

**MINUTES OF THE REGULAR MEETING OF  
COLLIERVILLE BOARD OF EDUCATION**

Tuesday, January 14, 2014

**MR. MARK HANSEN, CHAIRMAN**  
**MR. KEVIN VAUGHAN, VICE-CHAIRMAN**  
**MS. WANDA CHISM**  
**MR. WRIGHT COX**  
**MRS. CATHY MESSERLY**

- I. **CALL TO ORDER:** The Collierville School Board meeting was called to order by Chairman Mark Hansen at 6:03 p.m.
  
- II. **ROLL CALL:** Roll call was taken by Chairman Mark Hansen and all five school board members were present, representing a quorum.
  
- III. **MOMENT OF SILENCE:** A moment of silence was observed.
  
- IV. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Chairman Mark Hansen.
  
- V. **APPROVAL OF AGENDA:**  
**Recommendation:** It is recommended that the Collierville School Board of Education approves the agenda for the January 14, 2014 Business Meeting.

Cathy Messerly made motion to approve the Agenda with the addition of Public Comments after Approval of the Minutes. The motion was seconded by Wright Cox and approved unanimously by the board.

Wanda Chism	Aye
Wright Cox	Aye
Mark Hansen	Aye
Cathy Messerly	Aye
Kevin Vaughan	Aye

- VI. **BUSINESS AFFAIRS :**
  1. **APPROVAL OF MINUTES OF THE DECEMBER 10, 2013 AND DECEMBER 16, 2013 BUSINESS MEETING**

**Recommendation:** It is recommended that the Collierville School Board of Education approves the minutes of the December 10, 2013 and December 16, 2013 Business Meeting.

A motion was made by Kevin Vaughan to approve the minutes for both December 10, 2013 and December 16, 2013; the motion was seconded by Wright Cox and approved unanimously by the board.

Wanda Chism	Aye
Wright Cox	Aye
Mark Hansen	Aye
Cathy Messerly	Aye
Kevin Vaughan	Aye

**PUBLIC COMMENTS:**

1. Matt Almond, 507 Estanaula Road, Collierville. Mr. Almond stated that he is a new resident to Collierville, having recently moved here from New York. He wanted to introduce the option of Foreign Language Immersion. He stated that it is important to recognize the world is becoming more multi-lingual. He hopes that as an innovative new district, we would consider offering this as an option for our students. Mr. Almond stated that the idea of foreign language immersion was not a new one, albeit somewhat new to the State of Tennessee. He provided documents to the Board describing different Immersion programs, focusing on school systems comparable in size to Collierville. He noted the biggest challenge is to bring in the right people from the ground floor, and therefore felt we have a perfect opportunity at this time. Mr. Almond explained that Spanish the most frequently offered language and felt it would be a good starting point for our system. He noted that studies on Immersion programs indicate students who participate in the programs not only learn a second language, but also excel in their English language classes more than mono-language students. He concluding by stating that he hopes the Board will considers this opportunity to employ this best practices option as we build our new district.
2. Charles Kempf, 1070 Peterson Lake Road, Collierville. Mr. Kempf noted that he has been a resident for approximately 10 years. He stated that he works with schools throughout west TN and northern MS. He told the Board he would like to see Collierville upgrade their position with regard to the arts, specifically with regard to music at the High School and Middle School levels. He stated that Collierville has

had one band director at CHS for the last 6 or so years, with a band of 180 to 200 students. He questioned the ability of one teacher to control and educate that many students. Mr. Kempf then noted that Houston High School has three (3) band directors, as do several districts in MS he is familiar with. He feels the arts have lost support and have not been funded at more than a basic level. He noted that kids in music programs are scholars and higher performing students, generally scoring higher on standardized tests. Mr. Kempf stated that the budget for the Collierville Band Boosters is typically \$130,000, and each student is charged \$600 to be in the program, which he felt was a little excessive. Mr. Kempf said Collierville has a wonderful group of students who deserve more support and who should be just as successful as others music students in the District, like Houston or Munford.

## **VII. REPORTS:**

### *1. Chairman's Report*

Chairman Hansen noted that the Board recently joined the TN School Board Association, a trade organization representing school boards throughout the state and lobby the Tennessee General Assembly on issues pertaining to education. Chairman Hansen was appointed to be a representative of the TN Legislative Network. He expects a number of issues of importance to arise this year, and will report to the Board on each of them.

Chairman Hansen then stated there is a need for a Board retreat, due to the large number of issues that the Board faces as a new school system. He stated a full day retreat would be useful and he would like it to occur before the end of February. The retreat would be an open meeting.

Mr. Hansen noted the number of questions in the community, particularly with regard to attendance zones. He would like the public to know that this issue is prominent on the Board's radar, and that they are working diligently to try and resolve these issues. He noted there is a capacity problem at Collierville HS and a variety of ideas are being floated to deal with this. Superintendent Aitken and Mr. Hansen have met with the Germantown Board of Education Chairman and Superintendent, and he expects future meetings and cooperation on this topic. He acknowledged the importance of this issue to parents throughout the community, stated that they are keeping the interest of the kids in the forefront, and asked for patience while they work to best solve the issue.

Mr. Hansen noted the amount of public press lately on cooperative agreements between school systems, such as shared services. He stated that if it makes economic sense for ancillary services, then that is money that can be put into the classroom and therefore, the Board will explore any opportunities.

Lastly, Mr. Hansen stated that recent correspondence from the Commissioner of Education for the State has identified what is required for approval of the Collierville School System. Mr. Hansen feels the state is being fair and the process should not be unduly burdensome to obtain approval.

## 2. *Superintendent's Report*

Superintendent Aitken began his report by introducing Mayor Joyner. Mayor Joyner read a "School Board Appreciation Week" proclamation into the minutes. Mr. Aitken then spoke about PTSA Founder's Day. He advised the board that an invitation had been included in their Board Packets.

Mr. Aitken again thanked the board for placing their trust in him. He advised that the last two weeks have been extremely busy. He has met with all of the Collierville School Principals to gather input from them and also to outline some goals and expectations that he has for the upcoming school year. He stated that "we are fortunate in that we have an outstanding group of principals who are truly dedicated to their work". Mr. Aitken advised the board that they have set up bi-weekly meetings with the principals as we move forward and they have already requested input from their faculties and brought those results to him.

In addition, he is meeting with the other Municipal Superintendents weekly to discuss and begin to finalize some details to bring back to our Boards for discussion and approval. Mr. Aitken advised that they have also been in contact with State Department officials and they have sent templates to follow for the transition plan that must be submitted to the State and they have begun working on that important piece. The Department of Education is also working out details for some in-depth personal discussions with new Superintendents to begin resolving the many issues.

I also met with Superintendent of Shelby County Schools, Dorsey Hopson, and members of his staff yesterday. We discussed the many details that need to be worked out in the transition period, particularly relating to employee and student information. We will continue that conversation with bi-weekly meetings as well. I do appreciate the open and receptive attitude that the SCS staff continues to exhibit

as we attempt to make the important decisions that affect our students, employees and families.

And as Mr. Hansen stated earlier, we had a productive meeting last week with Germantown Officials regarding the Collierville students attending schools in Germantown. We will meet again very soon to continue the planning of that transition. I understand the urgency and the need to finalize the details, but we also need to make sure it is done correctly.

3. *Consultant's Report:*

Schools Consultant Mike Simpson gave a brief summary of a productive meeting he recently had with the Shelby County Schools Chief of Business Operations. He has since requested current student demographic data, geocoded maps, and historical data from the County, all of which will help with student projections for Collierville.

VIII. **RECOMMENDED ACTIONS:**

**1 - 28 PROPOSED NEW POLICIES**

**Recommendation:** It is recommended that the Collierville Board of Education suspend the rules and approve these policies on First Reading.

Kevin Vaughan made motion to suspend the rules and approve the Policies on First Reading. The motion was seconded by Wanda Chism and approved unanimously by the board.

Wanda Chism	Aye
Wright Cox	Aye
Mark Hansen	Aye
Cathy Messerly	Aye
Kevin Vaughan	Aye

Cathy Messerly made a motion to approve the Policies on First Reading, with two amendments to Proposed New Policies 1.203 and 1.404. Proposed New Policy 1.203 shall be revised to extend the deadline for initial new member orientation in 2014 to 90 days, with all future members to attend orientation within 30 days as noted. Proposed New Policy 1.404 shall require public appeals to the Board be submitted in writing to the office of the Director of Schools **seven (7) days** before the Board meeting, and that remarks during the hearing be limited to **three (3) minutes**. The motion was seconded by Wanda Chism and approved unanimously by the board.

Wanda Chism	Aye
Wright Cox	Aye
Mark Hansen	Aye
Cathy Messerly	Aye
Kevin Vaughan	Aye

**IX. STAFF ITEMS:**

**1. APPROVAL OF AIMS MEMBERSHIP**

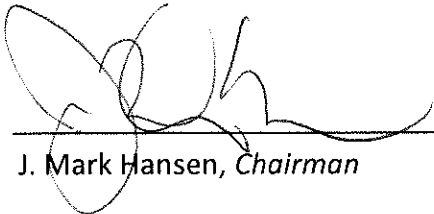
**Recommendation:** It is recommendation that the Collierville Board of Education approve the contract for membership with AIMS (Association of Independent and Municipal Schools) in the amount of \$1,500.00 for six months.

Wright Cox motioned to approve membership in the amount of \$1,500.00 with the AIMS Association. The motion was seconded by Kevin Vaughan and approved unanimously by the board.

Wanda Chism	Aye
Wright Cox	Aye
Mark Hansen	Aye
Cathy Messerly	Aye
Kevin Vaughan	Aye

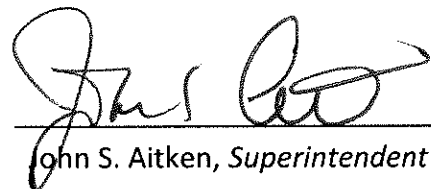
**X. ADJOURNMENT:**

With no further comments or objections, the meeting adjourned at 7:05 p.m.



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J. Mark Hansen, *Chairman*



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John S. Aitken, *Superintendent*

# Tennessee School Boards Association

Monitoring: <b>Review: Annually, in September</b>	Descriptor Term: <b>Section 504 and ADA Grievance Procedures</b>	Descriptor Code: <b>1.802</b>	Issued Date:
		Rescinds:	Issued:

1 The Board is committed to maintaining equitable employment/educational practices, services, programs  
2 and activities that are accessible and usable by qualified individuals with disabilities.

## 3 **DEFINITION**

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6 *Section 504 of the Rehabilitation Act of 1973* provides that: No otherwise qualified individual with  
7 handicaps in the United States...solely by reason of his/her handicap, be excluded from the participation  
8 in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving  
9 federal financial assistance.<sup>1</sup>

10  
11 *Title II of the Americans with Disabilities Act, 1990* provides that: No otherwise qualified individual with  
12 a disability shall be discriminated against in regard to job application procedures, the hiring, advance-  
13 ment, or discharge of employees, employee compensation, job training and other terms, conditions and  
14 privileges of employment.<sup>2</sup>

## 15 **COORDINATOR<sup>3</sup>**

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17  
18 The Board shall designate at least one employee to coordinate its efforts to comply with and carry out  
19 its responsibilities under the Americans with Disabilities Act (ADA) and Section 504, including any  
20 investigation of any complaint alleging non-compliance with the Acts or alleging any actions that  
21 would be prohibited by the Acts.

## 22 **NOTICE<sup>4</sup>**

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24  
25 The Board shall make available the name, office address and telephone number of the ADA/Section  
26 504 coordinator.

27  
28 Methods of initial and continuing notification may include the posting of notices, publication in newspapers  
29 and student and employee handbooks and distribution of memoranda or other written communications.

## 30 **COMPLAINT PROCEDURE<sup>5</sup>**

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32  
33 The coordinator will hear ADA/Section 504 complaints. Complaints shall be submitted orally or in  
34 writing to the coordinator who will endeavor to accomplish prompt and equitable resolution of complaints  
35 alleging any action that would be prohibited by the ADA/Section 504. The coordinator will respond to  
36 all complaints within twenty (20) days with a written response as well as information on further grievance  
37 procedures that may be followed if the complaining party is not satisfied with the coordinator's  
38 proposed resolution.

## DUE PROCESS HEARING PROCEDURES

Section 504 of the Rehabilitation Act of 1973 provides the right to an impartial due process hearing if a parent wishes to contest any action of the school system with regard to a child's identification, evaluation, and placement under Section 504.<sup>6</sup> If a parent/guardian requests a Section 504 hearing, the parent/guardian has the right to personally participate and to be represented at the hearing by an attorney or advocate at the parent's expense. Contested actions or omissions that are appropriate for a Section 504 hearing should involve identification, evaluation, or placement issues involving a child who has or is believed to have a disability.

### *Request for Hearing*

A parent/guardian who wishes to challenge an action or omission with regard to the identification, evaluation, or placement of a student who has or is believed to have a disability as defined by Section 504, shall make an oral or written request for a due process hearing to the Section 504 coordinator. The request shall be submitted on or reduced to writing on a form provided through the Central Office.

### *Impartial Hearing Officer*

The director of schools or his/her designee shall appoint an impartial hearing officer to preside over the hearing and issue a decision. Such appointment will be made within fifteen (15) days of the date of receipt of a request for a due process hearing. The hearing officer will be hired as an independent contractor at no expense to the parent. The hearing officer that is appointed shall not be a current employee of the school system and shall not be related to any member of the Board of Education. The hearing officer need not be an attorney but shall be familiar with the requirements of Section 504 and the hearing procedures under Section 504. The choice of an impartial hearing officer is final and may not be presented as an issue at the due process hearing since such an issue would not relate to the identification, evaluation, or placement of a disabled child under Section 504. If a parent/guardian disputes the impartiality of the appointed hearing officer, he/she may raise such issue in a review of the hearing officer's opinion by a court of competent jurisdiction or in a complaint to the Office for Civil Rights.

### *Office for Civil Rights*

U.S. Department of Education

61 Forsyth St. S.W., Suite 19T10

Atlanta, GA 30303-8927

Telephone: 404-974-9406; TDD: 877-521-2172

Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

### *Scheduling of Hearing*

The appointed hearing officer shall set a date for the hearing within fifteen (15) days of his/her appointment and provide this information in writing to the parent/guardian and the Section 504 coordinator. The hearing shall take place at a mutually agreeable time and place.



1 *Continuances*

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3 Upon a showing of good cause, the hearing officer, at his/her discretion may grant a continuance of the  
4 hearing date and set a new hearing date.

5  
6 *Legal Representation at Hearing*

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8 If a parent/guardian is represented by a licensed attorney at the due process hearing, he/she must inform  
9 the Section 504 coordinator and the appointed hearing officer of that fact, in writing, at least seven (7)  
10 calendar days prior to the hearing date, or the hearing can be continued upon the coordinator's request.

11  
12 *Pre-Hearing Conference*

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14 The hearing officer may order a Pre-Hearing Conference during which the parent/guardian or his/her  
15 representative will state and clarify the issues to be addressed at the hearing. The Pre-Hearing Confer-  
16 ence will also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties'  
17 questions regarding the hearing process. The Pre-Hearing Conference can be held via telephone or in  
18 person depending on the hearing officer's decision based on the convenience to both parties.

19  
20 *Dismissals*

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22 If, after the Pre-Hearing Conference, the hearing officer finds that the parent, as a matter of law, alleges  
23 and/or raises no factual claims or legal issues that come within his/her jurisdiction as a Section 504  
24 hearing officer, he/she may dismiss the hearing and issue an order to that effect explaining the basis for  
25 such finding.

26  
27 *Hearing*

28  
29 The hearing shall be conducted in an informal, non-adversarial manner. The hearing shall be closed  
30 to the public unless the parent/guardian requests an open hearing. The hearing officer may reasonably  
31 limit testimony and introduction of exhibits for reasons or relevance.

32  
33 *Recording*

34  
35 Instead of a formal written transcript produced by a court reporter, the entire due process hearing will  
36 be video recorded. The school system shall provide a copy of the recording to the parent/guardian upon  
37 request. In order for an accurate recording to be made, the parties and witnesses shall introduce them-  
38 selves at the beginning of their presentations. If a parent/guardian appeals the decision of the hearing  
39 officer to a court of competent jurisdiction, the school system shall prepare a written transcript of the  
40 hearing to be offered to the court as an exhibit.

41  
42 *Witnesses*

43  
44 Witnesses will present their information in narrative form, without the traditional question and answer  
45 format of legal proceedings. Cross-examination of witnesses will not be allowed, but a party may request  
46 that the hearing officer, at his/her discretion, ask a witness a certain question.

1 *Format of Presentation*

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3 Each side will have an equal amount of time to present their positions as determined by the hearing  
4 officer. The parent/guardian will present his/her case first by making an opening statement outlining the  
5 issues, calling witnesses, and making a closing argument. The school system will present its side next.  
6 At the end of the school system's presentation, the parent/guardian may offer a short response. Each  
7 side may present personally or through their representatives.

8  
9 *Submission of Exhibits*

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11 As part of their presentations and at the discretion of the hearing officer, the parties may submit any  
12 reports, evaluations, correspondence, notes, or any other documents that may support their positions.  
13 Exhibits submitted to the hearing officer by either party must be marked. The hearing officer may, in  
14 the exercise of his/her discretion, reasonably limit the number of documents to be submitted for his/her  
15 review, as well as the number of witnesses and the length and/or scope of their presentations or statements.

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17 *Closing Arguments*

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19 The hearing officer may allow or request written closing arguments summarizing and characterizing the  
20 information presented at the hearing.

21  
22 *Decision*

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24 The hearing officer may make an oral ruling at the conclusion of the hearing or take the case under  
25 advisement and issue a written opinion. Such decision shall address all of the issues raised by the par-  
26 ent/guardian as well as any corrective actions, if any, the school system must take. Any issue or claim  
27 raised by the parent/guardian that is left unaddressed by the hearing officer in his/her decision will be  
28 deemed to have been denied. The decision must be issued within forty-five (45) days after the date  
29 the Request for a Due Process Hearing is received by the district. The hearing officer may not award  
30 attorneys' fees as a part of the relief granted to a parent/guardian or the district.

31  
32 *Review Procedure/Appeal*

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34 If the parent/guardian is not satisfied by the decision of the hearing officer, he/she may seek review of  
35 the decision in a court of competent jurisdiction.  
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*Legal Reference:*

- 43 1. 34 CFR § 104.4(a)  
44 2. 42 USCA §12112(a)  
45 3. 28 CFR § 35.107  
46 4. 28 CFR § 35.106; 34 CFR § 104.8  
47 5. 28 CFR § 35.170;172  
48 6. 34 CFR §104.36  
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# Tennessee School Boards Association

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term: <b>Equal Opportunity Employment</b>	Descriptor Code: <b>5.104</b>	Issued Date:
		Rescinds:	Issued:

1 Opportunity for employment, as well as continuation and advancement in employment, shall be afforded  
2 equally to members of all races, creeds, colors, genders, religions, ages, national origins, and individuals  
3 with disabilities or veteran status with regard only for qualifications for the positions involved.<sup>1</sup>  
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34 Legal References:

- 35 1. U.S. Constitution, Amendment XIV; Title VII,  
36 Civil Rights Act of 1964; Title VI, Civil Rights Act of 1964;  
37 Title IX, Education Amendments of 1972;  
38 Age Discrimination Act of 1967; Section 504 of the  
39 Rehabilitation Act of 1973; and 42 USC § 12101-12213  
40  
41

Cross References:

Section 504 & ADA Grievance Procedures 1.802  
Discrimination/Harassment 5.500  
Complaints and Grievances 5.501