

SCHOOL BOARD MEETING
JANUARY 17, 2012
SCHOOL ADMINISTRATION OFFICE

TRUSTEES PRESENT: Chairman Alexander, Trustee House, Trustee Reynolds, Trustee Murray, Trustee Checketts

OTHERS PRESENT: Tim McMurtrey, James Gilbert, Cliff Ogborn, Sharon Whitman, Tara Handy, Phil Raney, Jeff Johnson, Albert Longhurst, Nikki Cruser, Anita Straw, Polly Sanders, Sherri Ybarra, Colonel Moser, Brian Hershey, Donna Sulfridge, Robin Walker

At 7:30 p.m., Chairman Alexander convened the regular meeting of the Board of Trustees and called for the first item of business.

- I. **APPROVE THE MINUTES OF THE REGULAR BOARD MINUTES OF DECEMBER 20, 2011.**
Chairman Alexander called for a motion to approve the minutes of the regular board meeting of December 20, 2011. There being no comment, Trustee House moved to approve the minutes of the regular board meeting of December 20, 2011, with a second from Trustee Checketts. Motion approved.
- II. **FINANCIAL REPORTS** – Cliff Ogborn. Mr. Ogborn reported on the financial statements for December 2011. The statements for December reflected a balance of \$994,463. Investments in the State Investment Pool are at \$6,383,773. Unobligated cash and investments are \$5,801,035 net of interfund payables. The Income Statement reflected revenue through December \$14,066,544. Expenses show salaries are at \$6,412,459 of original budget, and benefits are \$1,955,174. As of December 31, we have a net margin of revenues in excess of expenses of \$4,070,030. Trustee Murray moved to approve the financial report as presented by Mr. Ogborn. Motion seconded by Trustee Reynolds. Motion passed.
- III. **CONSIDERATION OF BILLS** – Cliff Ogborn. Mr. Ogborn presented the district bills for approval. Trustee Checketts moved to authorize payment of the district's bills as presented, with a second from Trustee House. Motion carried. (A full and complete listing of the District's bills may be reviewed at the District Office, Accounts Payable.)
- IV. **STAFF/STUDENT RECOGNITION** – None
- V. **DELEGATION** – None
- VI. **PUBLIC INPUT** – None
- VII. **REPORTS** –
 - A. **MOUNTAIN HOME AFB UPDATE** – MHAFFB Liaison. Colonel Moser stated that there was nothing new to report. Trustee Checketts asked Colonel Moser if the Singapore troops are allowed to live off base. Colonel Moser responded that yes they may and about half do live off base. Trustee Checketts then asked if the Saudi troops would be allowed to live off base. Colonel Moser responded that anything dealing with the Saudis is undetermined at this time.
- VIII. **UNFINISHED BUSINESS** –
 - A. **POLICY ADOPTION** – 3rd and Final Reading – James Gilbert
 1. **Personnel Files Policy** – Mr. Gilbert presented the third and final reading of the proposed adoption of Mountain Home School District No. 193 Personnel Files Policy. He reminded the Board that this was tabled during the last board meeting to determine whether the verbiage “non-certified” should be changed to “classified” and that Idaho Code uses the verbiage “non-certified.” Mr. Gilbert then said that both “classified” and “non-certified” would be use to cover all areas. Trustee House motioned to approve the third and final reading of the proposed

adoption of Personnel Files Policy, as presented by Mr. Gilbert. Trustee Reynolds seconded the motion. Motion granted.

**MOUNTAIN HOME SCHOOL DISTRICT NO. 193
MOUNTAIN HOME, IDAHO 83647**

**P O L I C Y
PERSONNEL FILES**

ALL DISTRICT PERSONNEL

1. A personnel file will be maintained by this district for each employee.
2. Each file will contain any and all material relevant to the evaluation of the employee.
3. Timely notice will be given to the employee of all materials placed in the personnel file.
4. The employee will have the right to attach a rebuttal to any materials that are objected to by the employee.
5. Personnel files are confidential with the exception of information contained in the file pertaining to public service or employment history, classification, pay grade and/or step, longevity, gross salary and salary history, status, workplace and employing agency.
6. An employee, or employee's representative, designated by written authorization, has the right to access his or her own personnel file upon request and will be provided copies of materials contained in the file at the employee's cost if necessary. However, an employee is not entitled to access letters of recommendation or material used to screen and test for employment.
7. Any material to an employee's conduct, service, character, personality, etc., may be placed in an employee's personnel file be it in formal written form or informal form. A signature on a document in no way indicates agreement with the contents thereof.

NON-CERTIFICATED [AND CLASSIFIED] DISTRICT PERSONNEL

1. All non-certificated [*and classified*] employees of this district will be required to review and sign any entries made to his or her personnel file.

B. POLICY REVISION – 3rd and Final Reading – James Gilbert.

Mr. Gilbert presented the third and final reading of the proposed revisions to the Drug/Alcohol-Free Workplace for Employees & Students Policy, FERPA Policy, and Grievance Policy for Classified Employees. He said that there has been no staff or patron input and all the revisions meet Idaho Code. Trustee Murray motioned to approve the third and final reading of the proposed revision to the Drug/Alcohol-Free Workplace for Employees & Students Policy, the FERPA Policy, and the Grievance Policy for Classified Employees as presented by Mr. Gilbert. Trustee Reynolds seconded the motion. Motion approved.

1. Drug/Alcohol-Free Workplace for Employees & Students Policy –

**MOUNTAIN HOME SCHOOL DISTRICT NO. 193
MOUNTAIN HOME, IDAHO 83647**

**P O L I C Y
DRUG/ALCOHOL-FREE WORKPLACE FOR EMPLOYEES & STUDENTS**

The Board of Trustees recognizes the importance of all employees to the educational system **and the importance of federal requirements to establish a “drug free workplace” and it does not tolerate drug or alcohol abuse by its employees and students. Employees and students are prohibited from manufacturing, dispensing, using, possessing, or distributing illegal drugs or alcohol on any school premises or at any school activity.**

Employees and students are further prohibited from being under the influence of illegal drugs or alcohol on any school premises or at any school activity. To that end, the health, safety, and well-being of all employees and students is a major consideration of the Board.

The Board is committed to providing a drug/alcohol-free workplace for its employees and students. **The drug free workplace requirements extend to all property owned by the district, all activities sponsored by the district, and include any vehicle owned by this district.** Because the prevention and elimination of drug and/or alcohol use in the workplace by the employees and students is important, the following guidelines will be followed.

DEFINITION OF TERMS:

Employee: Any individual who performs a duty or service for the school district who may or may not receive compensation.

Student: An individual who is enrolled and/or who participates in the activities and services provided by the school district.

Workplace: Any school district property, facility, or vehicle, and/or any place a student related activity is being conducted.

Illegal Drug Use: The use, possession or distribution of illegal drugs, or the abusive use of other drugs, or the use of alcohol on any school premises or at any school activity.

Illegal Drugs/Drugs: A drug is any drug, obtainable with or without a prescription that is used in a manner dangerous to the health of the user. This includes, but is not limited to, alcohol, marijuana, amphetamines (stimulants), barbiturates (depressants), cocaine, codeine, inhalants, heroin, and hallucinogens. Any controlled substances defined by Idaho Code Section 37-2701, or any other substance that is used to alter or change the mood of an individual, or anabolic steroids. The term “illegal drugs” does not include over the counter drugs or prescriptions prescribed by a doctor or dentist specifically for the person in possession of those drugs.

Under the Influence: This definition covers not only all well-known and easily recognized conditions and degrees of intoxication but any abnormal mental or physical condition that is the result of indulging to any degree in unlawful alcohol or illegal drugs, and which tends to deprive one of that clearness of intellect and control of him/herself, which (s)he would otherwise possess.

Unlawful Alcohol: Any alcoholic beverage as defined by Idaho Code Sections 23-105 and 23-1001.

Unlawful Alcohol Use: The use, possession, or distribution of alcohol on any school premises or at any school activity.

Violations: The commission of an act of illegal drug use or unlawful alcohol use by a district employee.

POLICY OUTLINE

DISCIPLINARY ACTION includes, but is not limited to the following:

The harmful, manufacture, distribution, possession, or use of drugs or alcohol is prohibited on any school district property, facility, or vehicle. Appropriate action will be taken on behalf of any employee or student violating MHSD 193's policy and/or procedure. This action includes the following:

1. Students: The student will be required to follow the procedures as outlined in appropriate student handbooks and in the *School Safety and Discipline* policy.
2. Employees: ~~The~~ **Any employee who violates the terms of the district's drug and alcohol policy may be subject to disciplinary action, including, but not limited to, discharge, suspension,** will be required to participate satisfactorily in an assessment by a certified alcoholism/drug abuse counselor and follow the recommendations made, **and/or referral for drug and alcohol abuse evaluation and rehabilitation, at the discretion of the board.**

- a. These recommendations may include drug abuse assistance, outpatient or in-patient rehabilitation program, which is approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. Illegal actions will be reported to appropriate legal authorities.
 - b. **An employee must notify the school district of any criminal drug/alcohol statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction. Appropriate action against the employee shall be taken within thirty (30) days of such notification.**
 - c. ~~Failure to comply with the policy will result in action up to and including termination of employment by the Board of Trustees and/or referral for prosecution.~~
3. **Contracted School Bus Drivers:** Notwithstanding the above paragraphs, Mountain Home School District and the Board of Trustees require the school bus company, with whom they have contracted with, to notify the school district administration office within five (5) days of any drug/alcohol abuse by any school bus driver.
- a. MHSD would request from the contracted bus company that the school bus driver be suspended from all duties pending investigation and/or when reasonable suspicion exists that the driver may be under the influence of illegal drugs or alcohol.
 - b. MHSD would request from the contracted bus company that if a bus driver is found to have violated this policy, (s)he will be immediately terminated from employment with the contracted bus company.
 - c. MHSD will report any violations of this policy or incidents to the State Department of Education. MHSD and Board of Trustees will recommend license revocation to the Idaho Department of Transportation.
 - d. If reasonable suspicion exists that federal, state, or local laws have been violated, the district will notify the appropriate law enforcement agencies.
4. ~~Failure to comply with the policy will result in action up to and including termination of employment by the Board of Trustees and/or referral for prosecution.~~

DRUG/ALCOHOL ASSISTANCE PROGRAM(S)

- 1. A Drug/Alcohol-Free ~~awareness assistance program~~ will be **available** ~~established and maintained~~ to inform employees and students about:
 - a. The dangers of drug and alcohol use in the workplace
 - b. The District's policy of maintaining a drug/alcohol-free workplace
 - c. Any available drug/alcohol assessment, counseling, rehabilitation, and assistance programs for employees and/or students
 - d. The consequences **and penalties** that may be imposed upon employees and students for drug/alcohol use violations occurring in the workplace
- 5. ~~The District will make this policy available online. The employee or student will abide by the terms of the policy as a condition of employment or enrollment.~~
- 6. ~~An employee must notify the school district of any criminal drug/alcohol statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction. Appropriate action against the employee shall be taken within thirty (30) days of such notification.~~
- 7. **Pursuant to the Drug-Free Workplace Act**, the school district will **report/notify, in writing, to the appropriate agencies, and** within ten (10) days after receiving notice of an employee's drug conviction **or notice that an employee has been convicted of a criminal drug statute for a violation occurring in the workplace. the school district will notify the appropriate agencies.**

8. Employees who have a problem they feel may affect work performance are encouraged to voluntarily seek counseling and information on a confidential basis.
9. The District will make this policy available online. The employee or student will abide by the terms of the policy as a condition of employment or enrollment.
10. **Upon adoption of this policy and/or initial employment with the district, all employees will be notified of this policy and a copy of this policy will be placed on the school district website for public view.**

2. **FERPA (Family Educational Rights and Privacy Act) –**

**MOUNTAIN HOME SCHOOL DISTRICT NO. 193
MOUNTAIN HOME, IDAHO 83647
P O L I C Y
**IMPLEMENTING THE FAMILY EDUCATIONAL RIGHTS (FERPA)
AND PRIVACY ACT OF 1974, P.L. 93-380
AND MANAGEMENT OF STUDENT RECORDS****

The Family Educational Rights and Privacy Act (FERPA) has specified that student records are confidential, with some exceptions. Parents and eligible students (students over the age of eighteen (18)) will be provided an annual notification of their rights under FERPA. The annual notice, **published on the school district website**, will contain information regarding, **and within 45-days of a written request**, the right to inspect their children's records, the right to seek an amendment of a record, the right to consent to disclosures of personally identifiable information, with certain exceptions, and the right to file a complaint with the U. S. Department of Education.

Educational Records are defined as those records directly related to a student and maintained by this District or by a party acting on behalf of this District. Educational records include, but are not limited to, the cumulative file, special education records, and disciplinary records.

Educational records do not include records of instructional, supervisory, and administrative personnel and education personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

The cumulative file of each student is maintained at the building level for this school district. The building principal, individual teachers, and special education personnel may also have a file containing particular educational records.

A non-custodial parent's access to records and information pertaining to his or her minor child will not be denied solely because the parent is not the child's custodial parent **unless a school is provided with evidence that there is a court order or State law that specifically provides to the contrary**. However, information concerning a minor child's address will be deleted from all records supplied to a non-custodial parent if the custodial parent has advised the school district in writing to do so. (IC 32-717A)

Names, addresses, and telephone numbers of secondary school students will be provided to military recruiters, **as required by Federal Law**, or an institution of higher education upon request, unless the parent, or eligible student, denies access. (§ 544 National Defense Authorization, Oct 2002, P.L. 107-107)

It is the policy of Mountain Home School District to assure the provisions of FERPA are adhered to. FERPA permits the school to destroy such records without notice to the parent. To facilitate implementation of this policy, procedures for the management of student records have been established. These procedures are available to all patrons, students, and school district employees.

Legal References: Idaho Code Section 32-717A
No Child Left Behind Act of 2001,
Section 9528 of the Elementary and Secondary Education Act
20 U.S.C. § 7908 and 10 U.S.C. § 503(c)
The Family Educational Rights and Privacy Act of 1974
20 USC 1232g
34 CFR Part 99
Individuals with Disabilities Education Act

20 USC 1412(2) (D) and USC 1417
34 CFR Section 300.560 through Section 300.576

3. Grievance Policy for Classified Employees –

MOUNTAIN HOME SCHOOL DISTRICT NO. 193
MOUNTAIN HOME, IDAHO 83647
P O L I C Y
GRIEVANCE POLICY FOR CLASSIFIED EMPLOYEES

The Board of Trustees is committed to a reasonable and equitable method by which classified employees, who have reason to believe they have been unfairly treated or the District is in violation of any District policy, may bring their grievance to the attention of the proper authority.

The grievance procedure for classified employees shall meet the standard set forth in Chapter 5, Title 33, Section 33-517 of the Idaho Code.

As a matter of definition, the term "classified employee" shall be used rather than "non-certificated employee" when referring to the employee.

As a matter of definition, the term “working day” or “work day” is a weekday (Monday through Friday), except those weekdays identified in the approved school calendar as a non-workday for classified personnel or vacation or holidays.

- A. A grievance shall be defined as a written allegation of unfair treatment or a violation of school district policy. A classified employee of the district may file a grievance about any matter related to their employment, provided that the following shall not be proper subjects for consideration under the grievance procedure provided in this section:
 1. Rate of salary
 2. Wage of the employee
 3. The decision to terminate an employee for cause during the initial one hundred eighty (180) days of employment
- B. If a classified employee files a grievance, the employee shall submit the grievance in writing on the Classified Grievance Form to the employee's immediate supervisor within six (6) working days of the incident giving rise to the grievance. The grievance shall state the nature of the grievance and the remedy sought. Within six (6) working days of receipt of the grievance, the immediate supervisor shall provide a written response to the employee.
- C. If the classified employee is not satisfied with the response of the immediate supervisor, or if there is no response within the time lines, the employee may appeal the grievance to the superintendent of the district or the superintendent's designee within five (5) working days of the receipt of the response as set out in subsection (2)(b) of Idaho Code 33-517, or within five (5) working days from the date the supervisor last had to respond if the classified employee received no written response. Within six (6) working days of an appeal, the superintendent, or his designee, shall communicate with the classified employee in an effort to resolve the appeal. Within five (5) working days of the communication, the superintendent, or his designee, shall provide a written response to the classified employee.
- D. If the classified employee is not satisfied with the response of the superintendent, or his designee, or if there is no response by the superintendent, or his designee, within the time frame provided in subsection (2)(c) of Idaho Code 33-517, the classified employee may request a review of the grievance by a hearing panel within five (5) working days from receipt of the response provided in section (2)(c) of Idaho Code 33-517, if the employee received a written response, or five (5) working days from the date the superintendent last had to respond if the classified employee received no written response. Within ten (10) working days of receipt of an appeal, the Board of Trustees shall convene a panel consisting of three (3) persons; one (1) designated by the Board of Trustees, one (1) designated by the employee, and one (1) agreed upon by the two (2) appointed members for the purpose of reviewing the appeal. Within five (5) working days following completion of the review, the

panel shall submit its decision in writing to the classified employee, the superintendent, and the Board of Trustees.

- E. The panel's decision shall be the final and conclusive resolution of the grievance unless the Board of Trustees overturns the panel's decision by resolution at the Board of Trustees' next regularly scheduled public meeting or unless within forty-two (42) calendar days of the filing of the Board's decision, either party appeals to the district court in the county where the school district is located. Upon appeal of a decision of the Board of Trustees, the district court may affirm or set aside and remand the matter to the Board of Trustees upon the following grounds, and shall not set the same aside on any other grounds:
 - i. That the findings of fact are not based on any substantial, competent evidence;
 - ii. That the Board of Trustees has acted without jurisdiction or in excess of its powers;
 - iii. That the findings by the Board of Trustees as a matter of law do not support the decision.
- F. A classified employee filing a grievance pursuant to this section shall be entitled to a representative of the employee's choice at each step of the grievance procedure provided in this section. The supervisor, superintendent, or the superintendent's designee, shall be entitled to a representative at each step of the grievance procedure.
- G. The time lines of the grievance procedure established in this section may be waived or modified by mutual agreement.
- H. Utilization of the grievance procedure established pursuant to this section shall not constitute a waiver of any right of appeal available pursuant to law or regulation.
- I. Neither the Board nor any member of the administration shall take reprisals affecting the employment status of any party of interest.
- J. A classified employee of the school district shall be required to review and sign any entries made to his personnel file. At reasonable times and places, in the presence of an appropriate District official, a classified employee may inspect documents contained in his official personnel file.
Legal Reference: Chapter 5, Title 33, Section 33-517 Idaho Code

IX. NEW BUSINESS –

A. TRAVEL REQUEST –

- 1. French Club – MHHS – Trip to France, June 25-July 2, 2012 – Amanda Leonard. Mr. Johnson, on behalf of Ms. Leonard, requested permission for the French Club to travel to France this summer from June 25 until July 2, 2012. He mentioned that the parents and students would cover the cost. Trustee Checketts motioned for approval of the travel request for the French Club to travel to France, June 25-July 2, 2012, as presented by Mr. Johnson. Trustee Murray seconded the motion. Motion passed.

- B. **EDUCATION PROGRAM – 2011-2012 – Tim McMurtrey.** Mr. McMurtrey submitted the Education Plan for the 2011-2012 school year, which includes all offered courses, course length, pre-requisites, and courses required versus electives, to the Board for approval. The SDE asks for the Educational Plans this time every year. Trustee Murray motioned for approval to the 2011-2012 Educational Program as presented by Mr. McMurtrey, with a second from Trustee Reynolds. Motion carried.

- C. **DISPOSAL OF CAPITAL ASSETS – Cliff Ogborn.** Mr. Ogborn presented the Board with a list of assets from Stephesen Middle School and the old Base Primary that are no longer viable. He informed the Board that City Parks and Recreation took the some of the items for their use in servicing city patrons. Trustee Murray asked if we are going to try to sell and the response from Mr. Ogborn was no, not these items; it would cost more to advertise than what the items are worth or we would get as bids for the items.

Mr. Ogborn then stated we are still working the woodshop items and equipment. He continued to say that a notice about the bid would be sent to the local paper and local lumber yards, as well as posted on the district website. Mr. Ogborn explained how the bid process would work. He notified the Board that the list of items/equipment up for bid will place on the school district website. Mr. McMurtrey asked if school employees could bid and the response was yes they can bid. Trustee House moved to authorize the disposal of the capital assets as presented by Mr. Ogborn. Trustee Reynolds seconded it. Motion authorized. (A full and complete listing of the items to be disposed of may be reviewed on the MHSD website, www.mtnhomesd.org, or reviewed at the District Office, Director of Fiscal Operations.)

- D. **SCHEDULE A SCHOOL/STUDENT FEES INCREASE HEARING – 2012-2013 School Year** – Cliff Ogborn. Mr. Ogborn requested permission to hold a School/Student Fee Increase Hearing to receive input on the proposed school lunch fee increase. He stated that the federal government requires that we raise our meal fees every year until we meet the federal reimbursable rate. He asked the Board to hold the hearing on February 21, 2012, at 7:15 p.m., just before the regular board meeting. Trustee House said that this is coming at a horrible time, but the federal government requires it. The Board agreed to hold a Student Fees Increase Hearing on February 21, 2012, at 7:15 p.m., in the district office board room, preceding the regular board meeting, as presented by Mr. Ogborn.

Mr. McMurtrey asked the Board to consider increasing the science fees as the high costs for laboratory items is preventing the students from performing many laboratory experiments. He said he knew the directive from the Board for the last couple of years has been not to raise any fees, especially fees for required classes, but MHHS and MHJH can no longer afford any science supplies. Chairman Alexander said that he didn't see anything wrong with charging a reasonable fee even in the sciences

- E. **PERSONNEL** – James Gilbert. Mr. Gilbert requested approval of the personnel item, administrative appointments. Trustee House motioned to approve the personnel item, administrative appointments, as presented by Mr. Gilbert, with a second from Trustee Reynolds. Motion granted.

ADMINISTRATIVE APPOINTMENTS – 2012-2013 SCHOOL YEAR

McMurtrey, Tim W. – Superintendent, Appointment through June 30, 2015,
Mountain Home School District

Gilbert, James G. – Assistant Superintendent-District Operations, Appointment through
June 30, 2014, Mountain Home School District

Handy, Tara A. – Director of Educational Services, Appointment through June 30, 2013,
Mountain Home School District

- X. **EXECUTIVE SESSION** – Personnel Matters. The Board determined that an executive session wasn't needed.
- XI. **ADJOURNMENT** – All business of the Board having been completed, Chairman Alexander called for a motion to adjourn. A motion from Trustee Murray to adjourn was seconded by Trustee Reynolds. Motion approved. Meeting adjourned at 7:47 p.m.

Chairman Alexander

Clerk Whitman