

## RECORDS AND PROCEEDINGS

A regular meeting of the Board of Education of the Pulaski County Special School District was held at 925 East Dixon Road on the 8<sup>th</sup> day of December 2009. The following business was transacted.

### Opening

12/08/09

Vice President Charlie Wood called the meeting to order at 6:10 p.m.

Present: Mr. Tim Clark, Mr. Danny Gililand, Mrs. Mildred Tatum, Mr. Bill Vasquez, Ms. Gwen Williams, Mr. Charlie Wood and Acting Superintendent Rob McGill

Absent: Mrs. Sandra Sawyer

Bryant Moy, representing North Pulaski High School, served as the student board member.

The Sylvan Hills High School Beauty Shop Quartet performed the National Anthem.

### Special Recognition

12/08/09

Good Apple Award

DeeAnn Moore, bookkeeper at Scott Elementary School, was presented the Good Apple Award for Support Staff.

Certificates of Achievement

Certificates of Achievement were presented by Mrs. Tatum to six students in the scholars program at Mills University Studies High School that won the first place trophy at an invitational Quiz Bowl tournament. The winning team members were: Gary DeClerk, Alyssa Fraizer, Vincent Gammill, Cameron Graves, Lisa Kent and Zach Robert.

### Minutes

12/08/09

Ms. Williams moved, seconded by Mr. Wood, approval of the minutes of the November 10, 2009 regular board meeting and November 16, 2009 special board meeting. The motion carried.

### Reports

12/08/09

Vo-Tech Education Study

Pam Black, Director for Workforce Education, presented the Vo-Tech Education Study report requested by Mr. Wood.

Training Program Study

Dr. Brenda Bowles, Assistant Superintendent for Equity and Pupil Services, presented a report regarding a Training Study Program which included sexual harassment, diversity, equal opportunity, favoritism, dishonesty, and proper work attire. This study was made at the request of Mr. Wood.

Outsourcing Transportation Study

Anita Farver, Chief Financial Officer, presented a report regarding the Outsourcing Transportation Study requested by Mr. Wood.

Alternatives in Transportation

Gary Beck, Acting Executive Director for Support Services, presented a report regarding alternatives in transportation to reduce costs.

**Public Comments**

12/08/09

Lisa Marie Anderson, a teacher at Jacksonville High School, expressed her concern of how her daughter who has previously been home schooled was treated when she tried to place her in Jacksonville High School. Ms. Anderson requested that her daughter be allowed to attend Jacksonville High School.

Cindy Carroll, a parent of a student at North Pulaski High School, addressed the issue of bullying that had been occurring toward her daughter since the previous year. Mr. Clark requested that Dr. Bowles meet with Ms. Carroll regarding this issue. Ms. Williams stated that she had addressed this issue with Mr. Beck regarding changing the bus driver and having a camera on the bus. Mr. Clark told Ms. Carroll to keep him informed if the bullying issue was not resolved.

PACT

Marty Nix, President of PACT, stated that after seven months of negotiations; that the Board's team put seventy-one items on the table which opened up contract stripping and appointed a new chief negotiator. She stated that in the negotiations many of the language items were taken care of quickly. She said that a tentative package was reached on Friday, December 4<sup>th</sup>, signatures made on tentative agreements, and the teachers ratified on Sunday, December 6<sup>th</sup>. She stated that the chief negotiators who under the ground rules should be vested with full authority to make, to agree to, and sign tentative agreements. She said they signed the tentative agreements in the package, the teachers ratified unanimously, and now here we are waiting on the Board to ratify. She said she was flabbergasted that PACT had been meeting over seven months and that people are having trouble reading twenty-seven pages. Ms. Nix stated that the teachers had been very patient through this process; that they had been told to be patient; that people's word means something. She said that they were teachers that happened to be union members; not union members who just happened to be teachers on the side. She stated they had not resorted to any underhanded tactics or job action and said the same could not be said for others. She said they would have liked to have ratified an agreement that had stronger PLC language, stronger classroom walk-through language, election of remedies for arbitration, etc. She stated that PACT trusted the Board's word and felt that she had been let down when told that PACT was trying to railroad this ratification of the contract. Ms. Nix referred to an addendum item added to the agenda that proposed a 0.75% Christmas bonus to the employees, and that if this was in addition to the 2% negotiated pay raise, that they would take it but, if it was instead or in place of what has been negotiated, signed and ratified by one party, the answer is no. She stated it was a package and neither party could pick and choose what they liked about it. She requested that the Board honor the tentative package that has been signed by their chief negotiator and ratify the tentative settlement agreement that you have with the teachers. She thanked Mrs.

Sawyer, Mr. Vasquez and Mrs. Williams for standing up for PACT and continuing to do the right thing. She stated that if your word means nothing, you are nothing.

PASS

Emery Chesterfield, President of PASS, stated how disappointed he was in some of the Board members. He said PASS started negotiations in April with Gary Miller, someone that knows what he is doing, then it was decided that Ms. Debbie Coley, who did not know what she was doing, would negotiate with PASS. He stated to Mr. McGill that the team he appointed to negotiate, along with Ms. Coley, did not know what they were doing and they dealt with that because they are good patrons. He stated PASS wanted more than 2%, but were team players and agreed. He said that people in the district office did not want PASS to have anything, but support staff and teachers are the cream of this whole district. He expressed his concern with outsourcing transportation being on the agenda and stated that he knew what they were doing; that they were doing a study and over the summer when everyone was on vacation and they would call a special board meeting and try to slip in First Student. He said he didn't know how some members of the board could live with themselves; that some members on the board called themselves Christians. He said his team ratified on Monday, and it was his understanding that the Board would call a special meeting on Monday. He said they found out later that Ms. Williams could not get but three board members to attend the special meeting. He referred to a meeting with Ms. Coley earlier today regarding issues with the contract. He said they came to the meeting tonight thinking the contract would be signed and everyone would receive their raise before Christmas. He thanked Mr. Vasquez and Mrs. Sawyer for their support, then stated "whatever goes around, it comes around." Mr. Clark asked Mr. Chesterfield to finish his comments. Mr. Chesterfield told Mr. Clark that he was on association business, that he had no time limit but he would let it go. Mr. Clark stated that he could finish but not to grandstand. Mr. Chesterfield stated that he was not grand-standing and he would go ahead and sit down, but Mr. Clark needed to remember, your kids are at home.

Suspend the Rules to Decertify Both Unions

Mr. Wood moved, seconded by Mr. Gililand, approval to suspend the rules for the purpose of withdrawing the recognition of PACT and PASS. The motion failed due to board policy stating that "The Board may suspend its parliamentary rules of order by a vote of consent of five (5) members". The vote was 4 yes, 2 nos.

ODM, Joshua and Knight Intervenors, PCSSD Equity/Pupil Services

No representative from ODM, Joshua and Knight Intervenors, or PCSSD Equity and Pupil Services expressed a desire to address the Board.

Mr. Clark announced that an emergency board meeting had been called for 10:00 p.m. to address the decertification of both PACT and PASS unions.

**Board Member  
Comments**

12/08/09

Mr. Gililand welcomed Bryant Moy, student board member, a political science major and stated this meeting had been an experience for him. He wished everyone a Merry Christmas and stated he could not get used to the break being called Winter Break; that it would always be Christmas Break to him.

Mr. Vasquez congratulated his niece from Pinewood Elementary School who won the spelling bee and would be representing her school at the county spelling bee in February. He said that bullying was against the law, and if the District was not dealing with it, it was breaking the law, because we had a responsibility under the law to protect those who have been entrusted to us by the taxpayers and citizens of Arkansas. He stated he did not know what road was being embarked on tonight; that he did not think they were voting to recognize or not recognize the two unions, but voting on the future of the Pulaski County Special School District. He commented on the upcoming court date and stated the Board was playing on dangerous ground by withdrawing recognition of the unions, and driving them to a job action, especially before the court date in January. Mr. Vasquez stated that it was unfortunate, that for a couple of thousand dollars, these two contracts could be approved. He said if we drive this district to this and we wind up with job actions to shut our schools down, and when the judge shuts us down, we will have no one to blame but ourselves.

Ms. Williams wished everyone a Merry Christmas and Happy New Year.

Mr. Wood stated he wanted to respond to the issue of the union contracts and comments made by Ms. Nix and Mr. Chesterfield. He said he would like to reply so the press would have record; that his opinion regarding the charge that the Board had taken so long. He stated that he thought the truth was that the union had delayed these proceedings and negotiations themselves for several months because they knew without a doubt that Mrs. Chaplin would vote against the issues in the contract. Mr. Wood said that it was hyper-critical for PACT/PASS to charge us with slowing down the process. He said he felt that he was purposely railroaded, that he had not read the proposal which he received on the previous Friday, had not had his meeting with Gary Miller to be briefed on the terms of the contract, and would like to have a board workshop to talk about it. He stated there were several things wrong with the contract; that cost was not the main thing. Mr. Wood said it was a five year proposal and there was language he could not live with for five years. He stated he did not think it was true the charge made by Ms. Nix that the board had agreed and signed off on the contract; that there were several issues that all the board members did not support. He said that he was the key vote last summer to

hire Gary Miller to be the chief negotiator. He stated the process would be that whatever four board members supported, Mr. Miller would negotiate that stance to the union. He stated that Mr. Miller understood the importance of getting the contracts done, but there were a lot of changes that four board members did not support. Mr. Wood stated that he did not think the Board was near to negotiating an agreement. He said that Mr. Miller was near an agreement, but he does not speak for any of us without the vote of four board members. Mr. Wood said that it was not true that teachers have not received a raise, that in the contract there is an automatic raise every year. He stated the reason the language in the contract was unacceptable for five years, that there was a problem in this district regarding the amount of grievances every year. He said it was not an emotional issue with him, but a business one. He replied to comments made by Mr. Vasquez regarding comparing us to the other two districts. Mr. Wood stated that he thought education was so messed up that drastic change was needed. He said when the board tries to make the changes and people try to stop them, it messes up the process. He said he does not have all the answers, but would like to have an unemotional discussion with the public and the press reporting to tell both sides; for instance that every teacher who has not maxed out did get a raise this year, at least a 2.4% step increase that is built into the contract. He wished everyone a Merry Christmas.

Mrs. Tatum congratulated the scholar students from Mills University Studies High School that were awarded certificates and she wished everyone a Merry Christmas and Happy New Year.

Mr. Clark stated that part of the hostility tonight was because of him, that he cancelled the emergency board meeting that was to be held at 5:45 p.m. He said the reason was that Mrs. Sawyer and others on the board had not been afforded the opportunity to visit with Mr. Miller in order to understand what they would be voting on. He said the administrative staff had not been able to review the contract and give their input on basically what they would be working under for the next five years. He stated it was unfortunate that it had to come to blows tonight, but sometimes it takes a slap in the face to realize what is right. Mr. Clark said when you bring family and children into the mix, which you can do with some people and get away with it, but not him. He said his family is the most important thing in his life; that he is their provider and protector and does not want to hear anything negative about them, especially threatening. He stated the comment was inappropriate and unfortunately it was from the leadership of the union. Mr. Clark said members of the union need to look and see firsthand what they are following. He stated it was sad because he was friends with many union members. He stated it was unfortunate that they took offense that he thought it was necessary for all board members to be privy to all the information they would be voting on. He said it was only fair and only right; and that anyone that would hold it against him for doing this, he questioned their ethics. He

replied to comments made by Mr. Vasquez by saying that information Mr. Vasquez shared with the public, although it was true, that it was sad that he would say those things. Mr. Clark said that we had an outstanding district, some of the best teachers in the county, and some of the best administrators, management, and leaders at the district office. He said that compared to many districts in the state, the awards on the walls and the letters that he receives in the mail are proof that this district is one of the top in the state. He stated that he was fortunate to be part of the district. Mr. Clark said that to make comments suggesting that we could be split up and given part to Little Rock and part to North Little Rock is unfortunate and sad, and it bothers him that this was said. He wished everyone a good Christmas and holiday.

### **Old Business**

12/08/09

Revision of  
Board Policy BDA  
Third Reading

Mr. Gililand approved, seconded by Ms. Williams, to approve the revision of board policy BDA, Board Organizational Meeting, to add Parliamentarian to the list of Board officers. The motion carried.

PCSSD Facebook  
Site

Mrs. Tatum moved, seconded by Ms. Williams, to not approve a PCSSD Facebook site. The motion failed.

Mr. Gililand moved, seconded by Mr. Vasquez, approval to create a PCSSD Facebook site. The motion carried.

### **New Business**

12/08/09

Hearing Officer

Mr. Gililand moved, seconded by Ms. Williams, approval to hire Paul Blume as the Hearing Officer for board meetings. The motion carried.

Revision of Board  
Policy, IKF

Approval of board policy, IKF, Graduation Requirements. First Reading. No action required.

Revision of Board  
Policy, JRA and  
JRA-E

Approval of board policy, JRA, Privacy of Student's Records/ Directory Information and JRA-E, Record Release Notification. First Reading. No action required.

Additional Assistant  
Principal Position  
Crystal Hill Elementary  
School

Mrs. Tatum moved, seconded by Mr. Clark, approval to add an additional assistant principal position at Crystal Hill Elementary School. After discussion, Mrs. Tatum called for the question. The motion carried.

Award Employee  
Bonus

Mr. Wood moved, seconded by Mr. Gililand, that the Pulaski County Special School District award a "Christmas Bonus" to all employees equal to 0.75% of their last twelve months pay. (If they have not been employees for a full twelve months, then their bonus is reduced.) Mr. McGill cautioned the Board regarding the two proposals that Mr. Wood added to the agenda (New Business #5 and #6), that they could not do either of these proposals and give the 2% raise, that they could not do both. Mrs. Farver explained the

difficulty the business office would have regarding crossing into two fiscal years to provide the salaries for the past twelve months. Mr. Wood asked would it help to make the amount twice as much and make the motion for the past six months. Mr. Vasquez said the language needed to be that all employees that were on board for this contract year to receive the full bonus of 0.75%, and any employees added after that would be prorated. Mr. Wood accepted the friendly amendment. The motion failed.

Proposal to Build  
New Elementary  
School

Mr. Wood moved, seconded by Mr. Gililand, that the PCSSD issue second lien bonds up to a maximum of \$2.0 million for the purpose of building a new "combined" elementary school in Jacksonville to replace the present Arnold Drive and Tolleson schools. Planning for these schools should be expedited so that construction on the new school can begin as soon as possible, in time for opening in August 2012. Final approval of the resulting bond transaction and the later beginning of construction will also depend upon an acceptable agreement with duly constituted representatives of the city of Jacksonville about how to transfer that debt if and when Jacksonville leaves the Pulaski County Special School District.

Mr. Vasquez moved, seconded by Mr. Gililand, to table this action until the January 2010 meeting in order for Carey Smith with Stephens, Inc. to gather data and provide information for the Board. Mr. McGill cautioned the Board that the 2% raise for employees is still on the table with the negotiating teams; that the district cannot do that and build a new school at this time. The motion carried.

**Superintendent's  
Comments**

12/08/09

Mr. McGill wished Mrs. Sawyer and Mr. Wood happy December birthdays. He stated that fifteen new buses would be purchased with stimulus money and the district was excited about that. He said that this was denied by the state department the first time, but after submitting this request again with justification, that it was approved and the district would be getting sixteen buses next year. He congratulated Mrs. Farver on passing her Oral Comp Exam which is one step closer to her doctorate degree. He thanked the Sylvan Hills High School Beauty Shop Quartet for filling in to sing the National Anthem. He wished everyone a Merry Christmas and Happy New Year. He stated that he thought the District would make an outstanding case in January to become unitary. He introduced Mr. Paul Blume and asked him to go over with the Board how he operates and conducts hearings.

**Consent Agenda**

12/08/09

Mrs. Tatum moved, seconded by Mr. Gililand, to approve the consent agenda. The motion carried.

Those items included:

- Expulsions
- Personnel
- The bills for payment
- Award of bids
- Financial report

### **Executive Session**

12/08/09

Mr. Clark moved to go into executive session at 9:25 p.m. to discuss personnel reasons relating to promotion. The meeting resumed at 9:45 p.m. Mrs. Tatum moved, seconded by Ms. William, subject to approval of Ms. Dixon and her council, to approve the proposed settlement. The motion carried.

### **Hearing**

12/08/09

Support Staff –  
Closed

Paul Blume, Hearing Officer for the District, called the hearing to begin at 9:50 p.m. Fannie St. John, a bus driver for the Pulaski County Special School District, requested a hearing to appeal the Superintendent's recommendation of termination of her contract. The reasons for this action were insubordination, failure to follow verbal or written directives, and conduct unbecoming an employee. At the request of Ms. St. John, the hearing was held during closed session. Paul Blume, Attorney at Law, served as the Hearing Officer. Greg Alagood of Mitchell, Blackstock, Barnes, Wagoner, Ivers and Sneddon, PLLC, represented Ms. St. John. Keith Billingsley of Bequette and Billingsley, P.A., represented Pulaski County Special School District. After all testimony, Mr. Clark moved to go into executive session at 10:45 p.m. The meeting reconvened at 10:50 p.m.

Mr. Gililand moved, seconded by Mrs. Tatum, that the School Board accept the Superintendent's recommendation that the employment contract of Ms. Fannie St. John be terminated. The motion carried.

All actions taken during the closed hearing were affirmed in open session.

### **Adjournment**

12/08/09

Mrs. Tatum moved, seconded by Mr. Gililand to adjourn the meeting. The meeting adjourned at 10:53 p.m.

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Board President

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Board Secretary