

BoardTalk

Vol. 10, Issue 1

Tennessee School Boards Association

Feb. 2008

HAPPENINGS

February

- 18 President's Day
- 21 SBA Vision - TSBA Headquarters
- 25 TLN Board of Directors Meeting - TSBA Headquarters
TSBA Board of Directors Meeting - TSBA Headquarters
- 26 TSBA Day on the Hill - Sheraton Downtown Hotel
TSBA Board of Directors Meeting - TSBA Headquarters
- 27 SBA Vision - Johnson City Holiday Inn
- 29 SBA Vision - Dyersburg PDC

March

- 7 SCOPE - TSU Downtown Campus
- 9 Daylight Savings Time begins
- 10 SBA Advocacy - Dyersburg PDC
- 13 SBA Advocacy - Knoxville Crowne Plaza
- 17 St. Patrick's Day
- 19 SBA Advocacy - TSBA Headquarters
- 20 First Day of Spring
- 21 Good Friday - TSBA Closed
- 23 Easter
- 29-1 NSBA 68th Annual Conference & Expo - Orlando, FL

Graduation requirements increased by State Board

Tennessee school systems, from students in the classroom to board of education members, face a steep learning curve and a number of unknowns following the State Board of Education's Jan. 25 vote to boost graduation requirements beginning with the graduating class of 2013.

Starting with the freshman class of 2009, school boards will be required to provide the resources necessary for students to earn a minimum of 22 credits to obtain a high school diploma. New additions to state graduation requirements include an additional course in math, a chemistry or physics class, a half credit of physical education, and a half credit of personal finance. Students will also be required to focus at least three electives toward a specific area.

All students will now follow one track for graduation, a change from the current two-track system. Gateway tests will be replaced by "end-of-course" tests that count a percentage of a student's course grade. Other changes include new assessments for student progress and a realignment of curriculum.

The changes are derived from The American Diploma Project, an initiative created by the National Governors Association and business executives in 1996. Thirty-one states, including Tennessee, are now a part of the program.

According to a State Board presentation, The American Diploma Project seeks to accomplish four specific actions:

For much more information about the way local school boards will be affected by these changes, see the Spring Issue of the TSBA Journal.

1. *Align standards and assessments with the knowledge and skills required beyond high school.*
2. *Require all high school students to take challenging courses that actually prepare them for life after high school.*
3. *Build college and work-ready measures into statewide accountability systems.*
4. *Hold schools accountable for graduating students who are college and/or workforce ready, and hold post-secondary accountable for students' success once enrolled.*

Tennessee's Diploma Project effort began in 2005 with the formation of a task force by the State Board of Education and the State Department of Education. The group's goal was to examine state high schools and evaluate what graduates should know and be able to do.

In 2007, the Business Roundtable, with financial support from the Hyde Family Foundation of Memphis, worked with major chambers of commerce to host six regional focus-group-style meetings across Tennessee. Participants included more than 130 senior executives representing 112 companies and organizations.

The consensus from the meetings included a list of skills high school graduates need in order to be

(Please See STANDARDS, on Page 2)

Putnam County to conduct NSBA conference clinic

While school districts across the nation have been forced to cut back or eliminate programs due to budget constraints, the Putnam County Board of Education has enhanced its support for after school programs with grant funding. The district will share its strategy at the 2008 NSBA Conference in Orlando, Fla. The session, “*Funding Best Practices: Writing Grants to Increase Student Achievement through Before/After School Programs*,” will be presented by Director of Schools Dr. Kathleen Airhart, Former Board Chairman Dr. Walter Derryberry, and Grants Specialist Dr. Sandra Koczwarra.

Governor’s budget plan boosts education funding

Governor Phil Bredesen presented his 2008-09 Budget to members of the General Assembly last month, addressing the need for fiscal conservatism while maintaining the course for improvements to education. Appropriations would increase less than one percent from Fiscal Year 2008, while the total budget would actually decrease by 0.61 percent. Education would see an increase of about 4.5 percent, with Pre-K-12 receiving an additional \$220 million. The breakdown by major category is as follows:

- Fully Fund BEP Growth \$83.9 million
- BEP 2.0 (2nd Installment) \$86.5 million
- Pre-K Expansion \$25.0 million

It is not yet clear how the second installment of BEP 2.0 will be distributed. Although the specifics have yet to be ironed out, we have been told the salary component within the BEP will be adjusted to provide at least a two percent salary increase for teachers.

To view the entire budget, visit the state website at www.state.tn.us.

Webb named acting commissioner of education

Governor Phil Bredesen has appointed Dr. Tim Webb acting commissioner of the Tennessee Dept. of Education. He fills the vacancy created by the recent retirement of Lana Seivers from state service.

Webb, a native of Hohenwald, Tenn., has been with the department since 2003.

Employment Law presenter has article published

D. Scott Bennett, an attorney with the firm of Leitner Williams Dooley & Napolitan, PLLC, in Chattanooga, addresses the issue of sex offender registry laws and their impact on boards of education in the latest issue of *Inquiry and Analysis*, a monthly publication of the NSBA Council of School Attorneys. Bennett represents the Hamilton County Board of Education, and he is scheduled to conduct a session at TSBA’s Employment Law Seminar on April 4. You can read the article at <http://www.nsba.org/cosa>.

Haywood County has 100% attendance at Convention

Congratulations to the Haywood County Board of Education, which had 100 percent of its members in attendance at the 2007 TSBA Annual Convention in Nashville. This information was inadvertently omitted from the Winter Issue of the *TSBA Journal*.

STANDARDS

• Continued from Page 1

successful in college and the workplace. The list states that students need:

- stronger math and science skills, but especially a mastery of basic math; in addition, post-secondary school or work requires that students be able to think critically toward a focused solution;
- stronger communication skills, including both verbal skills and writing skills;
- to be able to work in teams to solve real-world problems;
- to be able to think, apply, and use what they know; and
- to have a strong work ethic; be at work regularly and be on time.

From these objectives, the State Board of Education moved forward with the policies and rules approved in January. Requests for proposals have been issued for new assessments to be used in grades 3-8 and as high school end-of-course tests. Work is underway on training sessions to get teachers up to speed on new curriculum standards, and planning has started on professional development activities that will address curriculum content changes and teaching strategies to improve student success.

The Department will work to integrate the newly approved standards into the current high school curriculum during the 2008-09 school year, and training on the new standards and goals will continue. The new standards and new assessments will be in place for the start of the start of the 2009-10 school year, when the class of 2013 begins its high school career.

Tenn. school board members take message to Washington

Nineteen dedicated school board members traveled to the nation's capitol this month seeking Congressional support of public education. The visits with Tennessee's senators and representatives were in conjunction with the National School Boards Association's Federal Relations Network (FRN) Conference. The focus of the meetings was the reauthorization of No Child Left Behind and needed changes to the law. Board members communicated the following priorities:

- Complete reauthorization of NCLB this year; delaying until after the presidential election will serve only to paint an inaccurate picture of public education performance and reallocate funds away from the true areas of need.
- Adopt H.R. 648 and incorporate recommended revisions to NCLB (see priority areas below). (Senate should develop and adopt legislation consistent with H.R. 648.)

A. Assessments

- IEP teams should determine the nature of assessments appropriate for students with disabilities, and such assessments should be used to determine whether AYP is met.
- School districts should be able to use alternative assessments for English Language Learners for up to three years and a demonstration of progress on these alternative assessments should meet the requirements for AYP.
- School districts should have the option to count the higher score achieved by a student who is assessed more than once prior to the start of the next school year in determining AYP.

B. AYP Measurement

- In calculating progress, the performance of students who belong to multiple subgroups should not unfairly impact the school or district. Each student should be counted once.

C. Sanctions

- Schools and districts should be required to apply federal sanctions only when the same subgroup fails to make AYP in the same subject or indicator for two consecutive years or more.
- Align sanctions with the need for improvement. Harsh sanctions such as restructuring do not strategically respond to specific needs schools have when only a small percentage of their students do not score proficient.
- Transition federal education policy from one of a punitive nature to one of partnership.

Board members attending were: Pascal Bailey, Unicoi County; Renea Jones-Rogers, Unicoi County; Dan Schlafer, Cumberland County; Wally Boyd, Kingsport; Susan Lodal, Kingsport; Amy Martin, Bedford County; David Pickler, Shelby County; Morris Stevens, Clarksville-Montgomery County; Jerry Greene, Sullivan County; Bedford Allison, Marion County; Jim Greene, Giles County; Cindy Buttry, Knox County; Anne Edmiston, Shelby County; Ellarine Moses, Union City; Dixie Parker, Bedford County; Mark North, Davidson County; Jeffrey Wilson, Hamilton County; and John Conley, Washington County.

Items of Regret

Dr. Wayne Hinson

Dr. Wayne Austin Hinson, 75, a 50-year school board member, passed away on Jan. 9.

Dr. Hinson served on the Lexington City School Board for more than 50 years, 30 of which he served as chairman of the board. He is believed to have served the longest school board term in the Tennessee.

Dr. Hinson served for more than 50 years as an official with the TSSAA, including the last 15 years as supervisor of officials. He practiced optometry in Lexington for more than 50 years.

Dr. Hinson is survived by his wife of 55 years, three children, and four grandchildren.

Dr. Eddie Duncan

Dr. Eddie Duncan, 64, a longtime participant in Bradley County's professional, religious and education communities passed away on Feb. 8.

In addition to a number of civic organizations, Dr. Duncan served on the city of Cleveland and Bradley County boards of education. He served on the city school board from January 1979 through December 1996 and was chairman in 1995 and 1996.

He returned to educational service on March 3, 2005, as an interim member of the Bradley County School Board, serving through Aug. 2006. Since 1975, Dr. Duncan worked as an ophthalmologist in Cleveland, Tenn.

Dr. Duncan is survived by his wife, two children, four grandchildren, his mother, a brother, and two sisters.

TSBA Policy Department tracks FMLA changes

On January 28, 2008, the President signed into law Public Law 110-181¹, which significantly amended the Family and Medical Leave Act (FMLA). This law changed the FMLA in two ways. First, the FMLA now has a new entitlement for leave: a “qualifying exigency” arising from the service of spouse, son, daughter or parent during active duty in support of a “contingency operation.”² The second change is the creation of a new category of leave: the “servicemember family leave.”³

Naturally, there is a time lag between when a law is signed and when regulations are enacted pursuant to that law. In this case, what that means is that while qualified employees are entitled to leave for a “qualifying exigency,” the Secretary of Labor has not yet told us what a “qualifying exigency” happens to be. Until that happens, employers cannot meaningfully respond to an employee request for leave under 29 USC § 2612(a)(1)(E).

The creation of the “Servicemember Family Leave” will also require some clarification. While the leave, on its face, is pretty straightforward, there is one question that the Secretary of Labor needs to answer: when the law says “The leave described in this paragraph shall only be available during a single 12-month period,” what does it really mean? Does it mean “a single 12-month period during the employee’s lifetime?” Does it mean “a single 12-month period during a ‘contingent operation?’” Or does it mean “a single 12-month period during the term of employment with the current employer?” The devil, as the saying goes, is in the details. What is clear, however, is that an employee is entitled to at least one 26-week period of time, and a school system should grant the request, subject to the certification requirements contained in 29 USC § 2613.

Because the changes have left us with more questions than answers, implementing any change to a school system’s FMLA policy (and the forms required by Tenn. Code Ann. § 49-5-702(b)) would be subject to change by whatever regulations are eventually passed by the Secretary of Labor. Until the new regulations are enacted clarifying this situation, the TSBA Policy Department will be monitoring the situation with an eye towards modifying the TSBA sample policy 5.305.

For more information on this story, contact TSBA Director of Policy and Staff Attorney Joel H. Moseley, Jr. He can be reached by email at jmoseley@tsba.net. A complete text of the revised FMLA law can be found at <http://www.dol.gov/esa/whd/fmla/fmlaAmended.htm>.

¹ Public Law 110-181 is the “National Defense Authorization Act for FY 2008.” A summary of the act is available at <http://www.cbo.gov/ftpdocs/89xx/doc8950/hr4986.pdf>, however no mention is made of the FMLA changes.

² 29 USC § 2612(a)(1)(E), which now states:

“(E) Because of any qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.”

Pursuant to 10 USC § 101(a)(13), the term “contingency operation” means a military operation that—

(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

³ 29 USC § 2612(a)(3) and (4), which now state:

“(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103 [29 USC § 2613, which deals with the certification of leave requests. — ed.], an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.”



ANNOUNCEMENTS

School Board Week celebration stories wanted

We want to know how your system celebrated the hard work and dedication of school board members during Tennessee School Board Week. E-mail your experiences to Director of Communications Steve Doremus at sdoremus@tsba.net, or call him at ext. 233.

Time running out for '07-'08 School Board Academies

Every school board member is required to attend an approved session each year to obtain seven hours of state-mandated School Board Academy credit. There are several sessions available for the remainder of this training cycle, which ends June 30, 2008. If you have not yet registered or attended a session within this training cycle, you, your director of schools, and the state will receive a reminder in March. For more information regarding upcoming classes, visit our website, www.tsba.net, or call our School Board Academy Hotline at 800/448-6465, ext. 900. You may register online or by contacting Christina Snow by e-mail at csnow@tsba.net, or you can reach her by telephone at ext. 244.

Day on the Hill set for Feb. 26 in Nashville

Join your local legislators for breakfast in Nashville on Feb. 26 as part of the annual TSBA Day on the Hill. The 2008 event, which will take place at the Sheraton Nashville Downtown, gives attendees the latest information on legislative issues being considered by the General Assembly. After breakfast, school board members can visit lawmakers in their offices and attend committee meetings. To register for Day on the Hill, visit www.tsba.net or contact Christina Snow at ext. 244.

Student registrations needed for 2008 SCOPE Conference

The Student Congress on Policies in Education (SCOPE) Conference is scheduled for March 7, 2008, at the Tennessee State University downtown campus in Nashville. High school students from across the state will take part in mock school board meetings and debate education issues, all in an effort to learn more about the role of local school board members. To register your students for the 2008 SCOPE Conference, please contact your central office/board secretary.

Applications accepted for 2nd Annual Prospective Superintendents Academy

The Prospective Superintendents Academy is looking for leaders to make an immediate impact as superintendents of Tennessee school systems. TSBA has again partnered with the Tennessee Organization of School Superintendents (TOSS) and the Niswonger Foundation to provide an intensive training program for those individuals seeking to take on the challenge of being a superintendent. Applications for the 2008-09 Prospective Superintendents Academy will be accepted until March 3, 2008. If you are interested in applying, do not delay. Space is limited. Please visit our website, www.tsba.net, for more information on the program.

68th Annual NSBA Convention to be held in Orlando, Fla.

The Peabody Orlando will serve as host for NSBA's 68th Annual Conference and Exposition. The conference will be held March 29 - April 1, 2008. To register, visit <http://www.nsba.org/conference/register/index.cfm>. Once registered, you will receive the confirmation number needed by the Housing Bureau to make hotel reservations. To reserve your hotel room, visit: <http://www.nsba.org/conference/hotel/info.cfm>.

Montgomery Insurance to sponsor Tennessee breakfast at NSBA Convention

The Tennessee breakfast held during the NSBA Annual Convention will be Saturday, March 29, from 8-9:30 a.m. at the Peabody Orlando. This year's breakfast will be sponsored by TSBA Premier Business Affiliate Montgomery Insurance. As the convention approaches, invitations will be sent to individuals registered to attend the NSBA Convention. Please inform Kristina Pardue by e-mail at kpardue@tsba.net, or by telephone at ext. 329, if you plan to attend this year's convention.

ANNOUNCEMENTS

TSBA makes plans for office relocation

As previously announced, TSBA has sold its current building and purchased a new headquarters facility. Our new location will be 525 Brick Church Park Drive, Nashville, TN 37207. The facility is currently undergoing a minor facelift to meet our needs, and we anticipate moving our offices in early April. We will keep you informed of our progress as moving day approaches.

Employment Law Seminar set for April 4

Brochures have been mailed to board chairmen, superintendents and board secretaries of each system for the upcoming Employment Law Seminar. The seminar will take place at the Sheraton Music City in Nashville on April 4, 2008. Our Legal Department has put together an informative program, covering such topics as new background check laws, due process rights for non-tenured employees, unemployment compensation claims, new 403B regulations, and documenting employee performance. This event will count as optional credit for those individuals having met eligibility requirements as outlined by the state. Register online at www.tsba.net or contact Christina Snow by e-mail at csnow@tsba.net, or give her a call at ext. 244.

Planning underway for 15th Annual Board Secretaries Conference

The 15th Annual TSBA Board Secretaries Conference will be held at TSBA Headquarters on May 2, 2008. Please encourage your system's secretaries and administrative assistants to attend this worthwhile session. Past topics have included parliamentary procedure, minutes, conflict resolution, media relations, and office etiquette. This is an excellent opportunity for board secretaries to benefit from networking with their peers. Brochures will be mailed to each system the first week of March. For more information, contact Kristina Pardue at ext. 329, or you can e-mail her at kpardue@tsba.net.

TSBA prepares brochure for potential board candidates

Candidates for school board often qualify for election without knowing the duties and responsibilities of the position they seek. In an effort to educate potential candidates, TSBA, with assistance from NSBA, has created a brochure entitled, *All In Favor, Getting Involved for Student Success*, which outlines the primary functions of boards of education in Tennessee. Copies of the brochure will be mailed to each county registrar of voters, and we will post the brochure on our website, www.tsba.net.

BoardTalk seeks ideas, stories about board and district happenings

TSBA strives to stay informed about what is happening in Tennessee education on both the state and local levels, and we want to share that information with you in *BoardTalk*. Unfortunately, we may not hear about some of the great things taking place in your districts. When you have good news, or if you have an idea that would make *BoardTalk* a better resource for board members, let us know about it! If your local newspaper prints a news story about your local school board, fax a copy to the attention of Steve Doremus at (615) 741-2824, or you can e-mail your thoughts and ideas to sdoremus@tsba.net.

BoardTalk

TSBA BoardTalk (ISN 0049-3406) is produced seven times a year by the Tennessee School Boards Association.

101 French Landing Drive ~ Nashville, TN 37228
800/448-6465, 615/741-0666 ~ FAX 615/741-2824 ~ www.tsba.net

Dr. Tammy Grissom, Executive Director
Amy Martin, President
Steve Doremus, Editor