

**MADISON BOARD OF EDUCATION
REGULAR BOARD OF EDUCATION MEETING
December 15, 2008**

366-08 The Madison Local Board of Education met this day in regular session at Madison Jr./Sr. High School. President Cappel called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Roll Call – Mr. Zimov

Present:	Mr. David French	Mr. Mark Zimov
	Mr. Brian McGuire	Mr. Curtis Philpot
	Mr. Pete Robinson	
	Mr. Tim Young	
	Mr. Glenn Cappel	

367-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. YOUNG, to approve the following revisions to the agenda:

1. Withdraw Item IX. A. 1. Old Business (Student Activity Manual)
2. Addendum: Amend IX. B. 7, Add IX. B. 12
3. Amend reasons for Executive Session to read: To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

Special Presentation: Presentation of plaques by the Board to Tammy Andrews and Charlene Elam in recognition of their work on the Veteran's Day program.

Hearing of Public:

- Zach Hembree – Read letter from Bob Evick thanking the board for the baseball field upgrade.
- Robin Owens – Complaint about the food service debit system at the Intermediate and Primary Schools.
- Mike McCoppin – Thanked the Board for upgrading the baseball field.
- Bill Hickman – Concerned about the budget with the state cuts; suggested cutting teaching positions at the Jr./Sr. High School to promote elementary success and cut costs.
- Connie Back: Thanked the board for discussions on the agenda.

Superintendent's Report – Construction Update:

- Kim Plummer presented construction progress and schedule.
- Jeff Dodge – Playing field templates.
- Curtis Philpot – Prefers to keep the softball field where it is to provide an additional football/soccer practice field.

- Ed Dulle – Regarding the sprinkler system upgrades in the theatre, we have gotten a deadline extension from the State Fire Marshall with new options for design, savings.

Treasurer/CFO Report:

- State budget cuts – 25% for all agencies, possible \$840 reduction of per pupil funding, and/or reduction of guarantee
- 5% STRS increase not approved for 2009 as HB 315 did not get out of committee

Audit Committee Report – Mr. French:

Responsibility roles, scope of the committee were discussed.

368-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. FRENCH, RESOLVED, that the minutes of the previous meetings (November 17, November 25) be approved.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

369-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. FRENCH, RESOLVED, upon recommendation by the Audit/Finance Committee, the Monthly Financial Reports as presented.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

370-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. CAPPEL, RESOLVED, to approve the revised Appropriations and Certificate of Estimated Resources.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

371-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. CAPPEL, RESOLVED, to accept the bid from Canon for the purchase of three canon copiers, to include a five-year maintenance agreement, in the amount of \$82,557.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

372-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. FRENCH, RESOLVED, WHEREAS an error was made in requiring Donna Miller to exhaust her vacation leave in a limited time after her eligibility commenced, and WHEREAS the employee has signed an agreement obligating her to repay up to six (6) days of advanced vacation leave to cover an illness-related term of absence, and WHEREAS this action by the Board is in no manner to be construed as a precedent for future actions, BE IT RESOLVED, that the Treasurer is hereby authorized to advance Donna Miller the agreed amount of leave to be repaid through the accrual process by July 3, 2009.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

373-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. CAPPEL, RESOLVED, The transfer of carryover federal monies from 2008 grant accounts to 2009 grant accounts:

Title VIB	516 9008 to 516 9009	\$7,490.26
Title I	572 9008 to 572 9009	\$7,214.30
Title IV	584 9008 to 584 9009	\$466.20
Early Childhood Special Ed.	587 9008 to 587 9009	\$358.00
Title IIA	590 9008 to 590 9009	\$1,666.32
Title IID	599 9008 to 599 9009	\$154.84

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

374-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. ROBINSON, RESOLVED, to approve the purchase of a \$100,000 surety bond for Ed Dulle, Director of Support Services.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

375-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. FRENCH, RESOLVED, to approve the employment of the following on supplemental contracts for the 2008-2009 contract year to be compensated in accordance with the adopted salary schedule, contingent on Pay to Participate requirements where applicable:

Jeff Rippl	7 th /8 th Grade Wrestling	\$2,042.69
Brandi Robertson	Choreographer-Spring Musical	\$628.52

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

376-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. ROBINSON, RESOLVED, to approve the termination of the supplemental contract for Corae Neff for 7th/8th Grade Wrestling effective the beginning of the 2008-2009 season.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

377-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. CAPPEL, RESOLVED, to employ the following on an as-needed basis as classified substitute Aide, Cafeteria, Custodial, Secretarial and Grounds Maintenance positions for the 2008-2009 school year, pending background check results, to be compensated as per the approved substitute hourly wage:

Fontaine Selby Educational Aide

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

378-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. ROBINSON, RESOLVED, to approve revision of the wage schedule for Tammy Gamble to Step 2, Treasurer's Assistant, retroactive to August 1, 2008, to correct experience error made at the time of appointment.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

379-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. ROBINSON, RESOLVED, to approve the Employment for Coaching/Advisor Positions for the 2008-2009 school year: RESOLVED, that the personnel listed below be issued contracts for the 2008-2009 school year in accordance with Board Resolution 140-07 (Supplemental Parity Pay) and subject to the candidates' acceptance of the requirements for compliance to the wage and hour law; further, the contract is contingent on sufficient student participation to support the activity and the candidates' meeting pre-employment testing requirements:

Ryan Spears	Technical Director – Spring Musical	\$785.65
Mitch Roe	Vocal Director – Spring Musical	\$628.52
Amanda Cornele	Varsity & JV Basketball Cheerleading	\$2,613.44

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

- 380-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. ROBINSON, RESOLVED, to approve an overnight trip request for the baseball team to Cocoa Expo Sports Center, Cocoa, Florida on Spring Break April 11-17, 2009.
VOTE:
AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young
NO: None
ABSTAIN: Mr. Cappel
President Cappel declared the motion carried.
- 381-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. ROBINSON, to elect Glenn Cappel President pro Tempore for the January Organizational Meeting until the Board elects a new president.
VOTE:
AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel
NO: None
President Cappel declared the motion carried.
- 382-08 MOTION BY MR. CAPPEL, SECONDED BY MR. MCGUIRE, RESOLVED, to approve revisions to the 2008-2009 School Calendar as printed.
VOTE:
AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel
NO: None
President Cappel declared the motion carried.
- 383-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. ROBINSON, RESOLVED, to approve the employment of Charles C. Philpot as Interim Superintendent effective January 1, 2009 through July 31, 2009, concurrent with his duties as Madison Jr./Sr. High School Principal.
VOTE:
AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel
NO: None
President Cappel declared the motion carried.
- 384-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. FRENCH, RESOLVED, RESOLUTION to adopt a written plan for public school 403(b) tax deferred annuity programs:
WHEREAS, Madison Local has established a retirement plan (the “plan”) under Section 403(b) of the Internal Revenue Code of 1986, as amended (the “Code”);
WHEREAS, the Internal Revenue Service has issued final regulations under Section 403(b) of the Code that would, in relevant part, require the Madison Local School District to adopt a written plan to ensure compliance with Section 403(b) of the Code and the regulations thereunder;
BE IT RESOLVED THAT: Effective January 1, 2009, the Board of Madison Local (the “Board”) authorizes Madison Local to adopt the ING 403(b) Plan for a Public School attached hereto.
BE IT FURTHER RESOLVED THAT: the Board authorizes the Treasurer of Madison Local to execute the ING 403(b) Plan for a Public School attached hereto.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

385-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. ROBINSON, RESOLVED, that effective immediately, all classified staff will be eligible for a maximum sick leave benefit equal to the number of their current contract days, and that one-fourth (25%) of the sick leave benefit plus five (5) days will be payable as a severance payment for employees who retire from Madison Schools.

BE IT FURTHER RESOLVED that all employees who are at the maximum number of allowable accrued sick leave are entitled to an additional fifteen (15) days paid sick leave before affecting their accrued balance in any one contract year.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

386-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. CAPPEL, RESOLVED, to approve the following:

Resolution Establishing and Authorizing Pick-up of Pick-up of Employee Retirement Contributions On a Tax Deferred Basis:

WHEREAS the Madison Board of Education is permitted to pick up employee contributions pursuant to Section 3307.27 and 3309.47 of the Ohio Revised Code and Section 414(h)(2) or Section 415 of the Internal Revenue Code, and has formerly established this practice by resolutions including Resolution 243-94 and subsequent board actions;

BE IT RESOLVED THAT these picked-up contributions for administrators, the Superintendent, and the Treasurer, although designated as employee contributions, are being paid by the Madison Board of Education in lieu of employee contributions and shall be paid by the Board as a fringe benefit in addition to the contract salary otherwise payable to the employee. These contributions shall be treated as additional compensation for purposes of retirement in accordance with the Board's policy on retirement contributions for administrators, the Superintendent, and the Treasurer.

Employees may not opt out of the "picked-up" contributions or elect to receive the contributed amounts directly instead of having them picked up by the Madison Board of Education and paid to STRS Ohio or SERS Ohio. For purposes of this resolution, the term "administrators" includes all persons employed pursuant to Section 3319.02 and 3319.03 of the Ohio Revised Code. Prior pickups for employees are hereby ratified to the extent permitted by law.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

387-08 MOTION BY MR. CAPPEL, SECONDED BY MR. ROBINSON, RESOLVED, to set the date for the Organizational Meeting for January 6, 2009.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

Discussion: Pre-K funding options: Mr. Chaney presented proposals for alternative funding and answered Board questions.

Mr. Cappel said that he thought funding for preschool should be shared 50/50 with the district and parents.

Mr. Young asked for statistics on the number of districts that are paying 100% of the funding.

Mr. Robinson asked if we can look at picking up less?

Mr. Young asked if 75/50% options could be on next agenda.

Discussion: Teachers' use of text messaging to communicate with students:

Mr. Cappel said that as technology evolves, controls might enable use without ethical questions.

Mr. Philpot said that proposed Staff Ethics Policy 3210 addresses the text messaging and other communicating issues.

Mr. Young said that there are other options that are above the radar.

Mr. Robinson said that we need to make this a safer environment by banning text messaging between students and staff.

Mr. McGuire stated that cell phones were rare six years ago.

Mr. Philpot: A call-out system might be an alternative and could be expanded to include parents; systems should promote accountability.

Mr. Young said that we are here to education and protect our children.

Mr. French: We can't police text messaging. Not every kid has a cell phone.

Mr. Robinson: We should protect above all else.

Mr. McGuire: How often do changes in schedules happen?

Mr. Philpot: Schedule changes happen with weather and other events. This will not be a discussion in the future; technology moves forward.

Mr. Cappel: Text messages can be retrieved by parents, while phone conversations cannot.

Discussion: Use of law firm Ennis, Roberts, Fischer for legal advice as part of the consortium paid for through the Butler County Educational Service Center.

Mr. Cappel: Directs the Treasurer and Superintendent to use Ennis, Roberts, Fischer for incidental matters free.

388-06 MOTION BY MR. MCGUIRE, SECONDED BY MR. ROBINSON, RESOLVED, to approve the following:

Resolution Establishing And Authorizing Salary Reduction Payments To The State Retirement Systems On A Tax Deferred Basis:

BE IT RESOLVED, effective December 15, 2008, that the Madison Local School District Board of Education ("Board") agrees to "pick up" the total amount of employee contributions required by Section 3307.26 or 3309.47, as applicable, of the Ohio Revised Code to be contributed to the State Teachers Retirement System ("STRS") or the School Employees Retirement System ("SERS"), as applicable, by all employees who are defined by the Board as certificated, non-administrative staff or classified, non-administrative staff. The Board is permitted to pick up employee contributions pursuant to Sections 3307.27

or 3309.47 of the Ohio Revised Code, as applicable, and by Sections 414(h)(2) or 415 of the Internal Revenue Code, as applicable. These picked-up contributions, although designated as employee contributions and being paid by the Board in lieu of employee contributions, shall be treated as mandatory salary reduction from the contract salary otherwise payable to the employee. Employees subject to the above-described pickups may not opt out of the “picked up” contributions or elect to receive the contributed amounts directly instead of having them picked up by the Board and paid to STRS or SERS, as applicable. Prior pickups for the above-described employees are hereby ratified to the extent permitted by law.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

Board of Education Reports/Communications:

Butler Tech Report – Mr. McGuire:

- Scheduled a board retreat for self-evaluation, good for board relationships.
- Butler Tech is purchasing land at I-75 & 25 for Greentree to building 3-5 years.

Legislative Report – Mr. French:

- Gave a handout reporting on numerous House bills being considered concerning school funding issues.
- Governor Strickland has appealed for a \$5 billion federal block grant to help bail out the state’s budget. If Ohio does not receive federal help, drastic budget cuts will have to take place. Ohio is facing a budget deficit this year that could amount to \$640 million dollars.

Student Achievement Report:

Communications: VIP Breakfast

389-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. FRENCH, RESOLVED, to enter into executive session for the purpose of one of the following as underlined, at ____ a.m./p.m. Ohio Revised Code 121.22G –

- Section 1: To consider the appointment, **employment, dismissal, discipline, promotion, demotion or compensation** of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual.
- Section 2: To consider the purchase of property for public purposes or for the sale of property at competitive bidding.
- Section 3: Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.
- Section 4: Preparing for, conducting, or reviewing negotiations or bargaining session with public employees concerning their compensation or other terms and conditions of their employment.
- Section 5: Matters required to be kept confidential by federal law or regulations or state statutes.
- Section 6: Details relative to the security arrangements and emergency response protocols for a public body or a public office.

NOTE: Underline denotes precise reason for Executive Session.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

390-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. FRENCH, RESOLVED, that the meeting be reconvened to Regular Session at 8:59 p.m.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried.

391-08 MOTION BY MR. MCGUIRE, SECONDED BY MR. FRENCH, RESOLVED, that the meeting be adjourned at 9:00 p.m.

VOTE:

AYES: Mr. French, Mr. McGuire, Mr. Robinson, Mr. Young, Mr. Cappel

NO: None

President Cappel declared the motion carried and the meeting adjourned.

SIGNED: _____, President, Madison Board of Education

SIGNED: _____, Treasurer/CFO