

**BULLITT COUNTY PUBLIC SCHOOLS
1040 HIGHWAY 44 EAST
SHEPHERDSVILLE, KY 40165**

SPECIAL MEETING OF THE BULLITT COUNTY BOARD OF EDUCATION

**March 21, 2019
5:30 PM**

MINUTES OF RECORD

The Bullitt County Board of Education met at the Frank R. Hatfield Administrative Center, 1040 Highway 44 East, Shepherdsville, Kentucky, 40165, at 5:30 PM on March 21, 2019 with the following members present:

Attendance Taken at 5:27 PM:

(1) Mrs. Lorraine McLaughlin	(2) Mrs. Diane Thompson	(3) Mrs. Debby Atherton
(4) Mr. Steve Hornback	(5) Mr. Darrell Coleman	

CALL TO ORDER

2019-76- The March 21, 2019, special meeting of the Bullitt County Board of Education was called to order at 5:30 p.m. by Board Chairperson Debby Atherton.

ADOPT THE AGENDA

2019-77- Motion made by Lorraine McLaughlin, seconded by Diane Thompson, to adopt the agenda as presented. All members voted YES.

EXECUTIVE SESSION

2019-78- Motion made by Darrell Coleman, seconded by Lorraine McLaughlin, to recess regular session and enter executive session as authorized by KRS 61.810(1)(c) to discuss pending litigation due to the sensitive nature of the matter and strategy to be discussed with counsel. All members voted YES.

RECONVENE REGULAR SESSION

2019-79- Motion made by Diane Thompson, seconded by Lorraine McLaughlin, to exit executive session and resume regular session. All members voted YES. No action was taken in executive session.

**RESOLUTION OF THE BULLITT COUNTY BOARD OF EDUCATION
CONCERNING A REQUEST BY THE COMMISSIONER OF EDUCATION**

WHEREAS, the Commissioner of Education is the chief executive of the Kentucky Department of Education (KDE) and is responsible for administering KDE, including implementing state laws and regulations promulgated by the Kentucky Board of Education (KBE) and the Education Professional Standards Board (EPSB);

WHEREAS, KRS 165.210 states that the Commissioner of Education, "shall have access to the papers, books and records of all teachers, trustees, superintendents, or other public-school officials";

WHEREAS, the Bullitt County Board of Education (BCBE) has approved policies regarding employee attendance and sick leave;

WHEREAS, the Superintendent of Bullitt County Public Schools (BCPS), as the executive agent and officer of the BCBE, is obligated to ensure that laws relating to schools, bylaws, rules, and regulations of the KBE, and the policies of the BCBE are carried into effect;

WHEREAS, on March 14, 2019, the Commissioner of Education requested that the BCPS Superintendent provide the following documents and records:

1. The names of all teachers that called in sick for February 28, March 5 through 7, and March 12 through 14, 2019, and the day(s) for which each teacher called in sick;
2. Any and all affidavits or certificates of a reputable physician stating that the employee was ill or caring for an ill family member on the day(s) the employee called in sick, as required by KRS 161.155 for the granting of any sick leave; and
3. Documentation of the district's policies, procedures, and/or protocols for collecting sick leave affidavits or certificates and verifying qualification for the granting of sick leave.

WHEREAS, BCPS was closed on March 7, 13, and 14 due to not having enough substitute teachers to safely cover a large number of possible teacher absences;

WHEREAS, the Kentucky General Assembly was in session on March 7, 13, and 14 considering bills with significant consequences for public education;

WHEREAS, teachers and public employees from across the Commonwealth of Kentucky, including BCPS, traveled to Frankfort on the days in question to exercise their rights as citizens, having publicly stated that they do not view the actions of the Kentucky General Assembly as transparent and that they fear some "11th hour" legislation that will not be given sufficient review and input;

WHEREAS, the BCBE and its Superintendent are highly concerned about interruptions to student learning and before March 7 through this date have worked collaboratively with teachers, the KDE, the KBE and state legislators to avoid such interruptions;

WHEREAS, the BCBE is supportive of employees' First Amendment rights and, indeed, encourages employees to participate in meetings of the BCBE and in the legislative process;

WHEREAS, the BCBE understands that BCPS teachers contribute well beyond their contracted daily hours by volunteering their own time on weekends, evenings, many holidays and many days during summer vacation to serve the students of Bullitt County, Kentucky;

WHEREAS, the Commissioner stated during a press conference on March 15, 2019 that his goal was to seek a method to allow teachers to exercise their right to protest while keeping students in the classroom and he was not recommending repercussions, consequences or

charges being filed against anyone, however, when asked, the Commissioner would not definitively state that no disciplinary action will result from the gathering of these names;

WHEREAS, the Commissioner stated on March 19, 2019: "I maintain the request for names but I will definitively state that no disciplinary action will be taken against teachers if there are no further work stoppages" (emphasis added by BCBE);

WHEREAS, the Commissioner's request and subsequent comments, though within the Commissioner's statutory authority, have raised significant concerns among teachers regarding retribution for exercising their First Amendment rights on days when school had been cancelled in advance; and

WHEREAS, given the Commissioner's stated goals for the requested information, there is no real purpose served by providing the individual names of teachers; and

WHEREAS, the BCBE is concerned that the Commissioner's request for the names of teachers who asked to use a sick day on March 7, 13, or 14 will have a negative effect on teacher morale, will discourage citizens from exercising their First Amendment rights, and could strain the relationship between BCPS teachers and the Superintendent, thereby endangering progress in student achievement accomplished by the Superintendent and BCBE;

NOW THEREFORE, be it resolved by the Bullitt County Board of Education that:

The Board assures Bullitt County teachers and employees that it is fully supportive of their First Amendment rights and will endeavor to work collaboratively with teachers, the KDE, and state legislators to make it possible for teachers to effectively exercise their rights without interruptions to student learning;

The BCBE is thankful for the dedication of BCPS teachers who routinely contribute more than the 187-day contracted yearly requirement to further the education of the students in Bullitt County, Kentucky;

The BCBE joins with the Jefferson County Board of Education in requesting that the Commissioner withdraw his request for, "the names of all teachers that called in sick for February 28, March 5 through 7, and March 12 through 14, 2019, and the day(s) for which each teacher called in sick" and in the event he does not withdraw his request, the Superintendent is required under KRS 160.370 to submit records that may be responsive to the Commissioner's request;

The BCBE believes that the educational interests of Bullitt County students are best served by allowing teachers to focus on their profession, including advocacy in their profession's best interests, without the fear of retribution; and

The BCBE requests that all parties work collaboratively to render unnecessary such school closures as occurred on the days in question by finding mutually agreeable solutions to this issue as well as other important issues affecting public education.

ENTERED by the Bullitt County Board of Education this 21st day of March, 2019.

03/21/2019

2019-80- Motion made by Lorraine McLaughlin, seconded by Darrell Coleman, to approve the Resolution as presented. All members voted YES.

ADJOURNMENT

2019-81- Motion made by Darrell Coleman, seconded by Diane Thompson, to adjourn at 6:02 p.m. All members voted YES.

CHAIRPERSON

SECRETARY