



JEFFERSON COUNTY BOARD OF EDUCATION
Minutes of Special Meeting of February 23, 2015

SPECIAL meeting of the Jefferson County Board of Education held at Central High School Magnet Career Academy, 1130 West Chestnut Street, Louisville, Kentucky, on Monday, February 23, 2015, at 7 p.m.

BOARD MEMBERS PRESENT

Chair David A. Jones, Jr.

Mr. Chris Brady

Mr. Chuck Haddaway

Dr. Lisa Willner

Vice-Chair Diane Porter

Mrs. Linda Duncan

Mrs. Stephanie Horne

STAFF MEMBERS PRESENT

Superintendent Donna Hargens

Rosemary Miller, General Counsel

Kathy Smith, Assistant Secretary to the Board

WORK SESSIONS

At 4 p.m., the Board of Education held a work session for Annual Head Start/Early Head Start Board Governance Training and heard a Report on the Early Childhood Program, Kindergarten Readiness, and BRIGANCE® Results.

At 5:30 p.m., the Board conducted a work session to discuss the Superintendent's contract.

SPECIAL MEETING

Chair Jones called the February 23, 2015, special meeting to order at approximately 7 p.m. The meeting began a traditional moment of silence, greetings from Central High School Principal Dr. Dan Withers and District 1 Board Member Diane Porter, the Pledge of Allegiance led by a group of elementary school students from Board District 1, and the Vision Statement led by a group of students from ESL Newcomer Academy.

III. Recognitions and Resolutions

- A. Recognition of Meyzeek Middle School Students
- B. Recognition of and Student Demonstration of Learning from Central High School Magnet Career Academy Students
- C. Recognition of Black History Month
- D. Recognition of the Jefferson County Public School District

Order #2015-030 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education receive the recognitions and resolutions for February 23, 2015. The recommendation passed with a motion by Mr. Chris Brady and a second by Ms. Diane Porter.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	Yes
Mr. Chuck Haddaway	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

IV. Approval of Minutes of Previous Meeting

Order #2015-031 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education approve the attached minutes of the February 9, 2015, special meeting. The recommendation passed with a motion by Dr. Lisa Willner and a second by Mr. Chris Brady.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	Yes
Mr. Chuck Haddaway	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

V. Superintendent's Report

Superintendent Donna Hargens introduced Sam Corbett, newly hired Executive Director of the Jefferson County Public Education Foundation Board, and Kristin Wingfeld, newly hired Coordinator of School Business Partnerships; commented on last week's inclement weather; and provided updates on Louisville Linked, a recent Focus Louisville cohort visit to schools, and the financial transparency website.

VI. Action Items

VI.A. Approval to Submit Four Waiver Requests to the Kentucky Board of Education Related to District of Innovation Status

Dr. Robert Rodosky; chief of Data Management, Planning, and Program Evaluation; presented information and answered Board members' questions concerning the waiver requests. Each Board member had an opportunity to comment and ask questions.

Dr. Willner commented on the waiver request for the Catalpa School Concept at Milburn T. Maupin Elementary School. "I just want to make a comment about The Catalpa School. I just think it's odd that we have to request a waiver for a developmentally appropriate

curriculum. It says, *Maupin Elementary will have Kindergarten programs aligned with the age-appropriate developmental needs of students*, and, you know, it seems peculiar that we need a waiver for that. And then when you read a little further, what we're asking a waiver for is so that Kindergarten children can have a rest period in the morning and then another rest period in the afternoon. And the reason they need a rest period is because the curriculum incorporates a lot of movement. So, it's a wonderful approach, and I'm hoping that we'll be requesting waivers for more of our Kindergarten programs in the future to have these kinds of [inaudible]."

Mr. Haddaway asked for clarification concerning the timeline and process for the requests, and Mr. Brady requested clarification concerning the Limited English Proficiency scores going to the district rather than the schools. Chair Jones suggested that this be used as an opportunity to track the data and build on it. Mrs. Duncan noted that this could be one of the measures used to validate the claim that JCPS is the best urban school district in America. Chair Jones voiced his agreement and stated that we need to identify the target and go for it. Chair Jones also requested clarification concerning waiver #1.

Order #2015-032 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education approve four waiver requests to be submitted to the Kentucky Board of Education as part of our District of Innovation status: (1) the minimum requirements for high school graduation; (2) accountability administrative procedures and guidelines for Limited English Proficiency students; (3) Maupin Elementary — grade-level timeline deviation for coverage of Kentucky Core Academic Standards; and (4) Maupin Elementary — activities of the student attendance day. The recommendation passed with a motion by Mr. Chris Brady and a second by Mrs. Stephanie Horne.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	Yes
Mr. Chuck Haddaway	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

VI.B. Acceptance of FY2015 KETS Offers of Assistance

Dr. Michael Raisor, chief operations officer, provided an overview and answered Board members' questions concerning the Kentucky Education Technology Funding Program. Each Board member had an opportunity to comment and ask questions.

Order #2015-033 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education accept offers of assistance from the Kentucky School Facilities Construction Commission Education Technology Funding Program and authorize the superintendent to commit \$1,479,291 in local funds to the education technology restricted account to match the offers. The recommendation passed with a motion by Mr. Chris Brady and a second by Mr. Chuck Haddaway.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	Yes
Mr. Chuck Haddaway	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

VI.C. Superintendent's Contract

Chair Jones: "I would like to offer an introduction to kind of the background and the purpose of why we're here tonight. The Board had a very productive and highly interactive work session from 5:30 to 6, and I will ask our General Counsel, Rosemary Miller, to correct me if I bungle any of the technicalities. And I apologize to everybody, it's a little bit dry in the beginning, but we actually have—once we've pieced it together—a fair amount of procedure and state law and regulation that govern this issue, which I know to a number of members of the public seems to just kind of spring out of nowhere.

The background here is that, first of all, the current contract under which the district employs Dr. Hargens expires on June 30 of 2015. That will be the end of four years for her with the district. So, the contract is expiring in about four months. Second, there is a rule—I believe it's Kentucky State Law that says in any election year, a board cannot consider the extension of a contract. So, until the new Board was sworn in on January 12, the Board couldn't really take up this matter.

Next, there is a policy—a written policy of this Board—that says as soon as practical in the year in which a contract expires, the Board must review the performance and decide what to do about the contract. So, as soon as practical. And now it gets a little complex. That stuff is all kind of tried and true, but in 2012, the Attorney General kind of threw a curveball at school boards by ruling that in the closed session, which is the way school boards in Kentucky review on an interim basis the performance of a superintendent—we call it the formative assessment period, and it typically occurs in January. But during that closed board plus superintendent discussion, the Attorney General opined that we are not allowed to discuss the contract. So, we have to discuss the contract in public. And I apologize for all that mumbo jumbo, but where we are is, when we talk about performance, we're not allowed to talk about contract or compensation and when we talk about contract, we're not allowed to talk about performance. So, one of the things in the work session we sort of agreed to was let's ask Rosemary [Miller] to see if there's not a way to get the Attorney General's Office to review that. Enough with the procedure.

The sense of the Board in the formative assessment was quite strong that Dr. Hargens is our leader, that we are enthusiastic about her leadership, and that we believe that the District is going in a positive direction under her leadership. The contract that she has requested—or that she has told the Board that she would be eager to sign to continue her leadership in this District—is one that—I offer my reflection—is particularly modest and

self-effacing in this day and age of CEO compensation. Dr. Hargens has asked that there be no increase to her base salary. She has declined and she has asked that we delete from the contract the automatic escalator clause that has, over the last four years said that anytime teachers get a raise, she gets a raise. She has declined every time that has happened over the last four years to change her base compensation. So she's still at the same base salary that she was when she came here, and she's asked that that be deleted entirely and in addition, she's asked that a bunch of stuff related to technology support for the superintendent that differs from the technology support that other teachers and principals and everybody in the district be provided — she has asked that that be deleted so that she gets the same services and has the same dividing line between public costs and personal costs as the other professionals in the District.

So, it is my recommendation to the Board that we agree to this contract and that we go forward to empower Dr. Hargens as our leader to continue the progress and that we cheer her on and also turn up the heat and urge her to go faster. So, that is my introduction. I would entertain a motion or a comment."

Mr. Brady voiced his concern about the lack of opportunity for public comment for such a significant issue and made a motion to table the discussion until the next meeting on March 9. "This is not in any way a reflection on Dr. Hargens, but this is a reflection on process and also a reflection on making sure that we give the public the opportunity to be able to comment on this..." Mrs. Horne seconded the motion, and Mrs. Duncan voiced her support.

Chair Jones stated that a delay serves no purpose and advised that he will vote against the motion for the following reasons: the Board has completed its work in evaluating the superintendent for this cycle, it is the Board's responsibility to decide on the superintendent's employment and contract, and the Board has a lot of other work to do.

Mrs. Horne stated that she supports Dr. Hargens one hundred percent; however, she believes that other people in the community should be engaged in this discussion. She also voiced her support for asking the Attorney General to review his Opinion.

Mrs. Duncan asked the General Counsel to comment on the end of the evaluation cycle and the need for the summative evaluation in June. General Counsel Rosemary Miller explained that the typical process for districts to go through is to do this consideration after the mid-year formative evaluation and that is the timing that the Board's policy gives for this. Mrs. Duncan asked if the summative evaluation in June was necessary. Ms. Miller stated that no, the Board has to look at the performance of the term as part of their review. "You're looking at previous summative evaluations. You're looking at a continual cycle essentially of review of performance. So, I think that's what boards tend to base these decisions on and not just the last summative evaluation of the term."

Ms. Porter stated that she does not understand the rationale for a two-week delay and noted that no one had signed up to speak on this agenda item nor has she gotten any e-mails or telephone calls concerning this.

Order #2015-034 - Motion Failed: A motion to table discussion of the superintendent's contract until the March 9, 2015, meeting to allow time for public comment failed 4–3 with a motion by Mr. Chris Brady and a second by Mrs. Stephanie Horne.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	Yes
Mr. Chuck Haddaway	No	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	No	Ms. Diane Porter	No
Dr. Lisa Willner	No		

Chair Jones made a motion that the Board adopt the contract as proposed. Mrs. Duncan complimented the superintendent on the progress the district is making and stated that her concern is about the term of the contract.

Order #2015-035 - Motion Passed: Board Chair David A. Jones Jr. recommends that the Board of Education approve the attached Superintendent's Contract for a term of office commencing July 1, 2015, and ending June 30, 2019. The recommendation passed 6–1 with a motion by Mr. David A. Jones, Jr. and a second by Ms. Diane Porter.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	No
Mr. Chuck Haddaway	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

Dr. Hargens thanked the Board and stated that she appreciates the opportunity to serve the district's 101,000 students. "I believe I have the best job in Louisville, and I appreciate the commitment of this Board and the support of this Board."

VII. Discussion Items

VII.A. 2014–15 Board of Education Discussion Agenda Planning Calendar

- Mr. Brady noted that the Vision 2020 strategic planning meeting #1 was omitted from this planning calendar. Dr. Hargens noted that the meeting was originally scheduled for this evening; however, it was switched to accommodate the work session and will be rescheduled for March.
- Mr. Brady asked when the Board's annual planning session would be scheduled. Dr. Hargens advised that it typically occurs in May or June.
- Mrs. Duncan requested a legislative report at the end of the session and requested that a report from Dr. Michael Goetz be scheduled for March.

Order #2015-036 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education receive for information a planning calendar outlining discussion agenda items to occur during the 2014–15 fiscal year. The recommendation passed with a motion by Mrs. Linda Duncan and a second by Mr. Chris Brady.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	Yes
Mr. Chuck Haddaway	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

Tie Bid Award

In accordance with model procurement guidelines, Vice-Chair Diane Porter drew lots to determine the winner of a tie bid submitted for Item No. 2 on Bid ID #7027: First Aid Supplies. The tie bid was awarded to Everything Medical LLC.

VIII. Consent Calendar for February 23, 2015

- A. Report of Personnel Actions
- B. Approval of Requests for Certified Leaves of Absence
- C. Approval of Field Trips
- D. Approval of Project, BG-1 Form, and Assignment of Architect/Engineer for Paving Package II at Various Schools
- E. Approval of Bids and Revised BG-1 Forms
 - 1. Phase I HVAC Renovation at Fern Creek High School
 - 2. Roof Replacement at Western Middle School
- F. Approval of Revised BG-1 Forms
 - 1. Roof Replacement at Young Elementary School
 - 2. Food Service Phase 33 at Various Schools
- G. Approval of Contract Completions and BG-4 Forms
 - 1. Gym Ceiling Replacement at Atherton High School
 - 2. 2014 Paving Package I at the Binet School
 - 3. 2014 Paving Package I at Jeffersontown High School
 - 4. George Unseld Early Childhood Learning Center
 - 5. 2014 Paving Package II at Westport Teenage Parent Program and Wilt Elementary School
- H. Approval of Construction Change Orders
- I. Approval of Bid Tabulations, Contract Renewals, and Amendments
- J. Acceptance of Purchase Order Report
- K. Acceptance of Voucher Report
- L. Approval of Professional Services Contract of \$5,000 or More
- M. Acceptance of Unaudited Monthly Financial Report
- N. Acceptance of Monthly Report of Professional Services Contracts of \$5,000 or More

- O. Acceptance of Grants and Funding
 - 1. Acceptance of Funding from the Jefferson County Public Education Foundation
 - 2. Acceptance of Funding from Kentucky Department of Education for Career and Technical Education
 - 3. Acceptance of Funding from Fund for the Arts
- P. Approval of Agreements
 - 1. Approval of Memorandum of Agreement with Seven Counties Services for Mental Health Training
 - 2. Approval of Agreement with University of Louisville School of Dentistry for Onsite Dental Diagnostic and Preventative Services
- Q. Approval of Aviation Insurance Policy Renewal
- R. Approval of Special Activities Liability Policy Renewal
- S. Approval of Location Change for March 30, 2015, Board of Education Meeting
- T. Revision of Board Policy: *Board Meeting Agenda*

Mrs. Horne referenced Agenda Item VIII.T. Revision of Board Policy and suggested the Board have a rule or policy where items are presented as information the first time and then come for a vote at the following meeting. "I will work with Ms. Miller to formulate a simple policy, then I would just like to have it on the agenda at the next meeting."

Order #2015-037 - Motion Passed: A motion that the Board of Education approve the Consent Calendar for February 23, 2015, passed unanimously with a motion by Mr. Chuck Haddaway and a second by Mr. Chris Brady.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	Yes
Mr. Chuck Haddaway	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

IX. Board Reports and Requests

Board members made the following reports and requests:

- Mr. Brady thanked Vice-Chair Porter and the principal and students of Central High School Magnet Career Academy for hosting this evening's meeting and paid tribute to Kenny Winfield, a homeless man who died last week from exposure. "I was his supervisor when I worked for another company, and I can tell you that he was kind, funny, dedicated, and a hard worker. I don't want that to get lost."
- Mr. Brady reported that his Community Conversation was cancelled due to inclement weather and has been rescheduled for March 31.
- Mrs. Duncan reported on her recent visit to Frost Sixth-Grade Academy.

- Dr. Willner noted that she will host her first Community Conversation on Tuesday, March 3, 6 p.m., at Newburg Middle School. She also commented on the report on the JCPS School Resource Officers (SRO) program, which was recently provided to Board members.
- Mrs. Horne commented on the SRO report and the school resource officers and security monitors in District 3. She asked that the following comments be reflected in the minutes: “I can see that Dr. Hargens and her team are heeding the audit to align the budget with the audit recommendations, and I look forward to seeing this presented from Cordelia and her team. I’d like to see if we can change like the paradigm and have a sea change because how can we ask our constituents to raise taxes if we haven’t first reduced spending in other non-teaching, learning areas. If we can please turn our attention—we have this great Internal Audit function now that I’m very excited to see what will be focused on potentially in purchasing and warehousing and consolidation of facilities we had talked with Dr. Raisor at the meeting at Valley [High School] about. I look forward to the report on six administrative office buildings being consolidated. Looking for other ways—Mr. Jones, our Chair, is leading the way with looking at operational, logistical, technological performance issues. So, the bottom line is that our current system says limited funds demands choices be made. The question is whether our spending will reflect our values. I am very much personally looking toward more funding for music and arts. I’m looking to make sure that we are funding instructors—adequate number of ESL instructors. In one of my schools, we have 87 ESL students, and we have two ESL instructors. So, that would mean that each child would get about 45 minutes. So, we have 21 music teachers for 87 elementary schools—some of these music teachers are shared with a middle school. So, I really think that our values in the community of Louisville—if we can please focus—we have a culture of arts in this community. We need more teachers in our classrooms—I really look forward—I know Dr. Hargens—we had talked—is going to show us our ratios in all of our schools and I am really looking forward to that to make sure we’re funding our values and our budget reflects that we’re trying to get more money to learning and to teaching.”
- Ms. Porter requested that the Board receive data relating to high school funding for the past three years—particularly for schools like Central High School, that have a magnet program—to include money that has come from the School-to-Career Office and from the district such as Carl Perkins funding, money that has gone into individual programs, and money that has gone for equipment and/or equipment replacement. She thanked the University of Louisville and the Yearlings Club for the opportunity to serve on a panel with Dr. Hensley to talk about JCPS and thanked the community leaders who joined Board members and District 1 students for dinner this evening. She stated that she is proud to be the District 1 school board representative and noted that many famous people have walked the halls of Central High School—including Muhammad Ali.

- Chair Jones also thanked the Central High School community for hosting the meeting. He advised that the Internal Audit firm has requested that the Board name a contact person and mentioned that the working groups are getting started and requested the superintendent to provide specificity regarding staff liaisons.

IX. Persons Requesting to Address the Board on Non-Agenda Items

Mr. Mertus Strong addressed the Board of Education concerning integrity.

X. Executive Session (If Needed)

XI. Adjournment

Order #2015-038 - Motion Passed: A recommendation to adjourn the February 23, 2015, special meeting of the Jefferson County Board of Education at 9:13 p.m. passed unanimously with a motion by Mr. Chris Brady and a second by Ms. Diane Porter.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	Yes
Mr. Chuck Haddaway	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

Chair David A. Jones, Jr.

Dr. Donna Hargens, Superintendent/Secretary

THESE ACTIONS, ALONG WITH THE AGENDA ITEMS, MAKE UP THE OFFICIAL MINUTES, WHICH ARE ON FILE IN THE OFFICE OF THE SECRETARY