

**TUPELO PUBLIC SCHOOL DISTRICT
BOARD OF TRUSTEES NOON MEETING MINUTES
November 8, 2011**

The Board of Trustees of the Tupelo Public School District convened in a regular meeting of the Board held in open session at noon on Tuesday, November 8, 2011, at the Hancock Leadership Center, 1920 Briar Ridge, Tupelo, Mississippi.

Public Comments

A request was received by Dr. Roger Williams to address the Board regarding a personnel matter.

In response to said request, the following statements were made:

STATEMENT BY BOARD PRESIDENT AMY HEYER

“As we work through this process, we acknowledge this has been emotional for you and your children. We respect your desire to be involved as you continue to support your children within your own family and work with our administration.”

“You are aware of the process. As a board, it is our responsibility and duty to provide every employee in this situation with a fair and impartial hearing. We will continue to be diligent in our responsibility and duty to remain unbiased.”

STATEMENT BY SCHOOL BOARD ATTORNEY OTIS TIMS

“The operations of the Board of Trustees of the Tupelo Public School District are governed and bound by the Constitution, federal and state law and Board policies. These policies have been painstakingly developed over many years – usually over decades – taking into account many competing interests. They are carefully designed to protect the rights of individuals, especially their rights to privacy and to due process of law.”

“I understand that there have been requests to address the Board today related to the termination of a licensed employee of the District. State law places responsibility for school district personnel decisions squarely in the hands of the superintendent of schools. Section 37-9-59 of the Mississippi Code provides a dismissed licensed employee the right to request a public hearing and, along with other sections of the Code, establishes procedures for such a hearing. A hearing has been requested regarding the dismissal of a TPSD licensed employee. This hearing has not yet been held. Long established and carefully designed procedures will be followed to insure that the hearing is conducted with utmost fairness toward the individuals involved. After the hearing the Board will make a final determination whether to uphold the superintendent’s personnel decision.”

“For the Board to accept public comment regarding a personnel matter for which a hearing has been requested before that hearing is held could undermine the fairness of and taint the hearing process. This is a serious matter, and this consideration of procedural fairness alone provides sufficient reason to deny the request.”

“Moreover, School Board Policy BDEH and the procedures issued pursuant thereto provide in

Section 2.5: “The Board will not take public comment on personnel issues during board meetings. An individual with complaints regarding school personnel will be directed to the administration in accordance with policy.” A concern underlying this policy is, again, protection of an individual’s reputation rights. Policy BDEH’s prohibition of public comments on personnel matters at board meetings protects those rights, while Board Policy KEB provides a mechanism for individuals to bring personnel concerns to the attention of the district. Individuals desiring to do so should follow Board Policy KEB.”

“The Mississippi Legislature has recognized that protection of an individual’s privacy and reputational rights, especially those of a public employee, is paramount to the public’s interest in immediate access to detailed accounts of the deliberations of public bodies. For this reason “transaction of business and discussion of personnel matters related to the job performance, character, professional competence or physical or mental health of a person holding a specific position” is specifically exempted from Section 25-41-7 of the Mississippi Code, the Mississippi Open Meetings Act. Recognizing the sensitivity of such issues, the law provides that public bodies may deal with such matters in executive session. In line with this legislative authority, Board Policy BDEH prohibits the taking of public comments on personnel matters at Board meetings.”

“Similarly, the Mississippi Legislature also recognized the risk to a public body of requiring public consideration of matters concerning potential litigation, and exempted such matters from the Open Meetings Act. Again, in line with this legislative authority, Board Policy BEC allows in Section 3.2 for matters regarding prospective litigation to be considered by the Board in executive session.”

“Accordingly, and as a matter of longstanding practice, the Board does not accept public comment on matters concerning potential litigation. There can be no question but that this is such a matter.”

“Based on the need to preserve Constitutional procedural due process, on provisions of the Mississippi Code, and on various Board policies, as well as on numerous other legal considerations primarily related to protecting the rights of the individuals involved in such matters, I advise the Board not to accept public comment on this or any other personnel issues.”

“I also understand that some who wish to address the Board have characterized their request as a request to discuss the procedure that the Board might follow in conducting the hearing requested by the terminated licensed employee. The procedure that the Board can follow is established by statute in Mississippi.”

“For the Board to entertain public comment aimed at restricting its ability to conduct a due process hearing in a lawful manner again could undermine the fairness of and taint the hearing process. If an individual wishes to address the Board regarding procedures to be followed in conducting such due process hearings in the future, there are Board policies that, if properly followed, will allow such individuals to address such matters to the Board. However, for the Board to entertain such comments when a hearing has been requested and is being scheduled according to established Board procedures, is, in my opinion, improper.”

“The rules and procedures that govern this process have been very carefully developed to protect the best interests of all involved. Our institutions work by following established processes. I recommend that you do so in this situation.”

CALL TO ORDER

The meeting was called to order by President Amy Heyer who welcomed guests attending the meeting.

ROLL CALL AND ESTABLISHMENT OF A QUORUM

The following School Board members were present during roll call:

Members Present: Mrs. Amy Heyer
Mr. Rob Hudson
Mr. Eddie Prather
Mrs. Beth Stone
Mr. Lee Tucker

Staff Present:	Mr. David Meadows	Ms. Rachel Murphree
	Mrs. Diana Ezell	Mrs. Julie Connolly
	Dr. Fred Hill	Ms. Glenda Scott
	Mrs. Kay Bishop	Dr. Derwood Tutor
	Ms. Lea Johnson	Ms. Patrice Tate
	Mrs. Marisa Martin	Mr. Jim Turner
	Mrs. Linda Pannell	Mrs. Dale Warriner
	Mrs. Pamela Traylor	Mrs. Julie Hinds
	Mr. Terry Hatch	Mr. Brock English
	Mr. Kenneth Griswold	Mr. T. J. Higgins
	Mrs. Linda Franks	

Mrs. Heyer announced a quorum and stated that the meeting was lawfully in session. School Board Attorney Otis Tims was also present. School District Legal Counsel Kelly Stimpson participated in the meeting via WebEx. Members of the press were also present.

APPROVAL OF THE AGENDA

On a motion by Mr. Tucker, seconded by Mrs. Stone, the Board voted unanimously by all members present to confirm the agenda, amended as follows:

DELETE: Recognition Number Four (Superintendent's Choice Award)

REVIEW OF THE MINUTES

The minutes of the October 25, 2011, noon and 5:00 p.m. regular meetings were presented by Board Clerk Patrice Tate for consideration for approval.

COMMUNICATION TO THE BOARD

A. Superintendent Search Update

Board Member Eddie Prather reported that information announcing the position of Superintendent of Schools of the Tupelo Public School District has been posted online at the Mississippi School Boards Association website in addition to the TPSD website. The deadline for applications is December 9, 2011.

B. SafeSplash Swimming Program

Mr. Don Lewis, Director of City of Tupelo, Department of Parks and Recreation, and Ms. Glenda Clay, Joyner Elementary Physical Education Teacher, presented a report on the SafeSplash swimming program for second graders which was recently completed.

C. Reports on Visits to High Performing or Star Schools

Principals Brock English and Paul Moton reported on their recent visits to high performing or Star Schools. The purpose of the visits was to learn from and share with these host principals strategies their schools had utilized to increase student learning and academic achievement. Each TPSD principal was asked to bring back up to 3 strategies that he/she learned about and that could possibly be implemented in TPSD schools. Principals were also encouraged to have teacher representatives participate in these visits.

D. Athletic Financial Report

In response to Board Member Eddie Prather's request, Mrs. Pannell presented a cumulative Financial Report for the Athletic Program which included school years 2007-2008 through 2010-2011 and school year 2011-2012 through October 31, 2011.

E. Update Report on Common Assessments

Mr. Kenneth Griswold, Mrs. Linda Franks, and Mrs. Glenda Scott provided a report on the administration of the first common assessments for the 2011-2012 school year. These first common assessments were administered the week of October 11-14, 2011.

SUPERINTENDENT'S REPORT

A. Consent Agenda

The following Consent Agenda items were presented by Interim Superintendent David Meadows for discussion:

1. Contractual Agreement #CO1234
Contract for Rental of School Facilities #SFR1216 through #SFR1219
Revision of Contract for Rental of School Facilities #SFR1209 approved 10-25-11
2. Donation #2011-2012-012
3. Permission to Apply for TPSD Grant #1205
4. Permission to Advertise for Sealed Bids #BD1201 – Bank Depository Bid
3. Permission to Amend the TPSD Capital Assets Listing as follows:
 - Delete Ten (10) Items
 - Add Two (2) Items

B. Student Transfer Report

Mrs. Pamela Traylor, Director of Support Services, presented for review the following in-district transfers:

- Approval of one (1) resident student transfer (in-district)
- Approval of two (2) resident student transfer (in-district for the remainder of the 2011-2012 school year)
- Approval of admission of one (1) non-resident student (tuition)
- Denial of one (1) non-resident student (tuition)

C. Personnel Recommendations

Interim Superintendent David Meadows and Human Resource Director Jim Turner presented Licensed Staff recommendations. Mr. Turner also updated the Board regarding 2011-2012 TPSD Staffing.

D. Docket of Claims

Mrs. Heyer reviewed the Docket of Claims prior to the meeting and recommended approval of the Docket of Claims as outlined below:

- Docket of Claims for the period October 15 through October 28, 2011, Docket of Claims #96889 through #97440, Accounts Payable Checks #67978 through #68271 in the amount of \$4,123,733.89.

E. September 30, 2011 Financial Statements

Finance Director Linda Pannell submitted the Statement of Income and Expenditures through month ending September 30, 2011, for consideration of approval. Mrs. Pannell stated that a listing by fund is available for the Board's information.

UNFINISHED BUSINESS

A. Awarding of Bids to Sell Buses and Vehicles

Mrs. Pannell recommended the following advertised bids be awarded as outlined below:

DESCRIPTION OF BUSES FOR SALE:

BUS 5 1993 GENESIS BUS VIN # 4DRGSDBPXA057915 Barcode # 0405
MILEAGE 210,415 Condition: Engine uses excessive oil, transmission slips in reverse,
Floor is rusted through.
\$1,128 Hugh Shaffer (highest bidder)

BUS 8 1991 INTERNATIONAL BUS VIN # 4HVBAZRM1MH290508 Barcode # 0408
MILEAGE 165,402 Condition: Engine locked up, front axle bent, radiator removed, instrument
cluster removed, WRECKER NEEDED
\$946 Hugh Shaffer (highest bidder)

BUS 22 1993 GENESIS BUS VIN # 4DRGSDDP2PA055668 Barcode # 0422
MILEAGE 229,539 Condition: Engine low power, low oil pressure, floor is rusted through.
\$1,158 Hugh Shaffer (highest bidder)

BUS 26 1994 INTERNATIONAL BUS VIN # 1HVBAZRPXRH592432 Barcode # 0426
MILEAGE 155,432 Condition: Engine block cracked, broken front spring, brake booster not
working, radiator removed, gauges removed, hood removed, WRECKER NEEDED
\$951 Hugh Shaffer (highest bidder)

BUS 58 1991 INTERNATIONAL BUS VIN # 1HVBAZRM8MH383882 Barcode # 0458
MILEAGE 185,300 Condition: Engine has water in the oil, transmission won't pull, holes in the floor,
wheel removed, radiator removed, WRECKER NEEDED
\$938 Hugh Shaffer (highest bidder)

BUS 62 1995 GENESIS BUS VIN # 4DRGSACP0SA063728 Barcode # 0462
MILEAGE 112,700 Condition: Engine knock, floor rusted through, wheelchair lift does not work,
cracked frame, many replacement parts are now obsolete.
\$1,121 Hugh Shaffer (highest bidder)

Bus Total \$1,242

CO1 VAN 1997 DODGE CARAVAN VIN #2B4FP2535VR392696 Barcode # 0510
MILEAGE 174,261 Condition: Engine timing belt broken, a/c compressor locked up WRECKER
NEEDED
\$549.00 Jerry Duffie (highest bidder)

Van Total \$549.00

CO2 CAR 1997 FORD TAURUS VIN #1FALP52U6VA315818 Barcode # 0478
MILEAGE 144,504 Condition: Engine front cover leaking, water pump leaking, won't start, front axle
makes noise, WRECKER NEEDED
\$565.75 Homan McFarling (highest bidder)

CO3 CAR 1997 FORD TAURUS VIN #1FALP52U8VA315819 Barcode # 0479
MILEAGE 122,926 Condition: Engine light on, transmission will not shift out, brake light on, heater core leaking, won't start, WRECKER NEEDED
\$575.50 Homan McFarling (highest bidder)

Car Total \$1,141.25

B. Awarding of Advertised Request for Proposals (FRP1200 Tupelo High School Yearbook Proposals)

Mrs. Linda Pannell recommended awarding the following Advertised Request for Proposals for RFP1200 Tupelo High School 2011-2012 Year book Proposals:

Recommendation: Addy Photography, Ltd., Oxford, Mississippi
(winning score of 85.5 points)

NEW BUSINESS

Consideration for Approval of TPSD Grant #1206, Mississippi Department of Education Grant for Specified Services for the K-3 Universal Screener

Ms. Lea Johnson presented for review and consideration for approval TPSD Grant #1206 for Specified Services for the K-3 Universal Screener not to exceed \$7,569.25 (\$3.25 per student with 2329 students in TPSD).

MISCELLANEOUS BUSINESS

A. Future Agenda Topics

1. At an earlier meeting, Board Member Lee Tucker had requested an update on the added support being provided for extra-curricular activities.
2. Mr. Meadows reported that a Long-Range Capital Projects report will be given at the December meeting, and in the near future an update report on TPSD Teacher Advisory Council will be scheduled.

B. Executive Session

Board President Amy Heyer suggested to the School Board an Executive Session for the purpose of discussing personnel matters.

On a motion by Mr. Prather, seconded by Mr. Hudson, the Board voted unanimously to enter Executive Session for the purpose of discussing personnel matters. Upon motion duly made, seconded, and carried unanimously by all members present, the President of the Board declared the motion passed.

The room was cleared and the Executive Session was called to order by Mrs. Heyer with the following people present: Mrs. Amy Heyer, Mr. Eddie Prather, Mr. Rob Hudson, Mrs. Beth Stone, Mr. Lee Tucker, Mr. David Meadows, Mr. Otis Tims, Mrs. Julie Connolly, Ms. Patrice Tate, and Mrs. Kelly Stimpson (via WebEx).

The Board first considered the reason for entering Executive Session. Upon a motion by Mr. Prather with a second by Mr. Hudson, the Board voted unanimously to remain in Executive Session for the purpose of discussing personnel matters. Upon motion duly made, seconded, and carried unanimously by all members present, the President of the Board declared the motion passed.

Mrs. Heyer reopened the meeting to tell all those in attendance the reason for going into Executive Session was to discuss personnel matters.

No action was taken during the Executive Session.

Upon a motion by Mr. Prather with a second by Mr. Hudson, the Board voted unanimously by all members present to come out of Executive Session. Upon motion duly made, seconded, and carried unanimously, Mrs. Heyer declared the motion passed.

ADJOURNMENT

On a motion by Mr. Hudson, seconded by Mr. Tucker, the Board voted unanimously to adjourn the meeting. The President of the Board declared the motion passed and the meeting in adjournment at 3:00 p.m.

APPROVED:
TUPELO PUBLIC SCHOOL DISTRICT
BOARD OF TRUSTEES

ATTEST:

Arlissa C. Heyer, President

Elizabeth Stone, Secretary