



JEFFERSON COUNTY BOARD OF EDUCATION

Minutes of Regular Meeting of May 10, 2016

Regular Meeting of the Jefferson County Board of Education held at VanHoose Education Center, Louisville, Kentucky, on Tuesday, May 10, 2016, 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

OTHERS MEMBERS PRESENT

Superintendent Donna M. Hargens, Ed.D.
Francis J. Mellen, Jr., Wyatt Tarrant & Combs LLP
Angie Gilpin, Assistant Secretary to the Board

WORK SESSIONS

4 p.m. Work Session: Tentative Budget for Fiscal Year 2016–17
5 p.m. Work Session: Safe Crisis Management Progress Report
6 p.m. Dinner with Superintendent's Student Advisory Council

REGULAR MEETING

Chair Jones called the May 10, 2016, Regular Meeting of the Board of Education to order at 7:04 p.m. He commented on recent concerns within the JCPS community regarding possible changes affecting the Code of Conduct and employee salaries. This was followed with a traditional moment of silence, the Pledge of Allegiance, and the Vision Statement.

III. Recognitions and Resolutions

A. Recognition of and Student Demonstration of Learning From Superintendent's Student Advisory Council

Order #2016-072 - Motion Passed: Superintendent Donna Hargens recommends the Board of Education receive the recognitions and resolutions for May 10, 2016. 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	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

IV. Approval of Meeting Agenda

Order #2016-073 - Motion Passed: Superintendent Donna Hargens recommends the Board of Education approve the agenda for May 10, 2016. The recommendation passed with a motion by Mr. Chuck Haddaway 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		

V. Approval of Minutes of Previous Meeting

Order #2016-074 - Motion Passed: Superintendent Donna Hargens recommends the Board of Education approve the minutes of the April 26, 2016, regular meeting. The recommendation passed with a motion by Mrs. Linda Duncan 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		

VI. Superintendent's Report

Dr. Hargens expressed her appreciation for each stakeholder who provided feedback during the last two weeks. She also thanked the teachers, administrators, and parents. She began by talking about eight problems that she is grateful not to have to solve. She stated that there are three other issues that the district continues to face: moving to a collaborative culture of embracing other ideas and feedback and all voices, moving to a culture of transparency, and connecting central services to schools to create coherence. She discussed two short-term challenges/problems/opportunities that must be ready for next year, and two more that are both short-term and long-term. She concluded by giving her recommendation for the consent agenda.

VII. Action Items

VII.A. Approval of Transformation Model for Byck Elementary and Moore Middle Schools and Approval of Turnaround Model for Roosevelt-Perry Elementary School

Director of Priority Schools Dr. Marco Munoz; and Assistant Superintendents Dr. Paige Hartstern, Amy Dennes and Joe Leffert came forward to present the models. Each Board member had an opportunity to comment and ask clarifying questions.

Marco explained why he feels like these models will be successful in turning these schools around. He stated that there will have to be dramatic improvements and they have to make sure to execute.

Ms. Dennes explained that they are still in the planning process.

Several Board members agreed that they need systems in place to do a better job of monitoring.

Mrs. Horne moved to amend the main recommended motion to include oversight with the use of the models. Chair Jones asked, "Is there a motion to approve the use of these models? Ok, Diane moves it. Ok, Steph seconds it. Now, Steph requests to amend it, right? Is there a second on Steph's request? Ok, Lisa seconds it."

Mr. Brady asked, "I would like to know what that language is going to look like, and I don't mean to be such a stickler and I know we are putting you on the spot, but if Frank has any input on this of how to word this, so we are clear on this?"

Mr. Mellon stated, "Board member Horne has already expressed it, if she would like to repeat it, which might satisfy the other members."

Mrs. Horne stated, "Lisa, I think you expressed it better. You asked for the oversight to be..."

Dr. Willner continued Mrs. Horne's statement, "A plan for monitoring progress; for the Board to monitor the progress"

Mrs. Horne stated, "So, make a motion to amend this to add, reporting back to the Board to provide an implementation and oversight update."

Chair Jones suggested, "Add to the end of the language with instruction to report within six months on the progress of implementation. Would that be satisfactory?"

Ms. Dennes explained that between now and August there will be lots of planning but not implementing, so that might be a little early. November would be a good time to report back to the Board.

Ms. Porter explained, "I appreciate the language, but I always assume that when we approve, looking at the work and monitoring is what we will do. If we are going to start this with these three schools then I would suggest that we be consistent as we go forward."

Chair Jones stated that it would be ideal to have this report include an update on all of the priority schools. Mrs. Horne withdrew her motion to amend. The Board decided to add the report to the planning calendar for November.

All Board members voted in favor of the original recommended motion.

Order #2016-075 - Motion Passed: Superintendent Donna Hargens recommends that the Board of Education approve the use of the Transformation Model, as described in 703 KAR 5:260, at Byck Elementary School and Moore Middle School and the Turnaround Model at Roosevelt-Perry Elementary School. The recommendation 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	Yes	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Yes	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

VII.B. Approval of School Fees

Philip Setters and Jennifer Bentley came forward to speak about this item.

Assistant Superintendents Amy Dennes, Joe Leffert, and Michelle Dillard; Director of Accounting Eddie Muns; and Principals Chris Burba, Nathan Meyer, and Ken Stites came forward to present the rationale for school fees. Each Board member had an opportunity to comment, ask questions, and voice concern.

Mr. Muns informed the Board that there had been one change to the standards in the rationale. The middle school non-core subject/elective course fee standard will be the same as the high school standard.

Ms. Dennes explained the different categories on the fee schedule. She stated, “The core classes tend to be English, math, science, and social studies. The elective courses are the ones that students opt into taking. The extracurricular are after school and those are listed under sports activities and other extracurricular, so those are after school things.”

Several Board members expressed concern with the standards and inconsistency with fee assessments.

Ms. Dennes explained, “This year we tackled three different types of fees. We tackled core-content class fees, elective fees, and operational fees. What we didn’t come up with limits for were extracurricular activities; we left that for next year and here’s why. We respect schools and their differences and there’s a lot of differences in extracurricular opportunities at schools, based on cultures of schools, climates of schools, and the context of schools. So, we didn’t hit those yet. So you’ll see a greater range when you’re looking at the extracurricular activities then you will with these, where we all agreed to what these limits will be.” She explained that some programs cost more by virtue of the activities that they are participating in.

Dr. Willner asked, “What’s driving the recommendation to have a more standardized approach to school fees?”

Mr. Muns said, “What’s driving the recommendation is what’s in *Vision 2020*, to provide equitable access. We have done some research to view how the fees stack up compared to free and reduced participation and they’re kind of all over the board, so there doesn’t seem to be a strong correlation one direction or the other.”

Dr. Willner asked, "For years we've not had a school fee that was set at the district level, so what's driving the decision to set the limit at the district level?"

Mr. Muns said, "That's largely individual school level decision, where each school is trying make itself in its own image."

Ms. Dillard said, "I just want to reiterate and I think Amy said earlier, last year during the Board work session we were asked to look at the fees so that there would be some consistency. So that was asked for schools to do by the Board through a Board work session."

Mrs. Horne said, "I don't know if I need to ask our attorney this question but, the Board acts through its regular meetings. It's my understanding that at work sessions we are not supposed to be making any decisions because we don't vote in a work session."

Mr. Mellen said, "A work session is a special called meeting of the Board and action can be taken at a work session that is consistent within the notice of that special meeting."

Mrs. Horne asked, "Was there a vote?"

Mr. Mellen said, "I don't think I was there."

Mrs. Horne said, "I'm confused because having a consensus of the Board doesn't mean we voted. I don't remember any motion, I don't remember any vote. I have been told and I understand that you believe that there was a direction to review the fees. I know that the principals were told, and I know you believe, so I'm not saying that isn't what you believed, that wasn't your intent; you believe you were given direction from the Board to review fees. I didn't vote on any, I didn't give you any direction; this board member didn't. So, I'm concerned that you feel that either one Board member or a few can direct your behavior when that's not how a school board, we vote. So, this is happening a lot and I'm getting concerned that we're not following good order."

Chair Jones asked Ms. Porter if she wanted to comment.

Ms. Porter said, "The fee issue has come up before last year, and it came up because Board members were receiving calls from parents about the inequity of the fees, and although we say that we make special provisions for our at-risk students there were still concerns that there was no consistency. As the school supply lists and those things were going out, we were getting a lot of push-back about bringing 27 rolls of toilet paper, 50 things of hand cleaner, it was just bazaar. So, we asked at that time that someone take a look at that because we felt that as a board we did not want inconsistent messages going out to the community. The history is longer than last year that the conversation occurred because there was inconsistency with what was happening with what students were asked to provide. My knowledge is that the conversation did not start last year, there was additional conversation before that."

Chair Jones said, "Let me just say a word about this question about work sessions. Work sessions are scheduled through the Board's agenda setting process, which we have talked about quite a lot. Topics of interest are submitted by Board members. If they're of sufficient general interest or importance we have a work session. Our practice is to take no action at them but as our general council has told us, should we want to, we could. That, however, is not the way it works. If it is a

topic of importance and if the superintendent gleans a sense that it is important to deal with, she is managing this district and she asked for work to be done according to the operations not the board meetings of the district. If it is important enough to be scheduled back on our agenda as it is tonight, then it comes for action which is the way that this has come to us. The action that was taken at the work session was to listen and talk and ask questions and that's the input for what comes next."

Mrs. Horne said to the superintendent, "That's where it gets to the point when – superintendent, why aren't you taking ownership that this was your decision to bring it? Why are you telling our principals and school-based leaders that it is the Board's decision to direct this? They just said that it was at our direction."

Dr. Hargens said, "This was actually brought during a regular Board meeting for approval, the fees were brought for approval and what I recall is as Mr. Muns said, was at the time that we are bringing you the fees as they are with a promise that we are going to make it better. We are going to bring to you the next year some consistency. It was because of that, that the area superintendents convened with principals to be able to continue to deliver what was spoken at that meeting. So, yes absolutely I'm taking ownership for this. This is an equity issue. This is so that a student isn't the victim of the school they go to, that there's consistency. So what Mr. Muns said is, we asked them to do the research because it's really a great question. Do any of the fees prohibited kids from participating? We could not glean that, could we Mr. Muns? There's a mixture of low socioeconomic students. I want to commend the schools for providing for the student's that can't provide for themselves. We didn't see a pattern of kids being excluded, which I think is what the main driver is here, is that kids have access to these opportunities. But, absolutely it was approved at a Board meeting and we promised to bring it back at a Board meeting."

Mr. Horne said, "I am confused."

Chair Jones said, "It is required under state law that the Board approve these fees and the discussion for several years has been, what in the world is this enormous list with no consistency in it. That's where the question happened."

Mrs. Horne said, "I have to make sure that I'm understanding our procedure here. We voted on 7/27/15, I have it pulled up. Our vote was to approve a list of school fees. When there is a rationale given, is the rationale included in the motion? Is the motion, what are we – we've got a recommended motion which is, Donna Hargens recommends the Board of Education approve the attached list of fees. That was the motion, there's a rationale. Am I approving the rationale along with the motion or am I approving the motion?"

Mr. Mellen said, "In that case the Board approved the fees as I understand it. As Chair Jones said the superintendent heard a consensus of the Board that this should be looked at again and they are back again to propose another set of fees that they believe is responsive to the concerns that were expressed last year, and even as Vice-Chair Porter has said, in previous years."

Chair Jones asked if there was a motion to approve the recommended list of school fees. Ms. Porter motioned and there was a second from Mrs. Duncan. The vote was interrupted with a request for clarification from Dr. Willner. The main recommended motion failed with no further consideration or vote taken on the motion.

Chair Jones moved to amend the main motion. Chair Jones stated, "I would like to propose an amendment to the resolution, I would like to divide the spreadsheet into two pieces, one of which reflects the language that is in the memorandum with the standardization and the other of which is everything that has not yet been looked at. So, is there a second to that motion? Chris seconds."

Mr. Haddaway requested clarity on the amendment.

Chair Jones stated, "In plain English what I am trying to say is, let's vote on the work that has been done to standardize around for the reasons that this group has been given and then vote separately on the items that are still – that we will bundle together, at least in my motion and say have yet to be put through the lens of standardization and cross-district equity, that's what I am trying to say. So, there is the amended motion."

Order #2016-076 - Motion to Amend Passed: To amend the motion from: "Superintendent Donna Hargens recommends the Board of Education approve the attached list of school fees." to: "A motion for the Board of Education to approve the standards for fee assessment presented to the Board but not including the extracurricular activities fees in the attached list of school fees " passed with a motion by Mr. David A. Jones Jr. and a second by Mr. Chris Brady.

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

Chair Jones stated, "That means we need a second motion, which is on I guess the rest of the spreadsheet, basically the extracurricular activities are what we are talking about now. Is there a motion to approve the fees for extracurricular activities?"

Order #2016-077 - Motion Passed: A motion for the Board of Education to approve the extracurricular activities fees in the attached list of school fees passed with a motion by Mrs. Linda Duncan and a second by Ms. Diane Porter.

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

III. Information Items

VIII.A. Review of Proposed 2017–18 School Calendar

Chief Operations Officer Dr. Michael Raisor presented the rationale for the proposed 2017–18 school calendar. Board members had the opportunity to comment and ask questions.

Order #2016-078 - Motion Passed: Superintendent Donna Hargens recommends the Board of Education receive information concerning the proposed 2017–18 school calendar. 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		

IX. Consent Calendar

- A.** Certified Leaves of Absence
- B.** Report of Personnel Actions
- C.** Approval of Job Descriptions
- D.** Approval of Organizational Charts
- E.** Approval of Field Trip Requests
- F.** Approval of Project, BG-1 Form, and Assignment of Architects/Engineers for the Boiler Replacement at Fairdale High School Technical Building Renovation Phase I
- G.** Approval of Revised BG-1 Forms
 - 1.** Chiller and Boiler Replacement at Atkinson Academy
 - 2.** Phase I HVAC Renovation at Butler Traditional High School
 - 3.** Partial Roof Replacement at Central High School MCA
 - 4.** Chiller and Boiler Replacement at Cochran Elementary School
 - 5.** Partial Roof Replacement at Conway Middle School
 - 6.** Phase I HVAC Renovation and Media Center at Greenwood Elementary School
 - 7.** Partial Roof Replacement at Laukhuf Elementary School
 - 8.** Partial Roof Replacement at Watson Lane Elementary School
 - 9.** Partial Roof Replacement at Western Middle School
 - 10.** Partial Roof Replacement at Westport TAPP
 - 11.** Partial Roof Replacement at Wheeler Elementary School
 - 12.** Phase I HVAC Renovation and Elevator Addition at the Youth Performing Arts School
 - 13.** Boiler Replacement at Youth Performing Arts School/Sam Meyers Hall
 - 14.** Roof Replacement at Zachary Taylor Elementary School
- H.** Approval of Contract Completion and BG-4 Form for Boiler Replacement at Louisville Male High School
- I.** Approval of Project Closeout and BG-5 Form for Boiler Replacement at Sanders Elementary School
- J.** Approval of Construction Change Orders
- K.** Approval of Bid Tabulations, and Contract Renewals
- L.** Acceptance of Purchase Order Report
- M.** Acceptance of Voucher Report
- N.** Acceptance of Donations, Grants, and Funding
 - 1.** Acceptance of Donations and Small Grants
 - 2.** Acceptance of Funding from the Jefferson County Public Education Foundation
- O.** Approval of Agreements

1. Approval of Agreement with College Board
 2. Approval of Agreement with The Rector and Visitors of the University of Virginia
 3. Approval of Lease Agreement with Kentucky Exposition Center for 2016–17 JCPS Showcase of Schools
 4. Approval of Lease Agreement with the Kentucky State Fair Board
 5. Approval of Services Contract with Byerly Ford-Nissan, Inc.
- P. Approval of 2016–17 School Meal Prices and Charge Policy

Order #2016-079 - Motion Passed: Superintendent Donna Hargens recommends the Board of Education approve the consent calendar for May 10, 2016, passed with a motion by Mrs. Stephanie Horne and a second by Dr. Lisa Willner.

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		

X. Board Planning Calendar

- Mrs. Horne requested to add the priority school review to November. She then requested clarification regarding a report back on the compensation study. She also requested an agenda item to take action on changing board governance policies that were discussed with Dr. Alsbury.
- Ms. Duncan and Mr. Haddaway requested a follow up on steps taken, and a structure in place for monitoring with the auditor regarding the restraint and seclusion report.
- Mr. Brady requested a report from the auditor that would identify areas with increased risk of problems with data integrity. He also requested a time be scheduled for a discussion regarding getting agenda items and attachments the Wednesday preceding the scheduled meeting, as the policy states. He also requested to add to that same discussion the timing of items available to the public.
- Dr. Willner requested an inventory of similar kinds of issues, along with restraint and seclusion, that the Board may be overdue to get a report on. Examples of reports could be bullying and student/staff injuries. Chair Jones suggested that the auditor could provide a report on data integrity issues.
- Ms. Porter requested to see more summer extended learning opportunities. The book that was given out mainly included activities that have to be paid for and not all students have the ability to pay for extended services. She wants to know if JCPS is funding any summer programs. She also requested a report on staffing in schools pertaining to the number of new and non-tenured teachers for the 2016–17 school year. She would like to review the diversity index numbers in schools for the start of the next school year, and discuss efforts to adhere to diversity guidelines.

Order #2016-080 - Motion Passed: Superintendent Donna Hargens recommends the Board of Education receive for information a planning calendar outlining discussion agenda items 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		

XI. Board Reports

- Mr. Haddaway thanked the groups that had reached out to him over the past two weeks. He expressed appreciation to many JCPS employees. He then acknowledged the successes happening with Southern High School's Automotive Technology Program. He also discussed the Mayor's Derby Brunch.
- Dr. Willner submitted her report prior to the meeting and it is available on eMeeting.
[View Board Report Here](#)
- Chair Jones made a general report on behalf of the Board. He stated that all Board members were very busy over the past two weeks and had visited approximately 25 schools and met with many teachers, staff, parents, and students.
- Mrs. Horne expressed concern with the direction of the district and stated that they need to support and not disrespect those that are closest to the children. She apologized for the treatment that was given to the staff. She wants to make sure the employees are taken care of and she requested that the superintendent improve the culture. She does not want to have a culture where there is a lack of oversight and transparency or where there is a code of silence. She stated that she questions the superintendent's leadership.

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

The following speakers addressed the Board: Brent McKim, John Stovall, Sylvia Lister, Jennifer Wibble, and Glenn Rueger regarding the code of conduct and salary freeze; Jillian Nethery, Lydia Mason and Tasha King regarding sex education; Buffy Sexton regarding the code of conduct; Rob Mattheu regarding *Vision 2020* and community engagement; Tim Druck regarding the performance of the Board and superintendent; Scott Baker with a student perspective on discipline; Gay Adelman regarding frustration with the district; Daphne Matthews- Johnson regarding bullying against her child and the code of conduct; and Stephen Johnson regarding communication issues within the district.

XIII. Executive Session

Order #2016-081 - Motion Passed: A motion that the Board of Education enter into Executive session to discuss the formative evaluation of the superintendent pursuant to KRS 61.810(1)(k) of the Open Meetings Act and KRS 156.557 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		

This executive session was adjourned by consensus and returned to open session at approximately 12:17 a.m. Chair Jones announced that no action was taken.

XIV. Adjournment

Order #2016-082 - Motion Passed: A recommendation to adjourn the May 10, 2016, meeting of the Jefferson County Board of Education at 12:19 a.m. 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		

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**