

MINUTES OF THE REGULAR BOARD MEETING  
BOARD OF TRUSTEES OF JT. SCHOOL DISTRICT NO. 151  
SCHOOL CENTRAL OFFICE ON TUESDAY, MAY 20, 2014 AT 7:00 P.M

<b>BOARD MEMBERS:</b>	Steve Lynch	Zone 2, Chairman
	Ryan Cranney	Zone 1, Vice-Chairman
	Linda Petersen	Zone 3
	Kathy Millar	Zone 4
	Heber Loughmiller	Zone 5

<b>ADMINISTRATORS:</b>	Gaylen Smyer	Superintendent
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<b>LEGAL ADVISOR:</b>	Doug Whipple
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<b>TREASURER:</b>	Chris James
<b>CLERK:</b>	Pam Teeter

<b>NEWS MEDIA:</b>	Jay Lenkersdorfer	Weekly News Journal
	Debbie Critchfield	District Public Relations

Meeting called to order for open session by Steve Lynch, Board Chairman (5:30 p.m.).

**EXECUTIVE SESSION:** (5:30 p.m.) Motion by Linda Petersen and seconded by Kathy Millar to go into executive session in accordance with Section 67-2345 (b) personnel.

Voting Aye: Linda Petersen, Kathy Millar, Steve Lynch; motion carried.

Present: Steve Lynch, Ryan Cranney, Linda Petersen, Kathy Millar, Heber Loughmiller, Superintendent Gaylen Smyer, Attorney Doug Whipple, Fiscal Manager/Treasurer Chris James, Clerk Pam Teeter

Motion by Steve Lynch and seconded by Kathy Millar to go into open session; motion carried. (6:59 p.m.)

**GUESTS:** Dana Dehaan, Justin Tate, Dan Brown, Richard Rodriguez, Jamen Cannon, Steve Bennett, Andy Kloer, Susi Macias, Jeanne Allen, Carl Voigt, Ryan Nesmith

**PLEDGE:** Pledge of Allegiance was led by Steve Lynch, Board Chairman.

**APPROVAL OF MINUTES:** Motion by Ryan Cranney and seconded by Kathy Millar to approve the minutes for the following board meetings: motion carried. The board meetings are as follows: April 22, 2014, April 29, 2014, and April 30, 2014

**BILLS:** Motion by Ryan Cranney and seconded by Kathy Millar to approve the bills for last month; motion carried.

**POLICIES:**

**POLICY 314 EMPLOYING RETIRED ADMINISTRATORS:** Motion by Linda Petersen and seconded by Heber Loughmiller to approve Policy 314; motion carried. Policy 314 will read as follows:

School districts may employ administrators who are receiving retirement benefits from the public employee retirement system of Idaho, except those who received benefits under the early retirement program previously provided by the state in positions requiring such certification, as at-will employees. Any employment contract between the retiree and the school district will be separate and apart from the collective bargaining agreement of the school district.

Full time retirees employed will accrue one (1) day per month of sick leave, with no annual sick leave accumulation unless additional sick leave is negotiated between the candidate and the school district at the time of employment. Part-time employees' sick time accrual will be pro-rated. No sick leave accrued while employed qualifies for unused sick leave benefits under the public employee retirement system.

School districts are not required to provide health insurance or life insurance benefits to reemployed retirees. Post-termination benefits may be negotiated between the school district and the certificated employee at the time of rehiring but in no event can the parties affect or attempt to affect the provisions governing the public employee retirement system.

A superintendent rehired under this policy has the authorization to attend, at district expense, all meetings of the Idaho State Board of Education or the Idaho State Superintendent of Public Instruction to which the superintendent is invited. The district will also reimburse the superintendent for additional reasonable travel expenses for travel required by the district to fulfill his or her job responsibilities, including attendance at conferences, workshops, and other professional meetings. Additional requirements may be set forth in the state approved contract and will be followed by the parties.



**LEGAL REFERENCE:**

*Idaho Code Section 33-1004H – Employing Retired Teachers and Administrators*  
*Contract Forms as approved by the Idaho State Superintendent of Public Instruction*  
*Retired Superintendent Contract as approved on 5/29/2013*  
*Retired Administrator Contract as approved on 5/29/2013*

**ADOPTED:** May 20, 2014

**POLICY 403.50 EMPLOYEE DRUG AND ALCOHOL TESTING:** This will be the first reading.

**POLICY 465 EMPLOYEES RETIRED TEACHERS:** Motion by Kathy Millar and seconded by Heber Loughmiller to approve Policy 465 for adoption; motion carried. Policy 465 will read as follows:  
School districts may employ certificated school teachers who are receiving retirement benefits from the public employee retirement system of Idaho, except those who received benefits under the early retirement program previously provided by the state in positions requiring such certification, as at-will employees. Any employment contract between the retiree and the school district will be separate and apart from the collective bargaining agreement of the school district.

Full time retirees employed will accrue one (1) day per month of sick leave, with no annual sick leave accumulation unless additional sick leave is negotiated between the candidate and the school district at the time of employment. Part time employees' sick leave accrual will be pro-rated. No sick leave will accrue while employee qualifies for unused sick leave benefits under the public employee retirement system.

School districts are not required to provide health insurance or life insurance benefits to reemployed retirees. Post-termination benefits may be negotiated between the school district and the certificated employee at the time of rehiring but in no event can the parties affect or attempt to affect the provisions governing the public employee retirement system.

A certificated teacher rehired under this policy must perform all teaching assignments made by the district in accordance with the highest professional standards, and must have and maintain the legal qualifications required to teach the assigned grades or subjects during all times that performance is required.



**LEGAL REFERENCE:**

*Idaho Code Section 33-1004H – Employing Retired Teachers and Administrators*

*Retired Teacher Contract as approved by the Idaho State Superintendent of Public Instruction on 4/30/2013*

**ADOPTED:** May 20, 2014

**POLICY 671 SECTION 504; HEARING PROCEDURE P1:** Motion by Ryan Cranney and seconded by Heber Loughmiller to approve Policy 671P1; motion carried. Policy 671 Section 504 Procedure P1 will read as follows:

The Cassia County Joint School District No.151 has the responsibility to identify, evaluate, and provide appropriate educational services to eligible students attending this district's schools who have a physical or mental impairment that substantially limits one or more major life activities so that they may receive a free appropriate public education (FAPE) as required by Section 504 of the Rehabilitation Act of 1973.

An impartial hearing procedure is available to Cassia County Joint School District No. 151 students, and their parent/guardian, to resolve differences dealing with educational services available under Section 504 when such differences cannot be resolved by means of a less formal procedure. Students and their parent/guardian are encouraged to use this school district's civil rights grievance procedure for resolution of differences whenever possible. (Board Policy Title: Civil Rights Grievance Procedure, Policy No. 294).

The hearing procedures set forth in this policy apply to the identification, evaluation, or educational placement of a student who is identified as having a disability pursuant to Section 504.

**HEARING PROCEDURES**

Within twenty (20) calendar days of the parent/guardian's receipt of notice of the 504 team's decision, a Section 504 impartial hearing may be requested by the parent/guardian of the affected student on matters directly related to the school district's decisions or actions regarding the following:

1. The identification of the student as disabled or eligibility of the student for services under Section 504. The evaluation procedures utilized with the student, including a decision not to evaluate a student.
2. The educational placement and/or related aids and services recommended for or provided to the student, including any change in placement as a result of disciplinary action.

In the event a hearing has been held, or is pending, pursuant to the provisions of the Individuals with Disabilities Education Act (IDEA) on any of the issues currently being alleged by the parent/guardian, no hearing officer will be appointed and no hearing will be held on like issues pursuant to this policy. An IDEA hearing that is resolved by a decision or dismissed with prejudice shall resolve any like issues for which a Section 504 hearing has been requested.

All requests for a Section 504 hearing under this policy must:

1. Be submitted in writing and addressed to the Section 504 Compliance Officer.
2. Describe the specific nature of the dispute.
3. State the proposed specific relief or remedy requested.
4. Provide to the school district any other information the parent/guardian believes is important to understanding the dispute.

If the request does not include all of the required information, it may be returned to the grievant within ten (10) school days of receipt by the Section 504 Compliance Officer with a request to provide the missing information

within five (5) school days from the date of receipt. The remaining procedures will be suspended and the timelines will not run until the additional information is received.

The Section 504 Compliance Officer will select an impartial hearing officer within fifteen (15) calendar days of receipt of the request for a Section 504 hearing. The selected hearing officer will:

1. Be qualified to review school district decisions relating to Section 504.
2. Be impartial and unbiased.
3. Not be an employee of the school district.

The hearing procedure will be presided over and decided by the appointed impartial hearing officer, but shall be limited as follows:

1. The hearing is limited to facts within two (2) years of the date the parent/guardian knew or should have known about the alleged actions or facts that form the basis of their claims.
2. The hearing officer's procedures will conform to the standard of "fundamental fairness." The Administrative Procedures Act (APA) and IDEA procedures shall not apply to the hearings.
3. The issues of the hearing will be limited to those specifically raised in the written request for hearing.
4. The party requesting the due process hearing shall carry the burden of proving the claims asserted.

The selected hearing officer will notify the parties in writing of the date of the hearing. The parent/guardian and the school district will be given at least ten (10) calendar days notice of the date of the hearing. The notice from the appointed hearing officer will contain:

1. A statement of the time, place, and nature of the hearing.
2. A statement of the legal authority and jurisdiction under which the hearing is being held.
3. A statement of the availability of relevant records for examination.
4. A concise statement of the issues in dispute.
5. A statement setting forth the right of the student's parent/guardian to participate in the hearing procedure.
6. A statement of the right to be represented by counsel at the expense of each respective party.

All written correspondence will be provided in English and/or in the parent/guardian's primary language. The hearing will be conducted and a written decision will be mailed by the hearing officer to all parties within forty-five (45) calendar days from the date of the hearing assignment. However, either party to the hearing may request a continuance. The continuance may be granted by the hearing officer upon a showing of good cause. Any continuance(s) granted by the hearing officer will extend the time for rendering a final hearing decision for a period equal to the length of the continuance(s).

The appointed hearing officer will preside at the hearing and will conduct the hearing proceedings in a manner that allows all parties the following rights:

1. The right to be represented by counsel at the expense of each respective party.
2. The right to present evidence and oral arguments.
3. The right to examine witnesses.
4. The right to an electronic verbatim record of the hearing.
5. The right to written findings of fact and a decision on the matter.

The parent/guardian involved in the hearing process has the right to:

1. Have the student present at the hearing.
2. A closed hearing, unless the parent/guardian elects to open the hearing to the public.

In cases where there are language differences, an interpreter will be provided by the school district.

The appointed hearing officer will review all relevant facts presented at the hearing and will determine whether the decisions regarding the child's identification, evaluation, educational program, or placement were appropriate. The

hearing officer will have the authority to uphold, reverse, or modify the school district's decisions or actions with regard to:

1. The identification of the student as disabled, or eligibility of the student for services under Section 504.
2. The evaluation procedures utilized with the student, including a decision not to evaluate a student.
3. The educational placement and/or related aids and services recommended for or provided to the student.

### **DECISION OF THE HEARING OFFICER**

A copy of the hearing officer's findings of fact and decision will be delivered to the school district and the parent/guardian within sixty (60) calendar days from the date of the assignment of the hearing officer, unless a continuance is granted.

The decision of the hearing officer is binding on all parties concerned and the aggrieved party has the right to request a review of the hearing officer's decision.

### **RECORD OF THE HEARING**

An electronic verbatim recording of the Section 504 hearing will be on file at the school district's administration office and will be available for review upon request by the parent/guardian.

### **REVIEW PROCEDURE**

An aggrieved party may petition for review of the hearing officer's decision. A request for review must:

1. Be made in writing and addressed to the Section 504 Compliance Officer, including a copy for the opposing party.
2. Contain specific objections to the findings of fact and/or conclusions of law believed to be erroneous.
3. Be filed within fifteen (15) calendar days of receipt of the hearing officer's decision.

The Section 504 Compliance Officer shall determine whether the petition for review contains all of the required information within ten (10) calendar days from its receipt. If it is determined the petition does not contain all of the required information, the petition will be returned, and the party petitioning for review will have an additional five (5) school days in which to remedy the defect.

Upon filing of a petition to review the hearing officer's decision, the district shall appoint a Review Officer who does not have a direct interest in the outcome of the decision and is knowledgeable about Section 504 education matters. The impartial Review Officer shall not hear additional evidence except in the case of a showing of extraordinary circumstances necessitating an additional hearing, but shall be limited to review the evidence and the record of the hearing conducted by the hearing officer and the objections of the appealing party. The Review Officer shall render a decision within sixty (60) calendar days following the request for review as to whether the hearing officer's decision shall stand or shall be overturned.

If a hearing and/or oral argument are determined necessary by the Review Officer in order to conduct a review of the proceedings, the Review Officer shall give reasonable notice to both parties of the date, time, and location of the hearing. Whether a hearing and/or oral argument are necessary shall be left solely to the discretion of the Review Officer and neither party shall have the right to request a hearing and/or argument. The parties may be represented by counsel at any hearing requested by the Review Officer, at the expense of the respective parties.

The written decision of the Review Officer shall be based solely on the evidence presented and the applicable law, and shall contain reasons for the decision. The decision of the Review Officer shall be the final decision.

In addition to requesting a hearing, a parent/guardian may file a complaint with the Office for Civil Rights, 915 2<sup>nd</sup> Avenue, Room 3310, Seattle, WA 98174-1099.

The person in Cassia Joint School District No.151 who is responsible for assuring that the district complies with Section 504 is:

Section 504 Compliance Officer  
Cassia County School District, No. 151  
3650 Overland Avenue  
Burley, Idaho 83318  
Phone: (208) 878-6600  
Fax: (208) 878-4231



**LEGAL REFERENCE:**

Section 504 of the Rehabilitation Act of 1973  
29 USC Chapter 16  
34 CFR Part 104.36

**ADOPTED:** May 20, 2014

**POLICY 296 SECTION 504 OF THE REHABILITATION ACT HEARING PROCEDURE:** Motion by Ryan Cranney and seconded by Kathy Millar to nullify Policy 296; motion carried.

**POLICY 770.50 CHARGING SCHOOL MEALS:** Motion by Ryan Cranney and seconded by Heber Loughmiller to table Policy 770.50; motion carried.

**POLICY 518 STUDENT MEAL CHARGES:** Motion by Ryan Cranney and seconded by Heber Loughmiller to change the policy number from 518 to 770.50 to match the numbering system used by Eberharter-Maki & Tappan; motion carried.

**POLICY 519 ADULT MEAL CHARGES:** Motion by Ryan Cranney and seconded by Linda Petersen to change Policy number 519 to 770.60 to match the numbering system used by Eberharter-Maki & Tappan; motion carried.

**ITEMS FROM THE SUPERINTENDENT:**

**SOCIAL STUDIES:** Motion by Ryan Cranney and seconded by Heber Loughmiller to approve the Social Studies adoption of \$190,000 for the Social Studies curriculum; motion carried. Ms. Dana Dehaan presented the recommendations for the Social Studies adoption this summer, to the Board.

**MAINTENANCE REPORT:** Mr. Steve Bennett reviewed the maintenance activities of the 2013-2014 school year and discussed summer projects and future goals.

**LEVY STARTUP AND COMMUNITY COMMITTEES REPORT:** Debbie Critchfield presented the progress of the Community Committees and their activities to date. Mr. Eric Bedke will be committee chairman for the Oakley community and Alan Harper will be committee chairman for Malta committee.

**SCHOOL CALENDAR:** Motion by Heber Loughmiller and seconded by Kathy Millar to approve the proposed 2014-2015 school year calendar; motion carried with one abstention. See attached 2014 – 2015 Approved School Calendar.

**STRATEGIC PLANNING:** The House Bill 521 requiring districts to conduct strategic planning. Two board members, Heber Loughmiller and Linda Petersen volunteered to be on a committee with community members to work with Principals in reviewing the SMART goals and improvement plans. This same committee will periodically review student performance as a measure of success.

**EQUIPMENT USE REQUEST:** Motion by Ryan Cranney and seconded by Kathy Millar to approve all four high schools the use of school equipment during the summer camps.

**TRIP REQUESTS:** Motion by Linda Petersen and seconded by Kathy Millar to approve a travel request for Burley High School Student Council members to attend a leadership conference at Utah State University in June.

Motion by Linda Petersen and seconded by Kathy Millar to approve a travel request for six (6) staff members, Pam Teeter, Susan Belliston, Jamie Arteaga, Kari Wardle, Terrence Smith, and Kathy Bennett to attend the PSUG Conference in Las Vegas, NV in July.

Motion by Linda Petersen and seconded by Kathy Millar to approve a travel request for two (2) Speech-Language Pathologists, Anita Holloway and Karen Thomas to attend the American Speech-Language Hearing Association Conference in Pittsburgh, PA in July.

Motion by Heber Loughmiller and seconded by Kathy Millar to approve a travel request for transportation employees to attend trainings in Reno and Salt Lake City this summer; motion carried. 85% of the expense will be paid by the State.

Motion by Heber Loughmiller and seconded by Kathy Millar to approve a travel request for three robotics teams to compete in a national competition in Hawaii in July; motion carried with one abstention. Mr. Daniel Brown's group has earned or received pledges totaling \$8,500.00 towards this trip.

**ALTERNATE AUTHORIZATION REQUEST:** Motion by Heber Loughmiller and seconded by Ryan Cranney to approve an Alternate Authorization – Teacher to New Endorsement for Cami Schumann to teach science at Raft River High School; motion carried.

**SEPARATIONS:** Motion by Kathy Millar and seconded by Ryan Cranney to approve the following separations from employment; motion carried.

Certified: Michael Hill Burley High School Asst JV Boys Basketball Coach (still teaching); Gary Birch, Declo High School teacher; Nita Bird, White Pine Elementary Teacher; Kyle Dunfee, Burley Jr. High School; Jessica Porter, Oakley Elementary Teacher, Annette Chambers, Declo High School Counselor  
Classified: Susan Holtman, Raft River Cook; DeLores Smyer, Declo Elementary Secretary; Lorenza Espinoza, Pre School Secretary; Sarah Chapman Cassia High School Para Educator; Krishna Haynie, Declo High School Asst. Volleyball Coach; Julie Silcock, Burley High School Dance Team Advisor; Gary Mabey, Oakley Head Custodian; Karleen Robinson, Asst Volleyball Coach; David Mensing Declo Jr. High School Boys Basketball Coach

**WIRELESS CONTRACT:** Motion by Ryan Cranney and seconded by Heber Loughmiller to approve the wireless contract option #1, proposed by the state; motion carried. The three (3) options are as follows:

1. Option #1 – Continue with the current statewide contract per intent language from H643 which states, *“Expend for any current contracts entered into by the state department of education for wireless technology infrastructure.”* Districts that did not opt-in to the statewide contract last school year may choose to opt-in to the statewide contract this year by notifying the State Department of Education by August 1, 2014.
2. Option #2 – Districts that did not opt-in to the statewide contract by August 1, 2013 may choose to install a wireless solution of their own that meets the requirements, as outlined in the policy per intent language from H643 which states, *“Distribute to school districts and charter schools that did not submit an approved application to receive wireless technology infrastructure pursuant to the statewide contract, \$21.00 per student enrolled at such schools, in such grades...”*

3. Option #3 – Districts may choose to opt-out of the current service by signing an official opt-out form prior to June 30, 2014 to which Education Networks of America (ENA) will remove all equipment and service. This option is per intent language within H643 which states, *“Distribute to school districts and charter schools currently receiving services under the statewide contract for wireless technology infrastructure that choose during the remainder of fiscal year 2014, to withdraw from such services, \$21.00 per student enrolled at such schools, in such grades.”*

**ITEMS FROM TRUSTEES:** Linda Petersen discussed moving the playground equipment from the playground at the south end of the Cassia Regional Tech Center to Dworshak Elementary for use by the Pre School students.

Ryan Cranney discussed the possibility of going back to a 7-period school day.

**EXECUTIVE SESSION:** (9:01 p.m.) Motion by Ryan Cranney and seconded by Heber Loughmiller to go into executive session in accordance with Section 67-2345 (b) personnel.

Voting Aye: Ryan Cranney, Linda Petersen, Kathy Millar, Heber Loughmiller, Steve Lynch; motion carried.

Present: Steve Lynch, Ryan Cranney, Kathy Millar, Superintendent Gaylen Smyer, Attorney Doug Whipple, Fiscal Manager/Treasurer Chris James, Clerk Pam Teeter.

(10:53 p.m.) Motion by Ryan Cranney and seconded by Linda Petersen to go into open session; motion carried.

Motion by Ryan Cranney and seconded by Linda Petersen to approve the resolution to set the hearing for Teacher A for June 2, 2014, as pursuant to Idaho Code 33-513(5); motion carried.

**NEW HIRES:** Motion by Heber Loughmiller and seconded by Linda Petersen to approve the following new hires; motion carried.

Certified: David Ringle II, Oakley High School Teacher; Sharon Monday, Cassia Jr/Sr. High School Teacher; Karen Tharp, Mountain View 1<sup>st</sup> Grade Teacher; Michael Corbett, Oakley High School Principal; Jenna Jerez, Cassia Jr/Sr. High School Teacher

Classified: Mikala Lafferty, Maintenance; Rue Nelson, Oakley High School Secretary; Abel Trevino, Transportation Sub Bus Driver; Carrie Simkins, Declo High School Secretary

Motion by Heber Loughmiller and seconded by Ryan Cranney to rehire the following Category 2 and 3 teacher contracts; motion carried.

Hollie Bailey	David Doyle	Kimberlie Knibbs	Ashley Reynolds
Valerie Bame	Travis Elliott	Theron Lee	Reagan Reynolds
Shawna Bingham	Jaysa Fillmore	Cole Neson	Jennifer Schafer
Tesha Broderick	Douglas Fisher	Karli Nelson	Amy Solares
Jamie Campbell	Bryan Flake	Travis Noble	Laurie Spratling
Carrie Churba	Nicole Gibby	James O'Connor	Mary Sullins
Heather Clark	E Branden Harrison	Anna Osterhout	Cindy Tolman
Paige Coats	Adam Hpe	Angela Poole	Shaelyn Vickers
Jennifer Cole	Anna Hudgens	Brian Poole	Bob Withrow
Meghan Corsi	Rachel Jensen	Brandi Powell	Jennifer Woodbury
Brittni Darrington	Diane Jones	Michael Price	

Motion by Heber Loughmiller and seconded by Linda Petersen to rescind approval of the travel request by Mr. Brown and his robotics class to the VEX International Summer Games in Hawaii, until two (2) conditions are met; motion carried. The conditions are as follows:



1. To use option # 2 (staying in Hawaii July 8<sup>th</sup> – 15<sup>th</sup>, 2014 for a projected total amount of \$10,990); and,
2. Board approval of the person who will help chaperone with Mr. Brown

Motion by Heber Loughmiller and seconded by Linda Petersen to adjourn; motion carried. (11:06 p.m.)

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Steve Lynch, Board Chairman

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Pamela Teeter, Board Clerk

