



Shawn Joseph, Ed.D.
Director of Schools

Dear Members of the Board of Education,

This past Tuesday was a difficult day for our school district. In May of 2016, when I accepted this job, I shared that it will always be my job to protect our board and our school system. I came to Nashville excited and energized to do this important work and, as was shared at the board meeting, I am proud of the collegial and collaborative spirit that the majority of our board has continued to maintain as we collectively work to improve our school system. We are making progress, but we have much work to do.

I was moved by the speakers on Tuesday night who called on the board to adhere to our policies and the law. Like you, I am required to follow board policies, and if I misinterpret or neglect to follow any of our written policies or procedures, I will publicly apologize and quickly correct the behavior. As your employee, I hope that I am offered that same level of respect and dignity as we work to rebuild public trust in how we do business.

To that end, I am taking this moment to express my concern about the action taken by three board members to evaluate my performance outside of the established Board process, and to publish that evaluation in the form of a letter to the *Tennessean*. When the letter was published, I spoke with Board Chair Dr. Sharon Gentry about it because I felt it was inappropriate. My evaluation should be conducted through the Evaluation Committee that Mr. Will Pinkston and Dr. Gentry chair and co-chair, respectively. I asked Dr. Gentry whether it was legally appropriate for such a letter to be written, and she suggested that I obtain a legal opinion for the board to be able to determine next steps.

I contacted the Tennessee Organization of School Superintendents (TOSS) for a legal opinion, and that opinion was delivered to me in mid-December. As I have done previously when Board members broke from our written board policies, I did not comment because I did not want to bring negative attention to the board. However, after this week's outcry, I realized that I should provide the board with the information given to me.

Attached you will find the opinion rendered by TOSS' legal advisor, Mr. Chuck Cagle. In his opinion, the collaboration to write and publish the letter outside of the Evaluation Committee's evaluation process, an evaluation that does not represent the opinion of the full of the Board, breaks the Tennessee Sunshine law. I am asking Board Members Amy Frogge, Jill Speering, and Fran Bush to publicly acknowledge this violation and communicate a commitment to adhere to the law and to my contract language – which addresses how criticism should be handled by a board member – along with other appropriate board policies governing Board/Administration relations and the

responsibilities of a board member. These actions would represent a solid step forward in helping our community believe that we are committed to “Building a Better Board.”

Thank you for considering this request. I look forward to our continued work together in supporting students, employees and families in this district.

State Board of Education Reporting Review

As you may have heard the State Board of Education (SBE) is reviewing whether the names of licensed educators against whom there were allegations of misconduct were properly reported to the State Board of Education. This is the same issue that appeared in the press last fall.

As you may recall, a new law went into effect on July 1 requiring the Director of Schools to report when licensed educators have been suspended or dismissed, or who have resigned following allegations of misconduct. (This law is similar to the State rule already in effect.) Failure to comply with the law could result in reprimand or action taken against the Director's license.

We have not yet received information from the SBE on the details of their review and are requesting clarification on the nature of the issues raised. Meanwhile, we are working closely with the SBE to make sure that we are addressing any concerns.

You may receive a question about the status of my license. A hold has been placed; this simply signals that a review is underway.

Data Review and Support Strategy Meeting

Finally, I am attaching summary notes from a data meeting we held this week to identify ways to provide more comprehensive socio-emotional support to schools.

Respectfully,

Shawn Joseph, Ed.D.

CALENDAR (current week activities)

- **Communications Meeting**
- **Agenda Planning**
- **One-on-One with Marcy Singer-Gabella**
- **Meeting with Rasheedat Fetuga**
- **Meeting with Erica Mitchell**
- **Executive Leadership Team Meeting**
- **Media Interview**
- **Executive Session**
- **Budget Committee Meeting**
- **Governance Committee Meeting**
- **Board Meeting**

CALENDAR (upcoming week activities)

- **CASEL Superintendents' Roundtable**
- **Meeting on R-12 Conversion**
- **Bonus Tracks Event**
- **Lunch with Brad Rayson**
- **AASA Phone Call**
- **Meeting with Mayor Briley**
- **Meeting with Mark North and David Sevier**
- **Discipline Hearing**
- **Alignment Board Meeting**
- **Panel Discussion at Vanderbilt**
- **Parent Cabinet Meeting**
- **Board Retreat**

SITO NARCISSE, CHIEF OF SCHOOLS

Community Superintendents and Executive Directors of School Support and Improvement

Community Superintendents and EDSSI's joined educators on January 7 for professional learning in schools and at district offerings.

Executive Directors of School Support and Improvement are currently completing mid-year evaluations with executive school principals using the TN TEAM Administrative Rubric. During the mid-year conference, school data is reviewed and goals set before school started will be discussed.

Student Services

Community Achieves

- The CA office partnered with the Salvation Army to use many of our schools as distribution sites for Angel Tree so families could receive gifts in their communities
- Our annual partnership with the Firefighters Local 140 provided coats to all students at Tom Joy Elementary.
- Many of our Site Managers worked with partners to organize holiday food, and/or gifts for many of our students and families.
- Partner meetings are scheduled for Napier.
- Mentoring meetings are being held at Gra-Mar.
- Professional Development for Community Achieves Site Managers was held on January 14.

Extended Learning

- Scheduling interviews for Site Supervisor vacancy at J.E. Moss Elementary.
- Communication of Read to be Ready timeline, orientation, and budget reviews for grantee schools.
- Completing monitoring visits for 21st CCLC Cohort 2018 schools.
- Continuing to establish data sharing agreements with externally funded after school program providers.
- Initiating summer program communications to families and communities. Registration of summer programs to begin in February.

504/Special Populations

- Collaborating with PCG to develop a slideshow to present at the annual Partners in Education Conference.
- Developing a Section 504 slideshow to present to NACS faculty to fulfill an OCR Resolution requirement.
- Coordinating with Special Education to present 504 information to surrogates in training.
- Conducting daily checks of incoming students at the DCJDC to determine if they have a 504 plan and will require a meeting.
- Presenting 504 overview and electronic system (Edplan) to Shayne Elementary faculty during in-service.

Attendance Services

- Truancy Letter Training course for schools was held on January 9. The course was taught by Truancy Compliance Officers.
- NW Quad Community Court was held at Hartman Park Community Center.
- Data Issues Governance Information meeting was held this week.
- Truancy Compliance Officers continue to participate in School Attendance Team meetings and provide one-on-one training where needed.
- Petitions submitted by schools are being reviewed and evaluated by TCOs and those petitions that meet state requirements are being submitted to Juvenile Court. Those that do not are being returned to schools for further action.
- 125 petitions of Educational Neglect/Truancy submitted by schools have been filed with Juvenile Court.
- School Attendance Team Fundamentals course is in final stages of development
- Excessive Unexcused Absence Reports are being shared with the EDSSI team. Principals provided rationale for why court petitions have not been filed on students displayed on the report.

Student Health

- Still working with IC Health to have the capability to run health related reports and collect data.
- Established new partnership with Shenanigoats (Goat Yoga) for Wellness Week and Pilot.
- Sending out our first School Health Newsletter the week of January 14th.
- Scheduled high schools to receive blood pressure screenings.
- YRBS survey will be administered in high schools this semester.
- Collaborating with Johnsie Holt to complete Wellness Week.
- Meeting with Ingram Industries as a potential partner for schools.
- ReThink Your Drink Student Presentations at JFK.



December 11, 2018

Dr. Shawn Joseph
Director of Schools
Metro Nashville (Davidson County)
2601 Bransford Ave.
Nashville, TN. 37204

Dear Dr. Joseph:

Thank you for your involvement in our state school superintendent organization-TOSS. I certainly appreciate your leadership in Metro-Nashville and our state. Your recent participation in assessment discussions, state accountability framework, and overall funding for Tennessee's schools provided excellent feedback to our TOSS Board as we finalize our legislative priorities for 2019.

Recently you had contacted me about discussing an issued related to your work in Metro-Nashville with TOSS's Legal Counsel, Chuck Cagle. Based on your conversation with Mr. Cagle he has provided me with the attached letter regarding the conversation.

Again, I thank you for your leadership and look forward to our continued work together. If I can be of further assistance, please do not hesitate to ask.

Sincerely,

A handwritten signature in black ink that reads "Dale Lynch". The signature is written in a cursive, flowing style.

Dr. Dale Lynch
Executive Director, TOSS



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December 10, 2018

VIA FACSIMILE: dalelynch@tosstn.com and by U.S. MAIL

Dr. Dale Lynch
Executive Director
Tennessee Organization of School Superintendents
401 Church Street, Suite 2710
Nashville, Tennessee 37219

RE: Opinion on Open Meetings Act

Dear Dr. Lynch:

This firm represents the Tennessee Organization of School Superintendents (TOSS). In that capacity, I have received a request to provide an opinion to you on a certain limited set of facts involving meetings of members of a school board and their resulting actions construed within provisions of the Tennessee open meetings laws and laws regarding the termination of a contract of employment for a director of schools.

The facts relayed to me involve a meeting of three members of a board of education who have formulated an opinion about whether or not a sitting director of schools possessing an enforceable contract of employment should be terminated. The summary of their collective opinions and obvious extra-meeting session discussions was published in a major daily newspaper in Tennessee. The article in question stated that the three members involved in the published opinion had reached this conclusion jointly. There is no mention that the "facts" detailed in the article had been discussed in a properly-noticed meeting of the entire school board or that the "facts" had been added to the agenda of any school board meeting occurring previous to the publication of the newspaper article. Moreover, there is no evidence that any discussion about the continued employment of the director of schools had ever been placed on an agenda for consideration by the full board in any manner consistent with the clear and unambiguous requirements of law.

Tennessee Code Annotated, § 8-44-101(a) states as follows:

"[T]he general assembly hereby declares it to be the policy of this state that the formation of public policy and decisions is public business and shall not be conducted in secret."

December 10, 2018

Page 2

Tennessee Code Annotated, § 8-44-102 (b)(1) defines “governing body as follows: “[T]he members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration”

Tennessee Code Annotated, § 8-44-102(c) defines “chance meeting” of public officials and provides specific direction as to the proper role of a chance meeting, to wit: “[N]othing in this section shall be construed as to require a chance meeting of two (2) or more members of a public to be considered a public meeting. No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this part.” [Emphasis added.]

There is no evidence that any notice was given of the meeting among the three board members consistent with T.C.A., § 8-44-103; similarly, there is no mention of minutes of a meeting being recorded and offered for approval of the public body consistent with the requirements of T.C.A., § 8-44-104. In fact, the latter section mentioned herein directs that all votes of members of a public body shall be by public vote with no secret votes or private ballots allowed.

Given the clear and unambiguous provisions of the statute, I am of the opinion that the actions detailed herein can be construed as a violation of the open meetings act. I am of the further opinion that the language of T.C.A. 49-2-203(a)(14)(C) is mandatory regarding the proper procedure to consider the termination of a contract of employment of a director of schools and that the actions detailed herein constitute a violation of this provision of law. That section provides as follows (in pertinent part):

“[N]otice of extension or termination of a contract of a director of schools shall include the date, time and place of the meeting, and shall comport with all other requirements of §§ 8-44-103 and 49-2-202(c)(1). The proposed action shall be published as a specific, clearly stated item on the agenda for the meeting. Such item, for the convenience of the public attending the meeting, shall be the first item on the agenda.”

Please contact me with any questions that you or the members of the board of directors of TOSS may have about this correspondence.

December 10, 2018
Page 3

Very truly yours,

LEWIS, THOMASON, KING, KRIEG & WALDROP,
P.C.



Charles W. Cagle
ccagle@lewisthomason.com

CWC/cc

Data Dive and Support Strategy – January 9, 2019

Session Summary

Participants:

Adrienne Battle, Nicole Boyle, Sheila Calloway, Damon Cathey, Paul Chagas, Lisa Coons, Demonica Coverson, Dottie Critchlow, Mary Crnobori, Beth Cruz, Megan Cusson, Rodger Dinwiddie, Monique Felder, Tamara Fentress, Corey Harkey, Alvin Jones, Kyla Krengel, Tony Majors, Debra McAdams, Alison McArthur, Michael McSurdy, Pippa Meriwether, Cindy Minnis, Sito Narcisse, Dennis Queen, Brad Redmond, Marcy Singer-Gabella, Tina Stenson, Sonia Stewart, Deborah Story, Jennifer Wade, Shree Walker, Tom Ward, Antoinette Williams

Session Notes:

1. Following introductions and an overview of our purpose and process, we dove into a review of data. Among the data we examined were:
 - behavior incidence frequency data at the district, cluster and school level (spotlighting students who have 5 or more incidents);
 - collaborative referral data by school and type of case manager;
 - mental health partner supports available by school; and
 - distribution of nurses by zip code (nurse equity data)

In addition, we looked at maps that displayed

- behavior incidences, chronic absence, and exclusionary responses at the quadrant and school levels
 - percentages of students for whom police reported incidents in their home
 - percentages of students with collaborative referrals by school, as well as
 - percentages of staff trained in their school Tier 1 program — PBIS, SEL Foundations, Restorative Practices (by school)
2. Once each group had cycled through the various data sets/displays, we captured noticing and wonderings from the group about challenges and bright spots.
 3. Moving toward action steps, we agreed that:
 - **a school intensive would be an appropriate and necessary structure to gain further understanding and create a plan of action:**
 - we would need to take a much deeper dive looking at identified student data.
 - it is critical to take a *systems perspective*, examining behavior and attendance through three lenses:
 - *student* (e.g., academics, behavior, assets & interests)
 - *staff* (e.g., stability, capacity, climate/culture)
 - *family* (e.g., housing, communication, language)
 - we must maintain a ***child-centered stance*** as we examine data and strategize short and long term solutions.
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4. ***Next Steps:***

1. Select and schedule School Intensives for five schools
2. Include community partners from the beginning in the intensives
3. Document the work – from data examination through efforts to implement the plan (in order to be able to learn from the process and expand it).
4. Engage leaders from schools that have effective systems of support to participate in the intensives for the five schools
5. Conduct an intensive in a school that has an effective system of support
6. Cultivate new way to use “intensive” protocols for support.