

Central Nine Career Center Governing Board Meeting

James Hixson Board Room
Thursday, June 13, 2013
7:00pm

Present: Dr. Stephen Hagen, Executive Director Central Nine Career Center; Mrs. Cindy Payton, Business Manager; Ms. Beth Prindle, Beech Grove City Schools; Mr. Chris Wood, Franklin Township Community School Corporation; Mrs. Carol Tumey, Center Grove Community School Corporation; Mr. Greg Waltz, Nineveh Hensley Jackson United School Corporation; Mr. Nick Schwab, Greenwood Community School Corporation; Mrs. Gwen Freeman, MSD Perry Township; Mrs. Beatrice Dunn, Clark-Pleasant Community School Corporation; Ray Basile, Legal Counsel; Bill Maschmeyer, Franklin Community School Corporation

1 Pledge and Welcome

Mr. Bill Maschmeyer

Mission Statement: We provide the necessary facilities, appropriate equipment, technological instruction and learning environment relevant to business and industrial needs in order to enhance student success.

Minutes

The meeting was called to order at 7:03 p.m. by Mr. Bill Maschmeyer, President. Mr. Maschmeyer welcomed everyone and led the Pledge of Allegiance.

Others in attendance:

Central Nine Instructors: Tom Shively, James Essex, Mike Paprocki, Clint Smith, Jessica Smith, Brian Bair, Susie Hagerty, Robin King, Dan Everett, Tom Krukemieir, Melody Arnold, Darryl Willoughby, Fred Clow, Julia Zimmer.

Tom Jacobs, Master Teacher; Laura Showalter, Executive Assistant; Stan Wilkison, Resigning Principal; Michelle Davis, Adult Education Director; John Parmley, HBG; Brandt Atkins, HBG and Judy Edwards, ISTA Representative.

2 Request for Additions or Amendments to Agenda

Minutes

Mr. Mashmeyer referred to the Personnel Report and noted that the Board would like to discuss the position of Administrative Dean and the change in title of the Curriculum Director to Assistant Director of Curriculum and Instruction. He also noted that the original agenda listed the 2013-2014 Student Handbook listed for approval, however, that will be postponed until the July, 11, 2013 meeting. Mr. Mashmasheyer then addressed the members of the public and invited them to speak on any action items they would like to address. Mr. Shively, Law Enforcement Instructor, requested to speak to the Governing Board regarding Action Item 4.1 Request of Approval to Eliminate the Law Enforcement Position. Mr. Shively explained that he has been the Instructor in the Law Enforcement Program for 3 years. He stated that since his employment as Law Enforcement Instructor, enrollment has increased to over 100 students. Mr. Shively stated that he does not believe the turning the position over to CERT is in the best interest of the program. The Board asked if Mr. Shively has been approached to continue with teaching if the position is moved into CERT, he stated that he had been approached to continue teaching the Law Enforcement program but he would not be able to because they only pay part time wages with no benefits. He stated that the main reason he came here originally was for the benefits. The Board thanked Mr. Shively for his input and appreciated his concern for the program.

3 Approve Consent Agenda Items

Mr. Bill Maschmeyer

3.1 Financial Report and Claims

-  [Payroll.1.PDF](#)
-  [Payroll.2.PDF](#)
-  [Financia.1.PDF](#)
-  [Financia.2.PDF](#)
-  [Financia.3.PDF](#)

3.2 Personnel Recommendations

-  [Personnel.6.13.pdf](#)

3.3 Minutes of the May 9, 2013

-  [Ex. Minutes 5.9.13.pdf](#)
-  [Minutes 5.9.13.pdf](#)

3.4 Donations

-  [King Donation.PDF](#)

Minutes

Chris Wood moved to approve the Consent Agenda Items minus the personnel position of Administrative Dean and changing the title of the Curriculum Director to Assistant Director for Curriculum and Instruction.

A discussion occurred over the position of Administrative Dean. Dr. Hagen explained that when Mr. Wilkison gave his notice, the position was posted and candidates were interviewed. Mr. Maschmeyer asked if Mr. Lawrence Courtney will be doing the same job that Mr. Wilkison done as Principal. Mr. Mashmeyer stated that he believed parents would feel more comfortable calling and speaking with the Principal/Dean compared to just an Administrative Dean. Mrs. Carol Turney concurred with Mr. Mashmeyer. Dr. Hagen explained that we are not creating a new position but renaming the current one.

Beth Prindle moved to change the title from Administrative Dean position to Principal and hire Mr. Lawrence Courtney as Principal. Motion seconded by Carol Turney. Motion passed 6-1.

Discussion regarding the hiring of administrators occurred. Administrative hiring practices from each corporation were shared. Mr. Mashmeyer stated that the Board may feel more comfortable if Dr. Hagen kept them apprised of new administrative hires and the applicants.

The discussion then turned to the request to change the Curriculum Director title to Assistant Director of Curriculum and Instruction. The Board asked what title that Sherene Donaldson held while she was employed at Central Nine. Dr. Hagen explained that her title was Curriculum Director. Mrs. Beatrice Dunn stated that she felt that Mrs. Otte should remain as Curriculum Director and eventually move her into the Assistant Director position. Dr. Hagen stated that it was not a change in job duties only a change in the job title.

The Board concurred with Mrs. Dunn and the request to change the Curriculum Director title to Assistant Director of Curriculum and Instruction died for lack of motion.

4 Items of Action - ACTION

4.1 Request Approval to Eliminate Law Enforcement Position

 [Memo 1-28-13 Law Enforcement Teacher .pdf](#)

Minutes

Dr. Hagen said that this was a very tough request for approval. He stated that this the problem is not a conflict of interest but a liability. He believes that CERT has done an excellent job and they have been able to staff the other programs and still provide quality instruction. He stated that he would remiss to not recommend that the Board not expose Central Nine to this liability. The Board asked for Mr. Ray Basile to give his legal opinion. Dr. Hagen referred to legal counsel advice (See Attachment I). Mr. Basile stated that one concern/liability was the insurance. Mr. Basile stated that he believes that it has been resolved and CERT now carries their own insurance. The other liability is with the direct hire by Central Nine of the Law Enforcement Instructor. He explained that if the instructor was involved in an accident or incident that CERT would primarily be responsible and not Central Nine. Mr. Mashmeyer stated that the question for the Board is what is best for the students and how much risk is the Board willing to take? A discussion was held regarding liability to Central Nine. It was the consensus of the Board that it would be best to not outsource the Law Enforcement position to CERT in the best interest of the students. Dr. Hagen stated that we are currently working with outsourced instructors from Kaplan College and Vincennes University.

Carol Tumey moved to deny the request. Gwen Freeman seconded the motion. Motion passed. 7-0.

4.2 Request Approval of the 2013-2014 Budget

Dr. Hagen & Mrs. Payton

 [FY14BUDGETOVERVIEW.pptx.pdf](#) (private)

Minutes

Dr. Hagen explained that he is proposing a decrease of 3 percent to the budget. Chris Wood moved for approval of the 2013-2014 budget. Beatrice Dunn seconded the motion. Motion passed 7-0.

Carol Tumey thanked Dr. Hagen for his stewardship regarding the budget and proposing a decrease.

4.3 Request Approval of the 2013-2014 School Tuition Billings

 [Tuition Billing 13.14.pdf](#) (private)

Minutes

Dr. Hagen reviewed the Tuition Billing spreadsheets. He explained that the July and September billings are calculated using a formula derived from our general fund budget, pre-enrollment numbers and assessed valuations. Billings will be adjusted after the September Count Day.

Gwen Freeman moved to approve the 2013-2014 School Tuition Billings. Beatrice Dunn seconded the motion. Motion passed 7-0.

4.4 Request Approval for Non-Certified Pay Scale and Administrative Contracts

 [Non Cert Wages 13.14.PDF](#) (private)

 [Admin. Contracts 13.14.PDF](#) (private)

Minutes

Dr. Hagen stated that he is requesting an increase of 2% on the Non-Certified pay scale. He believes that this is a modest request for individuals who are invaluable to Central Nine. He made note to the Board that he was requesting a higher percentage for Mr. Showalter, Facilities & Transportation Director and for Mr. West, Technology Director.

He stated he is basing the request on the quality and quantity of work assigned to these two individuals.

Dr. Hagen also presented the Board with the administrative contracts.

Chris Wood moved to approve the Non-Certified Pay Scale and Administrative Contracts. Motion passed 7-0.

4.5 Permission to Transfer Appropriations with each Fund as part of Fiscal Year-End Process

Mrs. Payton

Minutes

Mrs. Patyon is requesting permission to transfer appropriations within each fund to balance out the fiscal year end. This process is done annually. No transfers are made from fund to fund, only within each fund.

Gwen Freeman moved to approve the request to transfer appropriations. Chris Wood seconded the motion. Motion passed 7-0.

4.6 Request Approval of 2013-2014 Governing Board Meeting Schedule

 [Gov. Board Date 13.14.pdf](#)

Minutes

Dr. Hagen presented the Board with the meeting date schedule for the Central Nine Governing Board meetings for 2013-2014. He explained that all Executive Sessions will begin at 6:30 p.m. followed by the Regular Session at 7:00 p.m.

Greg Waltz moved to approve the 2013-2014 Governing Board Meeting Schedule. Beatrice Dunn seconded the motion. Motion passed 7-0.

4.7 Request Approval of the 2013-2014 Student Fee Schedule

 [Textbook Rental Fee Chart 13.14.pdf](#)

Minutes

Dr. Hagen stated that he had worked diligently to lower fees so that it is more affordable for student to attend Central Nine.

Chris Wood moved to approve the 2013-2014 Student Fee Schedule. Gwen Freeman seconded the motion. Motion passed 7-0.

4.8 Approval of Property Casualty Insurance Plan

 [HBG Insurance Proposal.pdf](#)

 [Green Owens Insurance Proposal.pdf](#)

Minutes

Dr. Hagen stated that he had shopped out the Property Casualty Insurance and is recommending that we change carriers from Green Owens to HBG Insurance and Bonds. Dr. Hagen introduced Brandt Atkins and John Parmley and invited the Board to have them answer any questions that they may have. It was asked if they did business with any other schools. Mr. Atkins assured them that they did.

Greg Waltz moved for approval of HBG Insurance and Bonds as the new Property Casualty Insurance Plan carrier. Gwen Freeman seconded the motion. Motion passed 7-0.

4.9 Approval of Contract to Sell Land

Minutes

Dr. Hagen explained that Duke Energy would like to purchase a parcel of our back property to construct a power sub station. He shared that Mr. Basile had reviewed the contract. A discussion was held and it was the consensus of the Board to deny approval of the contract to sell the land to Duke Energy.

Chris Wood moved to not pursue the selling of the land to Duke Energy. Gwen Freeman seconded the motion. Motion passed 7-0.

5 Director's Comments and Items of Information

Dr. Hagen

5.1 Superintendent Meeting Notes

 [Superintendent Advisory Meeting Notes.6.10.pdf](#) (private)

Minutes

The Board was presented with Superintendent Meeting Notes.

5.2 Master Teacher Update

Mr. Tom Jacobs

Minutes

Mr. Jacobs presented the Board with various activities and artifacts that he collected and taught throughout the year. The Board thanked Mr. Jacobs for his dedication and hard work.

5.3 Building Trades Update

Minutes

Dr. Hagen stated that the Building Trades home that was built this year had just sold for \$100,000. He stated that we had an investment of just under \$90,000 in the project. The Board requested that an Open House be held next year so that the home can be showcased by the students to parents and the community.

5.4 Upcoming Events and Dates

- June 19, 2013 - GED Graduation Ceremony - 7:00 p.m. Greenwood High School

6 High School Division Update

 [HS monthly report for Board June 2013.pdf](#)

Minutes

The Board was presented with the High School Division Update.

7 Adult Education Division Update

Michelle Davis

Minutes

Mrs. Davis presented the Board with an overall presentation of what has occurred during her tenure. She extended an invitation to the Board Members to attend the upcoming GED Graduation that is scheduled for June 19, 2013 at 7:00 p.m. at Greenwood Community High School.

8 Board Member Comments

Minutes

Bill Maschmeyer stated that prior Presidents have met with the Executive Director prior to the monthly meeting and is requesting the opinion of the Board. It was the consensus of the Board that Mr. Mashmeyer meet with Dr. Hagen the week prior to the meeting to establish the agenda. It would then be the responsibility of the President to notify the Board pertinent issues on the

agenda.

9 Public Comments

9.1 C9TA Presentation on Teacher Evaluation Process Minutes

Judy Edwards, ISTA Representative, gave a presentation on the stance of ISTA in regards to the current evaluation process. Mr. Mashmeyer requested that Ms. Edwards provide the Board with an electronic copy of the statement. (See Attachment II)

10 Adjournment

Minutes

With no further business, Chris moved to adjourned meeting adjourned at 9:15 p.m.

Bill Mashmeyer, President

Date

Carol Tumey, Secretary

Date

MEMORANDUM

Prepared By: Raymond A. Basile
To: Dr. Stephen Hagen and Central Nine Career Center School Board
Date: January 28, 2013
Subject: Central Nine Law Enforcement Program

Summary of Issue

On Wednesday, January 23, 2013, Dr. Hagen contacted me regarding the employment status of Tom Shively, Central Nine's law enforcement program teacher, and asked whether Central Nine faced increased legal exposure by employing Mr. Shively or any subsequent law enforcement teacher directly rather than requiring CERT to provide its own teacher. Currently, CERT administers the law enforcement program by organizing and establishing the course agenda. The program is run on-site at Central Nine and is taught by Tom Shively, a Central Nine certificated employee under the academic direction of a CERT advisor.

The brief answer is that under certain circumstances, yes, it could increase the potential liability of Central Nine to have the teacher remain a Central Nine certificated employee.

Alter Ego

There are two potential avenues of increased liability. The first is whether such employment increases the prospect of someone successfully claiming Central Nine and CERT are alter egos, resulting in Central Nine being found liable for the debts of CERT. Retaining the teacher as a certificated employee does not increase that risk. However, as with Building Trades, Central Nine needs to be very careful to avoid exchanging payments between the entities with little or no documentation, directly paying each other's debts, or holding themselves out to the public to be one and the same. If those precautions are taken, then retaining the teacher as an employee rather than having CERT hire him should pose no additional risk of this type of liability.

Comparative Fault

The second avenue of potential increased liability could arise in a personal injury or wrongful death claim from a student. If that occurs, because the program is run through and at Central Nine, Central Nine can expect to be named as a defendant regardless of the employment status of the teacher. Under Indiana law, the judge or jury will apportion fault for injury or death, including the plaintiff who may have been partially responsible. Indiana is a modified comparative fault state, meaning the plaintiff can recover so long as he or she isn't more than 50% at fault. Whatever fault is not apportioned to the injured or deceased student would be apportioned to the defendants such as CERT and Central Nine.

If the teacher is found to be partially at fault (poor supervision of students or accidentally causing the injury himself), then the entity that employs him will incur losses through directly liability or the indemnification of its employee teacher. On the other hand, if Central Nine does not employ the teacher, it may still be partially liable for hosting the program on its campus and for possible

negligent supervision of the program, but its potential liability will likely decrease if it no longer employs the teacher.

Insurance Issue

Finally, it should be noted that any potential benefit of having the teacher be employed through CERT rather than Central Nine is substantially diminished by the fact that CERT is listed as an additional insured on Central Nine's insurance policy. While there are certainly other unrelated considerations that must be addressed as part of any decision, such as (1) the value of retaining Mr. Shively as an employee and (2) the cost to Central Nine of requiring CERT to provide a teacher and its own insurance, from a purely legal standpoint and to minimize Central Nine's exposure, the CERT program should be removed from Central Nine's insurance policy as an additional insured and the teacher become employed directly by CERT.

The Staff Performance Evaluation Program was developed cooperatively between the teachers and administrators of Central Nine Career Center and was then approved by you – the Governing Board.

During the course of this school year there have been numerous issues arising from the scoring of the Evaluation. There also have been numerous unsuccessful attempts to resolve these concerns.

During this past school year teachers were observed for both short and extended periods of time as provided for in the procedure. Following these observations teachers were provided with a document indicating their scores on the sub-domains that were observed. Each of the evaluators provided this formative documentation to the teacher. According to the approved evaluation program these measures could be both objective and subjective. Objective measures would be those that actually occurred or were observed during the observations. These objective measures could include documentation or artifacts supplied by the teacher. They are tangible and fact based. Subjective measures are based on the evaluator's individual perceptions, idiosyncratic, possibly even biased opinions – i.e. His or her "professional judgment".

In the evaluation rubric performance indicators 1 through 11 are more *subjective* – calling for the observer's professional judgment. Within each of these indicators there are several sub-indicators that should form the basis for the final score. Each of these sub-indicators could receive a score of from 1 to 4. This is the time for the evaluator to use their *professional judgment* in assigning these sub-indicator scores. These sub-indicators are the most detailed section of the entire rubric and offer the most opportunity to thoroughly review a teacher's instruction and other skills. This is where the evaluator's professional judgment should occur.

The evaluation process began last fall for the Central 9 teachers. Most teachers were observed at least 3, sometimes 4 or 5 times and received multiple scores for the sub-indicators following these formative observations. There are 55 possible sub-indicators. There were also times when a sub-indicator was not observed and this area then did not receive a score. The program requires that the evaluator also maintain documentation of each observation. After the evaluator completed their observation, the sub-indicator scores were entered into the Harmony program for teachers to view. In some cases it was weeks or even months after the initial observation before this data was available to the teacher.

At some point these sub-indicator scores were compiled to become the score for each of the 15 indicators. We have been unable to determine what method or reasoning was used to determine this score. The summative evaluators have been asked for specifics by several people, both verbally and via email. The answer has always been "professional judgment".

The evaluation program states "The evaluator and the School shall provide the teachers with meaningful feedback relating to growth opportunities for further improvement, as well as the identification of the teacher's strengths and areas for improvement."

The response of "professional judgment" certainly does not meet this requirement.

Many of these sub-indicator scores were determined last fall. Some were completed by an evaluator who is no longer at Central 9. We are *concerned that a summative evaluator who had no role in the initial determination of the score now has the ability to substitute their "professional judgment" and impact the score of a teacher.* There also does not appear to be any standard method for determining the score – in other words – each teacher appears to have been treated differently.

Initially each of these indicators was also assigned a percentage of the total to be used in calculating the teacher's final rating. These percentages were modified after the document was adopted. The manual that supports the evaluation program states the following: "It is not required that a score be provided for every performance indicator and the failure to do so will not invalidate or affect the validity of the evaluation. A total score will be tallied and then divided by 27. For any indicator that a determination cannot be reasonably made, the denominator will be reduced accordingly. Many of the teachers did not receive a score in one or more performance indicators. We have been unable to determine how the 27 – the denominator has been reduced. Numerous math calculations have not resulted in an answer that matches the final evaluation score. We have also been unable to obtain an answer from the summative evaluators.

Summative evaluation conferences began several weeks ago in early May and this is when the problems really came to light.

Several weeks ago we were made aware that a CPA – Certified Public Accounting firm was hired to develop a computer program to figure the scores. First we question why this was necessary when there are fully qualified math instructors and computer experts on staff as well as other personnel with more than 20 years of experience developing excel formula programs. Initially we were denied access to the program and told it was *proprietary*. Shortly after our initial request for the program, we were provided with a copy.

Teachers have now had the opportunity to plug in their own summative scores and compute their final evaluation rating using this program. But again – the professional judgment piece has been added and the summative evaluator has once again arbitrarily changed the teacher's final rating. And once again – when teachers have requested meaningful feedback they are met with the "professional judgment" term.

The Association also brought their concerns over the scoring to High School Discussion. The only answer they received was that it was not in his control. We could interpret this answer to mean that understand he had been directed to alter the scores in this manner. Either way, this does not resolve the situation.

Last Monday I met with the majority of the Central 9 teachers. Most if not all who were at the meeting were unable to determine exactly how their summative evaluation score was computed. Many of the teachers at this meeting had requested clarification on how their scores were calculated and were again told "professional judgment." This "professional judgment" statement was made by both of the evaluators who were responsible for the summative evaluation – Stan Wilkinson and Michele Davis. I have received documentation from many of the teachers who attended the meeting on Monday as well as a few others who were unable to attend. With one exception, these scores were altered to lower a teacher's score – most were moved from the highly effective range into the effective range.

Professional judgment is simply not an acceptable answer for the score modifications that have occurred. I would also like you to remember that in many cases these scores were not computed until weeks or even months after the actual classroom observation occurred.

We maintain that the "professional judgment" piece should occur during the classroom observations and the review of any artifacts that the teacher chose to submit. The evaluator's professional judgment should be reflected on the observation documentations and should stand unless the summative

evaluator can provide specific documentation or a complete explanation of the reason for altering the score. Professional judgment should not be used to artificially alter and impact a teacher's rating 6 or even 8 months after the observation.

If the purpose of the evaluation is to improve teacher performance, then the evaluator should be able to provide an explanation that ensures clarity and accountability. What appears to be the case in Central 9 is a giant "gotcha." This is simply not right.

There is another issue that must be addressed. Indiana Code 20-28-11.5-1 reads in part as follows:

As used in this chapter, "evaluator" means an individual who conducts a staff performance evaluation. The term includes a teacher who: (1) has clearly demonstrated a record of effective teaching over several years.

There is an evaluator employed by Central 9 with a "teacher" contract; the evaluator is not an external provider.

The DOE-CE/CP for this employee dated October 1, 2011 indicates that the person has 2 years experience. The DOE-CE/CP for this same employee dated October 1, 2012 indicates that the person has 14 years of experience. When I specifically questioned this evaluator last week I was told there was *no teaching experience*.

We brought this to the attention of the administration on Tuesday and were informed that there was an error and would be corrected. A review of this document this morning now indicates that this person has 3 years of teaching experience. The 2nd entry still shows the 14 years experience.

The DOE CE/CP report is an official document that is part of a Teacher's licensing record. It is normally completed in October of each year. The initial 2011 report should have reflected ZERO years experience. The 2012 report should have been 1 year of experience. This should not show a change until October 2013. The 1 year of experience still does not include any actual *teaching* experience.

Bottom line – this evaluator does not meet the minimum requirements of law.

We request that the evaluator referenced above be prohibited from participating in any future teacher evaluations.

We are also requesting that the Board intervene in this situation and direct that all teacher evaluations be recomputed based on the actual numerical sub-indicator scores that were given by each evaluator during the classroom observations that occurred during the year. We would also request that the method for computing these be determined *prior* to reopening the individual observation records and also shared with the Association. This computation should result in an accurate score in each of the 15 indicators. In other words – *no professional judgment* should be used to alter the original scores.

The computer program can then be used to determine the teacher's final rating for this year. Again – this is the final score and not subject to modification by the summative evaluator's professional judgment.

We believe this is the only method that will provide a valid and accurate evaluation rating for all Central 9 teachers.

Thank you for listening and for your consideration of our requests.