

**MINUTES  
STATE BOARD OF EDUCATION  
JUNE 22, 2012**

The State Board of Education met via telephone conference call at 10:00 a.m., CDT, on June 22, 2011.

<b>Present..... 9</b>	<b>Absent.....2</b>
<b>Ms. Janet Ayers</b>	<b>Dr. Richard Rhoda</b>
<b>Mr. Mike Edwards</b>	<b>Ms. Lauren Haley, Student</b>
<b>Ms. Vernita Justice</b>	
<b>Ms. Carolyn Pearre</b>	
<b>Mr. Lonnie Roberts</b>	
<b>Dr. Jean Anne Rogers</b>	
<b>Mr. Fielding Rolston, Chair</b>	
<b>Ms. Teresa Sloyan</b>	
<b>Dr. Melvin Wright</b>	

**Others Present**

**Dr. Gary Nixon, Executive Director, State Board of Education (SBE)**  
**Dr. David Sevier, SBE**  
**Mr. Scott Eddins, SBE**  
**Ms. Dannelle Walker, SBE**  
**Ms. Phyllis Childress, SBE**  
**Mr. Stephen Smith, TDOE**  
**Ms. Christy Ballard, TDOE**  
**Commissioner Kevin Huffman, TDOE, By Phone**

**Chairman Rolston** welcomed the members.

**I. Consent Items**

**A. Adoption of Agenda**

**ACTION:** **Dr. Wright** moved approval. **Vice Chair Pearre** seconded. The motion passed unanimously.

**II. Action Items (Final Reading)**

**A. Clarification of Evaluation Grievance Timeline**

**Commissioner Kevin Huffman**, Department of Education, presented the clarification of the evaluation grievance timeline via telephone. Current SBE policy establishes “15 days after the summative evaluation” as the grievance window. Discussion with local districts found this timing problematic, as all data relative to the evaluation do not become available at the same time. He noted that this proposal has met with opposition by the Tennessee Education Association.

**Commissioner Huffman** went on to state that this clarification is designed to correct any issues associated with the evaluation as close to the time of the problem as possible rather than waiting a potentially longer time to resolve the issue. He noted that waiting until all the data are available may create a condition where grievances are filed 15-18 months after the evaluation problem occurred. He also recognized the fact that this will create instances where teachers may have to file grievances during the summer when school may not be in session. Given the nature of the data, for many teachers, this will still be the case even if the window is open until all data are collected. **Commissioner Huffman** believes that this clarification of the policy will allow the local districts to set their own processes for filing grievances which will help to make the whole process as transparent as possible.

**Vice Chair Pearre** asked **Commissioner Huffman** about the timing of his April memo to districts about this topic and why this was not addressed at the regularly scheduled April State Board of Education meeting. **Commissioner Huffman** replied that the timing was unfortunate and that it was not addressed with the SBE because he did not believe it would be a controversial topic.

**Dr. Rogers** asked about data accuracy as opposed to the observation process. **Commissioner Huffman** responded that he is less worried about the TVAAS data than the observational data. Grievances based on the observation process should be filed as close as possible to when the observation occurred.

**Mr. Stephen Smith**, Department of Education, added that there can be accuracy issues with TVAAS scores and that inaccurate reporting of results could be grieved.

**Mr. Richard Colbert**, Tennessee Education Association (TEA), was recognized and he testified that TEA has two major concerns with this proposal. First, TEA is concerned with the burden of potentially filing multiple grievances, and second, making changes to the system that potentially create uncertainty.

**Chairman Rolston** asked **Mr. Colbert** if he agreed that processing grievances quickly was better than resolving these later. **Mr. Colbert** responded that he thought resolving issues quickly was best, but summer timing is unfortunate. **Commissioner Huffman** added that, because of the timing of available data, many teachers will have an unavoidable summer grievance window.

**Chairman Rolston** inquired as to the likelihood of teachers filing multiple grievances during the three stages of the process. **Mr. Colbert** responded that he thought there could be a greater response from teachers scoring in the lower end of the spectrum.

**Dr. Nixon**, Executive Director, State Board of Education, suggested adding a statement at the end of the section under consideration:

***“Nothing shall preclude a teacher or principal from filing a grievance at any time prior to the deadlines stated herein.”***

**ACTION:** **Ms. Sloyan** moved approval. **Mr. Roberts** seconded.

**Mr. Colbert** further testified that the July 1 date referenced in the Commissioner’s April memo is in conflict with the motion before the Board.

**Mr. Smith** and **Commissioner Huffman** replied that the proposal, if passed, would be the clarifying language and that the result would be passed on to local school districts. The end results being that the deadline for filing grievances would not be any earlier than the date previously communicated.

**Vice Chair Pearre** asked how teachers would be notified of data availability. **Commissioner Huffman** responded that it is the LEA’s responsibility to provide access and ensure receipt. He noted that this is common practice under the law and is considered sufficient for many aspects of legal notice. Disputes around this issue would be governed by the “reasonable and accurate” argument.

A roll call vote was taken as follows:

	<b>Yes</b>	<b>No</b>	<b>Absent</b>
<b>Janet Ayers</b>	<b>X</b>		
<b>Mike Edwards</b>	<b>X</b>		
<b>Vernita Justice</b>		<b>X</b>	
<b>Carolyn Pearre</b>	<b>X</b>		
<b>Lonnie Roberts</b>	<b>X</b>		
<b>Jean Anne Rogers</b>	<b>X</b>		
<b>Fielding Rolston</b>	<b>X</b>		
<b>Teresa Sloyan</b>	<b>X</b>		
<b>Melvin Wright</b>	<b>X</b>		
<b>Lauren Haley</b>			<b>X</b>

The motion passed by majority vote.

**Dr. Nixon** then recognized Ms. Janet Ayers’ appointment and welcomed her to the Board. **Chairman Rolston** joined in welcoming Ms. Ayers to the Board.

**Chairman Rolston** thanked members for being available to participate in the meeting by telephone and reminded them of the upcoming workshop and meeting on July 26-27, 2012 in Nashville. The meeting was adjourned.

Approved by: \_\_\_\_\_ Date \_\_\_\_\_