

**OFFICIAL PROCEEDINGS OF THE REGULAR MEETING OF THE
BOARD OF EDUCATION, EAU CLAIRE, WISCONSIN, JUNE 18, 2012
PRESIDENT CRAIG PRESIDING**

Following the Pledge of Allegiance, President Craig called the meeting to order at 7:00 pm. Secretary Patti Iverson confirmed that the meeting was properly noticed and was in compliance with the open meeting law.

Roll call was taken and the following commissioners were present: Craig, Cummins, Duax, Faanes, Janke, Johnson, and Wogahn. Absent: None.

NOTICE OF CLOSED SESSION

President Craig announced that the Board would go into closed session following the committee meeting under 19.85 (1)(c)(g) and/or (e) to discuss Interim Superintendent Contract and to consider performance evaluation data concerning a public employee, a request for such records, and written advice of legal counsel concerning this issue and related litigation. The Board may take action in closed session if necessary and appropriate.

PUBLIC FORUM

Andrew Holle was on the Employee Handbook Committee. He asked that the Board continue to be open and listen to stories about how these proposals may impact staff. He noted that educators are the Board's greatest resource, which has the most positive affect on student achievement.

Dr. Michael Lindsay is a retired member of the community. He said decisions on the handbook in lieu of a negotiated contract will have a great impact on the lives of professionals who serve students. Every policy not only affects professional teachers, but also affects the welfare and well-being of children and the community.

Gretchen Beckstrom wanted to see references in the handbook to regular communication between employees and administrators. Things such as Meet and Confer and ABC meetings have been invaluable and provide a connection to advocate for students and co-workers. She asked that wherever possible, the Board keep the well-reasoned and well-founded status quo of contract language.

Laurie Staack said that in the working condition survey, 68.9% of staff have said they might leave education in the last year. She has gone from being proud when asked what she does for a living to being embarrassed and that has an impact in the classroom. She doesn't feel secure in the profession. She said the future may change for the entire community. For example, physicians choose Eau Claire because they feel it's an ideal education community. She felt that if educators leave, these other professionals will too.

Amy Carlson Sather and Joanie Heacox said the Board has been outstanding in its ability to listen to concerns. They were concerned about the definition of full time employees and assignable time. They said teachers use their professional judgment about the time that best meets the needs of students. In the working conditions survey, the vast majority of staff said they work more than 8 hours a day and go above and beyond what is expected. They asked the Board to allow certified staff to work with administration to allow flexible time rather than assigning time.

Galen and Kit Schiefelbein spoke about the minimization of seniority. They felt that removing seniority and basing employment on subjective performance creates bias and may diminish the learning environment. They requested that the existing system remain in place in the interim.

Michelle Peplinski said that in the employee survey, 82.5% of those surveyed have said the morale has gotten worse. The handbook gives the District the right to revoke, modify, suspend, terminate or change policy and procedures in whole or in part at any time. She said the current language creates a sense of anxiety and instability that will not improve staff morale. The instability connected to the ability to modify handbook contents at any time is concerning.

Mark Vaughn said he has had a contract which provided fairness and has worked hard to interact professionally with students, parents, staff and the community. That diligence has been rewarded by being treated in a fair manner. He was afraid the handbook would not infuse the same balance and compromise.

Support Staff President Julie Lowy said that many members of her group take home very little money and some take benefits and owe the district at the end of the week. The decision to eliminate vacation for ten month employees will cause some members of this group to take a big hit monetarily. Many don't take vacation and choose to be paid out for it because they need the pay. She asked that a committee similar to the insurance committee be formed to review this issue.

ECAE President Ron Martin felt there must be an opportunity to grieve the process in place, whether for working conditions, involuntary transfers or termination. The process in the past was fair and allowed all voices to be heard. In the current contract there was a grievance process to allow involuntary transfers to be appealed. He asked that the Board continue that agreement and amend the handbook language to allow for this. He asked that just cause be allowed to be applied.

Pam Campbell was concerned about changing pay periods for school year employees. She had many questions about how deductions would be handled. She said another issue dealt with elimination of vacation for school year classified staff. She felt the members should be compensated for vacation time they are losing. The proposal would create monetary inequity among employees that have the same job title and wage scale because some get benefits and others don't. She said this was the only group taking a

financial hit. She also asked for a clarification in years of service towards vacation if you transfer from a ten month to a twelve month position.

Nathan Nybrotten was concerned about the language of management rights.

Before Paul Steffens became a teacher he worked for a large publisher as a sales manager. When he made the transition, he had no idea how difficult it would be and the time he had to put in to be successful as a teacher. He feels there is a subtle but declining level in motivation. He said that an employee's morale relates to employee effectiveness and success, which is linked to student achievement. He was concerned about removing 'just cause' language.

Jolene Voltz was concerned about support staff losing vacation time and the ability to cash out unused vacation. She said these positions have low pay and are very demanding with the unique special needs of students. She said they have traded lower salary for vacation time. She felt people wouldn't stay in these SEA positions if these benefits are taken away.

Carolyn Carlson felt that times are changing and status quo is a 'no go.' She felt that tenure is outdated. She believes the Board must have courage to confront poor performance. She said the Board and staff should work together to make schools a more valuable education experience.

Cathy Anderson felt the language of the handbook was not written in a positive tenet and that some language is inflammatory. She felt that happy employees make for better employees, and that there is a way to phrase things to get to the heart of what is needed without causing staff to feel less than what they are. She doesn't want the District to lose the quality of its applicants. She encouraged the Board to relook at things like changing the pay periods for school year employees.

James Martin asked the Board to reflect on these questions: What is the real problem and why does it need to be changed in the way it's being changed? Why are changes so critical and must be made as opposed to discussed and worked through? He said as the Board considers the modification process, seniority, management rights, assignable time, attendance on weather days, or removing vacation it should ask 'Does this need to be done?' He said the Board should consider solutions and ideas that can be applied across all employee groups with protections and assurances brought to everyone. Staff working in a collaborative environment will work harder, better, and longer. He said Eau Claire has been made a destination district but wondered if the Board will maintain it as a destination district for staff. He said he looks forward to continuing collaborative conversations and the collective interest of employees and management.

BOARD/ADMINISTRATIVE REPORTS

Superintendent's Report

Superintendent Heilmann shared updated pictures from all four referendum projects.

Several students participated in the Northwestern University Midwest talent search and there were four who finished in the top percentage of students in the nation at grade level for those taking the ACT and Explore tests.

Dr. Heilmann said his last day of work will be June 21st and Interim Superintendent Terry Sheridan will take over on June 25th. He thanked the high-quality professionals and para-professionals who serve the students and families of our community. The Board thanked Dr. Heilmann for his service.

Communication to Superintendent/Board President

President Craig shared a letter written by a grandparent who expressed her praise and thanks for the efforts of the staff at Putnam Heights to help her grandson succeed. She also thanked the Board for its work.

President Craig said she received correspondence from the Montessori Charter Board regarding the extension of its contract. This will be addressed at the next Board meeting.

President Craig acknowledged the correspondence received from staff and community members with regards to the Employee Handbook.

Other Reports

Policy and Governance Committee

The committee has done a preliminary investigation of the development of a policy that will address how the Employee Handbook will be implemented and updated. This will be brought to the Board for future discussion. There were several policies and rules that have been identified as being outdated or not aligned with the handbook and those will also be reviewed.

Budget Development Committee

There was no report given.

CONSENT RESOLUTION AGENDA

Board members asked to pull Resolution 7 from the consent agenda.

Com. Wogahn moved, seconded by Com. Cummins, to approve the consent resolution agenda consisting of the following items:

- ◆ The minutes of Board meeting of June 4, 2012 as mailed.

- ◆ The minutes of closed session of June 4, 2012, as mailed.
- ◆ The financial report as presented.
- ◆ The budget adjustments as presented.
- ◆ The gifts in the amount of \$9,416.52 for the period May 1, 2012, through May 31, 2012, as presented.
- ◆ The matters of employment of June 18, 2012, as presented.
- ◆ Changes to Individual Administrative Contracts and the ECAA Agreement
- ◆ Amend 2012-2014 ECAA Individual Administrator Contracts
- ◆ Amendment to ECASD Policy 365 – Internet Safety Policy – CIPA Compliant

Consent resolution agenda items approved by unanimous roll call vote.

INDIVIDUALLY CONSIDERED RESOLUTIONS

Resolution #7 – Employee Handbook as Presented, Previously Discussed and Modified

Com. Wogahn moved, seconded by Com. Faanes to adopt the Employee Handbook (EH) as presented. (This motion was eventually withdrawn and items were voted on by sections.)

Com. Cummins moved, seconded by Com. Johnson, to suspend rules to allow discussion on topics from the audience that provide new information or ask for clarification. Carried by the following roll call vote: Ayes: Craig, Cummins, Duax, Faanes, Janke, Johnson and Wogahn. Nay: Duax.

Executive Director of Human Resources Kay Marks reviewed several modifications that were made from the administration's original proposal on June 4, 2012 with regard to extended sick leave, longevity, childrearing and grievance procedures based on feedback from Board members and discussions with members of various employee groups.

- Extended Sick Leave--The district-wide sick leave donation bank will be reviewed as a committee item.
- Longevity—No language will be included in the EH related to longevity until a discussion takes place with employee groups. The intent would be to bring something to the Board in July 2012.
- Childrearing—The original collective bargaining language for certified and classified employees was added into the EH.
- Grievance – There was not time to put together the information the Board was looking for with regards to working conditions. It was recognized that the Board wanted administration to have discussions with employee groups to create something that is workable.

The Board talked about its legal responsibility for the Employee Handbook and what must be approved before July 1st. It was noted that current practice would continue on issues that are not resolved until such time they can be discussed again.

PART I

Ms. Marks shared a document entitled, "Modifications to the Proposed Employee Handbook." (See attached) She reviewed the 11 suggested modifications for Part I and the Board was in agreement with those.

The Board agreed to keep longevity language in place for the 2012-13 school year and form a study group to bring something back to the Board by July 2013. Mr. Van De Water asked if he could get some direction from the Board on longevity so he could build a budget around that component. He will bring a report to the Board on July 16th showing the financial implications for longevity steps for next year.

There were concerns raised about the sentence in Part I, Section 1.01 that states "The District reserves the right to modify, revoke, suspend, terminate or change any of all such plans, policies or procedures, in whole or in part, at any time." Board members asked to change "District" to "Board" keeping in mind that a policy will be developed that will talk about procedures to modify the EH. It was also noted that the Board sets policy but the administrative rules come from administration.

Com. Cummins moved, seconded by Com. Johnson, to change "District" to "Board" in the following sentence: "The ~~District~~ **Board** reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures, in whole or in part, at any time." Carried by the following roll call vote: Ayes: Craig, Cummins, Duax, Faanes, Janke, and Johnson. Nay: Wogahn.

When discussing the parameters for the 40 hour work week in Section 1.02 on page 1, Ms. Marks explained that certified staff members have a 7.25 hour core work day, and a requirement to work an additional 45 minutes each day on a flexible schedule worked out with administration in the building. This time does not include a 30 minute duty free lunch. It was requested that language be documented indicating that the 45 minutes can be flexible time. Mr. Leibham said that actual core hours for each building shall be established by administration. Administrative meetings would be included in the core hours. Some flexible schedule time could be used to have more time to get to these meetings, but the length of the meetings shouldn't be any longer. Com. Faanes asked that core hours be defined. President Craig felt this topic should be reviewed in January 2013 to see if it is working the way the Board intended. There are known issues that could take place such as IEP meetings, but it was felt the DLT could talk about these concerns and then in meet and confer discuss those issues. The language in Part II on page 36 will be modified to reflect these points.

Extra-curricular assignments have no protection and there was a request to keep the same standards as other positions. It was pointed out that non-staff employees have a

recurring one-year contract but that coaches on staff do not have that stipulation after they serve their probationary period. Section VI – Co-Curricular Staff will define this in the future when that section is developed.

Com. Johnson moved, seconded by Com. Duax, to remove the bullet that states “non-reappointment of an extra-curricular assignment.” Carried by unanimous roll call vote.

The Board asked if it was accepting the grievance procedure without any reference to working conditions. Ms. Marks said she could identify what it means to have working conditions included and that could be referenced in the minutes but she felt it wouldn't make sense to put it in the handbook. She is meeting with employee groups about that topic now so she wouldn't have a definition of that yet.

Com. Johnson moved, seconded by Com. Cummins, that a complaints or grievance procedure for working conditions be developed. Carried by the following roll call vote: Ayes: Craig, Cummins, Duax, Faanes, Janke, and Johnson. Nay: Wogahn.

It was suggested that Section 4.01(M) be modified so that current staffing levels are not reduced until there is an outsourcing policy in place.

Com. Johnson moved, seconded by Com. Cummins, to modify 4.01(M) to read, “To contract out for goods and services provided that current staffing levels are not reduced.” Carried by the following roll call vote: Ayes: Craig, Cummins, Duax, Janke, and Johnson. Nay: Faanes and Wogahn.

Com. Cummins moved, seconded by Com. Faanes, to adopt Part I of the Employee Handbook with the modifications as presented. Motion carried by the following roll call vote: Ayes: Craig, Cummins, Duax, Faanes, Johnson and Wogahn. (Com. Janke stepped out and did not vote on this item.)

PART II

Ms. Marks reviewed the 4 suggested modifications to Part II and the Board was in agreement with those.

Section 1.01(C)(1) page 36 will define that the additional 45 minutes per day is flex time for employees. A definition of core hours could include that core hours are driven by face-to-face teacher/student time and begin when buses drop students off and pick them up again at the end of the day. These core hours will be 7.25 hours per day. This will be reviewed in January 2013 to see how it is working.

There was a discussion about Section 1.03—Attendance at School Events noting that these events for specialists in music and art would be over and above their 40 hours. Some felt this language seemed punitive and should be more positive. Ms. Marks said it is not the intent of this language for administrators to assign staff to additional events;

the expectations will be the same as they have been in the past. Com. Johnson felt there should be similar language in Part IV for administrators.

Com. Johnson moved to eliminate 1.05 on page 37. Motion failed for lack of second.

There was a discussion about extending child rearing leave to all groups. Some Board members wanted more discussion on this issue before it was approved. That issue will be reviewed during the 2012-13 school year with a proposal coming at the end of the school year.

Com. Cummins moved, seconded by Com. Duax, to move Section 10—Child Rearing Leave—on page 45 to Part I. Motion failed by the following roll call vote: Ayes: Cummins and Duax. Nays: Craig, Faanes, Janke, Johnson and Wogahn.

Board members wanted an expectation that each supervisor be required to visit educators' classrooms or working settings at least once a year.

Com. Johnson moved, seconded by Com. Wogahn, to change "Classroom/work setting contacts by supervisor are expected every year, but required during the year of the written performance review" to "Classroom/work setting contacts by supervisor are required every year" in Section 3.03 (B)(6)—Evaluation Process—on page 38. Carried by unanimous roll call vote.

The Board discussed Section 9.01—Standard for Nonrenewal for Teachers--on page 45. Some were concerned about not having just cause language included in this section. Others wanted to know the legal implications or administrative consequences of adding just cause language back in.

Com. Cummins moved, seconded by Com. Johnson, to take out "arbitrary or capricious" and maintain the just cause language in Section 9.01—Standard for Nonrenewal of Teachers—on page 45. Carried by the following roll call vote: Ayes: Cummins, Duax, Janke and Johnson. Nay: Craig, Faanes and Wogahn.

It was suggested that Section 4.01(E)—Involuntary Transfers--on page 39 include language that staff be given at least 45 days' notice of these transfers. Ms. Marks said there could be situations where a 45 day notice would not be possible based on certain situations so it might be better to add "if possible" to that statement.

Com. Johnson moved, seconded by Com. Cummins, to add "with at least 45 days' notice if possible" to the first sentence in Section 4.01(E) – Involuntary Transfers—on page 39. Carried by unanimous roll call vote.

Ron Martin asked if the new language was included for "keeping growth." Ms. Marks said she forgot to add this but would do so.

Com. Cummins moved, seconded by Com. Faanes, to adopt Part II of the Employee Handbook with the modifications as presented. Carried by unanimous roll call vote.

PART III

Ms. Marks reviewed the 6 suggested modifications to Part III and the Board was in agreement with those.

There was a request for the Board to have a post-employment benefits discussion. Mr. Van De Water is organizing an actuarial study and he will check with the firm to see when they can make that presentation to the Board. There is an expectation that there will be a study committee put in place so that by fall 2012 changes would be forthcoming for 2013-14.

Jolene Voltz asked that the Board consider replacing the vacation time with another monetary benefit so there is equity. The Board said to keep this language in place with the intention of discussing how this could be made up to these support staff employees.

Mr. Leibham stated that there will be two groups of employees that would go back financially with the proposed language—ten month support staff and 8 hour certified staff such as psychologists, social workers, etc., that have been working 8 hours during the school year and have been compensated for that extra time. There was a conversation about how there could be a way to rectify these compensation losses.

The word “Board” should be changed to “District” under Section 7.03 – Life Insurance—on page 43.

Section 12.01 on page 57 should have a date of July 1, 2010 in the buildings and grounds section under early retirement insurance.

Com. Cummins moved, seconded by Com. Johnson, to add language to Section 5.02—School Year Employees-Vacation—on page 51 to allow the current practice for vacation to be continued and to allow compensation for unused vacation through the 2012-13 school year. Carried by the following roll call vote: Ayes: Craig, Cummins, Duax, Faanes, Johnson and Wogahn. Nay: Janke.

Com. Cummins moved, seconded by Com. Faanes, to adopt Part III of the Employee Handbook with the modifications as presented. Carried by the following roll call vote: Ayes: Craig, Cummins, Faanes, Janke, Johnson and Wogahn. Nay: Duax.

PART IV

Ms. Marks reviewed the 2 suggested modifications to Part IV and the Board was in agreement with those.

It was requested that a link to Policy 226 be added to the administrative evaluation section on page 61.

Com. Wogahn moved, seconded by Com. Faanes, to adopt Part IV of the Employee Handbook with the modifications as presented. Carried by unanimous roll call vote.

PART V

Ms. Marks reviewed the 2 suggested modifications to Part V and the Board was in agreement with those.

A question was raised about why Administrative/Executive Assistants have two personal days rather than one, which all other staff but administrators have. Ms. Patti Iverson explained that Administrative/Executive Assistants were granted two personal days per year due to the fact that they were required to work on inclement weather days. Given that all staff are now required to report on inclement weather days there was no longer a need to have two days for these employees.

Com. Johnson moved, seconded by Com. Duax, to eliminate Section 2.06—Personal Days—on page 67. This will keep Administrative/Executive Assistants in line with other employees who receive one personal day per year (Section 12.01 in Part I). Carried by the following roll call vote: Ayes: Craig, Cummins, Duax, Faanes, Janke and Johnson. Nay: Wogahn.

Com. Cummins moved, seconded by Com. Faanes, to adopt Part V of the Employee Handbook with the modifications as presented. Carried by unanimous roll call vote.

Resolution #11 – Bills Payable

Com. Wogahn moved, seconded by Com. Johnson, to approve the payment of all bills in the amount of \$7,873,651.04 and net payroll in the amount of \$2,910,518.45 for the period May 1, 2012, through May 31, 2012, as presented. Carried by the following roll call vote: Ayes: Craig, Cummins, Duax, Janke, Johnson, and Wogahn. Abstained: Faanes.

Regular meeting adjourned.

Submitted by Patti Iverson, Board Secretary

**COMMITTEE MEETING
BOARD OF EDUCATION – EAU CLAIRE, WISCONSIN
JUNE 18, 2012**

1. Call to Order – Committee Meeting

Board Members present: Craig, Cummins, Duax, Faanes, Janke, Johnson, and Wogahn. Absent: None.

2. Committee Reports/Items for Discussion

A. Updated Information Concerning Additional Parameters for the Creation of a District-Wide Sick Leave Bank

Com. Wogahn moved, seconded by Com. Johnson, to table Committee Report A. Carried by unanimous roll call vote.

B. Brief Update on the New Elementary Language Arts Program

Director of PreK/Elementary Education Kris Dimock shared an update on the new Elementary Language Arts Program. She reviewed an ELA Program survey that was completed by elementary classroom teachers in May 2012. She also shared student data and explained how that is used to monitor the program. Ms. Dimock will be meeting with staff to talk about the survey data and another survey will be done in the future.

3. Request for Future Agenda Items

4. Other Business

5. Motion to go into Closed Session

Com. Faanes moved, seconded by Com. Duax, to go into closed session under 19.85 (1)(c)(g) and/or (e) to discuss the Interim Superintendent Contract and to consider performance evaluation data concerning a public employee, a request for such records, and written advice of legal counsel concerning this issue and related litigation. The Board may take action in closed session, if necessary and appropriate. Carried by the following roll call vote: Ayes: Craig, Cummins, Duax, Faanes and Wogahn. Nay: Janke and Johnson.

6. Meeting adjourned at 11:05 pm.

(Com. Janke left the meeting)

7. Reconvene in Open Session

Com. Faanes moved, seconded by Com. Wogahn, to reconvene in open session. Carried by unanimous voice of acclamation.

8. Com. Faanes moved, seconded by Com. Cummins, to approve the contract of Dr. T. J. Sheridan to serve as Interim Superintendent. Carried by unanimous roll call vote.

9. Reconvene in Closed Session

Com. Faanes moved, seconded by Com. Cummins, to reconvene in closed session. Carried by unanimous voice of acclamation.

10. Board reconvened in closed session at 11:33 p.m.