

Minutes of the Regular School Board Meeting

Of the School Board of Independent School District No. 709 held at the Historic Old Central High School, 215 North First Avenue East, Duluth, Minnesota 55802, on

Tuesday, June 21, 2011

Members Present:

Mary Cameron
Gary Glass
Tim Grover
Tom Kasper
Art Johnston
Judy Seliga Punyko
Ann Wasson

Others Present:

Keith Dixon
Bill Hanson, Deputy Clerk
Melinda Thibault, Secretary

Student Representatives

Marcus Jahn
Lindsey Redenbaugh

Chair Seliga Punyko called the regular school board meeting of June 21, 2011 to order at 6:30 p.m., and the pledge of allegiance to the American flag was given.

M-Wasson, S-Kasper, to approve the agenda as presented. Upon a vote, the same passed – unanimously.

Chair Seliga Punyko asked school board members if there were any corrections or changes to the minutes of the special school board meeting of May 17, 2011.

M-Wasson, S-Kasper, to approve the minutes of the May 17, 2011 special school board meeting. Upon a vote, the same was approved as presented – unanimously.

Chair Seliga Punyko asked school board members if there were any corrections or changes to the minutes of the regular school board meeting of May 17, 2011.

M-Wasson, S-Grover, to approve the minutes of the May 17, 2011 regular school board meeting.

Member Johnston noted that it was Member Grover who seconded the approval of the agenda.

Member Johnston stated that on page 12 Member Kasper withheld Item 6.E. and Member Grover withheld Item 6.F.

Upon a vote, the same was approved as amended – unanimously.

Chair Seliga Punyko asked school board members if there were any corrections or changes to the minutes of the special school board meeting of May 31, 2011.

M-Kasper, S-Wasson, to approve the minutes of the May 31, 2011 special school board meeting. Upon a vote, the same was approved as presented – unanimously.

Public Comments
June 2011

Lauren Martel, 623 East 7th Street, spoke to the school board regarding his thoughts on the performance of Superintendent Dixon over the past six years.

Communications, Petitions, Etc.
June 2011

Superintendent Dixon acknowledged the communications received.

Superintendent's Report
June 2011

Superintendent Dixon recognized the Edwin Eddy Foundation for the continued support of the District through the donation of sound systems in our classrooms.

Superintendent Dixon extended thanks to the many individuals who have contributed toward working together for success during his time here.

Discussion took place regarding data requests from Member Glass, and a letter from a City Councilor not included in the communications.

Education Committee Report
June 2011

Member Wasson presented the Education Committee report, a copy of same being in the hands of each school board member.

Member Wasson presented the resolution:

RESOLUTION

Acceptance of Grant Awards to Duluth Public Schools

WHEREAS, Minnesota Statute 465.03 requires a school district to accept grants by resolution expressed in the terms prescribed by the donor in full; and,

WHEREAS, acceptance of the grant in accordance with the donor's terms is in the best interest of the Duluth Public Schools:

NOW, THEREFORE, BE IT RESOLVED that the Duluth Public Schools does accept the below-described grants from said organizations in accordance with the terms set forth herein.

BE IT FURTHER RESOLVED that the Duluth Public Schools wishes to extend its grateful appreciation to these various organizations.

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	Organization	Author/Contact	Project Title	Award Amount	Terms
1.	Northland Foundation	Janine Dahlquist	Socks for Tots-KIDS PLUS Youth in Philanthropy	\$240	Funds from this grant award will be used to support the Socks for Tots Project at East High School.
2.	Duluth Superior Community Foundation	Various	2011 Duluth Public Schools Endowment Fund Grants	\$11,194	The Duluth Superior Area Community Foundation's Duluth Public Schools Endowment Committee received eight (8) grant requests totaling \$14,500 and has approved funding for seven (7) of these requests for the 2011-12 school year totaling \$11,194. Funds from these grant awards will provide supplemental funding to enrich the academic, cultural, athletic, and overall experiences of Duluth Public Schools students and staff.

Resolution E-6-11-2894

June 21, 2011

M-Wasson, S-Grover, to approve Resolution E-6-11-2894 - Acceptance of Grant Awards to the Duluth Public Schools. Upon a vote taken, the same was approved – unanimously.

M-Wasson, S-Grover, to approve the Education Committee Report as presented.

Member Glass asked that the graduation lists from all schools be included. Member Grover noted it will be in the July report.

Member Johnston withheld Item 1.A.

Member Grover withheld Item 1.E.

Member Johnston withheld Item 1.A. – 2011 Duluth East Daredevils Robotics Team Demonstration to note that it was a great program and hope it continues.

Member Grover withheld Item 1.E. – New Policy 5090 to note a correction.

Upon a vote, the same was approved – unanimously.

Human Resources Committee Report

June 2011

Member Cameron presented the Human Resources Committee report, a copy of same being in the hands of each school board member.

Member Cameron presented the resolution:

R E S O L U T I O N

RE: Termination of Certified Probationary (Non-Tenured) Staff

WHEREAS, during the first three years of consecutive employment all teachers in the public schools in cities of the first class are deemed to be in a probational period of employment during which period the School Board may renew, or not renew, any teachers' annual contract as the School Board shall see fit; and that the District will lack a sufficient number of pupils to support all non tenured teachers currently employed by the District.

NOW, THEREFORE, BE IT RESOLVED by the School Board on Independent School District No. 709, St. Louis County, Minnesota, as follows:

1. The employment contracts of the following probationary teachers shall not be renewed and their employment shall terminate at the end of the school day on June 10, 2011, unless another date is indicated below, in which case the employment of the particular teacher shall terminate on that date.

Jennifer Nelson-Albee (06/17/11) –Date Correction
Katie Oliver – 0.4 FTE

2. **BE IT FURTHER RESOLVED** the Clerk of the School Board shall notify such teachers in writing before July 1, 2011, of the termination of their employment.

HR-6-11-2893

June 21, 2011

M-Cameron, S-Wasson, to approve Resolution HR-6-11-2893 – Termination of Certified Probationary (Non-Tenured) Staff. Upon a vote taken, the same was approved – 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member Cameron presented the resolution:

R E S O L U T I O N
RE: Termination of Certified Tenured Staff

WHEREAS, enrollment in the School District is declining;
WHEREAS, during the 2011-2012 school year, the District will lack a sufficient number of pupils to support all tenured teachers currently employed by the District;

WHEREAS, the School Board has found it necessary to discontinue certain positions;
NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 709, St. Louis County, Minnesota, as follows:

1. The Board proposes that the employment of the following tenured teachers terminate effective at the end of the school day on June 10, 2011, unless another date is indicated below, due to discontinuance of position or lack of pupils.

LouAnn Aspoas – 0.9 FTE

Elaine Bradley

Delaine Brown - 0.3 FTE

Michelle Coda - 0.8 FTE

(08/05/11)

Lisa Crosby - 0.8 FTE

Linda Eason - 0.2 FTE

Cyndi Gritzmacher - 0.9 FTE

John Hoban

Eric Holmstrom - 0.8 FTE

Mark Hughes - 0.3 FTE

(06/17/11)

Laurie Kovacovic - .275 FTE

Jennifer Madole - 0.2 FTE

Tiffany Mattson (06/17/11)

Jennifer Miller - 0.1 FTE

Theresa Monson

Catherine Nachbar – 0.6 FTE

Shonda Peller - 0.1 FTE

Erin Pepelnjak

Rob Pioro - 0.5 FTE

Deb Porter - 0.1 FTE

Lana Puttkammer - 0.4 FTE

Allen Ratai - 0.5 FTE (07/29/11)

Michelle Riley - 0.6 FTE

Jacalyn Ring

Leif Ringsred - 0.8 FTE

Katie Sandor

Susan Schmidt

Vincent Senski

Hamilton Smith (07/29/11)

Jolane Sundstrom - 0.5 FTE

Leann Udesen

Christine Valento - 0.4 FTE

Marcia Van Camp - 0.5 FTE

Joanna Walters

Alison Wood

2. The Clerk of the School Board shall notify all such teachers in writing of the proposed layoff, the grounds for the proposed layoff, and the right to request a hearing within ten (10) calendar days after receiving said notice. The Clerk shall also notify all such teachers that if they fail to request a hearing within ten (10) days, they will be deemed to have acquiesced in the Boards action.

Resolution #HR-6-11-2891

June 21, 2011

M-Cameron, S-Wasson, to approve Resolution HR-6-11-2891 – Termination of Certified Tenured Staff.

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Discussion took place regarding receiving information ahead of the board meeting, and the reasons for the layoffs.

M-Johnston, S-Glass, to postpone resolution HR-6-11-2891 – Termination of Certified Tenured Staff until the July 19th regular board meeting.

Tim Sworksby, Human Resources Manager, reminded board members that teachers must be notified by July 1st according to state statute. Discussion took place regarding the process.

Upon a vote, the same failed 2-5 as follows:

Yea: Glass, Johnston

Nay: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Upon a vote taken, on the resolution, the same was approved – 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member Cameron presented the resolution:

R E S O L U T I O N

RE: Discontinuance of Positions

WHEREAS, enrollment in the School District is declining;

WHEREAS, during the 2011-2012 school year, the District will lack a sufficient number of pupils to support all tenured teachers currently employed by the District;

WHEREAS, the School Board has found it necessary to discontinue certain positions;

NOW, THEREFORE, BE IT RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, Minnesota, that the following programs and positions, or portions thereof, be discontinued effective at the end of the school day on June 10, 2011, unless another date is indicated below, in which case the position shall discontinue on that date.

1.0 FTE Art

0.5 FTE Business Education

1.3 FTE Counselors

1.0 FTE Dean of Students

3.0 FTE Elementary Education

Grades K-6

2.0 FTE English Language Arts

1.1 FTE FACS

2.4 FTE Math

0.3 FTE Media

3.9 FTE Music

1.8 FTE P.E. /Health

4.6 FTE Science

4.4 FTE Social Studies

2.0 FTE Social Worker

1.2 FTE Spanish (Including Grant)

5.0 FTE Special Education

0.2 FTE STC Agri Business

Resolution #HR-6-11-2892

June 21, 2011

M-Cameron, S-Wasson, to approve Resolution HR-6-11-2892 – Discontinuance of Positions.

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Discussion took place regarding the resolution.

Upon a vote taken, the same was approved – 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

M-Cameron, S-Wasson, to approve the remainder of the Human Resources Committee as presented. Upon a vote, the same was approved – 6-1 as follows:

Yea: Cameron, Grover, Johnston, Kasper, Seliga Punyko, Wasson

Nay: Glass

Business Committee Report

June 2011

Member Grover presented the Business Committee report, a copy of same being in the hands of each school board member.

Member Grover presented the resolution:

**RESOLUTION
CLOSING THE SECONDARY TECHNICAL CENTER**

Whereas, a public hearing was held on June 2, 2011 on the proposed closing of The Secondary Technical Center;

Whereas, during this hearing, people wishing to give testimony for and against the proposed closing were heard, and such testimony was considered by the School Board;

Whereas, published notice of this hearing was given in compliance with Minnesota Statutes Section 123B.51, subdivision 5.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 709 as follows:

1. The attached Findings and Conclusions regarding the closing of The Secondary Technical Center are hereby adopted.
2. The closing of The Secondary Technical Center is necessary and practicable.
3. The Secondary Technical Center is closed effective at the end of the 2010-11 school year.
4. At this time, the School Board does not take any action with respect to the possible sale of The Secondary Technical Center building or property.

B-6-11-2896

June 21, 2011

M-Grover, S-Kasper, to approve Resolution B-6-11-2896 – Closing of the Secondary Technical Center.

Discussion took place regarding exhibit backup and the accuracies of the statements within the report.

Upon a vote, the same was approved – 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member Grover presented the resolution:

RESOLUTION

Adoption of the Fiscal Year 2012 Budget

BE IT RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, State of Minnesota, that the fiscal year 2012 budget as presented to the School Board, be adopted.

B-6-11-2897

June 21, 2011

M-Grover, S-Kasper, to approve Resolution B-6-11-2897 – Adoption of the Fiscal Year 2012 Budget.

M-Kasper, S-Johnston, to amend the budget to use \$500,000 in reserve fund money, to fund full time positions to reduce class size increases within the budget reductions.

Discussion took place regarding Member Kasper's motion to use reserve fund money.

M-Wasson, S-Cameron, to amend the amendment that the funds would be used if all seven board members support a levy this fall. – Withdrawn.

Member Johnston made a point of order that the amendment is not germane to the amendment. Chair Seliga Punyko ruled that it is germane to the amendment. Member Johnston appealed the Chair's ruling. Discussion continued regarding the proposed amendments. Member Kasper asked that they be voted on separately. Member Grover asked that the Chair rule Member Wasson's amendment out of order. Member Wasson withdrew her motion. Student Advisor Jahn stated that he believes students would support Member Kasper's motion. Discussion took place regarding current and proposed class size and possible future funding issues.

Upon a vote on Member Kasper's amendment, the same failed – 3-4 as follows

Yea: Glass, Johnston, Kasper

Yea: Cameron, Grover, Seliga Punyko, Wasson

M-Johnston, S-Glass, to postpone a vote on the resolution until the July 19th regular school board meeting.

Member Grover pointed out that the budget has to be passed by June 30th by state statute.

Upon a vote to postpone a vote on the resolution, the same failed 3-4 as follows:

Yea: Glass, Johnston, Kasper

Yea: Cameron, Grover, Seliga Punyko, Wasson

The board took a brief recess.

Discussion continued regarding budget options, the Habitat program and Kinderlinks program.

Upon a vote on the original resolution, the same passed 4-3 as follows:

Yea: Cameron, Grover, Seliga Punyko, Wasson

Nay: Glass, Johnston, Kasper

Member Grover presented the resolution:

RESOLUTION
CONSTRUCTION AGREEMENT BETWEEN CITY OF DULUTH AND INDEPENDENT
SCHOOL DISTRICT No. 709. FOR EAST HIGH SCHOOL ROAD IMPROVEMENT
PROJECT

WHEREAS, Independent School District #709 is the owner of the property in St. Louis County, Previously known as the Ordean Middle School property and building and to convert it to the new East; and

WHEREAS, in order to effectively and safely use said property for said purposes, modifications related to access and traffic control, including traffic signals and turn lanes on East Superior Street will be necessary; and

WHEREAS, the District is willing and able to undertake the construction and installation of said signals and turn lanes under certain terms and conditions.

NOW THEREFORE, BE IT RESOLVED, the School Board of Independent School District No. 709, St. Louis County, State of Minnesota agrees to the terms and conditions set forth in the attached agreement, or one with substantially the same terms and conditions as such might be amended by the City and with the agreement of District Administration; and

BE IT FURTHER RESOLVED that the School Board authorizes the School Board Chair to execute the Agreement and easement granted to the City of Duluth relating to this Agreement.

B-6-11-2900

June 21, 2011

M-Grover, S-Wasson, to approve Resolution B-6-11-2900 – Construction Agreement with City of Duluth.

Kerry Leider, Facilities Management Supervisor, explained the agreement. Discussion took place regarding the proposed changes.

Upon a vote, the same was approved – unanimously.

Member Grover presented the resolution:

RESOLUTION

Authorizing the Purchase of Real Property Located at 3132 Greysolon Place near Congdon Park Elementary School

WHEREAS, the School Board by Resolution B-6-07-2452 adopted a Long-range Facilities Plan for the District, and therein also directed the District's administrative staff to commence with the identification and negotiation of land to be acquired as identified in the Plan; and

WHEREAS, the Administration working with Johnson Controls and the District's Legal Counsel have identified property and negotiated terms to purchase the property described above; and

WHEREAS, said property will be used for school purposes including the purposes set forth in Minnesota Statute Section 123B.51.

NOW, THEREFORE, BE IT RESOLVED that the School Board hereby authorizes the purchase of real property located at 3132 Greysolon Place, Assessor's Parcel No. 010-1370-03190, further described as Lots 1 and 2, Block 18, East Duluth Division, City of Duluth, in St. Louis County, and;

BE IT FURTHER RESOLVED that the School Board authorizes the School Board Chair to execute a purchase agreement and all other documents required for closing this purchase transaction.

B-6-11-2899

June 21, 2011

M-Grover, S-Wasson, to approve Resolution B-6-11-2899 – Purchase of Property Near Congdon Park School. Upon a vote, the same was approved – 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member Grover presented the resolution:

LOCAL RESOLUTION TO AMEND JOBZ ZONE

Sub-Zone of Approval to Amend the Job Opportunity Building Zones in St. Louis County, City of Duluth, Public School District 709, Minnesota

Whereas, job creation, business development, and individual wealth growth in the City of Duluth, Minnesota have been less than the national and state averages; and,

Whereas, the resulting effects of such lagging job creation, business development, and individual wealth growth have harmed and are forecasted to continue to harm the economy of the City of Duluth, Minnesota; and,

Whereas, the Job Opportunity Building Zone (JOBZ) Program created in Minnesota Session Laws 2003, 1st Special Session, Chapter 21, Article 1 allows for the formation of tax free zones; and,

Whereas, the location of business development is difficult to predict.

Be it Resolved that the Duluth Public School District 709, Minnesota, at its meeting held on the 21st day of June, 2011, upon careful consideration and review, approves rescinding Resolution No. _____ and removing 14.4 of the 40.0 JOBZ acres from the City of Duluth JOBZ subzone #100 (parcel # 010-2746-1330) and transferring these acres to JOBZ subzone #100.1 parcels # 010-1356-00010, #010-1356-00020, and #010-1356-00030 in the City of Duluth.

Be it Further Resolved, that the businesses seeking to access the JOBZ tax exemptions and tax credits are subject to proper review and approval by the City of Duluth and are required to enter into a Business Subsidy Agreement and any other agreements deemed necessary by the City of Duluth.

Be it Further Resolved, that the Duluth Public School District 709 agrees to provide all of the local tax exemptions and credits required and provided for under the Job Opportunity Building Zones (JOBZ) Legislation and agrees to forego the tax benefits resulting from the local and state tax exemptions and credits provided.

B-6-11-2898

June 27, 2011

M-Grover, S-Wasson, to approve Resolution B-6-11-2898 – Local Resolution to Amend JOBZ Zone. Upon a vote, the same was approved – unanimously.

Member Grover presented the resolution:

R E S O L U T I O N
Resolution For the Classification of Fund Balances

WHEREAS, the governing board of Duluth Public Schools will adhere to the reporting requirements as set forth by Governmental Accounting Standards Board (GASB) Statement 54 Fund Reporting and Governmental Fund Type Definitions; and

WHEREAS, the District will categorize according to the following components: Nonspendable (including but not limited to, inventory, prepaid) Restricted (external restrictions), Committed (imposed by resolution), Assigned (general intent for specific use) and Unassigned (residual); and

WHEREAS, the board further delegates authorization to the Director of Business Services and/or their designated to identify intended uses of assigned funds; and

WHEREAS, the board further establishes the order in which fund balances will be spent when multiple fund balance types are available for specific purpose, committed, assigned, and lastly unassigned; and

WHEREAS, the board has previously established a fund balance policy to protect against the need to reduce services levels because of temporary revenue shortfalls or unpredicted expenditures; and

NOW THEREFORE, BE IT RESOLVED that the Board of Duluth Public Schools in accordance with the provisions of GASB 54 commits a portion of its June 30, 2011, General Fund Balance forward for fiscal year 2011-2012 as follows:

Severance – insurance premiums

BE IT FURTHER RESOLVED when it is appropriate for fund balance to be assigned, the Board delegates authority to the Director of Business Services or their designee.

B-6-11-2901

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M-Grover, S-Wasson, to approve Resolution B-6-11-2891 – Resolution for the Classification of Fund Balances.

Discussion took place regarding the resolution and the reason for it.

Upon a vote, the same was approved – unanimously.

M-Grover, S-Wasson, to approve the remainder of the Business committee report.

Member Johnston withheld Items 1.F., 2.A.3) & 4) for a separate vote, and 6.I.

Member Glass withheld Items 1.B., 6.H., and 6.I.

Member Grover withheld Item 1.D.

Member Kasper withheld Items 2.B.1), 4.C.1), and 6.D.

Member Glass withheld Item 1.B. – approval of Payment of Claims to note payments to JCI and the Duluth News Tribune.

Member Grover withheld Item 1.E. – Investment Transactions to note that the year at the bottom of the investment sheet the date was incorrect and the year should be 2011.

Member Johnston withheld Item 1.F. – WADM Projections to note the improvement to the projected numbers. Discussion took place regarding the dynamics of the report and comparison to past years.

Upon a separate vote on Item 2.A.3) the same was approved – unanimously.

Upon a separate vote on Item 2.A.4) the same was approved – 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member Kasper withheld Item 2.B.1) – Security System and Fire Detection Monitoring Services to ask about the work being done. Kerry Leider explained the history of the services and advantages of this opportunity.

Member Kasper withheld Item 4.C.1) – Commercial Lease Extension/Amendment for District-wide Temporary Furniture Storage to ask how long we expect to continue use of the space. Kerry Leider explained the need for the facility.

Member Kasper withheld Item 6.D. – Facilities Management & Capital Project Status Report to ask if we are on schedule with schools to open this fall. Kerry Leider stated that they are on schedule at this point. Member Kasper asked if we are on schedule for the opening of Grant.

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Kerry Leider stated that at this point he does not see a change in the date for Grant.

Member Glass withheld 6.H. – Professional Auditing Services to note his disappointment that they didn't bring the cost of the HRA to the board's attention, and the GASB54 issue. Bill Hanson clarified that they have discussed the GASB54 issue with them.

Member Glass and Member Johnston withheld Item 6.I. – Presentation by Bill Morris. Member Johnston reviewed some of the key points in the survey results. Member Glass asked if this was the same contractor that did the red plan survey. Superintendent Dixon stated that it was.

Upon a vote on the remainder of the business committee report as a whole, the same was approved 6-1 as follows:

Yea: Cameron, Grover, Kasper, Johnston, Seliga Punyko, Wasson

Nay: Glass

Other
June 2011

Member Johnston noted concern with an RFP for sale of schools going out with 3 schools listed on it when the school closing hearings haven't taken place. He noted his concern with the use of eminent domain to procure property. He also asked that the chair ask if there are questions before asking for a vote on items.

Member Glass asked about election filing dates.

Chair Seliga Punyko recognized Superintendent Dixon for his service.

Chair Seliga Punyko adjourned the regular school board meeting of June 21, 2011 at 9:49 p.m.