

Metropolitan Nashville Public Schools
Board of Education
Regular Meeting
Minutes
April 30, 2015

TOPIC	DISCUSSION/MOTION	FOLLOW-UP/OUTCOME
Roll Call	Present: Dr. Jo Ann Brannon Amy Frogge Dr. Sharon Gentry, Chair Tyese Hunter Elissa Kim, Vice-Chair Mary Pierce Will Pinkston Anna Shepherd Jill Speering Dr. Jesse Register, Director of Schools Dr. Gentry called the meeting to order at 6:15 p.m.	
Pledge of Allegiance	Led by Hank Clay, Assistant to the Director – Government Relations	
GOVERNANCE ISSUES		
Consent Agenda	Ms. Kim read the following consent agenda IV-A-1-a - Approval of Minutes –12/09/2014, 01/13/2015 and 01/27/2015 Regular Meetings; IV-A-1-b- Recommended Approval of Contract for East Nashville Magnet High School Band Room Renovation – Dowdle Construction Group, LLC; IV-A-1-c- Recommended Approval of Amendment C for Prototypical Pre-Kindergarten and Kindergarten Playgrounds at Various Schools – Custom Recreation; IV-A-1-d- Recommended Approval of Change Order #7 for Hume-Fogg Magnet High School Gymnasium Addition – D.F. Chase, Inc.; IV-A-1-e- Recommended Approval of Change Order #2 for Stratford STEM High School Renovations – Messer Construction Company; IV-A-1-f- Recommended Approval of Request #1 for Purchase of Furniture (Waverly- Belmont Elementary School) – HST Interior Elements, LLC; IV-A-1-g- Recommended Approval of Request #8 for Purchase of Furniture (Waverly-Belmont Elementary School) – Guy Brown Interiors; IV-A-1-h- Recommended Approval of Request #1 for Purchase and Installation of Bleachers (Glencliff High School) – Dant Clayton Corporation; IV-A-1-i- Recommended Approval of Request #9 for District-wide Maintenance, Repairs, and General Construction (Natatorium Renovations at Glencliff High School) Kerry G. Campbell, Inc.; IV-A-1-j- Awarding of Purchases and Contracts (1) Cartridge Central, (2) Cartridge World Nashville, (3) Communities in Schools of	

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Consent Agenda – continued	Tennessee, (4) DK Brand Strategy, (5) Leiff Cabraser Heimann & Bernstein, (6) Lipscomb University, (7) Microsoft Corporation, (8) Pitney Bowes, (9) Total Prints, (10) Vanderbilt Peabody Research; IV-A-1-k- Approval of Special Textbook Adoption: IB Math Studies, IB Mathematics SL, IB Mathematics HL Year 1, and IB Mathematics HL Year 2. Ms. Shepherd made a motion to approve the consent agenda as read. Mr. Pinkston seconded.	VOTE: 9-0 – Unanimous
Public Accountability for Charter Schools Resolution	Ms. Shepherd made a motion to approve the Public Accountability for Charter Schools Resolution. Ms. Shepherd read the following resolution: WHEREAS, traditional districts and charter schools should work together to ensure a coordinated approach that serves all children; and WHEREAS, school governance should be representative and transparent; and WHEREAS, it is the duty of the Metropolitan Board of Public Education to ensure Metro Nashville Public Schools provides strategic growth and expansion of its schools to better serve students and the community while protecting taxpayers; NOW, THEREFORE, BE IT RESOLVED, The Metropolitan Board of Public Education supports independent accountability and transparency standards for all of Metro Nashville's Public Schools as recommended by the Annenberg Institute for School Reform and as proscribed by Tennessee State Laws; BE IT FURTHER RESOLVED, The Metropolitan Board of Public Education and the Director of Schools apply these standards, pending legal analysis, when making decisions regarding school expansion. Ms. Frogge made the following comments: I support the adoption of the Annenberg standards, which in my opinion is the bare minimum step we should take to ensure transparency and accountability for our charter schools. These standards create a clear set of expectations and rules under which all schools should operate. The goal is to protect the health of the school system overall, and to ensure that every child in every school has an opportunity to succeed. I've had several experiences that indicate a great need for transparency around charter schools. A few meetings ago, I asked about the	VOTE: 9-0 – Unanimous

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Public Accountability for Charter Schools Resolution – continued	services we are providing free of cost to our charters, and I received a dishonest answer. I was told that we do not provide services free of cost to charters. I know this answer was inaccurate because two days later we met with our independent auditors, who led off the meeting by stating that we do indeed provide indirect services free of cost to charters. The auditors emphasized that we need to recoup these indirect costs in order to offset the growing negative fiscal impact that charter schools are having on the district. I was subsequently provided a list by the district that details indirect services we offer charter schools free of charge. However, some items appeared to be missing from the list, so I filed an open records request to ascertain the accuracy of the information. I was concerned that the list sent out to the Board is not comprehensive. Here are some of the items included by head administrators in their summary of charter costs that did not make the final list we received: (1.) A full-time special ed coach for all charter schools - \$81K per year, (2.) Time devoted by an existing discipline coordinator, who works with charter schools on expulsions, (3.) Employee time spent on student records and charter applications, (4.) Two part-time data coaches (RTT funds), (5.) Services regarding students records and charter applications, (6.) EL services from an existing employee. In addition, there are several other services that did not make the list which charter schools may be receiving free of cost: (1.) Athletic costs, (2.) Participation in the MNPS teacher fair, for which MNPS recruits, (3.) Participation in the MNPS First Choice Festival, which MNPS fully funds, (4.) Food services that include food delivery, set-up, and employee time, (5.) Learning Technology services. What happened on this occasion reflects my previous experiences in trying to get information about charter schools. When I asked questions in the past, I have had a very difficult time getting answers from the Office of Innovation, and sometimes my requests have been completely ignored. So the question here is not what we could or should charge charter schools for indirect services. That is something the Board and administration can debate, and sometimes the answers will be murky. The issue here is that there is limited transparency when it comes to charter schools. Information about charter schools such as capacity, waiting lists, and costs should be readily available to Board members and to the public in general who fund these schools. A Board member should not have to file an open records request to get the information needed. Charter	

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Public Accountability for Charter Schools Resolution – continued	schools are funded by tax dollars and should be required to follow the same rules as other public schools with regard to sharing information. An agreement to follow the Annenberg standards would be a big step in the right direction for greater transparency and accountability for charter schools in Nashville. Ms. Pierce asked, will Annenberg Standards be taken to Policy Governance for review and to align the policies with state law, etc.? Also, will charter leaders be invited to have input in the process? Ms. Shepherd said, yes those discussions would be held in community meetings. Ms. Kim stated that she wondered how do the Annenberg Standards compare with other national governing standards that target transparency and accountability. She asked if the standards could be reviewed and revised to meet MNPS and state qualifications, and then brought back to the Board for vote. Mr. Pinkston said the Annenberg Standards represent a model set of standards. But parts that do not conform with state law will not be integrated into the process. It may also be a good idea to have Annenberg revisit the district and the standards after revisions are made. Ms. Pierce stated that she would prefer that the Board vet the policies in committee and also include affected stakeholders. Dr. Gentry said, if the Board is adopting all the standards, then the Board should agree that the next step in the process is to have Metro Legal review the standards to ensure there is no conflict with state law. Secondly, are the processes in place to obtain the information the standards require? In the committee meeting, the Board and the administration need to work together to ensure that collaboration happens and also develop how the policies will be implemented in current and future schools. Mr. Pinkston said, he did not think it was necessary for the Board to handle the policy review in committee, but was rather a job for the administration. Future charter applicants should be informed of standards prior to future charter applications being presented to the Board. Dr. Brannon asked, what steps can we take to ensure the standards are consistent with state law? Mr. Pinkston said, the administration and Metro Legal can undergo that work. Dr. Gentry said, the Board should “own” the process of vetting the standards. Mr. Pinkston made a motion to amend the resolution to read as follows: WHEREAS, traditional districts and charter schools should work together to ensure a coordinated approach that serves all children; and	

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Board of Education
Regular Meeting
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April 30, 2015

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Public Accountability for Charter Schools Resolution -continued	WHEREAS, school governance should be representative and transparent; and WHEREAS, it is the duty of the Metropolitan Board of Public Education to ensure Metro Nashville Public Schools provides strategic growth and expansion of its schools to better serve students and the community while protecting taxpayers; NOW, THEREFORE, BE IT RESOLVED, The Metropolitan Board of Public Education supports independent accountability and transparency standards for all of Metro Nashville's Public Schools as recommended by the Annenberg Institute for School Reform and as prescribed by Tennessee State Laws; BE IT FURTHER RESOLVED, The Metropolitan Board of Public Education and the Director of Schools apply these standards, <i>pending legal analysis</i>, when making decisions regarding school expansion. (amendments italicized) Mr. Pinkston called the question. Ms. Pierce said she is concerned that the Board has not held discussions with the stakeholders who will be affected by the standards. Mr. Pinkston said, notice that the resolution would be brought to the Board was given weeks ago, but the Board did not begin receiving emails from charter administrators concerning the resolution until yesterday.	VOTE: 5 - Yes (Brannon, Shepherd, Pinkston, Speering, Frogge) 3 – No (Hunter, Kim, Pierce)
Approval of the Naming of Creswell Middle Prep School of the Arts – <i>Naming of Schools Committee</i>	Dr. Brannon gave a brief explanation for the name modification of Isaiah T. Creswell Middle School. Dr. Brannon made a motion to modify the name of Isaiah T. Creswell Middle School to Creswell Middle Prep School of the Arts. Ms. Shepherd seconded.	VOTE: 9-0 – Unanimous
BEP Funding – A Motion to Hire Counsel for Legal Advice	Ms. Frogge made a motion to suspend the rules to reconsider the motion to hire counsel for legal advice. Ms. Speering seconded.	VOTE: 5 – Yes (Shepherd, Speering, Pinkston, Frogge, Hunter) 3 - No (Kim, Pierce, Brannon)

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Regular Meeting
Minutes
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BEP Funding – A Motion to Hire Counsel for Legal Advice – continued	~~Ms. Frogge made a motion that the Board engage in legal counsel to advise the Board regarding the lawsuit recently filed for adequate school funding for the Board to seek legal advice on the pending BEP lawsuit. Mr. Pinkston seconded.~~ Ms. Frogge made the following comments: I have distributed information on John Borkowski, who I've suggested to advise us as to the funding adequacy lawsuit that was recently filed. I would like to address a few points raised at our last meeting: 1. Mr. Borkowski has represented MNPS over the last six years on several matters, including on an extensive case regarding the constitutionality of MNPS student assignment plan and Office of Civil Rights complaints. As such, he served as our attorney of record, working alongside Metro Legal. 2. Mr. Borkowski is well-qualified for this work. He specializes in trial and appellate litigation, with an emphasis on education law issues arising under the U.S. Constitution, state constitutions, and federal statutes and regulations. The lawsuit filed by Hamilton County, and other school districts, alleges that the state has breached its constitutional duty to provide "a system of free public education" for children in Tennessee. 3. I'd like to address questions regarding the fees MNPS paid last year to Mr. Borkowski for his representation. Those fees totaled approximately \$165,000. The vast majority of that cost - \$106,000, went towards defense against an Office of Civil Rights complaint. The remainder of the cost went toward several other matters, including changes in student assignment plans, implementation of the Diversity Management Plan, and challenges to the charter school law and the state's funding formula. It is also noteworthy that Mr. Borkowski will change firms next month, which will reduce his cost by about \$200 per hour. 4. Legal representation involves a dialogue between the client and the attorney concerning pending legal issues. MNPS has not received legal advice on the lawsuit that has been filed regarding adequacy of school funding in Tennessee. Because time is of the essence on this lawsuit, I suggest an initial meeting with Mr. Borkowski to review the pending lawsuit and assess our interests. If we ultimately decide to join the lawsuit, we can then decide whether to engage Mr. Borkowski for this work or consider other representation. So to clarify my motion, I am asking merely that we engage Mr. Borkowski to advise us regarding the pending lawsuit. Mr. Pinkston stated that he supported the	VOTE: 8-1 –(Brannon)

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BEP Funding – A Motion to Hire Counsel for Legal Advice - continued	motion. Ms. Shepherd stated that she is opposed to the motion due to timing. The laser focus of the Board should be the Director of Schools search. This legal conversation could cause a distraction from important activities that require Board involvement. It may be proper to delay the motion until another time. Ms. Frogge said, an attorney’s legal counsel would help the Board decide whether immediate action is needed or if a delay would be more appropriate. Dr. Brannon said she believes the Board should stay focused on the Director search, and is in favor of delaying seeking legal counsel. Ms. Pierce asked if Metro Legal could provide the Board with advice. Ms. Harkey said, yes. Ms. Hunter said the distractions that the Board is facing are constant, and Metro Legal may be able to provide services. Ms. Kim asked, does Metro Legal have expertise in BEP discussions? Ms. Harkey said, yes. Ms. Frogge made motion to amend her motion to say, motion for the Board to seek legal advice on the pending BEP lawsuit. Mr. Pinkston seconded. Ms. Frogge made a motion that the Board engage Mr. Borkowski to provide the Board with only initial advice regarding the BEP lawsuit. Ms. Speering seconded. Ms. Frogge rescinded her motion. Ms. Frogge asked Ms. Harkey to report to the Board at the May 26th Board meeting on the BEP funding lawsuit.	VOTE: 9-0 – Unanimous
REPORTS		
A. Director’s Report		
1.		
B. Committee Reports		
1. CLASS	Ms. Shepherd gave a CLASS report. Ms. Shepherd said the last CLASS conference call would be held April 29 th .	
2. Community Engagement	Mr. Pinkston announced that the Community Engagement Committee would postpone meetings until after the Director of Schools search.	
3. Director of Schools Search	Dr. Gentry gave a brief Director of Schools Search Committee report. The next meeting will be held May 14 th .	

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C. Board Chairman's Report 1. Announcements Self-Healing Communities Seminar	Ms. Speering announced that she attended a seminar MNPS offered in collaboration with Vanderbilt University on Self-Healing Communities.	
Blue Ribbon Teacher Award	Ms. Speering announced that about 8 percent of MNPS teachers earned the prestigious Blue Ribbon Teacher Award. She congratulated the following teachers: Judy Blackwelder from Glencliff High School, Jennifer Reist from Hunter's Lane High School, Jarred Amato from Jere Baxter Middle Prep, Carrie Cowan from Joelton Elementary School, Theresa Jones from Dan Mills Elementary School, Dianne Winstead from Old Center Elementary, Niki Rager from Goodlettsville Middle School, Allison Borger from Litton Middle School, Jennifer Hurst from Bailey STEM Magnet Middle School, and Diane Simmons from Gateway Elementary School.	
Tennessee State University (TSU)	Ms. Speering announced that TSU, in cooperation with MNPS, is offering a two week residential Regents Summer Math program for students in Metro high schools, July 12-24 for rising 10th and 11th graders. The program is free, but space is limited. For more information, contact Dr. John Robinson at TSU.	
TCAP Testing	Ms. Speering announced that she was recently invited to proctor the TCAP test this week at Pennington Elementary in a 4th grade class, two 70- minute periods separated by 20 minutes of recess were devoted to reading tests. Classrooms were devoid of any writings on the walls, even students' names had to be covered up or taken down. The majority of the students in class completed the first segment of the test in 30 minutes although 70 minutes were allocated. Students were required to stay in their seats with only a sheet of paper to occupy another 40 minutes of sit and stare. Only three students were still working at the hour mark. The other students sat lifeless, bored. One student wrote a list of words. On further examination, I could tell she was writing adjectives that described herself. She asked me how to spell acrobatics, but I was afraid I'd break a rule if I told her. Last year, we fired a teacher for a similar infraction. I am not against achievement tests, but I am opposed to demanding that some of our most talented 9 and 10-year old children are held captive for up to 40 minutes after completing a portion of a test, and not even allowed to read a book in silence.	
Parent Advisory Council	Ms. Shepherd congratulated Stephanie Spear for being elected Parent Advisory Council President.	

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Conexion Americas	Mr. Pinkston thanked Conexion Americas, and all stakeholders involved, for honoring students at Glenclyff High School who are first generation Americans and first generation college students.	
Overton High School	Mr. Pinkston thanked Mayor Dean for funding the Capital Budget request for Overton High School.	
Mayor Dean Budget Approval	Ms. Pierce thanked Mayor Dean for funding the MNPS Operating Budget and Capital Budget.	
Notice of Motion	Ms. Frogge made notice that she would bring a motion at the next Board meeting to terminate the appeal in the SEIU/MOU case.	
WRITTEN INFORMATION TO THE BOARD		
Sales Tax Collections as of April 20, 2015		
Fiscal Year 2014-2015 Operating Budget Financial Reports		
Upcoming Committee Meetings		
Adjournment	Ms. Frogge adjourned the meeting at 7:33 p.m.	
Signatures	 Chris M. Henson Board Secretary Sharon Dixon Gentry Board Chair Date	