

**Regular Board Meeting of the Perry Public Schools  
Monday, February 11, 2013  
7:00 PM in the Administration Building Board Room**

**AGENDA**

ITEM 1      **Call to Order**

ITEM 2      **Pledge of Allegiance**

ITEM 3      **Roll Call**

John Harris, President  
Tom Sego, Vice President  
Charles Scovill, Secretary  
Greg Daenzer, Treasurer

Penny Ascroft, Trustee  
Mark Briggs, Trustee  
Mark Ruzinsky, Trustee

ITEM 4      **Approval of Agenda**

ITEM 5      **Approval of Minutes**  
January 28, 2013

ITEM 6      **Public comments on agenda items**

After being recognized by the President, please state your name and home address before making your comments. ***All comments are to be directed to the Board and are limited to three (3) minutes.***

**SECTION A – SPECIAL PRESENTATIONS**

ITEM 7      Recognition of Shawn Secor, Adopt-A-Family coordinator

ITEM 8      Recognition of retirees

ITEM 9      BPA students - permission to attend competitions

ITEM 10     Beverly Bonning, Thrun Law Firm, will explain the options available to us regarding operating millage renewal.  
Action and resolution regarding a May election?

**SECTION B – OLD BUSINESS**

ITEM 11     Application and resolution to request supportive aid from the Michigan Association of School Boards Legal Trust Fund

ITEM 12     Superintendent's quarterly evaluation

**SECTION C – NEW BUSINESS**

ITEM 13     Approval of 7<sup>th</sup> grade boys basketball coach

ITEM 14     Approval of Deficit Elimination Plan

ITEM 15     Revise and approve Board Policy 2140 Superintendent Appointment

**SECTION D – SUPERINTENDENT COMMENTS AND WRITTEN COMMUNICATIONS**

**SECTION E – GENERAL PUBLIC COMMENTS**

After being recognized by the President, please state your name and home address before making your comments. ***All comments are to be directed to the Board and are limited to three (3) minutes.*** Thank you.

**SECTION F – BOARD MEMBER COMMENTS**

**Meeting Dates**

**Regular Meeting**  
Monday, February 25, 2013  
7:00 PM – Board Meeting Room - Administration Building

**Committee Meetings**

Technology

Monday, February 18, 2013

5:00 PM - Board Meeting Room - Administration Building

Building & Site/Policy

Tuesday, February 19, 2013

6:00 PM - Board Meeting Room - Administration Building

Public Relations/School Improvement

Tuesday, February 19, 2013

6:00 PM - Room 111 - Administration Building

**Executive Session**

For the purpose of contract negotiations

Reinstatement of student

**Adjourn**

**PERRY PUBLIC SCHOOLS BOARD OF EDUCATION**

**REGULAR MEETING MINUTES – JANUARY 28, 2013**

**7:00 PM – BOARD CONFERENCE ROOM**

- ITEM 1      Call to Order  
Meeting called to order at 7:02 PM by President John Harris.
- ITEM 2      Pledge of Allegiance
- ITEM 3      Roll Call  
Members present at roll call: John Harris, Tom Sego, Charles Scovill, Greg Daenzer, Penny Ascroft, Mark Briggs, Mark Ruzinsky
- ITEM 4      Approval of Agenda  
Moved by Sego, supported by Briggs, to approve the amended agenda. Motion passed 7-0.  
  
*Items 10, 16, and 17 were removed from the agenda. Item 18, Consortium discussion, was added.*
- ITEM 5      Approval of Minutes  
Moved by Scovill, supported by Ruzinsky, to approve the minutes of January 14 and January 24, 2013. Motion passed 7-0.
- ITEM 6      Approval of Payment of Bills  
Motioned by Ruzinsky, supported by Daenzer, to approve payment of bills. Motion passed 7-0.
- ITEM 7      Public comments on agenda items  
There were no public comments at this meeting.

**SPECIAL PRESENTATIONS**

- ITEM 8      Shawn Secor, Adopt-A-Family coordinator  
This item will be on the February 11 agenda.
- ITEM 9      Girls Cross Country GAC Champions  
Athletic Director Greg Hebden announced that the Girls Cross Country team are GAC Champions. Team members at the meeting included: Jordan Krauss, Allison Middleton, Hannah Boyd, Jessica Cronk, Taylor Anderson, and Katie Figueras. Members unable to attend are: Alicia Tomlin, Julia Young, Hannah Shellenbarger, Nicole Jackson, Samantha Hahn, and Abigail Dollar.
- ITEM 10     Staff retirement recognition  
This item will be on the February 11 agenda.
- ITEM 11     Athletic Director Greg Hebden gave an update on our potential participation in a new athletic league. The league could consist of Leslie, Maple Valley, Lansing Christian, Stockbridge and Lakewood with competition to begin in the 2014-2015 school year.  
  
Moved by Ruzinsky, supported by Daenzer, to join the proposed new league if the other

five schools in the proposed new league approve the league creation, competition would begin in the 2014-2015 school year. Motion passed 7-0.

- ITEM 12 Perry Middle School Focus School designation plan of action  
Middle School Principal Christopher White outlined his plan for bringing Perry Middle School out of the Focus School designation assigned by the State. Perry Middle School will be a focus school for the next four years.

### **OLD BUSINESS**

- ITEM 13 Update on Perry-Morrice Adult & Alternative Education fund use  
Tom Segó gave his investigative report on the proposed misuse of funds. The Board acknowledged that since all parties were not interviewed for this report that the report is incomplete.
- ITEM 14 Update on the 2011 Bond Project  
Jim Lockwood gave a report of the 2011 Bond Project finances.

### **NEW BUSINESS**

- ITEM 15 Approval of 8<sup>th</sup> grade boys basketball coach  
Moved by Ruzinsky, supported by Daenzer, to approve Paul Smith as the 8<sup>th</sup> grade boys basketball coach. Motion passed 7-0.
- ITEM 16 Approval of 7<sup>th</sup> grade boys basketball coach  
This item will be on the February 11 agenda.
- ITEM 17 Application and resolution to request supportive aid from the Michigan Association of School Boards Legal Trust Fund  
The item has been referred to the Finance/Personnel Committee.
- ITEM 18 Discussion regarding the Perry-Morrice Adult & Alternative Education program  
The original contract between Perry Public Schools and Morrice Area Schools states that both parties must opt out of the agreement by February 1 of any given year. The Perry Board of Education opted out of the agreement on October 22, 2012.

Moved by Ascroft, supported by Segó, to offer Morrice Area Schools an extension of 30 days for the Morrice Board of Education to make a decision regarding participation in the Cooperative program. Motion passed 6-1 (No - Scovill). (Note: It was agreed that if the motion passes, legal council will be sought to make sure the extension is legal.)

### **SUPERINTENDENT COMMENTS**

Mr. Lockwood stated that the Board workshop will be held on February 18 in the Board Room at 6:30 PM. The focus will be on Board and superintendent relations. The cost will be less than \$500.00; if the Michigan Association of School Boards conducted the workshop the cost would be \$750.00 plus mileage. Mr. Lockwood announced that Baker College is holding an Algebra II class at Perry on Wednesday nights and that the instructor lives in Perry. The superintendent announced a Michigan Cyber Safety Initiative parent program will be held on February 7 and that representatives from the Attorney General's office will be onsite February 7 and 8 to teach the program to grades K-8<sup>th</sup>. Mr. Lockwood stated that Jake Baumgartner resigned as the 7<sup>th</sup> grade boys basketball coach due to a conflict with his golf coaching comment. Mr. Lockwood is very disappointed in the Board's decision

to release information to the public that the Board of Education acknowledged is incomplete.

### **GENERAL PUBLIC COMMENTS**

Misti Leitelt thanked Perry Elementary teachers for their support in helping her daughter's reading scores improve. She also stated that the parent drop-off and pick-up zone is unsafe and inconsistent at Perry Elementary.

Phil Cornell asked that committee meeting dates, agendas, and minutes be posted to the website.

Jennifer Lantis stated the traffic flow at Perry Elementary is not safe for students. She also feels that students who do not receive reading intervention support are in a self-structured group and some students are scoring lower now than in the fall.

Catherine Hawn stated that she felt the Focus School presentation stated that the action plan is not focusing on the students who are the lowest achievers.

### **BOARD COMMENTS**

Mr. Segó thanked Mr. White for the Focus School presentation.

Mr. Scovill thanked Mr. White for the Focus School presentation and for his leadership at the middle school. Mr. Scovill stated that the Consortium report stated that conversations with the bank president acknowledged a series of mistakes on their part. He stated the Consortium report included a statement from the Morrice Interim Superintendent Dan Heckman that reads in part, "legally Mr. Lockwood did nothing wrong." Mr. Scovill reminded everyone that we have a 0% interest rate on the technology bond loan due to the efforts of Mr. Lockwood.

Mr. Ruzinsky thanked Mr. White. He thanked Greg Hebden for the report on a possible athletic conference change. Mr. Ruzinsky stated that he is saddened that the Consortium report did not include any comment from Mr. Lockwood.

Mr. Daenzer stated that he chaperoned the Winterfest Dance along with Mr. and Mrs. Scovill and Mr. and Mrs. Ruzinsky. He announced that we have a great group of kids who attended this dance.

Mr. Briggs stated that the Consortium report was done by a board member's request. He thanked Mr. White.

Mrs. Ascroft thanked Mr. White. She stated that the Building and Site/Policy committee will be reviewing the staff evaluation policy.

Mr. Harris thanked Mr. White. He also made the statement that students who choose to leave the district do so for many reasons, including actions of the Board of Education.

### **ADJOURN**

Moved by Mr. Segó, supported by Mr. Daenzer to adjourn at 9:58 PM. Motion carried 7-0.

Respectfully submitted,

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Charles Scovill, Secretary

Pam Ryan  
Recording Secretary

MICHIGAN ASSOCIATION OF SCHOOL BOARDS  
LEGAL TRUST FUND  
BOARD OF TRUSTEES  
1001 CENTENNIAL WAY, SUITE 400  
LANSING, MI 48917-9279

**APPLICATION FOR MASB-LTF AID**

The purpose of the MASB Legal Trust Fund is to provide supportive aid to local and intermediate school districts in litigation of statewide significance.

In reviewing requests for aid, the LTF considers:

- a) Importance of the legal issue to other Michigan school districts.
- b) Value of a decision at the current level as a persuasive precedent.
- c) LTF aid to other districts involving similar issues.
- d) Any other factors deemed appropriate by the LTF Board.

DATE 01/28/13

NAME OF SCHOOL DISTRICT Perry Public Schools

IS THE REQUESTING SCHOOL DISTRICT A PARTICIPATING MEMBER OF THE MASB-LTF?

Yes X No \_\_\_\_\_

WHAT FORM OF AID IS THE SCHOOL DISTRICT REQUESTING?

Supplemental funding X Amicus Curiae Brief \_\_\_\_\_ Consulting Legal Counsel \_\_\_\_\_

Other (Explain) Possible amicus curiae brief

NATURE OF CASE (Describe the fact situation and attach any relevant legal documents previously submitted in this case, e.g. complaint, answer, legal briefs, etc.)

This case concerns the fiscally-motivated layoffs of several teachers. The teachers were selected for layoff based upon their appraised performance. Based upon the July 2011 legislative amendments to the Teachers' Tenure Act, the Public Employment Relations Act, and the Revised School Code, the School District argued the Tenure Commission lacked subject matter jurisdiction to hear the case.

WHAT IS THE STATUS OF THIS CASE?

The School District moved for, and was granted, summary disposition due to the asserted lack of subject matter jurisdiction. The Tenure Commission, in a ruling of first impression, held subject matter jurisdiction existed, and remanded the case for hearing. An application for leave to appeal is now pending in the Michigan Court of Appeals. A motion before the Commission is also pending to hold the hearing in abeyance pending appellate review.

HAS THIS CASE BEEN ADJUDICATED PREVIOUSLY IN A LOWER COURT OR ANOTHER FORUM? (If so, explain the lower court's or other forum's holding in the matter and attach a copy of any formal opinion.)

Please see above. Opinions and relevant briefs are attached. The Tenure Commission's reasoning establishing subject matter jurisdiction appears results-oriented, for the first time equating layoff and discharge. Newly legislatively created remedies for wrongful layoff are deemed supplemental to Tenure Commission review.

WHY WOULD THIS BE A PROPER CASE FOR MASB-LTF AID? (What are the statewide implications for other districts?)

All school districts proposing to lay off teachers are now subject to complex, factually intensive, and potentially repetitive litigation in the Tenure Commission. This is a substantial unwarranted burden, given legislative intent to divest the Tenure Commission of jurisdiction over layoff disputes.

DOES THE SCHOOL DISTRICT HAVE INSURANCE TO COVER ANY OF THE LEGAL COSTS OF LITIGATING THIS CONTROVERSY? No (If yes, name carrier and how much of the costs will be covered.)

IS THE SCHOOL DISTRICT SEEKING FINANCIAL ASSISTANCE FROM ANY OTHER ORGANIZATION, AGENCY, OR CORPORATE ENTITY (other than LTF) TO PAY ANY OF THE LEGAL COSTS OF LITIGATING THIS CONTROVERSY? No (If yes, please describe.)

NAME, ADDRESS, AND PHONE NUMBER OF SCHOOL DISTRICT ATTORNEY.

Lisa L. Swern  
Roy H. Henley  
Thrun Law Firm, P.C.  
2900 West Road  
Post Office Box 2575  
East Lansing, Michigan 48823-2575  
(517) 484-8000

ATTACH A CERTIFIED COPY OF THE SCHOOL BOARD'S RESOLUTION FOR REQUESTING MASB-LTF AID. The Resolution must be adopted by the current Board of Education and shall identify the forum or court proceeding (e.g., Circuit Court, Court of Appeals, Supreme Court, etc.) for which aid is requested. The Resolution should include a paragraph worded substantially as follows:

"Resolved, that if MASB-LTF assistance is provided for this cause, the Board of Education agrees to keep the MASB-LTF Board of Trustees informed on a regular basis as to the status of the case; to forward to the MASB-LTF Board of Trustees the legal documents filed with the court during the pendency of the litigation; and to confer with the MASB-LTF Board of Trustees or the MASB Executive Director before making any final disposition of the case."

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

Perry Public Schools, Shiawassee and Ingham Counties, Michigan

A regular meeting of the Board of Education of the district was held in the Administration Building located at 2665 W. Britton Road, Perry, Michigan 48872 on the 28<sup>th</sup> day of January, 2013 at 7:00 o'clock in the evening.

The meeting was called to order by President \_\_\_\_\_.

Present: Members

Absent: Members

The following preamble and resolution were offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

**WHEREAS**, this Board of Education is currently a party to a proceeding before the Michigan State Tenure Commission in Agency No. 12-13 entitled *Shelby Baumgartner, et al. v Perry Public Schools*. An application for leave to appeal has been filed with respect to the Tenure Commission subject matter jurisdiction issues raised by that case, which is now pending in the Michigan Court of Appeals under Case Number 313945; and

**WHEREAS**, the School District has expended attorney fees in the course of defending itself against the above-captioned litigation brought by laid off tenured teachers against the District; and

**WHEREAS**, the issues being litigated in Case Nos. 12-13 and 313945 have significance to not only Perry Public Schools, but also to the application of the Teachers' Tenure Act, the Public Employment Relations Act and the Revised School Code to all Michigan school districts and intermediate school districts; and

**WHEREAS**, given the broader significance of this dispute, the Board of Education has determined to request assistance from the MASB Legal Trust Fund in order to defray its costs of defense.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. This Board of Education hereby endorses and approves the Application for MABS-LTF Aid as presented on this date and authorizes the Interim Superintendent to execute that Application on behalf of this Board of Education and the Perry Public Schools.

2. This Board of Education further resolves that if MASB-LTF assistance is provided for this cause, the Board agrees to keep the MASB-LTF Board of Trustees informed on a regular basis as to the status of the case; to forward to the MASB-LTF Board of Trustees the legal documents filed with the administrative agency (MERC) and any appellate court during the pendency of the litigation; and to confer with the MASB-LTF Board of Trustees or the MASB Executive Director before making any final disposition of the case.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

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Secretary, Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of Perry Public Schools, Shiawassee and Ingham Counties, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board of Education at a regular meeting held on April 16, 2012, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976, as amended).

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Secretary, Board of Education

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## Section 2000 – General School Administration

2140 Superintendent Appointment

2140

All contract offers of employment to, or continued employment of, the Superintendent shall be made by the Board contingent upon review of the contract by the Board's legal counsel and subject to final approval by the Board.

The Superintendent will be offered a written contract of three years or less duration. The Board shall not award tenure to the Superintendent in said position or in any other administrative position in the District.

The Superintendent's contract shall be considered for renewal/extension at a meeting prior to ~~March~~ **April** 1 and renewal/extension shall not extend the contract beyond three years. It is the responsibility of the board president to see that the Superintendent's contract is properly executed and signed. A copy of the contract shall be on file at the board office. The contract shall contain a provision excluding the Superintendent from attaining tenure in the administrative position.

Pursuant to state law, the Superintendent's contract shall state that the Superintendent is forbidden from engaging in conduct involving moral turpitude and that the Board is permitted to void the contract should the Superintendent violate the prohibition<sup>9</sup>

Approved:

LEGAL REF: MCL 15.268(8f); 38.91; 380.1229; 380.1246; 380.634(7)

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<sup>9</sup> "Moral turpitude" is defined as "an act of baseness, vileness, or depravity." *Andrews v. GM*, 98 Mich. App. 556, 296 N.W. 2d 309 (1980). Although the definition is not particularly specific, it appears clear that sexual misconduct with a student would constitute "moral turpitude." Many other types of criminal behavior would constitute "moral turpitude" if engaged in at the school, but may not be if engaged in "off campus." Boards must be cautious in enforcing this provision and should consult with counsel before doing so.

Approved 8/16/07

**Perry Public Schools**