



# **JEFFERSON COUNTY BOARD OF EDUCATION**

**Minutes of March 28, 2023**

Meeting of the Jefferson County Board of Education held at VanHoose Education Center, Stewart Auditorium, Louisville, Kentucky, on Tuesday, March 28, 2023.

## **BOARD MEMBERS PRESENT:**

Chairwoman Diane Porter

Mr. James Craig

Dr. Chris Kolb

Ms. Sarah McIntosh

Vice-Chair Corrie Shull

Mrs. Linda Duncan

Mr. Joseph Marshall

## **STAFF MEMBERS PRESENT:**

Superintendent Martin A. Pollio, Ed.D.

Kevin Brown, General Counsel

Joe Ellison, Assistant Superintendent

Aimee Green-Webb, Chief of Human Resources

Robert Moore, Chief of Schools

Chris Perkins, Chief Operations Officer

This meeting was conducted via videoconference pursuant to KRS 61.823 and KRS 61.826. The primary location for this meeting and where all members could be seen and heard by the public was the VanHoose Education Center. Members of the Board were permitted to attend in-person or via video-teleconference pursuant to KRS 61.826. Members of the public were permitted to attend in person or watch the live-stream of the meeting.

## **EXECUTIVE SESSION**

### **I. Call to Order**

Chair Porter called the meeting to order at 4:37 p.m. and made the following announcement.

“The Board will now conduct a closed executive session, as permitted by KRS 61.810(1)(c), for the purpose of a discussion relating to pending and proposed litigation. Public discussion of this matter and identification of the specific matter would disclose litigation strategy and have an adverse impact upon the legal and financial interests of the District.”

## II. Enter into Executive Session per KRS 61.810(1)(c) of the Kentucky Open Meetings Act

**Order #2023-42 - Motion Passed:** A motion to enter into Executive Session as permitted by KRS 61.810(1)(c), for the purpose of a discussion relating to pending and proposed litigation passed with a motion by Mr. James Craig and a second by Mr. Joseph Marshall.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Absent
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Absent

## III. Adjourn from Executive Session

The Board returned to open session at approximately 6:15 p.m. and Chair Porter made the following announcement.

“The Board of Education met in Executive Session to discuss pending and proposed litigation pursuant to KRS 61.810(1)(c) of the Open Meetings Act. No action was taken while in closed session”

**Order #2023-43 - Motion Passed:** A motion to adjourn Executive Session and return to open session passed with a motion by Mrs. Linda Duncan and a second by Mr. James Craig.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

## IV. Possible Consideration of a Motion on Pending and/or Proposed Litigation

Chair Porter made the following statement.

“The Board met in closed executive session, as permitted by KRS 61.810(1)(c), for the purpose of a discussion relating to pending and proposed litigation. Public discussion of this matter and identification of the specific matter would disclose litigation strategy and have an adverse impact upon the legal and financial interests of the District. I will now entertain the following motions:

Is there a motion to accept the settlement offer for Government Entity Claims against JUUL Labs, Incorporated, and to authorize the Superintendent/Board Chair to execute the settlement documents?

**Order #2023-44 - Motion Passed:** A motion to accept the settlement offer for Government Entity Claims against JUUL Labs, Incorporated, and to authorize the Superintendent/Board Chair to execute the settlement documents passed with a motion by Mr. Joseph Marshall and a second by Mr. James Craig.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

Next, Chair Porter asked Board member Craig to read a proposed resolution authorizing litigation against social media companies.

**Order #2023-45 - Motion Passed:** A motion to adopt the Resolution Authorizing Litigation Against Social Media Companies passed with a motion by Mr. James Craig and a second by Mrs. Linda Duncan.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

## **V. Adjournment**

The meeting adjourned at 6:26 p.m.

**Order #2023-46 - Motion Passed:** A motion to adjourn at 6:26 p.m. passed with a motion by Mr. James Craig and a second by Mrs. Linda Duncan.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

## WORK SESSION

### I. Call to Order

Chair Porter called the March 28, 2023, Work Session of the Board of Education to order at 6:27 p.m.

### II. Recommendation for Approval of Meeting Agenda

**Order #2023-47 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve the agenda for March 28, 2023. The recommendation passed with a motion by Mr. James Craig and a second by Mr. Joseph Marshall.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

### III. Recommendation for Approval of Minutes of Previous Meeting

**Order #2023-48 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve the minutes of the February 23, 2023, and February 28, 2023, meetings. The recommendation passed with a motion by Mr. Joseph Marshall and a second by Mr. James Craig.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

Before calling on public speakers, Chair Porter asked if any Consent Calendar Items needed to be pulled down.

Mrs. Duncan stated that she had a question regarding item **L. Recommendation for Approval of Amended District Facilities Plan Hearing Report and Amended District Facilities Plan.**

Mrs. Duncan asked, "... It was just a quick question on ESL and if we need to put something on there if we're thinking that in the future we're going to need to add to our facilities - to house this growing population that we have which are 16,000 right now? Is it taken care of within this Facilities Plan or is that something that needs to be added?"

#### **IV. Persons Requesting to Address the Board on Action Items or Consent Calendar Items to be Voted Upon Separately at Board Member Request**

The following principals spoke in favor of the Start Smart-Start Time Proposal.

- Shamika Johnson
- Sara Hitchings
- Tonya Arnold

Michael Kicklighter, a JCPS teacher, expressed concerns regarding racial equity in the Start Smart-Start Time Proposal and urged Board members to “vote no”.

Maria Johnson expressed concerns with the Start Smart-Start Time Proposal, specifically in District 4.

#### **V. Action Items**

##### **A. Recommendation for Approval of Start Smart-Start Time Proposal**

Dr. Pollio introduced this item. Joe Ellison, assistant superintendent; Robert Moore, chief of schools; and Chris Perkins, chief operations officer; presented the proposal. Each Board member had an opportunity to comment and ask questions.

Mrs. Duncan asked, “Have the parents been made aware of the new bus stops that will necessarily have to happen now because of this? She then said, “We've gotten lots of emails and questions about traffic conditions in different locations. Will we monitor these things so that we can adjust?” She then explained why she would be voting against the proposal. “I understand fully the need for staggering start times - that is not an issue with me. I fully understand the need for that, but what I don't understand is putting elementary kids first in this order when we know that they're going to be the ones in the dark. They're going to be the ones making longer trips in the dark to bus stops and they're going to be the ones coming home on buses without the older siblings there to be able to meet them to walk that long distance home. And then when they do arrive at the home, they will be the ones getting there first and you know what could go wrong. That's my big concern. I just feel like safety dictates the older kids come on the early schedule instead of the youngest kids on the early schedule. For me, when I say no - it's with another option, it's not just no. It's with being able to flip some of the middle and high schools into that early spot. We might have to delay that promise of a later start time for them but I think we will do that for the safety of our kids that are younger and have to make long trips in the dark to a bus stop. Thank you for all the work, I certainly understand our need for staggering the start times.”

Mr. Craig acknowledged the impact that this change will have on families. He stated, “... I think it's more than an inconvenience. I think this is going to have a substantial impact on families that have reached out to me, vociferously and loudly reached out to me. We have to acknowledge that as we go forward. I know that they're watching and they want to hear that we're doing everything that we can to minimize that impact. We see on the PowerPoint, we know we are working on their childcare options, we are working with the YMCA, and we are addressing other concerns. Could we quickly highlight those for those families who are watching one more time so that they'll know that we're doing everything that we can to minimize that impact?” Mr. Craig later requested a mid-year evaluation with potential recommended changes if needed.

He re-emphasized that a major factor causing the bus driver shortage has been student behavior and advised that the issue needs further discussion.

Ms. McIntosh said, "What we are doing now isn't working and to not make a change is just to continue to accept a systemic failure." She acknowledged the impact this change will have on families and expressed empathy for the inconvenience it may cause. She stated that she has concerns and requested the District track the data to see if there are any significant measurable changes for students.

Dr. Kolb advised that staggered start times are a common practice in large districts and asked, "How many school systems are you aware of in the country that have only two start times like we do?" He acknowledged concerns from staff and reminded bus drivers and teachers that they have elected bargaining units to represent their interests. He stated, "When it comes to determining policy, the official voice that you have is the Teamsters Union if you're a bus driver - the official voice that you have if you're a teacher is Jefferson County Teachers Association."

Dr. Shull stated, "I don't have any questions. I do have a hope and that hope is that we can continue to adjust this proposal as necessary. Most importantly, to bring it into alignment with the recommendations of the American Pediatric Association. I hope that we can do that over the course of the coming months and years. I do think this is a necessary change. It's unacceptable to continue to talk about the problem and not at least try to do something that addresses the issue."

Chair Porter said, "I think we should look at the plan when school starts because when school starts, we always talk about what's happening day after day and this is a significant change to Transportation. Waiting till December for this board member is too long." She expressed concern about academic success and asked, "Do you have any predictions of how this is going to impact the academics in our schools?" She later said, "...You talked about the 65 percent of the reside students that are students of color that are impacted by this. I would like for you to provide a map to the Board so we know exactly where you're talking about because some people in this community are confused about where things happen in JCPS." She stated that the District should have a plan to make it a safer environment for the students to be at the bus stop in the dark. She acknowledged the many questions/concerns from families and staff and asked where the Board can see how those questions/concerns are being addressed. She then asked how the District is going to deal with the issue of discipline on the buses. She concluded by questioning the balance of times for Early Childhood across the District to match families to a time that fits their schedule.

Dr. Shull confirmed that the proposal had been through the Racial Equity Analysis Protocol (REAP) and that it did not find any inequities embedded in the proposal.

**Order #2023-49 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve a proposal to change school start times for the 2023-24 school year. The recommendation passed with a motion by Dr. Christopher Kolb and a second by Ms. Sarah McIntosh.

Mr. James Craig	Yes
Mrs. Linda Duncan	No
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

## **VI. Consent Calendar**

### **A. Report of Certified Leaves**

### **B. Report of Personnel Actions**

### **C. Recommendation for Approval of Organizational Charts and/or Job Descriptions**

- 1. Recommendation for Approval of Organizational Charts and/or Job Descriptions – Academic School Division**
- 2. Recommendation for Approval of Organizational Charts and/or Job Descriptions – Academic Services**
- 3. Recommendation for Approval of Organizational Charts and/or Job Descriptions - Administration**
- 4. Recommendation for Approval of Organizational Charts and/or Job Descriptions – Communications and Community Relations**
- 5. Recommendation for Approval of Organizational Charts and/or Job Descriptions - Diversity, Equity and Poverty**
- 6. Recommendation for Approval of Organizational Charts and/or Job Descriptions – Exceptional Child Education**
- 7. Recommendation for Approval of Organizational Charts and/or Job Descriptions - Financial Services Division**
- 8. Recommendation for Approval of Organizational Charts and/or Job Descriptions – Human Resources**
- 9. Recommendation for Approval of Organizational Charts and/or Job Descriptions - Operations Services**
- 10. Recommendation for Approval of Organizational Charts and/or Job Descriptions – Technology**

### **D. Recommendation for Approval of Field Trip Request and Receipt of Report of Field Trips Approved by the Superintendent**

### **E. Recommendation for Approval of the Projects, Assignment of Architects/Engineers, and BG-1 Forms**

- 1. Recommendation for Approval of the Project, Assignment of Architect/Engineer, and BG-1 Form for the Exterior Insulation and Finish System (EIFS) Wall System Replacement at Gheens Academy**
- 2. Recommendation for Approval of the Project, Assignment of Architects/Engineers, and BG-1 Form for Magnet Room Renovation at Western High School**
- 3. Recommendation for Approval of the Project, Assignment of Architect/Engineer, and BG-1 Form for Wood Gym Floor Installation at Wheatley Elementary School (Hudson Middle School)**
- 4. Recommendation for Approval of the Project, Assignment of Architect/Engineer, and BG-1 Form for Security Vestibule at Wheatley Elementary School (Hudson Middle School)**

### **F. Recommendation for Approval of Bids and Revised BG-1 Forms**

- 1. Recommendation for Approval of Bid and Revised BG-1 Form for Life Skills Kitchen Renovation at duPont Manual High School**
- 2. Recommendation for Approval of Bid and Revised BG-1 Form for Career and Technical Education Program Renovations at Iroquois High School**
- 3. Recommendation for Approval of Bid and Revised BG-1 Form for Boiler Replacement at Cochrane Elementary School**
- 4. Recommendation for Approval of Bid and Revised BG-1 Form for Boiler Replacement at Hartstern Elementary School**
- 5. Recommendation for Approval of Bid and Revised BG-1 Form for Boiler Replacement at John F. Kennedy Elementary School**

- 6.** Recommendation for Approval of Bid and Revised BG-1 Form for Boiler Replacement at Maupin Elementary School
- 7.** Recommendation for Approval of Bid and Revised BG-1 Form for Boiler Replacement at Shelby Traditional Academy
- 8.** Recommendation for Approval of Bid and Revised BG-1 Form for Boiler Replacement at Stonestreet Elementary School
- 9.** Recommendation for Approval of Bid and Revised BG-1 Form for Food Service Phase 41 at Various Schools
- G.** Recommendation for Approval of Revised BG-1 Forms
  - 1.** Recommendation for Approval of Revised BG-1 Form for Phase I HVAC Renovation at Johnson Traditional Middle School
  - 2.** Recommendation for Approval of Revised BG-1 Form for New Middle School – Echo Trail Middle School
  - 3.** Recommendation for Approval of Revised BG-1 Form for New Elementary School – Dr. William H. Perry Elementary School
  - 4.** Recommendation for Approval of Revised BG-1 Forms for Change of Funding Source
- H.** Recommendation for Approval of Contract Completions and BG-4 Forms
  - 1.** Recommendation for Approval of Contract Completion and BG-4 Form for Classroom Renovation at Farnsley Middle School
  - 2.** Recommendation for Approval of Contract Completion and BG-4 Form for Security Vestibules Phase I at Various Schools
- I.** Recommendation for Approval of BG-5 Form for Purchase of 1400 West Jefferson Street
- J.** Recommendation for Approval of Project Closeouts and BG-5 Forms
  - 1.** Recommendation for Approval of Project Closeout and BG-5 Form for Wood Door Replacement at Coleridge-Taylor Montessori Elementary School
  - 2.** Recommendation for Approval of Project Closeout and BG-5 Form for Chiller Replacement at Highland Middle School
  - 3.** Recommendation for Approval of Project Closeout and BG-5 Form for Wood Floor Installation in the Small Gym at Marion C. Moore School
  - 4.** Recommendation for Approval of Project Closeout and BG-5 Form for Window Replacement Phase I at Olmsted Academy South
- K.** Recommendation for Approval of Construction Change Orders
- L.** Recommendation for Approval of Amended District Facilities Plan Hearing Report and Amended District Facilities Plan
- M.** Recommendation for Approval of Competitive Negotiation, Bid Tabulations, Contract Renewals, and Amendments.
- N.** Recommendation for Approval of Professional Services Contracts of \$20,000 or More
- O.** Acceptance of Summary of Professional Services Contracts
- P.** Acceptance of Orders of the Treasurer
  - 1.** Acceptance of Orders of the Treasurer-Invoices
  - 2.** Acceptance of Orders of the Treasurer-Purchase Orders
  - 3.** Acceptance of Orders of the Treasurer-Vouchers
- Q.** Acceptance of Donations, Grants, and Funding
  - 1.** Acceptance of Donations and Small Grants
  - 2.** Acceptance of Funding from Catholic Charities of Louisville Inc. Kentucky Office for Refugees



3. Acceptance of Funding from the Kentucky Department of Education for the Office of Transition Readiness
  4. Acceptance of Math Achievement Fund Mini-Grant Funding from the Kentucky Department of Education
  5. Acceptance of Donation from Thieneman Construction on Behalf of Fairdale High School
- R. Recommendation for Approval of Agreements**
1. Recommendation for Approval of Memorandum of Agreement with Big Brothers Big Sisters of Kentuckiana
  2. Recommendation for Approval of Agreements with Cellco Partnership dba Verizon Wireless
  3. Recommendation for Approval of Memorandum of Agreement with Commonwealth Theatre Center for Programming at ESL Newcomer Academy
  4. Recommendation for Approval of Memorandum of Understanding with the Jefferson County Public Education Foundation
  5. Recommendation for Approval of Memorandum of Agreement with Kentucky Department of Education for the Wallace Foundation Equity Centered Pipeline Initiative
  6. Recommendation for Approval of a Memorandum of Agreement with Louisville Urban League
  7. Recommendation for Approval of Data Privacy Agreement with eDynamic LP (Knowledge Matters)
  8. Recommendation for Approval of Clinical Affiliation Agreement with Galen School of Nursing
  9. Recommendation for Approval of Data Privacy Agreement with IXL Learning
  10. Recommendation for Approval of Amendment of Data Privacy Agreement with Dynamic Ideas LLC, dba AlphaRoute
  11. Recommendation for Approval of Data Privacy Agreement with Follett School Solutions, Inc.
  12. Recommendation for Approval of Data Sharing Agreement with Global Game Changers Children's Education Initiative, Inc.
  13. Recommendation for Approval of Data Privacy Agreement with McGraw Hill
  14. Recommendation for Approval of Data Sharing Agreement with Shutterfly Lifenet
  15. Recommendation for Approval of Data Sharing Agreement with ZONAR Systems Inc.
  16. Recommendation for Approval of Confidential Data Privacy Agreement with Coal Creek Software, Inc. DBA Verifent
- S. Recommendation for Approval for Resolution for Workers Compensation Self-Insured Program**
- T. Recommendation for Approval of Shortened School Days for Four Exceptional Child Education Students**
- U. Recommendation for Approval of Proposed 2023 High School Graduation Ceremony Schedules**
- V. Recommendation for Approval of 2023-24 Salary Schedules and Temporary Salary Adjustments for Continuity of Services Impacted by the Pandemic**
- W. Recommendation for Acknowledgment of Superintendent Consultation with the Board Regarding the Selection of K-8 Curricula for Mathematics and English/Language Arts**

Mrs. Duncan pulled down consent item **VI.C. Recommendation for Approval of Organizational Charts and/or Job Descriptions** for discussion and a separate vote.

**Order #2023-50 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve the consent Calendar minus item VI.C Recommendation for Approval of Organizational Charts and/or Job Descriptions passed with a motion by Mrs. Linda Duncan and a second by Dr. Christopher Kolb.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

▪ **VI.C Recommendation for Approval of Organizational Charts and/or Job Descriptions**

Mrs. Duncan stated, “There are things in here that I am very happy about, and then a lot of things I don't understand. Even after I went through the session, then I saw lots of other things that I'm not sure how it affects anybody. I'm hearing that our staff is confused about a lot of these changes that were made. So, some of them - I think they weren't included in the decisions. So, I just had this feeling that maybe we need to slow this down and look at this through a work session where everybody could get more of these questions answered.”

Dr. Shull asked, “Will the District resource teachers who are going back into classrooms, will they receive priority before the transfer?” He then asked if the assistant superintendents were included in the reorganization process. He questioned if the leaders of Early Childhood or ECE advocated for Early Childhood to be put under the ECE umbrella. He concluded by asking, “Will the pace of implementing this new reorganization - how will it be rolled out in order to not negatively impact the provision of resources to the students and the carrying out of programs as specified by these different departments.”

Mr. Craig asked, “Can we get a report at some point about how many of the resource teachers ended up in certified classroom positions and how many left the District to ensure that we were successful in this transition?”

Mrs. Duncan asked, “How do we plan to implement a new curriculum without our resource teachers?”

Ms. McIntosh asked for clarification on the transfer process, specifically, as it pertains to newer teachers.

Chair Porter asked for the rationale for the start dates of the organizational changes. She asked, “How do all these changes impact the academic status of the Jefferson County Public Schools?” She concluded by stating that she would like more information and clarification to help her better understand the changes.

**Order #2023-51 - Motion Passed:** A motion to approve Consent Item VI.C Recommendation for Approval of Organizational Charts and/or Job Descriptions passed with a motion by Mr. Joseph Marshall and a second by Ms. Sarah McIntosh.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

#### **VII. Persons Requesting to Address the Board (if necessary)**

Susan Ellis, a retired JCPS teacher, discussed her concerns and experiences in the profession of teaching.

#### **VIII. Adjournment**

The meeting adjourned at 8:02 p.m.

**Order #2023-52 - Motion Passed:** A motion to adjourn the March 28, 2023, Board of Education meeting at 8:02 p.m. passed with a motion by Ms. Sarah McIntosh and a second by Mr. Joseph Marshall.

Mr. James Craig	Yes
Mrs. Linda Duncan	Yes
Dr. Christopher Kolb	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Yes
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

---

Diane Porter  
Chairwoman

---

Dr. Martin A. Pollio  
Superintendent/Secretary

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