

Policy Committee Meeting
April 8, 2022 3:45 PM
Central Services Board Room

1. Call to Order - Mr. Tony Brock
2. Moment of Silence / Pledge of Allegiance - Mr. Tony Brock
3. Approval of Committee Minutes
4. Policy 1.102 Board Member Legal Status
5. Policy 2.8041 Travel
6. Policy 5.204 Retirement Incentives: Retiree Health Insurance
7. Policy 6.206 Transfers Within the System
8. Other Discussion
9. Adjournment

Policy Committee Meeting
March 10, 2022
Central Services Board Room

The Policy Committee met on Thursday, March 10, 2022, in the Central Services Board Room where Mr. Tony Brock called the meeting to order at the approximate hour of 1:00 p.m. He welcomed everyone to the meeting and appreciated everyone for attending.

PRESENT:

Dr. Ina Maxwell, DOS

Mr. Tony Brock, Chairman of Policy, District 5

Mr. Jim Inman, District 1

Mrs. Stephanie Barnes, CAO

Ms. Shirley Parris, District 3

Mr. Chris King, District 6

Ms. Rebecca Hamby, District 7

Ms. Anita Hale, District 4

Stephen Prudhomme, Media

Absent: None

1. **Call to Order** – Mr. Tony Brock
2. **Moment of Silence/Pledge of Allegiance** – Mr. Tony Brock
3. **Approval of Minutes** – Mr. Tony Brock

VOICE VOTE: Hamby moved to approve.
 King (seconder-yes)

MOTION: Carried unanimously

4. Policy 1.102 Board Members Legal Status

Mr. Brock introduced the policy.

Brock: This essentially is about board members legal status. This is a direct result of laws passed by the ever smart state legislature and signed by the Governor.

Hamby: I make a motion we accept it as written.

Brock: We have a motion.

King: As written, or as amended?

Hamby: As amended. As the copy we got today.

King: Second.

Brock: Could we have discussion?

King: Sure.

Brock: If you would, look down at line 15, going into line 16. The recommendation is to drop the portion that says change of residence to the district which elected him or her. I looked through the state and it is still the state law that you must be elected from a district. I just thought I'd open it up for discussion. It's law so we have to follow it of course. But, a lot of people who run for local office or look through anything about school board is not going to sort through the law. And, if you'd like to read through the law that covers this, it runs several pages and is terribly overblown. I don't see harm in leaving that.

Hamby: I had also looked at this and actually reached out for some clarification. What I understand, let's say I'm elected in the 7th district and something happened, and I had to move to another district. I could continue in my term but when the next election came, I would have to run in the new district. I don't

have a huge problem with that, because there are circumstances that make you have to move from your district, but...Ms. Anita, you had something?

Hale: Well, that my concern about that language in there, because I'm one of the ones, when the 4th district was vacated by Mr. Stone, it left the 4th district open and that's the reason I was appointed to the 4th district and I lived in the 4th district. What if he had moved for 2 years and maybe his term was not up, it was a short thing, very short, maybe only about 6 months or so that I had before I was elected. But what if he had moved in the middle of his term, making it 2 more years? Then it would be hard, no one could take that seat from the 4th district. There would be no representative for that district.

Hamby: I understand both sides of that, my thing is, as a board, we should be support for the whole county. Not just for our district. And I understand, it allowed an open position for you to be appointed in that, but I don't know, I have kind of a....

Brock: Becky, when you checked on that, did you check with a legal authority? Is that state law that you can continue, or, because we cannot supersede it.

Hamby: There is a TCA code.

Brock: Can you cite it?

Hamby: It's...actually...

King: 49 2 202 (e) 2

Hamby: It's listed on there.

Brock: I had 49 2 201 and 202.

Hamby: Right here where they had the number 5, they changed it.

Brock: Here is the state statute, both of them. I looked through them guys and the only thing I found in there is that there is a portion that says members of county boards of education shall be residents of and elected from the districts. But we are talking about vacancies.

King: Did you find vacancies?

Brock: I did not.

Hamby: I didn't get anything in writing. I just reached out to someone to tell me what they...

King: Are you looking at TCA 8 47 101, 49 1 611, 49 2 202?

Brock: 2 202 you want me to look at?

Hamby: Vacancy shall be declared to exist on account of death, resignation or removal from the county. We're looking at e and 2. Yeah, that's the one they are referencing.

King: So, it doesn't say anything in there about moving does it? Unless you move the graveyard.

Hamby: Or move from the county.

King: Removal from the county. I'm not quite sure what that means.

Hamby: Yeah, I'm not either.

Brock: The problem is, we can't have a policy that contradicts state law.

King: Correct.

Brock: We can be generous, personally I'd very much like to have a legal opinion.

Hamby: That's fine. We can take this and get a legal opinion.

Brock: Would you all not like to make sure...

King: Can we call TSBA and get an opinion? That's what they are there for.

McCartney: Yes, Jennifer White is one of the policy attorneys.

King: As this change is written, when we line out the change of residence, that's because that's not in the law?

Brock: I would assume yes, that is why TSBA recommended it be removed. Which is a good indicator that we can't do that. It has been in place though for a long time. Just like Anita pointed out, that came into play only 2 years ago.

King: So, as this reads, if a member had moved, they would not have to vacate their position.

Brock: Correct, if you move from Woody to Grassy Cove, you could still serve your term.

Hale: But you'd have to stay within your district.

King/Hamby: Not according to law.

Hamby: This that they're changing. You do not have to stay within your district to complete your term. That removal from the county would be if you were removed from the due process hearing, which is a typo we need to fix.

Brock: I just think this particular portion, which is line 15/16, I think it's so important, that we need to know what effect the law has on that particular section.

Hamby: Ok, I will amend my motion to table this until we get further clarification from an attorney.

King: I amend my second to agree with that.

Brock: I think that's an excellent idea guys. Diane would you all like to pursue that with TSBA and we'll try to catch Earl tonight and ask him about it.

Hamby: Also, while you're doing that can clarify with them on line 16 where it says removal OR through due process proceedings. I think that word OR is supposed to be taken out. I think it's removal through the due process. I think, I could be wrong. Cause removal would be through due process. I think the word OR...

McCartney: They still have it as OR. The recommendation that Jennifer White sent me still has it as OR.

Hamby: Could you just clarify? Sometimes they have typos too.

Hale: Another question, on line three, why are they not saying composed of 9 members, but they're striking "which includes one member from each legislative district"?

Parris: What's wrong with that? Why did they want to erase that?

King: It's just repetitive from line 6 and 7.

Hamby: It's was a repetitive statement cause line 6 and 7 tells it's from each district.

Hale: Which line, please ma'am?

Hamby: Line 6 and 7.

Hale: Ok.

Brock: Even that, I don't know how you remove someone without due process.

King: I think that's why they excluded it. It's one of those things we tend to do. Take words out when we don't need them.

Hamby: It just needs more clarification. Pretty much the whole policy.

Brock: So, we have a motion to table this pending further study and clarification. We have a motion and a second so let's make it so.

VOICE VOTE: Hamby (mover-yes)
 King (seconder-yes)
 All Ayes

MOTION: **Carried unanimously**

5. Policy 6.206 Transfers Within the System

Mr. Brock introduced the policy.

Brock: Folks, as you can see it was essentially rewritten. Because our state legislature totally decided that they were a better judge of when and how students could transfer within a system. Like with all state laws, they supersede anything that we have on the book or any opinion that we might have. How was that for political?

Hale: They are expert in the law.

Brock: Oh yeah, some guy that sales used cars is more of an expert than we are.

King: Mr. Chair, move to approve as rewritten.

Hamby: Second.

Brock: We have a motion to approve and a second and I agree totally. These 2 will be passed on the full board for consideration. That is all that I have ladies and gentlemen.

6. Other Discussion

Brock: Is there anything else?

7. Adjournment

Hamby: Motion to adjourn.

King: Second.

Brock: Motion to adjourn and a second, it is.

VOICE VOTE: Hamby (mover-yes)
 King (seconder-yes)
 All Ayes

MOTION: **Carried unanimously.**

The meeting was adjourned at approximately 1:16 a.m.

Dr. Ina Maxwell
Director of Schools

Mr. Tony Brock
Chairman of the Policy Committee

Diane McCartney
Executive Assistant for the Director of Schools and BOE

Cumberland County Board of Education

Monitoring: Review: Annually, in July	Descriptor Term: Board Members Legal Status	Descriptor Code: 1.102	Issued Date: 07/27/17
		Rescinds: 1.102	Issued: 04/07/05

1 The legal status of board members shall be as follows:¹

2 **NUMBER OF MEMBERS**

3 The Board is composed of nine (9) members, ~~which includes the one (1) member from each legislative~~
4 ~~district.~~

5 **QUALIFICATIONS**

6 Members of the Board shall be residents ~~of and~~ elected ~~on a non-partisan basis~~ from districts of
7 substantially equal population, ~~by resolution of the local legislative body,~~⁴ and shall be citizens of
8 recognized integrity, intelligence, and ability to administer the duties of the office.^{1,2} To qualify as a
9 candidate, an individual must show proof of graduation from high school or receipt of a G.E.D ~~or~~
10 ~~HiSET~~³. No member of the county legislative body nor any other county governmental official shall be
11 eligible for election as a member of the county Board of Education.⁴

12 **TERMS OF OFFICE**

13 Members of the Board shall serve four (4) year terms.¹

14 **VACANCIES**

15 Vacancies shall be declared to exist on account of death, resignation, ~~change of residence from the~~
16 ~~district, which elected him/her,~~ removal or through due process proceedings.^{4 5}

17 When a vacancy occurs, the unexpired term shall be filled at the next regular or special meeting of the
18 local legislative body.^{5 6} Such appointment shall continue until the next regular election.

Legal References

1. TCA 49-2-201(a)(1)
2. TCA 49-2-202(a)(1);
3. TCA 49-2-202(a)(4)
4. TCA 49-2-202(a)(2);
5. ~~TCA 49-2-202(a)(4)~~
5. TCA 8-47-101; TCA 49-1-611 TCA 49-2-202(e)(2)
6. TCA 49-2-202(e)(1)

Cumberland County Board of Education

Monitoring: Review: Annually, in November	Descriptor Term: Travel	Descriptor Code: 2.8041	Issued Date: 12/17/15
		Rescinds: 2.8041	Issued: 03/24/11

Cumberland County Board of Education adopts the following policy in regard to officials and employee travel:

Authorization. Travel may not be undertaken unless authorized in advance by an employee supervisor.

Mileage Rate: Mileage for properly authorized travel on official school business shall be reimbursed at the mileage rate of ~~\$0.46~~ **58.5** per mile.

Meals: Meals for properly authorized travel on official school business shall be reimbursed at a maximum of **\$54.00** per day for overnight stay. Employees who do not regularly travel out of county and are away from their official station during normal mealtime shall be reimbursed at a rate of ~~\$8.00~~ **13.00** for breakfast, ~~\$10.00~~ **15.00** for lunch and ~~\$18.00~~ **26.00** for dinner. Normal mealtime for breakfast shall be defined as between 5:00 a.m. and 8:00 a.m.; lunch shall be defined as between 11:00 a.m. and 2:00 p.m.; and dinner shall be defined as between 6:00 p.m. and 9:00 p.m. Receipts are required to be submitted.

Parking Expenses. Charges for parking expenses incurred for properly authorized travel on official business shall be reimbursed. Receipts are required.

Lodging. Lodging for properly authorized travel on official school business shall be reimbursed at the actual cost incurred. Lodging may be at or near the site where the conference/training program is being held, **at a reasonable cost**. Lodging receipts are required and must itemize room charges and taxes by date.

Telephone Calls. Phone, facsimile and long distance calls for school business will be reimbursed. Employee must provide a statement furnishing the date, name and location called for long distance calls and facsimile charges.

Claims for Reimbursement. Employees should submit claims for reimbursement for travel expenses no later than thirty (30) days after completion of travel using forms provided by the School Finance Department.

Cumberland County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: Retirement Incentive: Retiree Health Insurance	Descriptor Code: 5.204	Issued Date: 05/24/18
		Rescinds:	Issued:

As outlined below, the board agrees to pay for retiree health insurance benefits for eligible retiring employees until the retired employee becomes eligible for **Medicare** benefits:¹

CERTIFIED STAFF

- 1. For eligible certified employees retiring with 30 or more years of service with at least 20 creditable years continually in the Cumberland County School District:**

Retiree and Retiree plus child coverage

Contingent upon the State of Tennessee continuing to pay 45% of the scheduled health insurance premium for certified retired employees, the board agrees to pay the remaining balance of the premium for the retiree only and retiree plus children plans. The cost to the retiree is zero.

Retiree plus spouse and Retiree plus family coverage

Contingent upon the State of Tennessee continuing to pay 45% of the scheduled health insurance premium for certified retired employees, the board agrees to pay the dollar amount of the single subscriber premium toward the retiree plus spouse and retiree plus family plans by following the formula below.

(Annual Plan Premium – State Contribution of 45%) – Single Subscriber annual plan premium
= Cost to retiree

- 2. For eligible certified employees retiring with 20-29 years of service, at least age 55 and at least 20 creditable years continually in the Cumberland County School District:**

Retiree, Retiree plus child, Retiree plus spouse, Retiree full family plans

Contingent upon the State of Tennessee continuing to pay 35% of the scheduled health insurance premium for certified retired employees, the board agrees to pay for 45% of the premium (capped at 90% of the Single subscriber rate) and the retiree paying the balance. This is illustrated by the formula below.

(Annual Plan Premium – State Contribution of 35%) –BOE Contribution of 45% (capped at 90% of the Single subscriber rate) = Cost to retiree

NON-CERTIFIED STAFF

~~For eligible retiring employees with 30 years of creditable TCRS service with Cumberland County Schools:~~

For eligible non-certified employees retiring with 30 or more years of service with at least 20 creditable years continually in the Cumberland County School District:

Contingent upon the State of Tennessee continuing to offer health insurance for retired non-certified employees, the board will pay 100% of the single subscriber premium.

The Director of Schools shall develop procedures for implementing the program and the application process.

1. TCA 8-27-305

Cumberland County Board of Education

Monitoring: Review: Annually, in December	Descriptor Term: Transfers Within the System	Descriptor Code: 6.206	Issued Date: 03/17/22
		Rescinds: 6.206	Issued: 02/22/18

*General*¹

Each year, the Director of Schools/designee shall review the number of spaces available in each school by grade, class, and program levels. This information shall be posted on the district's website along with the dates of the district's open enrollment period. The open enrollment period shall last for **at least** thirty (30) days and information about the number of seats available shall be posted for at least fourteen (14) days prior. The Director of Schools/designee shall reserve a reasonable number of enrollment spaces at each school to account for the enrollment of zoned students, siblings of students, and students who have a parent/guardian employed at the school.²

During the district's open enrollment period each year, a parent/guardian may request that his/her child attend a school within the district other than the one to which the child is zoned. The Director of Schools/designee shall review such requests, and if adequate space is available, grant such transfers. If the number of requests exceeds the number of available spaces, the Director of Schools/designee shall implement a lottery to fill the available spaces.

The open enrollment process shall be completed before other nonresident transfers are approved.

POST ENROLLMENT¹

Once accepted, the student shall provide his/her own transportation to and from the school. The student must maintain satisfactory attendance, behavior, and effort to remain in the new school.

CHANGE IN RESIDENCE¹

Students whose families transfer their residence to another school area after the first month of school may complete the school year at their former school. Students who present evidence that they will move during the school year and who desire to enroll in a new school in the new area may do so with prior written request for a change of school area. The Director of Schools or his/her designee may grant other exception to the policy for good and sufficient reasons.

NOTE: Not effective in the event of a federally mandated desegregation order.³

Legal References

1. TCA 49-2-128
2. TCA 49-6-3113
3. 34 C.F.R. § 100.4

Cross References

Student Assignments 6.205
Homeless Students 6.503
Students in Foster Care 6.505