possibility of extending the contract for an additional two years at the same price per year at the conclusion of the 2010/2011 year providing the district is satisfied with the service.

F. Level III Grievance Hearing

Moved by Leach, supported by Minert that the Board of Education appoint Raymond M. Davis, of Thrun Law Firm., P.C., to serve as hearing officer and to make evidentiary and procedural determinations on behalf of the Board of Education for the grievance before the Board on Monday, September 28, 2009. Voice vote: 7 ayes. Motion carried.

The Board of Education heard a Level III Grievance Hearing, Grievance 0910-01, filed by BEA on behalf of Thomas Raines.

Mr. Davis outlined the process that will be followed during the proceedings. At the conclusion of the grievance hearing process, the Board of Education will deliberate the information and facts presented regarding grievance 0910-01. The relief requested in the grievance was to grant Mr. Raines an extension to complete the required course work of 18 hours and retain his teaching position for the 2009/2010 school year.

Previously the Board denied Mr. Raines a leave of absence on August 10, 2009 for the 2009/2010 school year.

The district maintained that the teaching certificate of Mr. Raines expired on June 30, 2009 and therefore, had no standing under the Teacher Tenure Act, the current collective bargaining agreement or any board policy to have a Level III hearing.

Mr. Goode, BEA Unit Director, presented the case for Mr. Raines and stated that Mr. Raines did not receive due process, was not treated

equally as other teachers who the BEA maintained were in the same situation as Mr. Raines concerning completed course work extensions, and further, that Mr. Raines was discriminated against.

The BEA presented exhibits A1 through D1 for the Board to consider during the hearing. Exhibits A1 through A4 were emails between Barry Goode and Mr. Raines and also included a letter from the Office of Human Resources to the staff members whose teaching certificates and credentials were set to expire in June 2009. Exhibit B1 to B5 were memorandums to certified staff about extended teaching applications, a letter dated July 9, 2009 to Mr. Raines regarding his employment status from Howard Schwager, a letter dated August 12, 2009 to Mr. Raines about his 2009/2010 leave of absence request from Howard Schwager, the September 10, 2009 letter to Mr. Raines regarding his employment/certification status/notice of hearing from Howard Schwager, and the September 16, 2009 letter to Mr. Raines regarding a second notice of hearing/recommendation for dismissal from Howard Schwager. Exhibit C1 was a "For Future Action" report to the Board concerning the dismissal of Mr. Raines enclosed in the September 14, 2009 board packet. Exhibit D1 through D2 included information from the MDE website concerning professional education certificates. Exhibit E1 was from an MEA document concerning due process and just cause.

Mr. Davis allowed all of the exhibits to be presented and used during the hearing with the statement that Exhibit E1 was an excerpt from an MEA document.

Mr. Raines, through representation from BEA, maintained that he should have been allowed an extension to complete his 18 hours of course work to meet the MDE certification determination governing provisional teaching certificates. The BEA presented two other situations whereby two teachers received extensions however, Mr. Raines was denied an extension.

Mr. Schwager maintained that the district provided notice to Mr. Raines and other members of the certified staff who did not complete the required semester hours to maintain a current teaching certificate as required by the MDE. Mr. Raines never contacted the Office of Human Resources to report any extenuating circumstances or request an extension at any time prior to the end of the school year. Mr. Schwager also reported that Amanda Brown contacted the HR office after signing up for classes prior to requesting an extension and Adam Newman's situation was not similar to Mr. Raines' situation due to the fact that Mr. Newman had

completed his 18 semester hours for his professional certificate but had not completed the course work for the 6 year renewal certificate due to the fact that he serves in the National Guard and was on active duty during a significant amount of time during the summer months of the six years needed to complete the course work for certificate renewal.

On September 16, 2009 the BEA offered to pull Grievance 0910-01 if the Board would reconsider the denial of Mr. Raines' request for a leave of absence and grant him a leave for the 2009/2010 school year.

It was the administrative recommendation to deny Grievance 0910-01 regarding Mr. Raines as the district maintained the grievance was not filed in a timely manner and Mr. Raines' certificate expired June 30, 2009 therefore, the district maintained Mr. Raines had no rights under the BEA contract.

The Board discussed information presented by the BEA and the district. They also discussed that the district does have the right to grant extensions so that staff members can complete the required course work for MDE certificate requirements. The district maintained it used discretionary authorization as provided for under the MDE Guidelines and has discretion as to whether the district wants to sponsor, on the teacher's behalf, an extension to complete the course work required for certification renewal. The MDE cannot grant extensions to complete course work for certifications without the district sponsoring the teacher making the request for an extension. There is no Board policy that limits the discretion or that other factors be considered in exercising this discretionary authority.

The BEA maintained that the grievance was filed in a timely manner since the master agreement states "school days" and the grievance was filed August 19, 2009. It also stated that Mr. Raines assumed that he would be treated the same as others who requested an extension.

The Board discussed the exhibits and information presented at the hearing and Mr. Rassel asked if the district received any response from Mr. Raines regarding the correspondence to him regarding the course work needed to maintain his certificate. The district did not receive any correspondence from Mr. Raines nor did Mr. Raines contact the Office of Human Resources by other means.

Mrs. Leach asked if Mr. Raines applied to a university prior to June 1, 2009 to complete his 18 hours. The answer was no. As of July 1, 2009

Mr. Raines was not a certificated teacher in the Brighton Area Schools.

Mrs. Moyer, witness for the district, corroborated the facts surrounding the circumstances by which Ms. Brown and Mr. Newman were permitted to continue to teach in the district. Mrs. Moyer also stated that she did not receive communications of any nature from Mr. Raines from December 5, 2008 through late June 2009, regarding his plan of work as required to be considered for an extension.

Mr. Raines did admit that he indirectly contacted Mrs. Moyer through the BEA. The BEA stated that before Mr. Raines could request an extension, he was required to pass two comprehensive tests for his field of study. He has since completed the tests.

Mr. Davis prepared a legal opinion for the Board of Education regarding the BEA Grievance Issues.

Moved by Rassel, supported by Leach that pursuant to Section 8 (h) of the Michigan Open Meetings Act, that the Board of Education enter closed session for the purposes of considering attorney client privileged materials. Roll call vote: 7 ayes. Motion carried.

The Board entered closed session at 8:14 p.m.
Meeting recessed at 8:14 p.m.
Meeting reconvened at 8:15 p.m.
Board entered open session at 8:35 p.m.

Moved by Rassel, supported by Leach to deny Grievance 0910-01.

Board discussion took place regarding the fact that Mr. Raines did not notify the district between December 5, 2008 and June 1, 2009 of any circumstances that prohibited him from obtaining the course work necessary for certification. It was also stated that there is a burden of proof of 51% for the BEA and 49% burden of proof for the district. Mrs. Leach felt that the union did not prove its case nor were the instances of the two other teachers mentioned in the hearing similar in nature to Mr. Raines' circumstances and further, there was no past practice violation.

Trustee Powers stated she was concerned that the BEA can elevate this grievance to arbitration and felt that there could perhaps be some other remedy for the Board to consider regarding this grievance.

Trustee Minert indicated that she had a concern as there was no pattern with the way the three teacher circumstances were handled that were mentioned in the grievance hearing in that they were not similar in nature.

Voice vote on the motion to deny the grievance: 6 ayes, 1 nay - Powers.
Motion carried.

VII. For Future Action

A. Policies

Board Policies 5114-Foreign Exchange Students, 5136-Cell Phones and Electronic Communication Devices, 5320-Immunization, 5330-Use of Medications, 5460-Graduation Requirements, 5517-Harassment of Students, 5517.01-Bullying and Other Aggressive Behavior Toward Students, 5605-Suspension/Expulsion of Students with Disabilities, and 5610-Suspension and Expulsion were presented for a first reading.

The district will investigate whether Policy 5136 is reflected in the Student Handbooks. Also, Mrs. Powers shared information relating to Policy 5114 and will call Dr. Gray with additional information.

VIII. For Information

A. Finance

Dr. Bolen presented information on the 2008/09 audit that began today. She also shared revenue, expenditure and fund balance information. Documents were in place regarding the General Fund, Athletic Fund, Community Education Fund, and the Debt Retirement Fund.

B. Human Resources

No reports

C. Instruction/Curriculum

Dr. Surrey presented information on the use of 31A At Risk Funds, the purchase of SRI for grades five through eleven, and the Annual Report.

IX. Hearing, Employee Dismissal

Mr. Davis asked Mr. Raines if he would like to address the Board as to why he should not be dismissed by the Board of Education.

Mr. Raines stated that it was not quite true that he didn't contact Mrs. Peggy Moyer. He indicated that he contacted Mrs. Moyer in a "round about" way. He indicated that he and Amanda Brown were colleagues and that their teaching certificates expired on the same day and further, that the two of them explored renewal and extension request options together. Mr. Raines stated that Ms. Brown applied for an extension before he did because the rules state, via the way we interpreted them, that a person can't apply before being enrolled at a

university or college. Ms. Brown was accepted into a program and was granted an extension even though the request for extension was initially not viewed favorably by the district. He also shared that a letter was sent to staff members that the district would not be granting extensions in the future regarding course work completion for professional certification after Ms. Brown received an extension by the district.

Moved by Rassel, supported by Krause to support the recommendation to dismiss Thomas Raines as presented. Voice vote: 6 ayes, 1 nay - Powers. Motion carried.

X. Committee of the Whole

- A. RFP's Transportation** - Transportation RFPs were reviewed and discussed. Complete RFP binders are available for Board Trustees to review.

Dr. Gray discussed revenue generating ideas such as bonds and also looking at what has been accomplished to date regarding building configurations.

- B. Instruction/Curriculum** - Dr. Surrey discussed a proposal for Curriculum Coordinators for 2009-2011. There are no budgeted stipends for School Improvement work. The district will have an accreditation visit this spring. Dr. Surrey would also like to explore grade level coordinators.

Dr. Surrey will discuss these issues at P.C.

- C. Superintendent** - Dr. Gray reported that Barry Goode and Dr. Bolen conducted many budget presentations last year and will continue with these presentations. He also discussed the use of bond funds for technology needs, buses, sinking fund needs and facilities in general. He would like to move ahead with these conversations as if the district is going to consider a bond, the Department of Treasury would need a six month advance notification. Dr. Gray also spoke about the need for a Headlee Override for the LESA Special Education millage rate, the possibility of a recreational millage, that the district will continue to study enrollment numbers and building configurations, look a sister schools and look at staffing efficiencies in a long term manner.

The Board discussed its interest in notifying LESA of the need for a special education Headlee Override.

Dr. Bolen indicated that the district needs to move forward in capturing Medicaid funds allowable under the special education rules.

Meeting adjourned at 10:10 p.m.

Date Approved:

Approved by:

William R. Anderson, President

Elizabeth Minert, Secretary

(Sheri Lohmiller, Recorder)