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June 9, 2014

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RALLY FOR SCHOOLS MARCHES TO SCHOOL BOARD MEETING



More time requested for PPU audit

By Focus Staff

Knox County Auditor Andrea Williams presented to the Knox County Audit Committee her findings of Knox County School System (PPU) physical plant upgrade account.

The genesis of this audit came from Knox County Commissioner Jeff Ownby who told this reporter today that he received phone calls from constituents that asked him to take a look at the PPU account. According to Ownby these were former employees of the school system that had knowledge of the financial dealings of the system's accounting procedures.

Funds from the PPU account are earmarked for capital projects only and not to be used for new structures. Ownby claims that money from the PPU account was used not only for land purchases for the new Northshore Elementary School, but also for band equipment purchases and a piano. Ownby claims this is a violation of how the PPU account should be used.

After requesting the information from the school system in March of this year, Ownby claims it took 13 days for him to receive the information requested, although he was supposed to receive the information in 10 days. It was at that point after reviewing the information provided that he felt an audit was in order.

Williams reported that the audit for the PPU account is incomplete and she's unwilling to discuss preliminary results. She expects that it (audit) should be complete in approximately one month.

There was unanimous agreement of the committee that four offices with incoming new office-holders have close-out audits performed: Two by an external audit firm and two internally. Larry Elmore, from Pugh, CPAs is the external firm chosen for external auditing.

Those four offices are: Trustee; Criminal Court Clerk; District Attorney General; and Fourth Circuit Court.

In other business Mark Jones updated the committee about the Knox County hotline. He reported six cases had been reported. One case was closed and five cases are still open. All six cases were investigated. Jones said that most all reports were valid.

Bob Thomas, assistant superintendent of schools for Knox County, reported that the school board approved funding for a new bookkeeping system that will allow online viewing for all school activity financial transactions throughout the year. He reports that \$19.5M in transactions from activity funds came through the school system last year.

The next meeting of the Audit Committee was set for Aug. 12 at 9 a.m. in the City-County Building Main Assembly Room.

School Board Approves Charter School Application

By Sally Absher
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Last week the Knox County School Board voted 7 to 1 to approve the Emerald Academy Charter application. Karen Carson was the only board member to vote no. Gloria Deathridge, representing District 1, was absent from both meetings last week.

The Emerald Academy would operate more like a private school with its own board of directors. This board will have wide governing authority over the Charter school.

Emerald teachers will be employees of Emerald Academy, not Knox County. The local elected School Board will have little more than charter oversight authority of Emerald Academy.

The most common justification for approving the Charter was to "keep local control of the Charter school." As Dr. McIntyre explained, the process for approving a charter school in Tennessee starts with the local school board, to approve or deny the application. But there is an appeals process that goes to the state level.

"It has been the experience in Tennessee that if there are applications that put forth a quality plan, that are reasonable in expectations and that have a high likelihood of producing a high quality educational experience for students, and those applications are denied at the local level, they are likely to be overturned at the state level."

Board of Education law director David Sanders concurred, adding that "if the local school board rejects a charter application and the state approves it, [and if there is a priority school in the district], the state becomes the Charter oversight authority, and takes control of that charter away from the local Board of Education." This was codified in the "Charter Authorizer" bill (HB702) approved by the legislature this spring.

According to Steve Diggs, executive director of the Emerald Youth Foundation (EYF) and president of Emerald Charter Schools, this "college and career prep" school will begin with K-1, phasing in remaining grades 2-8 over five

Rep. Gloria Johnson organized a march preceding Wednesday's Knox County School Board meeting. The group, carrying signs that said "Students Need Teachers, Not Testers" and "Teach the Students, Not the Tests!," met on Market Square before heading to the City-County Building. Photo by Dan Andrews.

years. They looked at models around the country, determined that Charter schools were a good fit for Knoxville, and selected Breakthrough Schools in Cleveland, Ohio as the model they would use. Diggs said the target student population is urban kids living in the "empowerment zone."

The school will be "teacher-driven and data-driven." Teachers will develop the curriculum. Grades K-4 will have two certified teachers per classroom, for a 1 to 15 ratio (one teacher and a 1:20 ratio for grades 5-8). Teachers will be licensed and certified by the state, with no Teach for America teachers other than as tutors or assistants. The school will promote a culture of high expectations.

Everyone on the board, and all those who spoke in public forum, have high regard for Emerald Youth and the job they do ministering and serving urban kids. Emerald Youth is making a difference in the lives of some of the most at-risk kids in Knoxville. Steve Diggs is highly respected as someone who doesn't just talk the talk, he walks the walk. But there the consensus stopped.

Karen Carson was the most outspoken School Board member. She said "The state has put this board in a difficult position. They are not asking if this Charter school is what's best for kids of Knox County... As long as a Charter application meets or exceeds the rubric, then you don't have grounds not to approve... I do not feel this is best for Knox County kids... At this point I will not support this... Our legislators took this out of our hands to make local decisions about our local schools."

Several board members, including Carson and Indya Kincannon, as well as many teachers and parents, questioned the necessity of a Charter School in Knoxville. They point out there is nothing new or innovative in the Charter application that Knox County is not already doing, or could not do. Many asked why Emerald Youth could not partner with our already very successful Community Schools program, rather than opening yet another school. There were concerns about cherry-picking students

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Focus on the Law

Tennessee's Jock Tax

I thought I was pretty familiar with Tennessee's Professional Privilege Tax, having paid it every year since its inception in 1992. When first enacted, it included a



By Sharon Frankenberg,
Attorney at Law

laundry list of occupations and professions whose practitioners were obligated to file a return and pay the required flat tax to the state department of revenue. Doctors, lawyers, architects, accountants, dentists, agents, engineers, brokers, investment advisors and others had

to pay up or face losing their state licenses. Over the years the list of covered occupations was trimmed and the tax was doubled from \$200 to \$400. The returns must now also be filed and paid electronically by June 1st of every year. My cost this year was \$409.96 for the privilege of paying my privilege tax with a credit card.

While online dutifully paying my tax, I noticed that there was mention of the tax applying to "persons employed as players on any

franchise of the National Basketball Association or National Hockey League for more than 10 days in the tax period who are on the roster for any NBA or NHL regular season game within the boundaries of the state." The law went into effect on July 1, 2009 and applies to both Tennessee based teams (Nashville Predators and Memphis Grizzlies) and their opponents.

Every athlete who is on the club's active roster and eligible to participate in a game is subject to the tax, regardless of whether they actually play or not. Interestingly, the tax does not apply to professional

football players so the Tennessee Titans are exempt.

More interesting is that this "jock tax" on each player is \$2,500 per game, up to a maximum of three games per year. So an individual player may be taxed up to \$7,500 per year under this tax. That is not much to LeBron James who makes about \$19 million per year but not all players do quite as well.

According to the National Basketball Players Association, about 20 percent of NBA players have either lost money or broken even in Memphis. The NHL has agreed to

reimburse hockey players for the money they pay for the tax, which amounts to about \$2 million per season. Before that change to their collective bargaining agreement, more than a third of NHL players had lost money when playing in Nashville.

Unlike the other privilege taxes collected, the money from the jock tax does not go to the state. It goes to the operators of the arenas in Memphis and Nashville. In Memphis, that means to the owners of the Grizzlies franchise. The Tennessee Department of Revenue has been collecting money on behalf of private entities

since 2009. That does not sound very constitutional, does it? According to an analysis in Volume 23 of the Marquette Sports Law Review, it most likely violates the Commerce Clause because it is not fairly apportioned, is discriminatory and is not fairly related to the services provided by the state of Tennessee.

The remedy? The state legislature amended the law in April 2014 to abolish the jock tax as to NHL players in 2014 and end the tax on NBA players in 2016. Governor Haslam signed the bill into law on April 24, 2014.

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In next week's Focus

New and You-nique

By Mike Steely
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It's new, it's different and it's YOU-NIQUE.

That's right, Jamie Ferguson's "You-nique" Boutique and Salon at 7141 Clinton Highway is something different. The former cosmetology teacher grew up in Powell and has opened the family-owned Salon with her mother, Sandra Estes.

Sandra's Media Prints shop is there as well, printing everything from tee shirts to campaign signs. That business began because her husband, Rocky, was big-time into auto racing and she began printing signs for his cars.

Jamie opened You-nique in May and with the help of word-of-mouth, Facebook, and *The Focus* is finding her old clients and adding new ones. She also offers a line of "clothing you can afford" and jewelry. She and Krista Richey tend to the hair needs of their clients.

"We opened in May and began running an ad in *The Focus* a couple weeks ago. The first ad ran on a Tuesday because of Memorial Day and by Thursday I had 3 new bookings because of it," she said.

"It's all about you," is the Salon's motto. On the walls and counters are not only beauty supplies



PHOTO BY MIKE STEELY

Jamie Ferguson, Krista Richey, Morgan Ferguson and, behind the counter, Sandra Estes, at You-nique Boutique and Salon on Clinton Highway in Powell. On the counter are just some of the unique printed items that Sandra does there.

and jewelry but hats, shirts, and plaques made by Mrs. Estes.

"I've done hair for 11 years and taught cosmetology at South Doyle, but I'm from Powell," Jamie said. The shop, at 7141 Clinton Highway,

is also in Powell. She added that business is good and she's looking forward to growing the business.

For an appointment you can reach Jamie at 257-0789, Krista at 232-5987, or Sandra at 938-8833.

Now Open!

Jamie Ferguson (standing on right), her daughter Morgan and You-nique Boutique and Salon would like to welcome Krista Richey (left) to the staff.



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School Board Approves Charter School Application

Continued from page 1

for enrollment, and pulling parents who are involved out of the neighborhood schools. There were questions about ELL and special needs kids. There were concerns about cost, and diverting funds from neighborhood schools.

Lynne Fugate, citing fiduciary responsibility, also had concerns about funding. "Our brethren down the road in Nashville are losing \$9M a year out of their operating budgets to fund new charter schools, and their fixed costs have not gone down at all."

Doug Harris, who stated for the public record he is on the board of Emerald Youth, again cited Knox County's funding problem. "I don't know why we haven't been able to close the gap. But high

performing Charter schools get great results. I am excited."

In the end, Emerald Academy was approved by the board on the basis of the reputation of Emerald Youth in providing ministry, mentoring, and outreach to kids in Knoxville's urban neighborhoods, and acquiescing to the State Department of Education and their threat to take control of the charter away from the local board if they do not approve it.

Emerald Charter has not secured funding for the school, nor do they have a definite location at this time. Their first choice is the Moses Center, a former school built in 1916. Architects have not been hired, nor is it known what the true cost of renovation will be.

The Knoxville Focus
Serving All Of Knox County.

Proudly independently owned and operated.
Published by Fountain Printing and Publishing, Inc.

Deadline for ad design is Monday at 5 p.m.
Deadline for Classified ads is Thursday at noon.
Deadline for submissions is Thursday by noon.

Articles, announcements, photo attachments and cutlines may be submitted by e-mail to staff@knoxfocus.com.

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