

**MINUTES OF SCHOOL BOARD WORK SESSION
SUNMAN-DEARBORN COMMUNITY SCHOOL CORPORATION
RIPLEY AND DEARBORN COUNTIES, INDIANA
April 28, 2014**

Revised

A Work Session of the Board of School Trustees of the Sunman-Dearborn Community School Corporation was held April 28, 2014 at 6:45 p.m. E.S.T., in Room #142 at East Central High School with the following individuals in attendance: Jeff Lyness, Joyce Huffman, Michael Norman, Joseph Graf, John McKay, Director of Support Services Tom Harris, Director of Financial Operations Charles Blake, Director of Human Resources Mary Ann Baines, Superintendent Dr. Jeff Hendrix, and Recording Secretary Cheri Huff. Board Members Brandon Burress and Glenn Scholl were not present.

Mr. Lyness called the work session to order at 6:45 p.m. EST leading the Pledge of Allegiance to the flag.

Mr. Lyness stated that this work session is to discuss Board Policies 4413 in regards to overtime and 7510 in regards to use of school facilities. He reminded the Board that this work session is an open forum to discuss things and formulate Board consensus on getting something we can agree on and move forward with. No action will be taken at this work session. He added that typically work sessions do not include comment from the public but we will see how it goes.

Mr. Lyness began with Board Policy 4413. Mr. Lyness read the policy as it is currently written and stated that the issue at hand is how to handle paid days such as vacation, holiday sick or personal days. He asked the Board how they would like to change the policy.

Mr. McKay stated that the issue is whether or not personal and sick days count towards the 40 hour work week. Mr. Graf believes that personal and sick days should count towards your 40 hours worked. Mr. Lyness asked again how that should be implemented in the policy. He suggested that one way might be to define overtime worked. Mr. Lyness referenced the Administrative Guidelines stating one key phrase to look at is "overtime will be paid only for hours worked". Mrs. Baines stated that there are more paid days off than just personal and sick days that Mr. McKay and Mr. Graf keep referring to. The type of paid days needs to be defined or it needs to state "all leave days". Mr. Graf believes it should read all leave days. Mr. Norman added that it would then basically be anything over 40 hours paid on a paycheck whether its vacation, bereavement, etc. Dr. Hendrix stated that if it was written that way then the administrative guidelines would not even be needed. Mrs. Baines agreed that yes, if it is written that way, then it is what it is.

Mr. Lyness stated that it might be easier to just make the administrative guidelines the Board Policy, changing a few words here and there, then not have any administrative guidelines. Mrs. Baines suggested specifying that overtime is time and one half, not double time. Mr. Lyness read the administrative guidelines and worked through some of the wording changes with Dr. Hendrix and Mrs. Baines. Mr. McKay asked if double time is included anywhere. Mrs. Baines stated that there is no double time.

Mr. Lyness read the revised policy with the wording changes and asked if everyone was Ok with it.

Mrs. Baines gave an example of an employee that only works and gets paid for 30 hours in a week; has no paid time off or vacation days, and is asked to work an event on a Saturday for 8 hours. This person thinks that they get time and a half for working this event. Mrs. Baines told them that they do not, but just want the board to know that this question will come up. Mrs. Baines wants to confirm that overtime is not going to be paid until the employee reaches the 40 hours paid because overtime has been paid in the past for situations like this. Mr. Lyness asked the Board how they feel about considering Saturday and Sunday as overtime days even if an employee did not meet the 40 hours paid. Mrs. Baines discussed some past practices with situations similar to this but again, just wants to be sure that she told this person correct, that we will pay her overtime now for this event, but next year we will not. Mrs. Baines added that these employees are not required to work. When the building knows of an event, they will ask if anyone wants to work it. Mr. McKay asked if a custodian was called in does he have to come? Mr. Harris said yes if it's an emergency, but if they are gone and not able to make it, they will try the next person. Mr. Harris stated that he believes the confusion with employees working an event thinking they were getting paid time and a half started quite some time ago because the form stated that we were charging the person using the facility time and one half to cover the cost for the employee to work the event. Now we just charge a flat fee.

Mr. Lyness asked Mr. McKay what he thought. Mr. McKay stated that we are better off now than we were when we started. Mr. Lyness agreed, but what he wants to know is how Mr. McKay feels as far as an employee having to be paid 40 hours prior to being paid overtime or should we allow Saturday's and Sunday's overtime no matter what? Mr. McKay asked Mr. Lyness what he thought. Mr. Lyness said he is trying to go around and get everyone's opinion. Mr. McKay said that he would like to have Mr. Lyness' opinion. Mr. Lyness asked Mrs. Huffman what she thought. Mrs. Huffman said she is OK with the 40 hours. Mr. Norman and Mr. Lyness are also agreeing with the 40 hours. Mr. McKay and Mr. Graf then agreed in regards to the 40 hours.

Mr. Lyness re-read the policy again and all agreed that they are OK with the new wording.

Mr. Lyness moved to Board Policy 7510.

Mr. Lyness stated that he has done some research of other school corporations on his own. He asked for comments from the Board.

Mr. Graf stated that this is a public facility and the taxes pay for it so if it's in the best interest of the students and someone comes here to offer an educational service they should be able to use it; but if they are using the water, electric, or other utilities then they should have to pay something to use the facility. Mr. Graf referred to an email that suggested adding the word "non-educational" to letter B in the policy making it read "commercial or profit-making organizations or individuals offering non-educational services for profit" and he thought this was a good idea. However, Mr. Graf added that we will run into the problem of defining what is and what isn't educational.

Mr. Graf asked how many people are tutoring. Mr. Lyness referred to Mr. Shipley, EC Principal. Mr. Shipley stated that the band and choral department uses tutors extensively. Mr. Lyness asked him to define extensively. Mr. Shipley referred to Mr. Pallada, EC Band Director and Mrs. Tanner, EC Choral Director to answer that question. Mr. Pallada stated that he currently has 5 individuals that come into the classroom biweekly. They also go to Middle School biweekly so it ends up being a weekly thing. He did state that this was paid for by monies set aside by the corporation from when the previous assistant band director's position

was cut out. Mrs. Tanner stated that she has 1 individual. Mr. Pallada stated that he was going to propose 3 hours during school and then after school would depend on however many kids that will be in it.

Mr. Shipley mentioned the academic tutoring that they did have on Tuesday's and Thursday's after school but those funds had dried up so National Honor Society students are now being used. He added that there are some things that go on with the athletic department such as tennis and swimming lessons, camps, etc. Mr. Lyness stated that the thought camps would fall under the administrative guidelines as far as renting the facility. However, Mr. Norman pointed out that one could not even get to the administrative guidelines based on how the policy is written.

Mr. Lyness gave Mr. Goessling, Bright Elementary Principal, a chance to comment. Mr. Goessling stated that they have about 8-10 students that come in for tutoring in Math and Reading. Two teacher aides and one teacher offered the tutoring after school hours. There had been a music teacher in the past that offered piano and guitar lessons after school.

Mr. McKay asked if there had been problems with the way things have been run the past few years; he stated that he hears that there are problems but then others tell him they don't know what kind of problems there could be. He also asked if anyone knew about a group of people that come in on the weekends and use the auxiliary gym. Mr. Pallada said the group is called Onyx Winter Guard and that he makes sure they are under control. He stated that his guard members take advantage of them coming in to see how this world-class organization operates. Mr. McKay asked if there was a fee for them to use the facility. Mr. Pallada stated that in the past there was not a fee, and when he was hired there was an agreement that this year would remain status quo with no fee to help with the transition from Mr. Alfrey, the previous band director, to Mr. Pallada. He also stated that if we would tell this group that there would be a fee, then they will just go to another school and his guard members would suffer without the help of this group. Mr. Pallada admitted that the numbers were not equal by any means but if we turned them away we would have to find some way to fill the gap. Mr. Lyness asked if we had any current students or community members that were part of the group. Mr. Pallada said no, not right now.

Mr. Norman mentioned other school corporation's policies and asked if we could tie it to classroom education. Mr. Graf proposed taking out the word "individuals" in letter "B" under those not allowed to use the facilities and adding it as letter "T" under allowed and having it state "Individuals offering services for profit". Mr. Lyness stated that it still comes down to who decides what is educational and what is not.

Mr. Lyness asked if the Board would like tutoring during the school day. Mr. Graf stated that he does not have a problem with it as long as it does not interfere with their day; then he said he takes that back, they should be grading papers or getting ready for their other classes. Mrs. Baines stated that she would even have to check to see if teachers, or non-certified, were allowed to do that during the school day. Mr. Lyness confirmed then with Mr. Graf that he was OK with bringing in an outside tutor during the school day and he said yes. Mr. Norman stated that he struggles with that since they are not an actual employee of ours and questioned whether or not they do a background check, do they check in with someone, do they get intruder training, etc. Mrs. Baines brought up liability insurance. Mr. Lyness asked how the tutoring took place in the music department. Mrs. Tanner stated that they are in small groups in the same room as the teacher. Mr. Shipley stated that they do require full background checks on these individuals. Dr. Hendrix stated they are not our employees though. Mrs. Baines added that they would not be covered on our liability policy since they are not employees. Mr. Norman added that our only

recourse with them if something were to happen would be to remove them from the building. Mr. Pallada explained that they do check in at the front office, get a badge, and then report to the band room. Mrs. Tanner stated that her tutor is actually a sub in the building.

Mr. Lyness asked how we handle liability insurance when groups use the schools. Mr. Harris answered that the groups have their own liability insurance. He stated that individuals should also since they are not school employees.

Mr. Lyness asked Mr. Shipley if he had tutoring during the day. Mr. Shipley said the music department is the only ones that have it during the day.

Mr. Goessling stated that he has never seen letter B in any policy and he thinks that in administrative guidelines letter B is the most protective thing that a corporation could do; to have the Principals determine whether these people are permitted or not, then Mr. Harris or Dr. Hendrix would get the building use form marked approved. He believes that prior to this Board Policy there has never been a problem because the Principal has always been in control of who is and who is not in their building.

Dr. Hendrix mentioned that Mr. Pallada and Mrs. Tanner stated that they are supervising these tutors and with doing that, they are putting their jobs on the line because they are not paid to supervise and if something were to happen while they were supervising, they could end up being personally sued by the individual and essentially lose their job. If we tell them that supervision would be part of their duty in order to cover us, then we have to change their job description, up our liability, etc. Dr. Hendrix stated that these policies were put together by NEOLA and reviewed by attorneys in order to protect schools. Mr. Lyness asked if one of our employees would have to get their own liability policy if they were tutoring after school. Dr. Hendrix said we could still be sued since it is our employee.

Mr. Lyness stated that the questions that need answered are: Are we allowing tutors? Are we allowing outside sources? If allowed, is it during the school day or after? Are we making special exceptions?

Dr. Hendrix stated in reference to Onyx using our building, there are many other groups out there that would love to use our facilities and the question is who do you allow and not allow. He also stated what if an individual is in charge of a group; do you allow or not allow. Dr. Hendrix thinks there are just a lot of legal things that need to be considered. Mr. McKay stated that some of the other corporations that he looked at require organizational liability to come in and do anything. Mr. McKay asked if we require organizational liability. Dr. Hendrix said yes. Mr. McKay asked about individuals. Mr. Harris said we don't, but we should be.

Mr. Lyness said he would be open to having tutoring by our teachers after hours. Dr. Hendrix stated that a possible solution would be to offer transportation so tutoring can take place after school. Mr. Graf stated that he was fine with tutoring during the day, but now he is changing his mind. Mr. Lyness referred back to the supervision issue. Dr. Hendrix stated that Mrs. Tanners's tutor is a sub but is not an actual employee. Mr. Pallada stated that his tutors are not employees, however, when Mr. Hott was let go, instead of hiring in a new assistant director the corporation set aside \$6,000 specifically to bring people in during the day to assist with the teaching of percussion, woodwinds, etc. Dr. Hendrix confirmed then with Mr. Pallada that we are contracting with them; we are using school monies to pay for them to come in during the day. Mr. Pallada said yes. Dr. Hendrix stated then that is different because the school corporation is paying for those services. Mr. Pallada stated that Mr. Ralenkotter at the Middle School was also using these individuals but he was told to cease using them because they do not receive and of

this money to pay for the tutors. They do a fundraiser to pay for the tutor. Dr. Hendrix stated it would still fall under the school; that we are still contracting with these individuals no matter how the money comes in. Mrs. Tanner asked if this would be the answer then to all of the questions. Dr. Hendrix stated that yes, in order to get around all of this, the school corporation would have to pay if we were offering tutoring, but we cannot charge the students for it. Mr. Graf asked if, outside of band and chorus, is there a need for tutoring throughout the day. A parent in attendance stated that her son needs tutoring that cannot be accommodated through the school. The school does not offer any services for dyslexic children. She added that he is so exhausted by the end of the school day that tutoring after school will not do any good.

Mr. Lyness asked Mr. Blake to speak on the funding of the tutors to the music and choral department. Mr. Blake confirmed that it was an agreement that was made when we downsized in 2010 and would remain status quo when Mr. Pallada came on board. He stated that it is money that comes out of the general fund that is not really budgeted. Mr. Lyness mentioned it was put in place by a previous board and technically it does not fall under the policy for use of school facilities. Mrs. Tanner added that the choir department is not getting any of this money so if they do things it is either going to be through fundraising, but really parents would rather just pay the money for tutors in lieu of fundraising. She stated that she could start a booster club for choir but it still would not solve the problem at hand. Mrs. Baines stated that booster money does not run through the corporation. Mr. Norman asked how the Middle School gets their funds; is it just through cheese and sausage sales? Mr. Pallada stated he is not sure where the money goes from the cheese and sausage sales, but he does know that Mr. Ralenkotter is always scraping the bottom of the barrel when it comes to those funds. Mr. Ralenkotter has asked Mr. Pallada if they could share the funds provided to the high school and Mr. Pallada would like to be able to share the funds because he sees both schools as one department. Mrs. Baines stated that she would imagine that the Middle School is running the cheese and sausage money through their ECA accounts in their building. Referring to the parent with the dyslexic child, Mr. McKay asked if we had some group of special needs students that did a fundraiser, would that solve her problem? Dr. Hendrix said no, what she is referring to is that if a special needs student has an IEP then we provide services. Mr. McKay proposed that if there was a committee that would be willing to do a fundraiser to pay for tutoring then our problem would be solved. Dr. Hendrix said that he discussed that possibility with Mr. Goessling about having his PTO do this.

Mr. Lyness and Dr. Hendrix discussed liability of the corporation with people making donations to certain organizations and how we use those funds. Mr. Lyness stated that when the Board decides how they want to handle everything then he will discuss the liability of the corporation with ISBA and Mr. Kramer. Dr. Hendrix is concerned with changing these policies right now, for example, who is going to define some of the wording. Mr. Lyness added that an answer might be whether they are paid through the corporation or if they are an outside individual then they would need to have liability insurance.

Mr. Lyness asked the Board for some direction. Mr. Graf wants to see if we can get tutors in during the day and limit our liability. Dr. Hendrix asked who would supervise these people. Mr. Graf stated that he would like to see the corporation pay for these tutors to be actual employees. Mr. McKay wants to know if there is any way to still have after school tutors and not have a liability problem. Mr. Graf said we will have the same liability problem if the tutors are during the day or after school if they are not employees. Mrs. Huffman said we need to look at what is the best route to take and agrees with Dr. Hendrix. She would like to see if tutoring can be done during the school hours if paid by an outside source. Mr. Norman does not agree with this. Mr. McKay said he is OK with during the day as long as the student has the time available. Mr. Lyness said he agrees with Mr. Norman and he will have to get some feedback from Mr. Burress and Mr. Scholl.

Mr. Norman asked if we need to put in there that Sunman-Dearborn does not have anything to do with the curriculum and is not responsible for the success or failure of the tutoring when it is from an outside source.

Mr. Lyness asked how to handle school employees that do the tutoring after school. Mr. Norman is OK with this. Dr. Hendrix asked what subjects would be allowed. Mr. Lyness said only curriculum that is offered at school. Mr. Lyness would like to see tutoring after school. Mr. Lyness stated that he will check with Seitz Insurance about this. Dr. Hendrix asked who will supervise after school tutoring. Discussion about one on one tutoring with no supervision took place and the liability that it carries. Dr. Hendrix said the Principals wouldn't be compensated so that is not fair to them if the teacher is paid to stay after school. Mr. McKay asked if we have ever had a lawsuit for a one on one after school situation. Dr. Hendrix answered yes; we have a current lawsuit for an incident with a former employee that was employed both during the school day and after school. Mr. McKay stated that he was referring to after school. Dr. Hendrix replied that the current lawsuit is for an incident after school.

Mr. Lyness stated that he is going to talk to Frank Kramer and also with Seitz Insurance about getting some of the questions that the Board has about liability cleared up. He added that the direction of the Board is to make tutoring available somehow.

There being no further business to discuss, the Work Session was adjourned at 8:45 p.m. EST.