

Minutes of Mississippi Board of Education Meeting

May 24, 2016

The members of the Mississippi Board of Education met in a special-called Board meeting at 3:00 p.m. on Tuesday, May 24, 2016, via teleconference pursuant to Section 25-41-5 of the Mississippi Code for the purpose of addressing the recent federal guidance regarding Title IX and for personnel matters. The location of the meeting available to the public was the Multi-purpose Room at South Pointe Building, 500 Clinton Center Drive, Clinton, Mississippi. Board members present included: Ms. Rosemary G. Aultman (Multi-purpose Room, South Pointe, Clinton, Mississippi), Mr. Buddy Bailey (Multi-purpose Room, South Pointe, Clinton, Mississippi), Ms. Kami Bumgarner (Orange Beach, Alabama), Dr. Jason S. Dean (Tampa, Florida), Dr. Karen J. Elam (Multi-purpose Room, South Pointe, Clinton, Mississippi), Mr. Johnny Franklin (Multi-purpose Room, South Pointe, Clinton, Mississippi), Mr. William H. Jones (Multi-purpose Room, South Pointe, Clinton, Mississippi), Dr. John R. Kelly (Multi-purpose Room, South Pointe, Clinton, Mississippi), and Mr. Charles McClelland (Multi-purpose Room, South Pointe, Clinton, Mississippi). Dr. Carey M. Wright was also present at the Multi-purpose Room, South Pointe, Clinton, Mississippi.

I. The Board meeting was called to order by Dr. John R. Kelly, Chair.

Dr. Kelly noted that the meeting of the Board of Education was being held via teleconference pursuant to Section 25-41-5 of the Mississippi Code and that the notice of this meeting made at least five days prior to the meeting included the date, time, place, and purpose of the meeting and identified the location of the meeting available to the public. Dr. Kelly also stated that an audio recording was being made of the meeting and that a quorum of the Board was present at the locations stated for the purpose of conducting a meeting through teleconference means.

II. On a motion by Mr. William H. Jones, seconded by Mr. Johnny Franklin, the Board voted unanimously to approve the agenda as presented.

Members voting aye: Ms. Rosemary G. Aultman
Mr. Buddy Bailey
Ms. Kami Bumgarner
Dr. Jason S. Dean
Dr. Karen J. Elam
Mr. Johnny Franklin
Mr. William H. Jones
Mr. Charles McClelland

Members voting nay: None

Member absent: None

III. Dr. Carey M. Wright stated that she yielded her Report from State Superintendent of Education to Mr. Joseph Runnels, Legal Counsel for the Mississippi Department of Education from the Office of the Attorney General. Mr. Runnels provided some background information on Title IX and the recent Joint Guidance Document issued by the United States Department of Justice and the United States Department of Education's Office for Civil Rights.

IV. Consideration of Executive Session

Mr. William H. Jones moved that the Board consider making a closed determination of the need to go into Executive Session. Mr. Buddy Bailey seconded the motion, and the motion passed on a vote of 8 to 0. Dr. Kelly asked Dr. Carey M. Wright, Ms. Erin Meyer, Ms. Beebe Garrard, Mr. Joseph Runnels, Ms. Chelsea Chicosky, and the Executive Leadership Team to remain in the Executive Session.

Mr. William H. Jones, then moved that the Board go into Executive Session to discuss personnel matters, strategy sessions or negotiations with respect to prospective litigation regarding Title IX Federal Guidance and to protect the confidential nature of students' personally identifiable information and/or education records in accordance with Mississippi Code Annotated Section 25-41-7 (4)(a), (b), , and (k). Mr. Johnny Franklin seconded the motion, which passed on a vote of 8 to 0. Ms. Beebe Garrard informed the public of the Board's vote to go into Executive Session for the above-stated reasons.

Members voting aye: Ms. Rosemary G. Aultman
Mr. Buddy Bailey
Ms. Kami Bumgarner
Dr. Jason S. Dean
Dr. Karen J. Elam
Mr. Johnny Franklin
Mr. William H. Jones
Mr. Charles McClelland

Members voting nay: None

Member absent: None

Minutes of the Executive Session

During the Executive Session, the Board discussed personnel matters, strategy or negotiations with respect to prospective litigation regarding Title IX Federal Guidance and protected the confidential nature of students' personally identifiable information and/or education records in accordance with Mississippi Code Annotated Section 25-41-7 (4)(a), (b), and (k).

On a motion by Mr. William H. Jones, seconded by Mr. Charles McClelland, the Board voted unanimously to come out of Executive Session.

Members voting aye: Ms. Rosemary G. Aultman
Mr. Buddy Bailey
Ms. Kami Bumgarner
Dr. Karen J. Elam
Mr. Johnny Franklin
Mr. William H. Jones
Mr. Charles McClelland

Members voting nay: None

Member absent: Dr. Jason S. Dean

The public came back into the Board meeting and Dr. Kelly reported the action taken during the Executive Session.

1. With unanimous consent the State Board of Education approved the release of the following statement:

“After a briefing from the Mississippi Department of Education’s legal staff and an in-depth discussion by the Mississippi State Board of Education, the Board has decided to support the position of the state leadership regarding the recent release of the federal guidance letter.

The Board supports the local districts and commends them for working within their communities to make decisions in the best interests of their students.”

Dr. Jason S. Dean left the meeting at 4:37 p.m.

2. On a motion by Mr. Johnny Franklin, seconded by Ms. Rosemary G. Aultman, the Board approved the readjustment of the salary of Deputy Superintendent, Dr. John Q. Porter, to be in compliance with MS Code Ann. Section 25-3-91(1), and that his readjusted salary be set at \$183,240.00.

Members voting aye: Ms. Rosemary G. Aultman
Mr. Buddy Bailey
Ms. Kami Bumgarner
Dr. Karen J. Elam
Mr. Johnny Franklin
Mr. Charles McClelland

Members voting nay: Mr. William H. Jones
Member absent: Dr. Jason S. Dean

3. On a motion by Mr. Johnny Franklin, seconded by Mr. Charles McClelland, the Board approved to require Deputy Superintendent, Dr. John Q. Porter, to repay the salary and fringe benefits received in excess of the statutory maximum, at a rate of \$1,000.00 per month until paid in full.

Members voting aye: Ms. Rosemary G. Aultman
Mr. Buddy Bailey
Ms. Kami Bumgarner
Dr. Karen J. Elam
Mr. Johnny Franklin
Mr. Charles McClelland

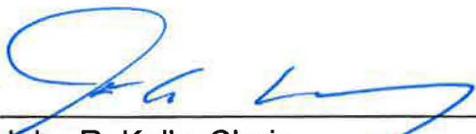
Members voting nay: Mr. William H. Jones
Member absent: Dr. Jason S. Dean

- IV. On a motion by Mr. Charles McClelland, seconded by Dr. Karen J. Elam, the Board unanimously voted to adjourn the meeting at 5:47 p.m.

Members voting aye: Ms. Rosemary G. Aultman
Mr. Buddy Bailey
Ms. Kami Bumgarner
Dr. Karen J. Elam
Mr. Johnny Franklin
Mr. William H. Jones
Mr. Charles McClelland

Members voting nay: None
Member absent: Dr. Jason S. Dean

Approved:



John R. Kelly, Chair
Mississippi Board of Education



Carey M. Wright
Executive Secretary
Mississippi Board of Education