

**THE STATE BOARD OF EDUCATION OF THE STATE OF ALABAMA
MINUTES OF THE MEETING HELD ON
THURSDAY, SEPTEMBER 25, 2008, 9:29 AM
AS BOARD OF TRUSTEES
FOR THE POSTSECONDARY INSTITUTIONS UNDER ITS CONTROL**

The State Board of Education of the State of Alabama (also referred to herein as the Board) met in official session to consider postsecondary education matters beginning at 9:29 a.m. on Thursday, September 25, 2008, in the Pell City Center, Pell City, Alabama. The meeting was called in accordance with Section 16-3-7, *Code of Alabama* 1975.

**PRESIDING: MR. RANDY MCKINNEY
VICE PRESIDENT**

The meeting was called to order by Mr. McKinney. The Pledge of Allegiance, led by Dr. Caylor, followed the invocation by Mr. McKinney. On roll call, the following Board members were present:

Mrs. Stephanie Bell
Dr. Mary Jane Caylor
Dr. Ethel Hall
Mr. Randy McKinney
Mrs. Betty Peters

Also present was Mr. Bradley Byrne, Chancellor of the Department of Postsecondary Education
Absent were Mrs. Ella Bell, Mr. David Byers, Mrs. Sandra Ray and Governor Bob Riley

APPROVAL OF AGENDA

Chancellor Byrne recommended that item VII.A.4. Wallace State Community College – Hanceville, Associate in Applied Science Degree and Certificate Award in Culinary Arts be removed from the agenda and that item VII.A.11. Alabama Community College System, Allocation of 2008-2009 Special Populations Training Funds be added. On motion by Mrs. Stephanie Bell, second by Dr. Caylor, the agenda was approved unanimously as amended.

APPROVED

MINUTES OF AUGUST 28, 2008 MEETING

On motion by Mrs. Stephanie Bell, second by Mrs. Peters, the minutes of the August 28, 2008 meeting were approved unanimously as presented.

SECTION VI

PUBLIC HEARING

Mary Bruce Ogles, representing the Alabama Education Association, urged the Board to include all employees covered by the Fair Dismissal Act, including those who work 20 or more hours a week, under the provisions of the proposed reduction in force policy. In this way, all employees will be treated fairly and equitably and reduce the likelihood of litigation if it becomes necessary for employees working between 20 and 35 or 40 hours per week to be terminated due to a reduction in force.

Ms. Shay Farley, an advocate for a group called Alabama Appleseed in Montgomery, Alabama, spoke in regard to the proposed admissions policy and asked the Board to deny the proposal of the Chancellor to deny enrollment to community colleges to students who do not have social security numbers. She feels the overall impact will be too negative to outweigh the benefits, fears discrimination of foreign looking students, and believes denying access to higher education increases the likelihood of one dropping out of high school, and drop out rates are directly related to criminal rates.

Ms. Helen Rivas, representing Latinos Unidos De Alabama, noted her concern about what will happen to ESL (English as a second language) programs if the proposed admissions policy is implemented. She wonders how many students fit this category and if this is taking a lot of effort for something that really has a small affect. She invited Board members to join in dialogue with others in order to explore the various problems that arise.

SECTION VII
(INSTRUCTIONAL AND STUDENT SERVICES, FISCAL,
AND RESEARCH AND INFORMATION)

ADOPTED

On motion by Mrs. Stephanie Bell, second by Mrs. Peters, the Board adopted unanimously the following nine (9) items:

ALABAMA INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE
RENOVATION PROJECT

The Board authorized the Alabama Industrial Development Training Institute (AIDT) to renovate the main office building located at One Technology Court which was damaged by a severe wind burst. Planning must be completed and construction contracts executed no later than June 25, 2009, or this authorization will expire. Fiscal consideration: \$360,000 – Reimbursement via Insurance Claim (Insurer: Risk Management)

T. A. LAWSON STATE COMMUNITY COLLEGE
CERTIFICATE AWARD IN AUTO BODY REPAIR

The Board approved the Lawson State Community College application for a Certificate Award in Auto Body Repair. Fiscal consideration: \$18,000 in estimated new funds will be required to support the proposed program, and a total of \$1,143,960 will be available through internal allocations, tuition, and extramural funds.

GEORGE C. WALLACE COMMUNITY COLLEGE – DOTHAN
DEMOLITION PROJECT

The Board authorized Wallace Community College – Dothan to demolish four obsolete buildings. Planning must be completed and construction contracts executed no later than June 25, 2009, or this authorization will expire. Fiscal consideration: \$290,000 – College Plant Fund (Unexpended)

LURLEEN B. WALLACE COMMUNITY COLLEGE
RENOVATION PROJECT

The Board authorized Lurleen B. Wallace Community College to expand and renovate the Martha and Solon Dixon Center for the Performing Arts. Planning must be completed and construction contracts executed no later than June 25, 2009, or this authorization will expire. Fiscal consideration: \$400,000 (\$300,000 – Martha and Solon Dixon Foundation; and \$100,000 – College Plant Fund [Unexpended])

ALABAMA COMMUNITY COLLEGE SYSTEM
ADDITION OF INSTRUCTIONAL SITES

The Board approved two additional instructional sites to its already approved master list of instructional sites for the Alabama Community College System for academic year 2008-09. Fiscal consideration: The operation of each site is within the budget of the College. The College will provide annual site financial follow-up reports and all other information required for evaluation.

DEPARTMENT OF POSTSECONDARY EDUCATION
2008-2009 BUDGET

The Board approved the 2008-2009 budget for the Department of Postsecondary Education and limited expenditures to available revenues. Fiscal consideration: The total amount of the 2008-2009 budget is \$49,508,734 based on state appropriations, estimated federal grants and contracts, and estimated fee collections.

ALABAMA COMMUNITY COLLEGE SYSTEM
2008-2009 BUDGETS

The Board approved the 2008-2009 budgets as presented by the Chancellor for the community and technical colleges, Alabama Industrial Development Training Institute (AIDT), Athens State University, Community Intensive Treatment for Youth (CITY) Program, Alabama Technology Network (ATN) and Marion Military Institute (MMI). After becoming part of the Alabama Community College System in

June 2006, MMI's budget is prepared separately to correspond to an individual line-item appropriation in the Education Trust Fund budget act. Fiscal consideration:

\$778,281,224 - Current Fund – Community and Technical Colleges
\$ 96,198,999 - Plant Fund – Community and Technical Colleges
\$ 42,578,760 - Current Fund - Athens State University
\$ 5,980,000 - Plant Fund - Athens State University
\$ 41,998,215 - Current Fund -Alabama Industrial Development Training Institute
\$ 5,388,378 - Current Fund - CITY Program
\$ 9,944,918 - Current Fund - Alabama Technology Network
\$ 17,548,939 - Current Fund – Marion Military Institute
\$ 125,708 - Plant Fund - Marion Military Institute
\$998,045,141 - Budgeted Expenditures and Mandatory Transfers - Alabama Community College System

ALABAMA COMMUNITY COLLEGE SYSTEM
ALLOCATION OF 2008-2009 STATE WORKFORCE DEVELOPMENT FUNDS

The Board authorized the allocation of a portion of the 2008-2009 State Workforce Development Funds as outlined below, contingent upon approval of the 2008-2009 budget. Fiscal consideration: \$795,214 – 2008-2009 State Workforce Development Funds

\$410,214 – Gadsden State Community College
\$135,000 – Wallace State Community College – Hanceville
\$250,000 – Jefferson State Community College

ALABAMA COMMUNITY COLLEGE SYSTEM
ALLOCATION OF 2008-2009 SPECIAL POPULATIONS TRAINING FUNDS

The Board authorized the allocation of a portion of the 2008-2009 Special Populations Training Funds as outlined below, contingent upon approval of the 2008-2009 budget. Fiscal consideration: \$1,127,369 – 2008-2009 Education Trust Fund Special Populations Training Appropriation

\$115,000 – Beville State Community College
\$ 50,000 – Bishop State Community College
\$ 50,000 – Calhoun Community College
\$ 25,000 – Central Alabama Community College
\$ 47,369 – Chattahoochee Valley Community College
\$ 25,000 – Drake State Technical College
\$ 50,000 – Faulkner State Community College
\$ 35,000 – Ingram State Technical College
\$ 35,000 – Jefferson State Community College
\$ 35,000 – Lawson State Community College
\$ 40,000 – Lurleen B. Wallace Community College
\$ 25,000 – Northeast Alabama Community College
\$115,000 – Northwest-Shoals Community College
\$ 65,000 – Reid State Technical College
\$115,000 – Shelton State Community College
\$ 50,000 – Snead State Community College
\$ 25,000 – Southern Union State Community College
\$ 50,000 – Trenholm State Technical College
\$ 50,000 – Wallace Community College – Dothan
\$100,000 – Wallace State Community College – Hanceville
\$ 25,000 – Wallace State Community College – Selma

ALABAMA COMMUNITY COLLEGE SYSTEM
REVISIONS TO BOARD STUDENT POLICIES

On motion by Mrs. Stephanie Bell, second by Mrs. Peters, and with Dr. Hall abstaining, the Board adopted proposed changes and additions made to the Board policies pertaining to Students. The Board further authorized that unless an alternative effective date is specified within the policy, these revised policies take effect immediately and declare null and void and supersede any prior versions of these policies.

**SECTION VIII
(EXECUTIVE AND LEGAL)**

ADOPTED

On motion by Mrs. Stephanie Bell, second by Mrs. Peters, the Board adopted unanimously the following six (6) items:

**ALABAMA INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE
LEASE OF FACILITY AND RENOVATION PROJECT**

The Board authorized the Director of Alabama Industrial Development Training Institute to execute a lease with option to buy an industrial building in Montgomery located at the west entrance to Montgomery's Gunter Industrial Park and to renovate the building to accommodate AIDT's administration and training. Fiscal consideration: \$5,500,000 – Current Unrestricted Fund

**GADSDEN STATE COMMUNITY COLLEGE
FACILITIES LEASE WITH FAULKNER UNIVERSITY**

The Board authorized the Acting President of Gadsden State Community College to execute a lease contract for the upcoming academic year with Faulkner University. Fiscal consideration: None

**NORTHEAST ALABAMA COMMUNITY COLLEGE
PURCHASE OF PROPERTY AND RENOVATION PROJECT**

The Board authorized the President of Northeast Alabama Community College, subject to review by the Chancellor and the Chancellor's legal office, to purchase 3.5 acres of property and a commercial building located at 434 Alabama Highway 35, Section, Alabama 35771 (contiguous to the College's campus); and renovate and repurpose this building to house the Industrial Systems Technology program. This purchase must be executed within six months. Fiscal consideration: \$1,591,800 (\$1,267,800 – Education Facilities Excellence Act of 2007 Bond Issue; \$190,698 – College Plant Fund [Renewal and Replacement]; and \$150,000 – Current Restricted Fund [PSCA Incentive Grant])

**WALLACE STATE COMMUNITY COLLEGE – HANCEVILLE
ADDITIONAL AUTHORIZATION ON PURCHASE OF REAL PROPERTY**

The Board granted Wallace State Community College – Hanceville an additional authorization to pay closing expenses incurred during the land purchase approved on June 26, 2008. Fiscal consideration: \$4,344 – Current Unrestricted Fund

**DEPARTMENT OF POSTSECONDARY EDUCATION
AUTHORIZATION TO PAY CLAIM**

The Board authorized and directed each affected institution to pay an apportionment of the \$463,593 award granted to Products and Learning Solutions by the State Board of Adjustment. Fiscal consideration: \$463,593 – Current Unrestricted Fund

**The Separation of Enterprise-Ozark Community College from its
Aviation Instructional Sites to form
Enterprise State Community College and Alabama Aviation College**

WHEREAS, a need has been identified by data from businesses and industries, employment reports, student data, and community and state leaders to provide training for employment in the aviation industry; and

WHEREAS, the creation of a new aviation unit would afford a more consistent level of quality and supervision of aviation training; and

WHEREAS, Enterprise-Ozark Community College intends to separate the institution into two units, Enterprise State Community College and Alabama Aviation College; and

WHEREAS, the proposed Alabama Aviation College, with campuses and instructional sites across the state, intends to start the process for accreditation from the Council on Occupational Education (COE); and

WHEREAS, the Alabama Aviation College is autonomous to the extent that it must abide by separate Federal Aviation Administration regulations and standards requiring a significant allocation of resources; and

WHEREAS, Alabama Aviation College will have the singular focus of providing training for aviation and will expand the capacity to prepare individuals for employment in this industry; and

WHEREAS, Enterprise State Community College will continue its accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS):

NOW, THEREFORE, BE IT RESOLVED, by the Alabama State Board of Education that Enterprise-Ozark Community College be separated into Enterprise State Community College and Alabama Aviation College; and

BE IT FURTHER RESOLVED, that the interim president of Enterprise-Ozark Community College will inform all interested and affected parties, including the Commission on Colleges of the Southern Association of Colleges and Schools, the Council on Occupational Education, and the Alabama Commission on Higher Education of this intended separation; and

BE IT FURTHER RESOLVED, that the interim president of Enterprise-Ozark Community College, in concert with the respective staffs and administrators of Enterprise State Community College and Alabama Aviation College, will develop a comprehensive plan for the separation, including a plan to provide services to the respective communities and provide said plans to the Chancellor no later than November 1, 2008 for authorization to proceed; and

BE IT FURTHER RESOLVED, that the following assurances are hereby made:

ASSURANCES

It is expressly understood and acknowledged by all parties that:

1. All personnel of Enterprise-Ozark Community College will remain employees of this institution until formal recognition of the two separate institutions is given by the Council on Occupational Education and the Commission on Colleges of the Southern Association of Colleges and Schools (SACS), at which time they will become the employees of the separate institutions with all rights, privileges and benefits previously granted by Enterprise-Ozark Community College to include, but not limited to, seniority, retirement, and tenure.
2. All students currently enrolled in programs of study at Enterprise-Ozark Community College will be permitted to complete their programs under the same terms, conditions, understandings and assurances they received upon entering their programs of study; and their formal award (degree or certificate) will bear the entering college's name until said institutions are recognized by the Council on Occupational Education and the Commission on Colleges of SACS as the names of degree-granting institutions.
3. Alabama Aviation College will pursue accreditation with the Council on Occupational Education and Enterprise State Community College will continue its accreditation with the Commission of Colleges of SACS while doing so.
4. The campuses and instructional sites of the Alabama Aviation College will remain part of Enterprise-Ozark Community College as the new unit seeks accreditation through the Council on Occupational Education and will remain accredited by the Commission on Colleges of SACS as a part of Enterprise-Ozark Community College.
5. Said institutions will continue to provide services to the communities served including, but not limited to, active involvement and support of economic development.
6. The equipment and resources of all aviation campuses and instructional sites of Enterprise-Ozark Community College will become the property of Alabama Aviation College.
7. The Chancellor will approve the transitional plans, monitor the actions taken, evaluate the effectiveness and report annually to the Alabama State Board of Education on the progress made. This report will be made for at least the next three years and will include fiscal accountability, program accountability and administrative accountability.

8. The newly created institutions will abide by all applicable statutes, regulations and guidelines with respect to all hiring and other personnel actions.

ALABAMA STATE BOARD OF EDUCATION
AUDIT COMMITTEE APPOINTMENTS FOR 2008-2009

Mr. McKinney nominated as members of the State Board of Education Audit Committee for 2008-2009 Mrs. Betty Peters as Chair, Dr. Ethel Hall and Mr. Randy McKinney. The Board confirmed the membership with a vote of three to two. Mrs. Peters, Mr. McKinney and Dr. Caylor voted for and Mrs. Stephanie Bell and Dr. Hall abstained.

DISAPPROVED

JOHN C. CALHOUN COMMUNITY COLLEGE
ISSUANCE OF BONDS AND PURCHASE OF REAL PROPERTY

On motion by Dr. Caylor, second by Mrs. Stephanie Bell, the Board disapproved unanimously Calhoun Community College's request to purchase property adjoining Calhoun's Research Park campus in Huntsville and the issuance of \$6.5 million in limited obligation revenue bonds to fund the purchase. Fiscal consideration: None

SECTION IX
(SUBSIDIARY ITEMS)

TABLED

ALABAMA COMMUNITY COLLEGE SYSTEM
POLICY 624.01: REDUCTION IN FORCE

On motion by Mrs. Stephanie Bell, second by Mrs. Peters, the Board voted unanimously to table for 30 days proposed Policy 624.01: Reduction in Force. Fiscal consideration: None

SECTION X
(CHANCELLOR'S REPORT)

Chancellor Byrne thanked Dr. Judy Merritt, the Jefferson State Community College staff and members of the Pell City and St. Clair County communities for their hospitality during the visit by the State Board of Education and noted his excitement to be a part of the great things happening here. Regarding the budgets adopted at this meeting today, the Chancellor said that Vice Chancellor Murphree and he are monitoring the national economy very carefully and will keep the Board informed as things occur. He told the Board that the System will get through the next few months just fine, but that if the national economy begins to affect the state economy, budgets would be reviewed and the Board would be notified as soon as possible of any pertinent issues.

DATE AND LOCATION OF NEXT MEETINGS

The next Board work session for postsecondary matters will be held on October 9, 2008, in the Auditorium, 7th floor, Alabama Center for Commerce. The next Board meeting for postsecondary matters will be held on October 23, 2008, in the Auditorium of the Gordon Persons Building in Montgomery, Alabama. The November work session will be held immediately following the meeting in Room P-104 of the Gordon Persons Building.

ADJOURNMENT

On motion by Mrs. Peters, second by Mrs. Stephanie Bell, the postsecondary Board meeting was adjourned unanimously at 10:06 a.m.

Vice President

Chancellor