



JEFFERSON COUNTY BOARD OF EDUCATION
Minutes of Regular Meeting of April 27, 2015

REGULAR meeting of the Jefferson County Board of Education held at VanHoose Education Center, 3332 Newburg Road, Louisville, Kentucky, on Monday, April 27, 2015, at 7 p.m.

BOARD MEMBERS PRESENT

Chair David A. Jones, Jr.
 Mr. Chris Brady
 Mrs. Stephanie Horne

Vice-Chair Diane Porter
 Linda Duncan
 Dr. Lisa Willner

BOARD MEMBER ABSENT

Mr. Chuck Haddaway

STAFF MEMBERS PRESENT

Superintendent Donna Hargens
 Rosemary Miller, General Counsel
 Kathy Smith, Assistant Secretary to the Board

WORK SESSION

At 5 p.m. the Board of Education held a strategic planning meeting to discuss the process and timeline to be used to develop *Vision 2020*, the long-term course for the district.

EXECUTIVE SESSION

Chair David A. Jones, Jr. read the following statement: "It is necessary that the Board of Education recess and reconvene in Executive Session at this time for the purpose of discussions relating to proposed and pending litigation pursuant to KRS 61.810(1)(c) of the Open Meetings Act."

Order #2015-059 - Motion Passed: A motion that the Board of Education enter into executive session for the purpose of discussions relating to proposed and pending litigation pursuant to KRS 61.810(1)(c) of the Open Meetings Act passed with a motion by Ms. Diane Porter and a second by Mrs. Stephanie Horne.

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

Order #2015-060 - Motion Passed: A motion that the Board of Education adjourn from executive session and return to open session 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	Absent	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

REGULAR MEETING

Chair Jones called the meeting to order at 7 p.m. and made the following announcement: "The Board of Education met in executive session at 6 p.m. for the purpose of discussions relating to proposed and pending litigation pursuant to KRS 61.810(1)(c) of the Open Meetings Act. No action was taken."

The meeting opened with a moment of silence; The Pledge of Allegiance led by students from Blake Elementary, Meyzeek Middle, and Pleasure Ridge Park High schools; and the Vision Statement read by Board Member Linda Duncan.

III. Recognitions and Resolutions

- A. Recognition of and Student Demonstration of Learning from Blake Elementary School Engineering Club Students
- B. Recognition of Amelia Lowe, a Prudential Spirit of Community Award Recipient from Greathouse/Shryock Traditional Elementary School
- C. Recognition of Pranav Kanmadikar, 2015 Kentucky Geographic Bee Winner from Meyzeek Middle School
- D. Recognition of Pleasure Ridge Park High School, a 2015 GRAMMY Signature School

Order #2015-061 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education receive the recognitions and resolutions for April 27, 2015. The recommendation passed with a motion by Mr. Chris Brady and a second by Dr. Lisa Willner.

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

Vice-Chair Porter thanked Board members who participated in a service activity at the California Community Center to paint and prepare front-yard libraries for students in zip

code 40210. She also thanked Mrs. Horne for organizing the event and sponsoring the craft room.

IV. Approval of Minutes of Previous Meeting

Order #2015-062 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education approve the attached minutes of the March 30 and April 13, 2015, special meetings. The recommendation passed with a motion by Ms. Diane Porter and a second by Mr. Chris Brady.

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

V. Superintendent's Report

- The superintendent reported on literacy and chess activities at Rangeland Elementary School and the California Community Center; JCPS participation rate in the TELL Kentucky Survey; U.S. Secretary of Education Arne Duncan's recent visits to Fern Creek and duPont Manual high schools; the Superintendent's Summit on Minority Recruitment; staff attendance at the Magnet Schools of America Conference; upcoming presentations in response to the Board resolution regarding non-school-based spending; and her recommendation to establish a chief business officer (CBO) position.
- She acknowledged the work and integrity of Chief Financial Officer Cordelia Hardin and congratulated Chief Academic Officer Dr. Dewey Hensley, who was cited in a *The New York Times* op ed titled, "Want Reform? Principals Matter, Too" for his work as principal of Atkinson Elementary School.
- She highlighted agenda items regarding revised waiver requests related to District of Innovation status, alternative schools redesign, a KentuckianaWorks presentation by Michael Gritton, and proposed that job descriptions and organizational charts be pulled down for additional discussion.

VI. Action Items

VI.A. Approval to Outsource Legal Services Beginning July 1, 2015

Mr. Brent McKim and Ms. Helen Haverstick addressed the Board of Education concerning this agenda item.

Superintendent Donna Hargens explained her recommendation to delete the positions associated with in-house legal services and to issue a request for proposals (RFP) to

outsource legal services. She congratulated General Counsel Rosemary Miller on her retirement and thanked her for her willingness to assist with the transition.

Mrs. Duncan voiced her frustration about receiving a proposal without having the details to fully understand it. She noted that four of our five benchmark districts use in-house legal services. “If these are our benchmark districts, why are we varying from four out of five of them? I’ve got a great deal of problems with this—especially looking at our benchmark districts. I’m not understanding why we can’t make this work. Those four can, and we can’t make this work. So, I’m not supportive of this. I think we need lots of information before we make this decision...”

Mr. Brady made the following statement: “Although I support most of the reorganization that is proposed tonight, the timing of this proposal in my view has been poorly managed. Changes on this scale should’ve been discussed in a work session prior to vote to approve it. I’m concerned that is a growing problem. At our last meeting, we had a session about alternative schools and we were asked to vote on it the same night. There were concerns voiced at that time that the process was being rushed. Yet here we are at the very next meeting, facing a similar rush for approval.

I have no desire to experience the issues that the Metropolitan Sewer District has had with its outsourced legal counsel. When MSD was audited in 2011 by then State Auditor, now Lt. Governor, Crit Luallen, it was discovered that MSD paid an average of \$1 million per year in legal fees. This number didn’t include bond work, which cost millions more. The auditor blasted MSD about this contract and stated that it was difficult for the MSD board to be objective and maintain independence because the contract combined multiple legal services. The Auditor also recommended breaking these contacts up for each type of legal service it needs. This is pretty much what we have now, except for our legal department oversees all legal issues within the district and can therefore see the big picture. Additionally, JCPS is a much larger organization and performs a wide variety of services in comparison to MSD.

No clear plan has been submitted for dealing with contracted legal services. Constituents and administrators alike have contacted me and voiced a variety of concerns regarding this proposal to switch to contracted legal services. I share these concerns such as increased costs and delayed access.

Currently, I or a principal can call in-house counsel with a question and speak directly with her without worrying about a meter running. If I call and have to talk to an attorney’s secretary, then get passed to a paralegal, and then eventually the attorney themselves, the taxpayer will get charged for the time of the secretary, the paralegal, and the attorney. This could have a chilling effect on asking for legal advice not just for board members, but to principals and other administrators seeking clarification. If that happens, then decisions will be made without the benefit of counsel, which opens us up to more legal liability.

If the concern is having access to great legal minds in our community, then does that mean we don't now have that with the two firms we have currently under contract? Would these talented attorneys bid their services at the competitive rate we have now? If we switch legal firms, would we lose records during that time? Will those records belong to the contracted firm? Will we have access to it later on when we need it?

I know JCTA is supportive of this proposal, but this is one of the issues where we don't see eye to eye. In addition to principals, I believe not having direct access to legal services will negatively impact teachers and non-classified staff.

If the problem is slow response time to HR matters, then this administration and the Board should find a way to improve this without dismantling the entire department.

After speaking with legal counsel at the Kentucky School Boards Association, I have learned the Board does have the power to dismiss the Board attorney. KRS 160.170 and KRS 160.180 states we have this authority. The statute says, 'being duly sworn,' and this is part of the oath that board members take, 'says that he or she is eligible under the law to serve as a member of the board of education and that he or she will not, while serving as a member of such board, become interested, directly or indirectly, in any contract with a claim against the board, and that he or she will not in any way influence the hiring or appointment of district employees, except the hiring of the superintendent of schools or school board attorney.' It does not delineate how that attorney is serving the school board.

As we all know, JCPS is very different from every other district within Kentucky. The closest district to us in size is Fayette County. And they have been down this road before. In the recent past, they have gone from eliminating in-house counsel in favor of contracted legal services and now they have moved back to having counsel back in house.

If this is an issue with personnel, then that's a different discussion all together and we should have it. However, this proposal throws out the baby with the bath water. In-house legal counsel provides an essential service not just to board members, but to principals and other administrators at the school to better serve our students. And that is why I feel that I will not be able to support this proposal."

Mrs. Horne requested that the superintendent respond to the following questions:

- Horne: "Has there been any quantification of projected savings? How was it determined that outsourcing would be more cost effective than maintaining—than to maintain a legal department?"
 - Hargens: "Well, and the driver—as I said in my comments—the driver isn't really savings—it's building capacity and building a deep bench to respond quickly to any issues that arise, so that's really the driver. And an RFP—you would determine what the cost would be. So, and again, you don't want to promise something and

under deliver. So, the driver is effective and efficient services and meeting the needs of the district.”

- Horne: “Yeah, and then just the question is—the goal then would be more of making it more efficient and effective—kind of like what our labor friends, JCTA, said about trying to get this multitasking on different issues and have it be resolved quicker—more effectively, efficiently.
 - Hargens: “Absolutely. So, you’re working on multiple things simultaneously. Absolutely.”
- Horne: “And then, who would be authorized to access legal services? It sounded like school administrators—meaning the—can you clarify that?”
 - Hargens: “Sure. There is a protocol. Right now, there is no protocol. So again, you know 15,000 employees can’t access one person. So, there is a protocol and it’s through the principal to the area superintendent—in the district I was at—and then the area superintendent has autonomy to contact legal to get the response very quickly because, as I said, when I was a principal and when I was an area superintendent, these are real-time issues that you need a response quickly to be able to continue to do your job in the school. So, we always got a prompt response and that was part of the requirement.”
- Horne: “And then just, who would be deciding whether to bring an issue to an outside counsel?”
 - Hargens: “Well, it would really be the protocol and the liaisons who—so, again, training is really important. We have this opportunity with a large number of new principals to really up the training about what they understand the protocols to be, so and then they would access their area superintendent, who would be trained—and of course any Cabinet member. So, there’s no blocking of access. It just follows the protocol.”
- Horne: “And so, like the decision to not—not to call outside counsel on a matter—who would advise the administrator or Board member? They would be using a protocol?”
 - Hargens: “Right, and actually, if there’s something that can’t be guided by policy or statute and is not clear, there’s no question that you would access legal counsel to get quick advice on it.”
- Horne: “And then, just all matters would be outsourced to one firm, or are we talking about multiple firms or what would it [inaudible]?”
 - Hargens: “Well, an RFP process—one firm could respond to the RFP; different firms could respond to different parts of the RFP—that’s part of the RFP process.”
- Horne: “And then just the management of all these different firms? Who would be responsible for managing—kind of the liaison between the different outside counsels?”
 - Hargens: “And remember, the chief business officer has a role as would the Office of the Superintendent in tracking issues, tracking time, tracking expenditures. Is there a trend of a certain issue? Could training be very proactive in causing the trend? And somebody talked about custody issues—there are certain things that you do regarding custody that you have to be trained. If we currently have a system where people don’t know what to do and everybody needs to ask the same

question over and over again, then we've got to have a better system so that people can act very definitively and decisively at the school level because custody is a big issue and people need to know what to do on the school level. So that would alarm me if everybody's asking the same question about routine custody issues."

- Horne: "And then like the billing for the legal services, reviewing of the billing, making sure that the hourly—you know the time spent on certain matters—is legitimate. Who would be handling that review?"
 - Hargens: "In the district I came from, there was a check system and that if I accessed legal counsel, you would get an itemized bill. I would initial that in fact I did receive that service and then the chief business officer would check to make sure that everything was accounted for. So there is a check process. And, again, he would—the chief business officer—was also looking for, you know, trends of expenditures and things like that so it was very well monitored."
- Horne: "And just this, legal services would be bid out annually, bi-annually, every five years? What do you envision?"
 - Hargens: "Well, the Board can renew the contract, so certainly it can be bid and then rebid, but again, the decision maker is the Board, so the Board is the client."
- Horne: "Would the Board receive reports on the success and cost-effectiveness of outsourcing of the legal?"
 - Hargens: "Absolutely. There could be regular reports about types of issues and the cost and the number of hours billed and all of that would be data that the Board—would inform the Board's decision."
- Horne: "Do you think—I mean, bottom line, that we would be more reactive or more proactive to issues?"
 - Hargens: "Much more proactive because of the training aspect and the quick response time and the simultaneously—you know, there's like I said, a deep bench of attorneys that could deal with issues, so there was no waiting. There was no queue up of issues because they could be dealt with simultaneously so there was very quick response."
- Horne: "And then just one last question. Who's the client?"
 - Hargens: "The Board."

Vice-Chair Porter: "I respect the position of the Superintendent to bring recommendations to the Board, so I appreciate that. And I appreciate your explanation tonight. And you have sent us some information during the weekend, so I appreciate that as well. I do have to say that, as it pertains to receiving this information, it came to us quickly. And I know that we sometimes are dealing with this deadline called May the 15th for some of the work that we have to do that pertains to HR. But, as a board member, I think it would be helpful for us to have an opportunity for more conversation, which is what we're doing right now. But also, what concerns me the most is what happens at our local school. Because there's seven of us and every day we open our doors for 100,000 students and if our staff does not know and understand the road that we're traveling, it creates perhaps unnecessary anxiety and concern. And they deal with our students and if there is anxiety and concern

that concerns me as a board member. But I understand and I appreciate your authority and your task to bring recommendations to us. Some of the questions that I had made note of you have answered already about pricing, but we really don't know what the price will be in Louisville, Kentucky. You gave us an estimate price of what the cost was in the district that you came from. You talked about how to manage this and I've talked to—since receiving this information, I've tried to contact several attorneys to say what about. And one of the things that I'm looking for as the plan goes forward is how do we in fact manage this and who is the call person because if it's the CBO and the superintendent—most of the time you're busy—and it's important for me to know that if a school has an issue—and custody issues are custody issues and they're all different, and I would like to say that most parents are different. But when you have a parent before you that is irate and saying *according to the way I read this, this is what I understand*, and you have the other parent saying *according to what I read, this is what I understand*, we need that to be resolved. So, I'm interested to know what the process will be, what the procedure will be, and how we will in fact inform our staff that works every day with our students because I would like to know what their thoughts are [inaudible] the process as we're talking about how we can be more efficient and effective. One of the e-mails that I received—and I think I'm not the only one that received it—had a question. You've answered most of the question, but I want to read the question because I want the person to know that we all read the e-mail. The question says, *how does this decision improve efficiency, effectiveness, and student learning?* And if you would just respond to that, that's my last comment, Dr. Hargens."

Dr. Hargens: "Well, and actually, that's a great question because, again, what you want to do is when there is an issue at a school, you want to work to resolve it very quickly so that the focus can be on learning for the student and for the rest of the school and for the staff members at the school. So, the piece that you talked about is access through the area superintendent. The principal is working directly with the area superintendent. The area superintendent certainly has training and knows when it is appropriate to seek outside advice if they can't guide—and our area superintendents do a great job of guiding principals, and they call them all the time with questions—but they know that when there's time to access legal counsel. And like I said, getting the answer very quickly. So your point about communication is, once an RFP is issued—if this is approved—then what we would do is communicate very clearly and reassure schools and also monitor that the really—that the response time is better and that they're getting their issues. And we would have to keep our ear to the ground about any issues that we have. But, again, if it doesn't work, then we adjust very quickly. But again, when you're worried about something that's an issue at a school, you've got to get that off your plate really fast so that you can concentrate on the learning. It's the same for a principal as it is for anybody else. So you don't want to be uncertain about which way to go when the benefit of students is at stake."

Dr. Willner stated that Mrs. Horne's e-mail detailing her list of questions and Dr. Hargens' responses to those questions had been very helpful. She advised that she had contacted

several attorney acquaintances for their expertise regarding in-house versus external legal services. She noted that she was contacted by stakeholders who are concerned about the access issue and reiterated that Dr. Hargens stated that will not be an issue. She referred to Mr. McKim's statement that some teachers wait two years for a hearing and noted that access issue concerns her a great deal. She referred to U.S. Secretary Arne Duncan's recent visit and his comment that school districts must get past this labor-management false dichotomy. "That's the way corporations run. It's not the way school systems run. It's not the way education runs. And so when I hear labor and management coming together on this issue, I also find that to be very compelling that this is an opportunity for the sort of collaboration that the U.S. Secretary of Education was advocating for." She noted that many of her questions had been answered via e-mail; however, she would have preferred more time for discussion and to digest the information. She also asked Dr. Hargens to explain how this will benefit students in the schools.

Dr. Hargens: "Well, again, it takes legal issues and concerns and lack of what you do in a case so that you can immediately act for the benefit of the student. So that's what it does. So it is very—as a principal—timely response so I was able to take care of the issue and then also concentrate on other things. So, like I said, I've lived in this model as a principal and as an area superintendent and it worked from both ends. So, that's what it does. It lets us focus—it takes those issues and cleans up those issues and lets us focus on learning. And you cannot have worries and concerns that you're uncertain about. I can't do a good job when I don't know exactly how to proceed. I've got to—as a principal—know exactly how to proceed. And I always had that as a principal."

Mrs. Duncan asked Dr. Hargens if Wake County used the same law firm during her 20-year tenure or if they changed law firms. Hargens responded that she believed it was the same firm, but multiple attorneys within the firm. Duncan asked the superintendent if she had any idea how many firms in Louisville have that kind of education experience. Hargens: "I know that out of 174 districts in Kentucky, 171 outsource legal services. And I know, there's a lot—most districts outsource legal services so there's a lot of capacity within Kentucky and of course Indiana is right across the river. So I know there's capacity and I know that firms that respond to the proposal will make sure that they build capacity to serve their client. That's what they do."

Chair Jones: "A couple of people, including Mr. Brady, have voiced expectations that the contract would by definition be a pay-per-minute or pay-per-hour. My understanding is that is not your understanding of the range of contracts—that retainers and fixed buckets and other contemporary ways of buying legal services by large organizations would likely be part of the bids that we would get from potential law firms, right?" Hargens: "That is correct. It could be a combination of any of those things." Jones: "Right, and although we don't know the cost today, we expect that a competitive bid process will be—will yield something compelling..." Hargens: "Absolutely." Jones: "...and that the district is a very desirable client." Hargens: "Absolutely." Jones: "That is certainly my expectation. Second,

Mr. Brady voiced a legal opinion about his reading of the law and who has the authority over the counsel to a school district when they are an employee—when they are an employee of the district. My understanding is that you have received contrary legal advice to that. Can you explain that, please?”

Hargens: “That’s correct—is that when it’s an employee, the superintendent has—when it’s a JCPS employee—the superintendent has authority over employees. So that is my understanding.”

Jones: “So that the way the statute in Kentucky is generally read is that most districts retain an outside law firm to provide their legal services and, in that instance, the Board can change, can choose whoever they want, but when the counsel is an employee, then regular personnel rules keeping the Board out of that relationship apply.” Hargens: “That is correct.” Jones: “Alright, so part of the change is based on that reading of the law, which is from outside counsel, correct?” Hargens: “Correct.” Jones: “Okay. So I have also a couple of overall comments that lead to my rationale for supporting this recommendation. Dr. Hargens has given a lot of thought to making two important proposals for changing the organization of the district. The addition of a chief business officer and the change in where the Board gets its legal services. The backdrop for the latter is that our General Counsel is nearing the end of a distinguished career with the district and I think, as Mrs. Duncan said, it’s important that we not lose sight of that. In reviewing these proposals, I have considered the context in which they came up. Specifically, the job that the Board asked Dr. Hargens to do when they recruited her to Louisville and that the Board re-asked her to do when we extended her contract a few weeks ago. So let’s go back to the recruitment of Dr. Hargens and recall that the year before she arrived in 2010, this district was ranked in the sixth percentile of Kentucky districts according to outcomes measurements. The Board had recruited her predecessor as I understand it—and I wasn’t on the Board at that time—but in the belief that he was a distinguished thought leader in instructional practice, and my understanding as a member of the community was that that was found to be true and that a lot of good ideas were initiated under his watch. However, the Board made the decision not to continue with him and to recruit a new superintendent because of a lack of experience in managing big districts, and recall that we have \$1.4 billion revenue and 15–16,000 employees—sort of depending on who’s counting—and 101,000 students. So the Board went out and recruited someone who knew how to lead a big, complicated district. And Dr. Hargens signed up for that mandate. When we extended her contract, it included the clause which she has already cited that says that’s a big part of her job is figuring out this uncomfortable corporate reorganization stuff, which is very painful and I think especially hard to talk about in public like this. But, that’s what we signed up for. And now she comes to us and proposes to reorganize the business operations of the Board. I support her recommendation because this is exactly what we hired her to do. And I don’t know any other way for a board to work but to let the people do the jobs that you hire them to do and then hold them to account. Now, my own experience with hiring attorneys both inside and outside gives me confidence that this can

work. I've seen it work and I've seen it fail, and I've seen inside counsel work and I've seen inside counsel fail. It really depends on the execution, on the crafting of the request for proposals, and on the management of the contract. But my knowledge that a great deal of the district's legal work is already done by outside lawyers gives me confidence that the change may be less than it initially appears. So, I cite my own experience really to dismiss it. That's not why I support this. I'm not supporting it based on my experience. I'm supporting it based on Dr. Hargens' experience, and, you know, that's where I come down on this."

Mr. Brady: "Alright, just a point of clarification. That is not my interpretation or reading of KSBA—or of that particular legal [inaudible]. I also sought outside counsel and that is the opinion of legal counsel at the Kentucky School Boards Association, so that's not my interpretation of it. And a couple other points to be clear about is that if we're looking at a retainer of \$3,000 like the superintendent had suggested, and we have that attorney at our school board meetings between this meeting and our last meeting, we have exceeded our \$3,000 for that month. So that's something to consider. And if our job here is to not be critical or to have a critical reading or be critical of what we're looking at for proposals, why—and by far, the majority of the recommendations that the superintendent is proposing, I am behind—but, if our job is to simply take her word for it or not listen to our constituents, then everything's a rubber stamp, and that's not something I can get behind."

Chair Jones: "Okay. With respect to any legal counsel that you might have received, none of us gives legal counsel to the Board. Dr. Hargens is the voice of that. Ms. Miller, it would be awkward to ask her for her opinion here and I think we need to recognize that—unless you want to give it."

General Counsel Rosemary Miller: "I'm not aware of the fact situation that Dr. Hargens may have—who she connected to or what facts may have been given—but as you know, my job description reports to both the board and the superintendent. And I would have to agree with KSBA's opinion that the Board fully retains the authority to take personnel action with regard to me, the general counsel, given that that position reports to—has a dual reporting relationship—to both the Board and the superintendent. We've always operated under that belief system here in the district."

Hargens: "That is not my understanding and that is not—and this recommendation is based about having a model that I have experience with that is more effective or that is effective..." Jones: "But you also sought outside counsel..." Hargens: "I did." Jones: "...[inaudible] given the circumstances." Hargens: "I did."

Jones: "I'm not recommending that the Board be a rubber stamp. I'm recommending that the Board follow through on its good decision to hire Dr. Hargens."

Order #2015-063 - Motion Passed: Superintendent Donna Hargens recommends that, pursuant to Board Policy 1.7 and 3.233, the Board of Education exercise its discretion to discontinue the internal office of legal services and to abolish the four (4) positions within that department. The recommendation passed 4–2 with a motion by Ms. Diane Porter and a second by Dr. Lisa Willner.

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

VI.B. Approval to Submit Revised 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; provided an overview of three revised waiver requests to be submitted to the Kentucky Board of Education as part of our District of Innovation status. Each Board member had an opportunity to provide feedback and ask clarifying questions about the waiver requests and the students and schools involved.

Mrs. Horne expressed concern about the comparison of schools being fair or if there would be an asterisk by each of the 32 schools included in the original District of Innovation application to denote the difference. Dr. Rodosky stated that if the district can show that this approach works, then KDE may allow it to be expanded to the other schools. They both concurred that it is like a pilot.

Order #2015-064 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education approve three revised waiver requests to be submitted to the Kentucky Board of Education as part of our District of Innovation status: (1) accountability administrative procedures and guidelines for Limited English Proficiency students; (2) Maupin Elementary — grade-level timeline deviation for coverage of Kentucky Core Academic Standards; and (3) Maupin Elementary — activities of the student attendance day. The recommendation passed with a motion by Mr. Chris Brady and a second by Mrs. Linda Duncan.

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

VI.C. Approval of Format for Unaudited Monthly Financial Report

Chief Financial Officer Cordelia Hardin received Board members' feedback and answered questions regarding the proposed format for the unaudited monthly financial report.

Mrs. Horne requested that the current year's data appear in the first column. Mr. Brady noted that Excel formula errors show in some fields and requested they be removed. Chair Jones asked whether this report could be integrated with the citizen transparency website. CFO Hardin advised that the transparency website is updated every Monday evening; however, the data in the monthly financial report is pulled at the end of the month. "It's all the same data; it's just which point in time you're looking at."

Order #2015-065 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education approve the attached format for the Unaudited Monthly Financial Report. 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	Absent	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

VII. Information Items

VII.A. Update on Alternative Schools Redesign

Superintendent Donna Hargens and Chief Academic Officer Dr. Dewey Hensley presented a timeline of implementation for the redesign of alternative schools to create multiple success pathways for students. Each Board member had an opportunity to provide feedback and ask clarifying questions. Dr. Robert Rodosky and Dr. Ken Talley also participated in the discussion.

Mr. Brady referenced the timeline and noted that completion dates of August 11 seem late since school begins on August 12. Mr. Brady asked if the school's name would be on the graduates' diplomas and noted that he would prefer not to include *Alternative* in the school's name—this could stigmatize the student and create additional barriers. Dr. Rodosky advised that he hoped that a committee would submit a different name for the school. Chair Jones requested that a deadline be set for naming the school. Mrs. Duncan asked when students would be placed. Dr. Willner asked Dr. Hensley how he will use the expertise of the Success Pathways Community Members advisory group. Vice-Chair Porter noted that it is important that students have choices and asked what career technical education classes will be offered and if the school will receive Perkins funding. She requested that we reach out to the community members. We want to hear

more discussion about cameras in the school and asked that Stan Mullen be included in that conversation so the cameras are installed and operating by the first day of school. She advised that she continues to hear this question from constituents in her district: *Why is it that so many children that look like me are in the alternative schools* and asked how we are going to address that. She requested that the Board receive a monthly report showing the number of students that enter and exit along with demographics. Mrs. Horne noted that she feels that parents could be the key to success for this program and asked how parents and families will be engaged as partners. She stated that she would like to see data regarding follow-up with families. Chair Jones noted that the Board members are paying close attention to this “creation of one new school out of two” and requested periodic updates to provide a candid summary of whether we are on path for a successful opening.

Order #2015-066 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education receive an update on the Alternative Schools Redesign. The recommendation passed with a motion by Mr. Chris Brady and a second by Mrs. Linda Duncan.

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

VII.B. Report Regarding KentuckianaWorks

Mr. Michael Gritton, executive director of KentuckianaWorks, presented information regarding KentuckianaWorks’ improved labor market intelligence reporting and the partnership with JCPS to ensure that students, parents, school counselors, and others have access to information to guide career pathway selection through informed student advising and planning. Each Board member had an opportunity to comment and ask clarifying questions.

Order #2015-067 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education receive a report from Michael Gritton, executive director of KentuckianaWorks. The recommendation passed with a motion by Mr. Chris Brady and a second by Dr. Lisa Willner.

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

VII.C. Charter of the Technology & Performance Working Group

Order #2015-068 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education receive for information the attached Charter of the Technology & Performance Working Group. 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	Absent	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

VIII. Consent Calendar for April 27, 2015

- A. Report of Personnel Actions
- B. Certified Leaves of Absence
- C. Approval of Job Descriptions
- D. Approval of Organizational Charts
- E. Approval of Bid and Revised BG-1 Form for New Parking Lot at Portland Elementary School
- F. Approval of Revised BG-1 Form for Renovation Phase I (Bid Package 2) Roof Replacement at Eastern High School
- G. Approval of Contract Completions and BG-4 Forms
 - 1. Boiler Replacement at Brandeis Elementary School
 - 2. Partial Controls Replacement at Pleasure Ridge Park High School
 - 3. HVAC Renovation at C.B. Young Jr. Service Center
- H. Approval of Project Closeouts and BG-5 Forms
 - 1. Gym Ceiling Replacement at Atherton High School
 - 2. Roof Replacement at Greenwood Elementary School
 - 3. 2014 Paving Package I at Various Schools
- I. Approval of Construction Change Orders
- J. Approval of Bid Tabulations, Contract Renewals, and Amendments
- K. Acceptance of Purchase Order Report
- L. Acceptance of Voucher Report
- M. Approval of Professional Services Contract of \$5,000 or More
- N. Acceptance of Monthly Report of Professional Services Contracts of \$5,000 or More
- O. Acceptance of Unaudited Monthly Financial Report
- P. Acceptance of Quarterly Report of Investment Performance
- Q. Notification of Right-of-Way at Fairdale Elementary School
- R. Acceptance of Grants and Funding
 - 1. Acceptance of Funding from the Jefferson County Public Education Foundation

2. Acceptance of Donations and Small Grants
3. Acceptance of Funding from the Bright Horizons Foundation for Children
4. Acceptance of a Modification in Funding from KentuckianaWorks Foundation for Kentucky Youth Career Center Face Forward Program
5. Acceptance of Funding from Kentucky Cabinet for Health and Family Services Division of Family Resource and Youth Services Centers
- S. Approval of 2015–16 Carl D. Perkins Career and Technical Education Application
- T. Approval of Agreements
 1. Approval of Memorandum of Agreement with The Food Literacy Project
 2. Approval of Memorandum of Agreement with Gordon Dental Associates, Inc. for On-Site Dental Diagnostic and Preventive Services
 3. Approval of Letters of Agreement with Kentucky Science and Technology Corporation
 4. Approval of Memorandum of Agreement with Kids First Dental Care for On-Site Dental Diagnostic and Preventive Services
 5. Approval of Sponsorship for 2015 College and Career Expo
- U. Approval of Contracts for Nonresident Pupils for Fiscal Year 2015–16
- V. Approval of 2015–16 Head Start/Early Head Start Refunding Proposal
- W. Resolution Concerning Bond Financing of Elementary School at Norton Commons
- X. Clarification of Action Required for Alternative School Redesign

Board members pulled down the following consent calendar items for additional comment and discussion:

VIII.C. Approval of Job Descriptions

VIII.D. Approval of Organizational Charts: Chief Operations Officer Dr. Michael Raisor facilitated a review and discussion of the proposed changes for job descriptions and organizational charts submitted for approval. Dr. Willner requested additional information concerning the elimination of Exceptional Child Education and Early Childhood instructor positions and the rationale for Human Resources being assigned to the chief business officer while Labor Management is assigned to Operations. Mrs. Duncan noted that the district is in the middle of a compensation study and asked how these changes will impact that study. She asked which stakeholder groups had input on the changes and voiced her concern about the Chief Financial Officer's direct reports being moved from her organizational chart. Dr. Hargens: "Some of the positions that appear to have no one reporting to them—again, another review once other things are in place will adjust that. So, we will come back—if something appears like there should be a reporting structure underneath, that will be done at a later time—that's just moving positions." Mrs. Duncan reiterated her concern about moving the chief financial officer's direct reports to the chief business officer. Dr. Hargens: "And what I said was—and Ms. Hardin and I have talked about it—is once we have the CBO and the director of HR in place, they will work with the CFO to get all that right. I don't have the expertise to get all that right

and it wouldn't be stakeholder involvement to let a single person try to get that all right. The three of them will have to work together to bring a recommendation. So you will see that come in the future." Chair Jones: "So this is a placeholder recommendation..." Hargens: "Yes." Jones: "...and when would you anticipate that coming back?" Hargens: "I would say, hopefully within six weeks because remember the CBO job has to be posted and interviewed for. So I would say four to six weeks." Mrs. Duncan: "I'm just having trouble with that idea of the CFO training somebody to do her job and then she doesn't have her people under her to train to do her job and then after she trains and the guy—or girl or whoever it is—has that job with all those people under her, then what does Cordelia do? Are you saying that you're going to change this so that he's not—or he or she or whoever it is—is not going to have all of those people under?" Hargens: "That's what I'm saying."

Mr. Brady requested clarifying information on the deletion of internal auditor positions and asked if their independence could be maintained if the internal auditors report to the chief business officer and suggested the reporting structure to the external auditors be documented on the organizational chart.

Vice-Chair Porter asked for clarifying information concerning the deletion of four Early Childhood instructional positions in light of plans to open an Early Childhood facility at the Presbyterian Community Center and also questioned whether the Coordinator Aviation position is currently vacant. In reference to the proposal to move the magnet program under Academic Services, she asked who will monitor the placement of students into magnet programs and who will answer parent concerns and complaints under this new structure. Dr. Hargens: "It is my understanding—Dr. Rodosky—six positions are incorporated in that and then, actually, after Student Assignment has a discussion with Academic Services, then that's where you'll see the realignment of someone going back to do exactly what you're talking about. So, there will be a function in Student Assignment to do what you're talking about, but the moving of the director is to allow them to focus on the quality of the magnet programs—sort of what we saw with the—what I talked about our schools visiting other magnet schools—how do we make goals to be—to set goals for enhancing the quality of the programs while taking care of the other." Ms. Porter inquired about the rationale of changing the generic Specialist positions in Labor Management and Employee Relations to Manager Employee Development and asked how the deletion of word processor positions will impact Exceptional Child Education. "I would just like to make a comment that, because of the volume of students that we have in ECE Special Services, that we can get ourselves in a real bind if we are not—if that is a time-sensitive piece once they're tested, transcribed, and having to have that meeting. And Terry [Ray], if I'm misspeaking, please tell me I am misspeaking, but I do not want this district to get in a bind because we are not meeting the timelines that we must do after the initial testing. There is a timeframe that we must meet. Am I correct?" Ms. Ray affirmed and advised that ECE is monitoring timelines very closely. They have purchased technology and are currently maintaining the timelines. Vice-Chair Porter requested clarification of the

qualifications for the Recruiter job description and asked how the deletion of the Title I Component Coordinator will impact Title I. "I'm real uncomfortable doing this like this. Because typically, we need to sit down and have this conversation longer and in more detail, and so we're getting it all tonight—I appreciate that. But one of my questions is, is this time sensitive? Could this have waited until we had the CBO in place because part of what that person is going to do is Human Resources, or is there time constraints? Because what happens historically is things get pushed in here—job descriptions and things that we as a Board will not catch. But things happen because we don't have people in place necessarily looking at every detail. So, was all of this time sensitive for tonight that we had to have this as a Board?" Hargens: "The elimination of positions that would be time—some of them have been in the org charts, so and this is something that's been worked on for—the reorganization of HR for..." Raisor: "Yeah, it's an evolving process. It's been being worked on for two years now." Hargens: "Right. So it's just a continuation of that." Raisor: "And many of the org charts—reporting dates for job descriptions—July 1 is a typical report date for them, even jobs that aren't being eliminated. So, if you're changing a reporting structure, you're changing payroll structures, who works for you, who you work for—July 1 is a logical date to start those from." Hargens: "So this allows there to be a transition period from now through July 1 to move into the new organizational structure. So, this is about the timeline that we've done each year. But there seems to be a lot, and some of it is cleanup of vacant positions that were never eliminated." Vice-Chair Porter: "This one Board member would like to have had this in a work session prior to so that we could have looked at it and had a better opportunity to look at it because we're being asked to approve stuff—and, yes, we've had it and, yes, I've looked at it. As you can tell, I've made three pages of notes. Because I just do not think that we are being transparent and clear to what we have to do for the district—for kids. So, that's all my questions for the moment, but I am really not comfortable with how we have made this work tonight."

Mrs. Horne voiced her agreement with Vice-Chair Porter's comments. "I have said that I really prefer to try to do informational on something so important, and I hope that this isn't how it always is. Since I've joined the Board, it seems like we're constantly running up against some timelines. I'm concerned, you know, I'd like to have informational—have a little bit more time to look at things and then be voting on it instead of putting it on the consent agenda—to have it as a discussion item." She asked for clarifying information regarding the performance management and early childhood positions.

Mrs. Duncan also voiced her agreement with Vice-Chair Porter. "When you send this information out the way it is, it's pretty overwhelming for us to go through like it is. She stated that she has concerns with a reduction from 260 to 220 days for an ECE Placement Specialist. "The work's not going to be cut and I know the responsibilities of those positions. I guess we just expect them to work for free because they have to get this stuff done." She asked for clarifying information regarding the deletion of Internal Audit

positions and the use of external auditors. “I’m telling you, this is not the best way for us to get this information. I’m very uncomfortable with this.”

Chair Jones: “In the earlier discussion of the General Counsel’s office, there were a number of questions raised about costs—because I think the answer was the RFP had not yet been issued, it’s hard to predict. What we’ve heard here is a \$2.2 million savings net of adding a chief business officer from all—a \$2.2 million savings from adding all of—from all of these changes collectively. I’m mindful of my colleagues’ comments, but I have a very different understanding of the Board’s role in discussions of operational reorganization. Mine is not necessarily right, but I’m gonna state it. One thing that is crystal clear from everything we ever hear as board members is that the board is not meant to be in operations—in personnel management. And in a district with 15–16,000 employees, the technical requirement under Kentucky law that we approve every change in the org chart brings us into some level of tension with that. To me, the big questions that this Board is asked that are questions only a board can answer are, first and foremost, do we approve the superintendent’s decision—do we buy into the decision that in the beginning of the fifth year of her time with us she will shift her time to focus much more on the academic side of the house after a great deal of time in the first four years on reorganization. That’s the core issue here. The CBO idea is a corollary of that recommendation, and I think the other thing that strikes me—we’ve already talked about the legal services—the other thing that seems important here because it’s a big part of what the Board is working on is the alignment of the magnet school program with the academic side of the house. Otherwise, I agree that this is a bewildering stack of information, but I don’t agree that I will ever add any value about changing the title of specialist to something and, therefore, I am content to go forward, you know, as long as we’re happy with the big themes that are introduced here. You know, adding one senior position, taking out a net of \$2.2 million from the budget—that’s sort of what I hear.”

VIII.V. Approval of 2015–16 Head Start/Early Head Start Refunding Proposal:

Mrs. Duncan noted that three-fourths of what is taught is non-academic and asked whether the BRIGANCE® measures all the objectives or only the academic objectives. She also asked for clarification regarding adding bus monitor duties to instructional assistants.

VIII.W. Resolution Concerning Bond Financing of Elementary School at Norton

Commons: Mrs. Duncan asked how much acreage the school will have.

VIII.X. Clarification of Action Required for Alternative School Redesign: Mr. Brady made a recommendation to strike *Alternative* from the proposed name of the school in the event Administration does not come back to the Board with an alternative name.

Order #2015-069 - Motion Passed: A motion to strike *Alternative* from recommendation (3) on Agenda Item VIII.X. Clarification of Action Required for Alternative School Redesign and revise it to say (3) *renaming the Buechel facility the Jefferson County Metropolitan School* passed with a motion by Mr. Chris Brady and a second by Dr. Lisa Willner.

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

Mrs. Duncan requested that the Board vote on Agenda Items VIII.C. Approval of Job Descriptions and VIII.D. Approval of Organizational Charts separately.

Order #2015-070 - Motion Passed: A motion that the Board of Education approve the consent calendar for April 27, 2015, minus agenda items VIII.C. Approval of Job Descriptions and VIII.D. Approval of Organizational Charts passed with a motion by Mr. Chris Brady and a second by Mrs. Linda Duncan.

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

Order #2015-071 - Motion Passed: A motion that the Board of Education approve agenda item VIII.C. Approval of Job Descriptions passed 5–1 with a motion by Mr. David A. Jones, Jr. and a second by Mrs. Stephanie Horne.

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

Order #2015-072 - Motion Passed: A motion that the Board of Education approve agenda item VIII.D. Approval of Organizational Charts passed 5–1 with a motion by Mr. Chris Brady and a second by Mr. David A. Jones, Jr.

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

IX. Board Reports, Requests, and Planning Calendar

Board members shared comments related to a variety of activities they participated in during the past two weeks including school visits and community conversations; the U.S. Secretary of Education's recent visits to Fern Creek and duPont Manual high schools; the Board's recent tour of central office facilities; the Jefferson County Retired Teachers Association's donation of school supplies and food to McFerran Preparatory Academy; a UofL event entitled "Reflections on History – Busing, 40 Years Later;" the NCFL family night at McFerran Preparatory Academy; literacy and chess activities and Kindergarten readiness event at the California Community Center; and the Males of Color celebration.

Board members gave shout-outs to Mrs. Duncan for her appointment to the Local School Board Member Advisory Council; to Superintendent Hargens on the recent marriage of her daughter; to Dr. Hensley for his leadership during Secretary Duncan's visit; and to an off-duty Jeffersontown Police Officer, Ramsey Middle School Principal Jennifer Colley, and Director of Transportation Rick Caple for their assistance with a situation involving a student walking along a busy stretch of Billtown Road during rush hour.

Vice-Chair shared a personal experience that occurred early in her teaching career and made the following comment: "As we, as a Board, vote to move forward with recommendations from the superintendent, I would ask that we make a concerted effort to reach out and communicate to our staff and let them know that they truly are important, that they receive the information in a timely manner because every person matters and every person counts...Everyone deserves to be part of the success for our students."

Board Member Requests:

- Dr. Willner requested information about the LGBTQ committee to include its primary purpose, membership, and process for recommendations for policy changes.
- Mrs. Duncan requested the recommendation to rename the new alternative school be added to the planning calendar as well as a report from local university partners regarding their role in supporting the goal of the 55,000 Degrees initiative to increase education attainment by 55,000 postsecondary degrees by 2020.
- Mrs. Horne requested the recommendation to name the new elementary school at Norton Commons be added to the planning calendar and also requested real estate data showing the growth in Districts 3 and 7, the projections for the next 5–10 years, and how the district is responding to it.
- Vice-Chair Porter requested data that defines the classification of a Title I student and what schools Title I students attend, a report of Perkins funding and how it is spent in the high school programs, as well as a timeline for the opening of the Presbyterian Community Center facility. She requested information regarding the

procedures for cutting grass at the schools on behalf of Mr. Haddaway, who was absent.

- Mr. Brady requested that the supply list be reviewed and updated yearly to reflect teachers' actual needs.
- Chair Jones asked the leadership team to think about how they will report K-PREP scores this year and noted that historically it has been one magic number for the district and then overall numbers for the schools. "Mrs. Duncan made the point earlier about the importance of looking at growth and performance of each of the different demographic groups within our schools, and I wonder if there might not be a way to emphasize the progress that our schools are making with the kids that they have rather than just a sort of a one-magic-number approach...I think that maybe taking the state data and seeing what other information we can highlight coming out of it might be worth looking at."

Order #2015-073 - 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 Ms. Diane Porter and a second by Mrs. Linda Duncan.

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

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

There were no speakers on non-agenda items this evening.

XI. Executive Session (If Needed)

XII. Adjournment

Chair Jones apologized for the length of the meeting and thanked Board members and the leadership team for their diligence. "This was a tough meeting. We've covered an awful lot of ground, but I do think we all need to recognize we come at this from different perspectives, but everybody has done their homework and everybody dug in. So, I want to thank all of you."

Order #2015-074 - Motion Passed: A recommendation to adjourn the April 27, 2015, regular meeting of the Jefferson County Board of Education at 10:55 p.m. passed with a motion by Mr. Chris Brady and a second by Mr. David A. Jones, Jr.

Mr. Chris Brady	Yes	Mrs. Linda Duncan	Yes
Mr. Chuck Haddaway	Absent	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**