

**MINUTES OF MEETING OF BOARD OF TRUSTEES  
OF  
CLAY COMMUNITY SCHOOLS**

An organizational and regular session of the Clay Community Schools Board of Trustees was held at the Central Administrative Office, 1013 S. Forest Avenue, Brazil, IN 47834, on Thursday, January 14, 2016. Tom Reberger, Kevin Kumpf, Scott Hill, Ron Scherb, Amy Burke Adams and Shane Wiram were present. Fred Froderman was absent.

**SCHOOL BOARD REORGANIZATION**

**A. Nomination and Election of Officers**

Mr. Reberger nominated Mr. Scherb for board president. Mr. Scherb was elected president by acclamation.

Mr. Hill nominated Mr. Kumpf for board vice president. Mr. Scherb nominated Mrs. Adams. Mr. Kumpf received four votes and was elected vice president.

Mrs. Adams nominated Scott Hill for board secretary. Mr. Hill was elected secretary by acclamation.

Mrs. Adams nominated Mr. Reberger for board assistant secretary. Mr. Reberger was elected assistant secretary by acclamation.

**B. Appointment of Treasurer and Deputy Treasurer**

Mr. Hill moved to approve the appointment of Mark Shayotovich as treasurer and Sheri Yocom as deputy treasurer. Mrs. Adams seconded, and the motion was approved by a 6-0 vote.

**C. Approval of Employee Bonds**

Mrs. Adams moved to approve the recommendation to bond the following employees and positions:

Mark Shayotovich, Corporation	\$300,000
Sheri Yocom, Corporation	\$300,000
Clay City Jr/Sr High School Extra-Curricular Treasurer	\$100,000
Clay City Jr/Sr High School Building Principal	\$100,000
Clay City Jr/Sr High School Athletic Director	\$20,000
Northview High School Extra-Curricular Treasurer	\$220,000
Northview High School Building Principal	\$220,000
Northview High School Athletic Director	\$20,000
North Clay Middle School Extra-Curricular Treasurer	\$65,000
North Clay Middle School Building Principal	\$65,000
North Clay Middle School Athletic Director	\$20,000
Clay City Elementary Extra-Curricular Treasurer	\$20,000
Clay City Elementary Building Principal	\$20,000
East Side Elementary Extra-Curricular Treasurer	\$20,000
East Side Elementary Building Principal	\$20,000

Forest Park Elementary Extra-Curricular Treasurer	\$20,000
Forest Park Elementary Building Principal	\$20,000
Jackson Township Elementary Extra-Curricular Treasurer	\$20,000
Jackson Township Elementary Building Principal	\$20,000
Meridian Elementary Extra-Curricular Treasurer	\$20,000
Meridian Elementary Building Principal	\$20,000
Staunton Elementary Extra-Curricular Treasurer	\$20,000
Staunton Elementary Building Principal	\$20,000
Van Buren Elementary Extra-Curricular Treasurer	\$20,000
Van Buren Elementary Building Principal	\$20,000
Cumberland Academy Extra-Curricular Treasurer	\$20,000
Cumberland Academy Building Principal	\$20,000
All other employees (Corporation Blanket Bond)	\$50,000

Mr. Wiram seconded. The Board voted 6-0 in favor of approval.

**D. Designation of Newspapers for Legal Advertisements**

Mr. Kumpf moved to approve the recommendation that Clay Community Schools designate *The Brazil Times*, *The Clay City News*, and *The Parke County Sentinel* as the official newspapers for legal advertisements. Mr. Hill seconded. The Board voted 6-0 in favor of approval.

**E. Appointment of Members to Bid Opening Committee**

It was recommended that the following individuals be appointed to the bid opening committee:

Mr. Jeffery Fritz	Superintendent
Mr. Mark Shayotovich	Director of Business Affairs
Mr. Michael Howard	Director of Extended Services

Other staff members can be asked to serve on the committee if the bid being considered warrants their service.

Mr. Reberger moved to approve the recommendation. Mr. Wiram seconded, and the motion was approved by a 6-0 vote.

**F. Establishment of Meeting Times and Dates**

Mrs. Adams moved to approve the recommendation to continue to hold regular session board meetings on the second Thursday of the month at 7:30 p.m. in the board room of the central administrative office at 1013 S. Forest Avenue, Brazil, IN. Mr. Hill seconded, and the motion was approved by a 6-0 vote.

**G. Appointment of Corporation Attorney**

The recommendation was to keep Jeff Boyll as the corporation's local attorney, not on a retainer, but only on an as-needed basis. It was noted that free legal advice was available through the Indiana School Boards Association. Additional recommendations were to use Bose, McKinney & Evans for major legal issues, Barnes & Thornburg for financial matters, and Lewis & Kappes for negotiations.

Mrs. Adams moved to approve the recommendations for corporation attorney. Mr. Kumpf seconded, and the motion was approved by a 6-0 vote.

**I. Call to Order**

The meeting was called to order at 7:40 p.m. Board President Ron Scherb led those in attendance in the pledge and offered the prayer.

**II. Consent Agenda**

**A. Claims**

**B. Board Meetings**

Regular Session Minutes for December 10, 2015

Executive Session Certification for December 10, 2015

**C. Field Trips**

1) Northview High School Choir students who had been selected to the Indiana All-State Choir to Fort Wayne, Indiana, January 14-16, 2016, to rehearse with special guest conductor, requiring overnight stay.

2) Clay City Junior/Senior High School FCCLA members who are attending the State FCCLA Conference to Marriott East Hotel & Conference Center, Indianapolis, Indiana, February 25-27, 2016, requiring overnight stay.

3) Forest Park kindergarten students to Beef & Boards Dinner Theater, Indianapolis, Indiana, March 4, 2016 to see "Junie B. Jones" play.

**D. Personnel**

**A. LEAVES OF ABSENCE**

1. Certified

a. FMLA	ME	Karen Phillips
b. FMLA	FPE	Becky Chrisman
c. FMLA	NHS	Dan Dragon
d. FMLA	CCHS	Penny Groover
e. FMLA	NHS	Craig Trout

2. Non-Certified

a. FMLA	CCHS	Sharie Ledgerwood
b. FMLA	NCMS	Janice Davis
c. FMLA	NCMS	Carolyn Head
d. FMLA	NCMS	Christina Reberger

**B. RETIREMENTS**

1. Certified	None
2. Non-Certified	None
3. Place on Retirement Index	None

**C. RESIGNATIONS**

1. Certified	None	
2. Non-Certified		
a. 29-hour Instructional Assistant	NHS	Emilee Edington
b. Bus Driver	TRANS	Gregg Stearley
c. Food Services	NCMS	Lori Smithhart
3. ECA Resignations	None	
4. ECA Lay Coaches	None	

#### D. TRANSFERS

- |                  |      |  |
|------------------|------|--|
| 1. Certified     | None |  |
| 2. Non-Certified | None |  |

#### E. EMPLOYMENT

- |                                     |         |                     |
|-------------------------------------|---------|---------------------|
| 1. Certified                        | None    |                     |
| 2. Non-Certified                    |         |                     |
| a. Occupational Therapist           | SP SERV | Christina Smith     |
| b. 29-hour Instructional Assistant  | NHS     | Alexis Morris       |
| c. 29-hour Instructional Assistant  | NHS     | Allison Brown       |
| d. 185-day Evening Custodian        | ESE     | Tim Lunsford        |
| e. Main Secretary                   | NHS     | Rebecca Arnold      |
| f. Bus Driver                       | TRANS   | James (Kevin) Tague |
| g. Bus Driver                       | TRANS   | Timothy Applegate   |
| h. Bus Driver                       | TRANS   | Earl (Ed) Payton    |
| i. 6-hour Food Services             | CCE     | Ashton Stevenson    |
| j. Coordinator of Adult Ed Programs | CORP    | Elizabeth Coley     |
| 3. Other                            | None    |                     |

#### F. EXTRA-CURRICULAR

- |  |      |                |
|--|------|----------------|
| 1. Extra-Curricular Certified            | None |                |
| 2. Extra-Curricular Non-Certified        | None |                |
| 3. Extra-Curricular Lay Coach            |      |                |
| a. 9 <sup>th</sup> Grade Boys Basketball | NHS  | Aaron Edwards  |
| 4. Supplemental                          |      |                |
| a. Adult Education                       | CORP | Rowland Perez  |
| b. Adult Education                       | CORP | Cindy Pike     |
| c. Adult Education                       | CORP | Shaun Short    |
| d. Adult Education                       | CORP | Shannon Nevins |

#### G. CHANGES

- |  |      |                  |
|--|------|------------------|
| 1. Certified   | None |                  |
| 2. Non-Certified                                       |      |                  |
| a. 29-hour Instructional Asst. to<br>29-hour Custodian | CORP | Angie Clingerman |
| b. 4-hour Food Services to<br>5-hour Food Services     | JTE  | Jamie Hoffman    |
| c. 6-hour Food Services to<br>Cafeteria Manager        | JTE  | Patricia Woolery |
| 3. ECA-Lay Coaches                                     | None |                  |

#### H. VOLUNTEERS

- |                             |  |  |
|-----------------------------|--|--|
| 1. CLASSROOM                |  |  |
| <u>Clay City Elementary</u> |  |  |
| a. Christina Mattox         |  |  |
| <u>East Side Elementary</u> |  |  |
| a. Kimberly Bumgardner      |  |  |
| b. Jeff Ehrlich             |  |  |



**Mark Hassler**, local attorney and also a member of the First Presbyterian Church, explained that his role in this issue was to try to negotiate a resolution of the parking issue with the Brazil Public Library. He pointed out that the parking lot was originally a doctors' office; some of the doctors attended the Presbyterian Church and had allowed the church members to use the parking lot, for decades. The doctors gave the property to the library, and the Presbyterian Church members continued to use the parking lot for a number of years after that. This year, something happened: After a dispute involving church equipment located on a piece of library property smaller than the size of a walk-in closet, an attorney from Indianapolis was hired to start sending the church letters. The equipment was eventually moved, but the church members have been barred from the parking lot, and a fence and a gate have been installed around the parking lot. The church members were first told it was a liability issue; however, the church met the liability issue by obtaining an insurance rider to eliminate liability on the part of the library for church members' use of the parking lot. The church members were asking to use the parking lot for an hour and a half on Sunday mornings, when the library is closed, as well as for some special evening services and funerals. Mr. Hassler asserted that he was never allowed to talk to their attorney; rather, the library attorney would only communicate to Mr. Hassler by email. An offer was made by the church for \$10,000 for five years, and that offer was rejected. The church was given a take-it-or-leave-it offer: Pay \$2,400 for one year with no guarantee that the lot could be used in the future after the first year. Plus, the library could, for any reason, with or without cause, end the agreement with 90-days' notice and keep the church's money. Mr. Hassler believed the library board was viewing the church as some sort of revenue source, and he did not think that was fair, particularly when the reason the parking lot is there and is in the condition it is in is through tax dollars. He noted that the church members have been allowed to use the parking lot adjacent to the library owned by the city of Brazil as well the parking lot for Meridian Elementary owned by Clay Community Schools, with no strings attached. It is Mr. Hassler's fear that the public library director and board are not interested in working with other community organizations that don't have the facilities and the assets that the Brazil Public Library has.

**Eric Wyndham**, a retired attorney who had previously served as legal counsel for several public agencies, noted that he is aware of the appointment process and how most governmental agencies can hurry through that process because they have more important business to attend to. He pointed out that the school board, by law, makes three appointments to the seven-member library board. The term of the board members, by statute, is for four years; statute allows each library board member to serve not more than a maximum four terms. Mr. Wyndham asked the school board to consider adopting some careful vetting procedures when it comes time to appoint members to the library board, including the following: 1) The appointments should not be made through a "rubber stamp" procedure where the school board appoints whomever is recommended by the library director in order to resolve the matter quickly; 2) investigate the business background and experience of each potential appointee; 3) consider the educational needs of the community when making these appointments; 4) appointments will be made in the best interests of the public and the youth of Brazil and Clay County; and, 5) consider publishing notice in the newspaper to ask for any person who might have interest in being appointed to the library board.

The three men were of the opinion that some of the past actions and policies of the Brazil Public Library and its board had not promoted public confidence in the library, which is one of the library's statutory duties. Some of their actions had adversely affected local community organizations, events, and actions, including two churches, civic clubs, local sororities, scouts, and other benevolent organizations that had been allowed to use the church's fellowship hall free of charge. The three men also thought that the amount of money that had been spent on the parking lot could have been used for an expanded computer lab in the library or more books and resource materials. Mr. Wyndham noted that, by statute, the library director is responsible and answerable to the Board for the operation and management of the library; it should not be the other way around. The board members are statutorily obligated to properly discharge their duties as members of the library board and act in such a manner as to promote public confidence in each member of the Board, which is where the board members may have fallen short, in the eyes of the three men making patron comments. Mr. Wyndham concluded his comments by stating that he had in the past represented the public library as their attorney, and he supports the public library. It was his hope that, in the future, library board appointments would be given the diligent attention and review that could benefit not only the church and the organizations that use the church, but the entire community.

Mrs. Adams shared her thought that the Brazil Public Library was one of the few libraries that was an Andrew Carnegie library, donated with money from Andrew Carnegie, a great philanthropist. The Carnegie Foundation still exists, and the library was given in the spirit of building a strong community. As she sees it, it would be sad to think that somehow that got lost.

#### **IV. Old Business**

##### **A. School Bus Bids**

Mr. Reberger moved to accept the recommendation of the administration to accept the bids from MacAllister Transportation for the total purchase price of \$489,100.00. Mr. Kumpf seconded.

Under discussion, Mr. Scherb stated that he opposed the purchase. Mr. Scherb clarified that he was not opposed to purchasing six buses; rather, he was opposed to purchasing the buses with air conditioning included, adding \$50,000.00 to the cost of the six buses. He surmised that, with 75 buses in the fleet, it would ultimately cost the school corporation \$625,000.00 just to air condition all of the buses. He wondered if there was a better way to spend money to get a better return on the investment. Mr. Scherb would have no problem air conditioning a certain percentage of the buses, particularly those that were to be used for field trips or to transport students to events in August; he just didn't think it was needed for twenty or thirty minutes in an afternoon driving locally.

Mr. Reberger commented that he wouldn't even consider buying a car that didn't have air conditioning. Ten years ago, he probably would have thought the buses didn't need air conditioning and would not have voted for it; today, he will. He noted that, with the buses purchased last year with air conditioning, the transportation department will have about 12 buses with air conditioning, which is a small percentage of the fleet.

The motion was approved by a 4-1-1 vote, with Mr. Scherb opposed and Mr. Wiram abstaining.

**V. Superintendent's Report**

Superintendent Fritz noted the following:

- New employees Christina Smith (Special Services), Alexis Morris and Allison Brown (Northview High School), Tim Lunsford (East Side Elementary), Rebecca Arnold (Northview High School), James (Kevin) Tague, Timothy Applegate, and Earl (Ed) Payton (Transportation), Ashton Stevenson (Clay City Elementary), and Elizabeth Coley (Coordinator of Adult Education Programs) were welcomed to the Clay Community Schools family
- Regarding I-STEP+, Superintendent Fritz observed that teachers, administrators, superintendents across the state, building principals across the state, and even parents had been talking to elected representatives in Indianapolis, and the elected representatives had listened: They are doing some common-sense adjustments and common-sense easing on the schools and teachers. He complimented the schools in the corporation that did well. He noted, however, that there were more schools than not that had difficulties during the testing process with all kinds of technology issues and other issues. Administrators are united in moving on and are going in to the next session of I-STEP+ testing with the same passion that existed prior to last year's testing session. All are ready for this challenge and are very positive, and teachers and principals are working hard and are developing ideas regarding data management, instruction, and teaching skills.
- The ISBA Regional Leadership Seminar for Region 7 is to be held on February 25, 6:00 – 9:00 p.m. here at Clay Community Schools. Superintendent Fritz encouraged all board members to attend.
- Congratulations were offered to Northview High School choir teacher Brenda Butler. Ms. Butler won the Lily Creativity Grant and will be taking part in jazz festivals in Europe over the summer.

**VI. New Business**

**A. Resolution for Interest Deposits**

Mr. Kumpf moved to approve the resolution for interest deposits. Mr. Reberger seconded, and the motion was approved by a 6-0 vote.

**B. Resolution to Transfer Appropriations**

Mr. Hill moved to approve the resolution to transfer appropriations. Mr. Wiram seconded, and the motion was approved by a 6-0 vote.

**C. 2016 Transfer of Funds Certificate**

Mr. Reberger moved to approve the 2016 transfer of funds certificate. Mr. Kumpf seconded, and the motion was approved by a 6-0 vote.

**D. Resolution to Prepay Claims**

Mr. Hill moved to approve the resolution to prepay claims. Mrs. Adams seconded, and the motion was approved by a 6-0 vote.



**E. Resolution to Transfer from One Fund to Another**

Mr. Wiram moved to approve the resolution to transfer from one fund to another. Mrs. Adams seconded, and the motion was approved by a 6-0 vote.

**F. Appointment to CCS Technology Committee**

Mr. Reberger moved to appoint Amy Burke Adams to the Clay Community Schools Technology Committee. Mr. Hill seconded, and the motion was approved by a 5-0-1 vote with Mrs. Adams abstaining.

**G. School Resource Officer Contract**

Superintendent Fritz explained that Tim Rayle had contacted several school corporations that utilize School Resource Officers (SROs). After discussing several options, LawMan Security & Consulting was contacted. Tim Rayle, Mike Howard, Mark Shayotovich, Clay County Chief Deputy Sheriff Josh Clarke, and Superintendent Fritz met with two representatives from LawMan Security & Consulting. LawMan hires local, county, and state police officers from the area and provides the officers' liability and worker's comp insurance. The officers would be employees of LawMan and not of CCS or the Clay County Sheriff's Department. Lawman would also provide the necessary SRO training for the officers who would be working in the CCS buildings, and training would be completed before the SROs began working in the schools. Attorney Michelle Cooper developed a written agreement with LawMan, and the company's standard contract would be utilized as well. Hourly wages for the SROs are to be paid to LawMan once a month, utilizing the school safety grant. Superintendent Fritz noted that the use of LawMan would eliminate the issue of overtime pay concerns of the county, as well as the liability concerns that the school attorney had. It would also eliminate the worker's comp issues. Approval to contract SRO services with LawMan Security & Consulting for the remainder of this school year was recommended.

LawMan Security & Consulting representatives Bryan Bishop, owner, and Justin Bean, supervisor, were asked about the SRO training. They explained that their company does not provide the training; rather, the SRO training is done either through the state or an accredited facility. However, their company will make sure that the officers receive the appropriate training. They were trying to find a way to bring someone in to do the training at the school corporation to make it easier for the officers here.

The duo further explained that small communities, such as Clay County, do not have large departments from which to pull officers for duty as an SRO. Therefore, they hire officers to work for their company as an SRO on their days off from their regular duties. Superintendent Fritz pointed out that, because the SROs are working for LawMan when performing their duties, there are no overtime implications.

Superintendent Fritz clarified that the SRO training is required because the school corporation is receiving a matching grant through Homeland Security to fund the SROs, and the grant requires the SRO training.

Mrs. Adams wanted to know who was going to supply the training. The LawMan representatives stated that they are trying to figure out what the best route would be and which would be the easiest to get the number of officers they need, with a schedule to

get them in. As for which training programs they have looked at, they stated that they have looked at NASRO, which is one of the bigger training programs.

Mrs. Adams pointed out that the school board was being asked to approve spending \$100,000 by June 13, 2016, and it would be for a contract that doesn't have a plan yet. Mr. Bishop responded to this, noting that they were trying to bring in someone in-house that is accredited through the state. They do not develop the training; it is all mandated by the state. Superintendent Fritz emphasized that, even if a contract has been approved, the SRO officers would not start working and there would be no hourly rate paid to LawMan until the officers had received the SRO training. The training can be paid for through the grant, and Superintendent Fritz asserted that this would be a good year to pay for the training because the SRO officers would be starting so late in the school year and there would be a lot of money left over.

As for how long LawMan has been providing SRO officers, they have been doing this since 2010, and they are currently providing SROs in Pike County and Spencer County.

Regarding a point of contention raised by Mrs. Adams regarding a line in the contract stating that LawMan would provide the training, Superintendent Fritz clarified that the language in the contract referred to training in regard to the expectations of LawMan, not the training specifically for an SRO. LawMan is not certified to provide the SRO training, so even if they arrange the training, no money will go to LawMan for that training. Mr. Reberger further clarified that the grant would be paying for the SRO *certification*; the training for the procedures that LawMan wants the SROs to follow would be money running through LawMan.

It was Mrs. Adams' assertion that she was not getting the same answers to her questions from everyone she had asked, and she had a lot of unanswered questions. She felt the Board had an obligation to the taxpayers to explain how their money is being used, and she questioned the rate being paid to the officers, which she was told was confidential.

At this point, Mr. Scherb asked for a motion. Mr. Reberger moved to approve the School Resource Officer contract. Mrs. Adams moved to table. Board President Ron Scherb recognized Mr. Reberger's motion to approve, and Mr. Wiram seconded.

Mrs. Adams then continued discussion by contending that \$3,500 per month would be going to LawMan for handling. She acknowledged some of that amount would be for overhead, such as liability insurance. Mrs. Adams stated that she is in support of SROs in the buildings; however, she had a concern that taxpayer money will be going to Evansville, and she had a concern that the officers would be using equipment that has been paid for with county tax dollars. She added that she will continue to ask questions, even if they are not popular.

In rebuttal to Mrs. Adams' computations regarding an hourly rate for SROs and the subsequent amount going to Lawman for handling, Superintendent Fritz stated that he thought Mrs. Adams was perhaps using figures from conversations held earlier when it was thought a contract was going to be arranged through the Clay County Sheriff's

Department. Those figures did not include the whole cost that the school corporation would have been incurring, such as worker's comp and PERF costs. When considering all factors, it was determined that LawMan would be paid about \$3 per hour, and the administration felt that the cost being paid to LawMan was very much cost-effective. Also, counsel from attorney Michelle Cooper advised the school corporation against hiring law officers that would be on the school corporation's books for payment. Ms. Cooper developed the agreement with LawMan, and it was under her counsel as well that this would be money well spent.

Superintendent Fritz pointed out that, because this is the pilot year for the SROs, the school corporation must wait for the officers to be trained, so it may not roll out very quickly. From his understanding, there are only two part-time police officers who currently have the SRO training. The officers cannot start to work and be paid from the grant without completing the SRO training, so the program will not start until they have the proper training.

Mrs. Adams shared her concern regarding the use of equipment. She stated that she would like to be confident of the legality of taking the equipment that was purchased by Clay County tax dollars...guns, cuffs, Tasers..., purchased for the purpose of law enforcement for the county citizens. She wanted to make sure it would be legal to let them be used for a for-profit company for a contract.

Prior to the vote, Mr. Reberger asked to verify that LawMan Security and Consulting would not make a dime until the first officer steps foot in the buildings. Superintendent Fritz stated that Mr. Reberger was correct: LawMan Security and Consulting will make no money off the training.

The motion was approved by a 5-1 vote, with Mrs. Adams opposed.

#### **H. Coordinator of Adult Education Programs Job Description Revision First Reading**

Changes were recommended for the Coordinator of Adult Education Programs job description. The job description was originally approved by the Board during the November 12, 2015, school board meeting. This was a first reading, so no vote was required.

#### **VII. Board Member Comments**

**Tom Reberger** commented that when he had stopped by Central Office recently, the school cooks were having a meeting there. He pointed out that, although students sometimes complain about the food, the cooks are following government guidelines. They were going through training, and they were taking it seriously. He was very impressed.

**Amy Burke Adams** congratulated Mrs. Patricia Woolery for her promotion to the cafeteria manager at Jackson Township Elementary. Mrs. Adams also offered congratulations to Superintendent Fritz for his decision to delay school and keep students out of danger during inclement weather. She applauded his judgment in deciding when to run the buses and when not to run the buses.

**VIII. Future Agenda Items**

**Ron Scherb** would like to see what the budget looks like following the end of the calendar year. Mr. Shayotovich stated that next month he would be presenting his annual financial report, which would basically be a 2015 recap.

**Shane Wiram** would like to look at the Capital Projects Fund three- to five-year plan.

**IX. Adjournment**

Having exhausted all agenda items, the meeting was adjourned at 8:58 p.m.

The meeting was audio recorded and copies may be requested by contacting the Central Administration Office.