



## **JEFFERSON COUNTY BOARD OF EDUCATION**

### **Minutes of Regular Meeting of November 29, 2016**

**Regular Meeting** of the Jefferson County Board of Education held at VanHoose Education Center, Louisville, Kentucky, on Tuesday, November 29, 2016, at 7 p.m.

#### **BOARD MEMBERS PRESENT:**

Vice-Chair Diane Porter  
Mr. Chris Brady  
Mrs. Linda Duncan  
Mrs. Stephanie Horne  
Dr. Lisa Willner

#### **BOARD MEMBERS ABSENT:**

Chair David A. Jones, Jr.  
Mr. Chuck Haddaway

#### **STAFF 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**

4:00 p.m. Work Session: Report on Schools of Innovation  
4:30 p.m. Work Session: Equity Scorecard  
5:00 p.m. Work Session: 2017 Legislative Agenda

#### **REGULAR MEETING**

Vice-Chair Porter called the November 29, 2016, Regular Meeting of the Board of Education to order at 7:06 p.m. She stated that Chair Jones is absent but will be attending the December meeting. Board Member Haddaway was attempting to attend tonight's meeting but has not made it.

In order to clarify any confusion, she announced that the topic of Sex Education is not on tonight's agenda. She also stated that a group of people had the wrong impression of thinking that an agreement/resolution would be on the agenda under recognitions. She apologized for the misunderstanding and informed them that Dr. Hargens would address the issue further in her report.

She delivered remarks regarding her role as Vice-Chair and her job of going forward with the business of the Board in a professional manner during Chair Jones' absence. She then recognized newly elected Board Member Benjamin Geis.

The meeting continued with a traditional moment of silence, the Pledge of Allegiance, and the Vision Statement.

### III. Recognitions and Resolutions

- A. Recognition of Eastern High School Students for Earning Top Scores on the High School of Business Exam
- B. Recognition of Jefferson County Public School District Students Named to the Kentucky Commissioner of Education's Student Advisory Council
- C. Recognition of Angela Harris, 2016 Ann S. Booth Mathematics Education Service and Achievement Award
- D. Recognition of Autumn Geraghty, 2016 Kentucky Finalist for Special Education Teacher of the Year Award
- E. Recognition of Dr. John Marshall, Louisville Defender Newspaper Outstanding Professional Achievement Recognition Award

**Order #2016-196 - Motion Passed:** Superintendent Donna Hargens recommends the Board of Education receive the recognitions and resolutions for November 29, 2016, 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.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

### IV. Approval of Meeting Agenda

**Order #2016-197 - Motion Passed:** Superintendent Donna Hargens recommends the Board of Education approve the agenda for November 29, 2016, 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.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

### V. Approval of Minutes of Previous Meeting

**Order #2016-198 - Motion Passed:** Superintendent Donna Hargens recommends the Board of Education approve the minutes of the November 15, 2016, special meeting, 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.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

## **VI. Superintendent's Report**

Superintendent Dr. Hargens addressed and apologized for a miscommunication regarding a recognition of Nutrition Service Employees within the AFSCME Union. She stated that she would contact the union representatives to discuss and make sure that they proceed appropriately.

Dr. Hargens began her report by thanking Ken Moeller and the Phoenix School of Discovery faculty and then delivered remarks regarding the following: a dialogue with members of our international community with Mayor Greg Fischer; the 20<sup>th</sup> Annual Quest Conference in Canada; bus drivers and special needs transportation assistants; attendance, staffing, and discipline. She concluded by recommending the consent agenda for approval.

Vice-Chair Porter discussed a statement from the National School Board Association regarding a national call to action: Make our Schools' Values Known. She stated that the information will be used to prepare a resolution which will be presented at the December 13 meeting.

**Order #2016-199 - Motion Passed:** A motion pursuant to KRS 160.270(1) that the Board of Education excuse the failure of Board Chairman David A. Jones Jr. to attend this meeting, 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.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

## **VII. Action Items**

### **VII.A. Approval to Add New Optional/Magnet Programs for the 2017–18 School Year**

Chief Academic Officer Dr. Lisa Herring and Assistant Superintendent for Curriculum and Instruction Karen Branham presented this item and discussed the recommendation and the newly developed magnet application process. Each Board member had an opportunity to comment and ask questions.

Vice-Chair Porter stated that there will be a future work session to discuss further details regarding these programs.

Mr. Brady expressed appreciation for the themes and programs but stated that he is concerned since he has not seen the magnet applications. He cannot do his due diligence and make an informed vote without all the information.

**Order #2016-200 - Motion Passed:** Superintendent Donna Hargens recommends the Board of Education approve the addition of optional/magnet program status for the following schools for the 2017-18 school year: Brandeis Elementary- S.T.E.A.M.; Olmsted North Middle School- S.T.E.A.M.; Central High School- Montessori; and duPont Manual High School (YPAS) - Guitar. The recommendation passed with a motion by Mr. Chris Brady and a second by Mrs. Linda Duncan.

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

#### **VII.B. Approval to Remove Magnet Status from Cane Run Elementary School's Environmental Magnet Program**

Chief Academic Officer Dr. Lisa Herring and Assistant Superintendent for Curriculum and Instruction Karen Branham presented the rationale for this item. Each Board member had an opportunity to comment and ask questions.

**Order #2016-201 - Motion Passed:** Superintendent Donna Hargens recommends the Board of Education approve the removal of magnet status from Cane Run Elementary School's Environmental Magnet Program for the 2017–18 school year, passed with a motion by Mrs. Stephanie Horne 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.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

#### **VIII. Information Items**

There were no information items.

The following speakers came forward to address the Board and speak in favor of approval for consulting services for the School for Males of Color which was included in Item IX.M. Approval of Bid Tabulations, and Contract Renewals: Audwin Helton, Raymond Burse, and Brunhilda Williams-Curington.

#### **IX. Consent Calendar**

- A.** Report of Personnel Actions
- B.** Certified Leaves of Absence
- C.** Approval of Job Descriptions
- D.** Approval of Field Trip Requests
- E.** Approval of Project, BG-1 Form, and Assignment of Architect/Engineer for the Science Lab Renovation – Phase II at Atherton High School
- F.** Approval of Revised BG-1 Form for the 2015-16 Asbestos and Lead Abatement Maintenance Contract at Various Schools
- G.** Approval of Bid and Revised BG-1 Form for Pool Demolition at Hazelwood Elementary School
- H.** Approval of Bid and Revised BG-1 Form for Pool Demolition at Watterson Elementary School

- I. Approval of Contract Completion and BG-4 Form for 2016 Paving Package II at Blake Elementary School and Fairdale High School
- J. Approval of Project Closeout and BG-5 Form for Concrete Repairs at Doss High School
- K. Approval of Project Closeout and BG-5 Form for Phase I HVAC Renovation at Gilmore Lane Elementary School
- L. Approval of Construction Change Orders
- M. Approval of Bid Tabulations, and Contract Renewals
- N. Approval of Professional Services Contracts of \$5,000 or More
- O. Acceptance of Monthly Financial Report
- P. Acceptance of Monthly Report of Professional Services Contracts of \$5,000 or More
- Q. Acceptance of Purchase Order Report
- R. Acceptance of Voucher Report
- S. Acceptance of Donations and Small Grants
- T. Approval of Agreements
  - 1. Approval of Memorandum of Agreement for Behavioral and Mental Health Services
  - 2. Approval of Childcare Enrichment Program Memorandum of Agreement with YMCA of Greater Louisville
  - 3. Approval of Memorandum of Understanding and a Lease Renewal Agreement with Jefferson Community and Technical College.
- U. Approval of Shortened School Day for One Exceptional Child Education Student
- V. Approval to Waive the Applicable Per Mile Rate When Board of Education Vehicle is Used in the Discharge of an Employee's Duty
- W. ~~MOVED TO ACTION ITEM: Approval to Add New Optional/Magnet Programs for the 2017-18 School Year~~
- X. ~~MOVED TO ACTION ITEM: Approval to Remove Magnet Status from Cane Run Elementary School's Environmental Magnet Program~~
- Y. Approval of Communications Facility Space License Agreements with T-Mobile
- Z. Approval of Regular Board Meeting Schedule for 2017
- AA. Amendment of Board Policies: 03.11 Hiring Certified and 03.21 Hiring Classified (First Reading)

The following items were pulled down for discussion and a separate vote:

- IX.C. Approval of Job Descriptions
- IX.M. Approval of Bid Tabulations, and Contract Renewals
- IX.Z. Approval of Regular Board Meeting Schedule for 2017
- IX.AA. Amendment of Board Policies: 03.11 Hiring Certified and 03.21 Hiring Classified (First Reading)

**Order #2016-202 - Motion Passed:** A motion that the Board of Education approve the consent calendar for November 29, 2016, minus Items IX.C., IX.M., IX.Z., and IX.AA. 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	Absent	Mrs. Stephanie Horne	Yes
Mr. David A. Jones, Jr.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

### IX.C. Approval of Job Descriptions

Mrs. Duncan asked if the expectation is for all Chiefs to be paid the same amount of money.

Dr. Hargens stated that all Chiefs have the same grade except for two. In this case, the position of Chief of Diversity, Equity, and Poverty Programs was reviewed and it was determined that the grade should be moved from 16 to 18. The process to review the position was the same as past reviews. She explained that all high school principals have the same pay grade but they don't make the same amount of money. The goal isn't for every person to make the same amount of money.

Chief Financial Officer Cordelia Hardin detailed the compensation structure.

Mrs. Duncan expressed a feeling of inconsistency and stated that the district has been criticized for administrators' salaries and there have been two audits that recommend a restructure.

Mr. Brady asked for clarification regarding which positions were not currently at grade 18.

Dr. Hargens stated that the Chief of Communications and Community Relations and Chief of Diversity, Equity, and Poverty Programs are the only two positions at grade 16. Communications has a relatively small team and that position has not been reviewed. The only position that was reviewed and is recommended for tonight is the Chief of Diversity, Equity, and Poverty Programs.

Mr. Brady questioned the comparison of Chief positions with high school principals stating that all Chiefs should have the same pay grade if the justification is that all principal have the same pay grade, regardless of the size of their team. This could cause an inequity issue if both Chief positions are not increased to grade 18.

Vice-Chair Porter asked the Board to focus only on the position presented. Her personal opinion is that this pay grade increase is long overdue.

Dr. Willner asked for explanation on the compensation study. She stated that she represents her constituents and she needs to be able to say why she approved another big raise in an administrative category when there are already huge gaps that get wider every year.

Chief Business Officer Tom Hudson stated that this is a difficult issue. He explained that we need to set our wages based on competitive market rates, but we are not there yet, so this is the current compensation structure we must work with. In the future we need to have a unified salary structure with a consolidated set of grades.

**Order #2016-203 - Motion Failed:** A motion that the Board of Education approve Item IX.C. Approval of Job Descriptions failed with a motion by Mr. Chris Brady and a second by Ms. Diane Porter.

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

#### **IX.M. Approval of Bid Tabulations, and Contract Renewals**

Multiple Board members had questions regarding the approval of the consulting services contract for the school for males of color.

Mrs. Duncan wanted clarification and asked if the approval is for a consultant exercise for a year or to have SNIKA LLC implement a plan. There is confusion because as of now, there is no plan. She needed clarification regarding what the Board is being asked to approve.

Dr. Hargens clarified by stating that management issued a Request for Proposal (RFP) and this is a consulting contract for the design and logistics planning for a males of color school/program. It's about assisting in the formation. The design would go through the magnet schools application process; this is the first step.

Ms. Hardin provided additional details on the contract and stated that the goal is to start the school in the year 2018–19.

Dr. Willner agreed with Mrs. Duncan and stated that she was confused with this item when she reviewed the agenda. She stated that she has not seen the RFP and she didn't receive the proposal until Sunday. She received additional information as she arrived at the meeting, but she hasn't had time to review it. She expressed a desire for better information and open conversations; she stated that the Board needs to understand what it is that they are being asked to vote on. She expressed a great desire to help these students and to take bold action to address the equity issues.

Ms. Hardin discussed the RFP process and stated that this is the initial consulting contract. The RFP is a very fair process, it is a legal document that they follow. A team of six individuals evaluated the responses. She stated that she reviewed the RFP and that it clearly states that the purpose is for consulting services. At Dr. Hargens' request, the vendor was contacted in order to ensure that they were in agreement with the purpose of the consulting contract. The vendor agreed that the proposal was not intended to develop or implement a school or a program.

Mrs. Horne agreed with Dr. Willner's concerns and assessment of the item and stated that she is also firmly in support of doing this. She expressed concern regarding the legality of not doing something similar for girls.

Mr. Brady agreed with the Board members who spoke prior him and stated that they have to move beyond the status quo. He echoed Mrs. Horne's concern regarding the need for a female school of color; he discussed concerns about a possible Title IX violation. He stated that he supports moving forward with the understanding that this proposal for a school for males of color could still be denied; this Board needs more information.

Vice-Chair Porter stated that she supports the process of moving forward and asked Ms. Hardin to verify that the process was followed correctly.

Ms. Hardin confirmed that the RFP process was in place for this item and was followed correctly. She also confirmed that the item was placed correctly on the agenda and it is consistent with the practice of Board approvals on RFPs. She stated that the agenda placement for an RFP would always be listed under Approval of Bid Tabulations, and Contract Renewals, unless there was a special request to place it differently.

Vice-Chair Porter stated that they have already looked at the legal documents regarding a school for males of color, and there may be a school for girls in the future. This item is about males; now is the time for this to come to the Board.

**Order #2016-204 - Motion Passed:** A motion that the Board of Education approve Item IX.M. Approval of Bid Tabulations and Contract Renewals passed with a motion by Mrs. Stephanie Horne 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.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

**IX.Z. Approval of Regular Board Meeting Schedule for 2017**

Each Board member had an opportunity to ask questions and make comments regarding the 2017 Board Meeting Schedule.

A motion by Mrs. Linda Duncan to approve the attached schedule of regular Board meeting dates with all meeting locations to be the VanHoose Education Center was withdrawn.

A motion by Mr. Chris Brady to amend the motion from: "Superintendent Donna Hargens recommends the Board of Education approve the attached schedule of regular Board meetings for 2017" to: "Approve the attached schedule of regular Board meetings for 2017 for the months of January through March only" failed for lack of a second.

**Order #2016-205 - Motion Passed:** Superintendent Donna Hargens recommends the Board of Education approve the attached schedule of regular Board meetings for 2017 passed with a motion by Dr. Lisa Willner 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.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

**IX.AA. Amendment of Board Policies: 03.11 Hiring Certified and 03.21 Hiring Classified (First Reading)**

Mr. Brady requested confirmation that the severity and timeframe of convictions will be taken into consideration when hiring staff.

Mr. Hudson confirmed that a process will be in place and there is no guarantee of employment.



Mrs. Duncan expressed concern regarding inconsistency with hiring, possible lawsuits, and allowing convicted felons to work with/around children. She stated that individuals seeking employment with JCPS should petition to have their felony convictions expunged in order to be eligible for hire. She wants to keep the language the way it currently reads.

Mrs. Horne stated that she doesn't have enough information on this item and her concern is for our students. She requested additional information and justification for the change.

**Order #2016-206 - Motion Failed:** A motion that the Board of Education approve Item IX.AA. Amendment of Board Policies: 03.11 Hiring Certified and 03.21 Hiring Classified (First Reading) failed with a motion by Dr. Lisa Willner and a second by Mr. Chris Brady.

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

#### **X. Board Planning Calendar**

Mrs. Horne requested the Approval of Board Policy: 08.134 Magnet Education be added to the next Board meeting agenda. She also requested more information on the amendment of Board Policies: 03.11 Hiring Certified and 03.21 Hiring Classified.

**Order #2016-207 - 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 Dr. Lisa Willner.

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

#### **XI. Board Reports**

Vice-Chair Porter read a statement regarding the purpose of Board Reports.

Dr. Willner discussed Mayor Fischer's Cradle to Career Cabinet meetings, the Behavioral Health Project Scoping meetings, the Harvard By All Means Project, and Say Yes to Education.

Mrs. Horne discussed duPont Manual High School's Best Buddies event and the Local Workforce Development Committee.

Mrs. Duncan discussed a meeting with Kentucky Education Commissioner Stephen Pruitt.

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

Deborah Garcia came forward and discussed a Resolution to Recognize AFSCME Council 962 and its Local 411 as the Official Representative of the Jefferson County School Nutrition Association Employees. She stated that the Resolution was emailed to the Board and she was told it would be up for consideration on tonight's agenda.

Vice-Chair Porter apologized for the miscommunication.

Mr. Mellen stated that the agenda was previously approved and the Board would need to vote to amend the agenda to allow for action on the Resolution.

**Order #2016-208 - Motion Passed:** A motion that the Board of Education amend the agenda for November 29, 2016, to add the first reading of the Resolution to Recognize AFSCME Council 962 and its Local 411 as the Official Representative of the Jefferson County School Nutrition Association Employees passed with a motion by Dr. Lisa Willner 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.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

A motion by Dr. Lisa Willner that the Board of Education receive the Resolution to Recognize AFSCME Council 962 and its Local 411 as the Official Representative of the Jefferson County School Nutrition Association Employees for first reading was withdrawn.

Vice-Chair Porter stated that the Board expects to see the resolution on the next agenda for a first reading.

Gay Adelaamn came forward and addressed the Board regarding continuous improvement. The following speakers discussed Comprehensive Sex Education: Angela Minter, Annettra Jones, Greg Williams, Cathy Young, and Dana Webb.

## **XIII. Executive Session (If Needed)**

#### **XIV. Adjournment**

**Order #2016-209 - Motion Passed:** A motion to adjourn the November 29, 2016, meeting of the Jefferson County Board of Education at 10:07 p.m. passed with a motion by Mrs. Stephanie Horne 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.	Absent	Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes		

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Chair David A. Jones, Jr.

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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**