



## JEFFERSON COUNTY BOARD OF EDUCATION

### Minutes of Special Meeting of November 07, 2017

**Special Meeting** of the Jefferson County Board of Education held at VanHoose Education Center Stewart Auditorium, Louisville, Kentucky, on Tuesday, November 07, 2017, at 7 p.m.

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

Chair Chris Brady

Mrs. Linda Duncan

Mrs. Stephanie Horne

Ms. Diane Porter

Vice-Chair Lisa Willner

Mr. Benjamin Gies

Dr. Chris Kolb

#### **STAFF MEMBERS PRESENT:**

Acting Superintendent Martin A. Pollio, Ed.D.

Francis J. Mellen, Jr., Wyatt Tarrant & Combs LLP

Angie Gilpin, Assistant Secretary to the Board

#### **WORK SESSION**

4:30 p.m. Board Budget Priorities

This work session was a follow-up to the August 8 work session on Board Priorities for Fiscal Year 2018–19. No action was taken.

#### **REGULAR MEETING**

Chair Brady called the November 07, 2017, Special Meeting of the Board of Education to order at 7:02 p.m. and announced that this meeting is a special meeting, therefore no additions can be made to the agenda. This was followed by a traditional moment of silence and the Pledge of Allegiance.

#### **II.A. Vision Statement**

Dr. Kolb read the vision statement.

#### **III. Recognitions and Resolutions**

III.A. Recognition of Chris Applegate for His Heroic Act, Saving the Life of Daegan Kinderman

III.B. Recognition of Madeline Griffitt, 2017 Kentucky World Language Association Outstanding National Network for Early Language Learning Teacher Award Recipient

III.C. Recognition of Dr. Katie Matthews and Lorraine McMullen-Leet, Kentucky Association for Psychology in the Schools Award Recipients in Celebration of National School Psychology Awareness Week

III.D. Recognition of Norton Children's Prevention and Wellness and the Start the Heart Foundation, Community Partners in Education

III.E. Recognition of Diane Porter, 2017 Urban Educator of the Year Finalist

**Order #2017-313 - Motion Passed:** Acting Superintendent Martin Pollio recommends the Board of Education receive the recognitions and resolutions for November 7, 2017. The recommendation passed with a motion by Ms. Diane Porter and a second by Dr. Lisa Willner.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes

#### **IV. Recommendation for Approval of Meeting Agenda**

Chair Brady reminded Board members that no amendments could be made to the agenda due to state law.

Dr. Kolb: “Chair Brady, point of order – Board policy 01.44 *Special Called Meetings* states under the heading *Exception – Requirements for notice, delivery and timing are not required in case of an emergency, which prevents compliance. If emergency conditions exist such that injury, or damage to personal property, or financial loss to the Board is likely, less than twenty-four hours’ notice may be given.* That’s the end of the policy. So, this policy suggests there are three reasons we can amend the agenda under an emergency: injury, damage to personal property, or financial loss to the Board. Given the video evidence from five different school cameras of the horrific incident at J-Town High School last week, all of which I have carefully studied, it’s an inescapable conclusion that every day we leave law enforcement in our schools we run the risk of (1) further injury to students, staff, and officers (2) damage to personal property, and (3) financial loss to the Board due to lawsuits...”

“...I’m not going to be a member of this board without doing everything in my power to prevent such negligence to continue. Whether or not we all agree on what should happen with police officers in schools, we owe it to the community to openly discuss, tonight, the horrific incidents that took place at J-Town High School last week and how we can prevent anything like that from ever happening again. I therefore move, under Board policy 01.44, that we add an action item *IX.A. Policing Schools* to the agenda.”

Chair Brady asked general counsel to verify this agenda amendment would be in compliance with state law.

Mr. Mellen: “The Board policy reflects the statute on meetings in the *Open Meetings Law* and that statute, with respect to emergency meetings, has been interpreted by the Kentucky Attorney General to mean an emergency that affects the meeting itself, the ability to hold the meetings, such as weather, fire or whatever and not the subject of the meetings. So, I do think that under state law the emergency provision in the statute doesn’t apply and therefore the emergency provision in the Board policy which follows the statute would not apply either.”

Chair Brady advised that if they amend the agenda it would be a violation of open meeting state law.

Dr. Kolb requested further clarification from Mr. Mellen and then asked Chair Brady why he didn't add this agenda item when it was requested more than twenty-four hours in advance and why he did not think this issue was worthy of amending the agenda without having to make a motion at the meeting.

Chair Brady explained that there are two open investigations at J-Town regarding this incident and he thinks it would be prudent for the Board to wait for the results before making a decision.

Dr. Kolb: "I'm not saying we need to make a decision; why did you choose not to discuss it at all?"

Chair Brady: "I don't think it would be prudent to have an open discussion or speculate until we have the results of the investigations back."

A motion by Dr. Christopher Kolb to add action item: *Policing Schools* failed for lack of a second.

The Board took an eight minute recess at 7:25 p.m. due to disruptions from citizens in the audience.

**Order #2017-314 - Motion Passed:** Acting Superintendent Martin Pollio recommends the Board of Education approve the agenda for November 7, 2017. The recommendation passed with a motion by Mrs. Linda Duncan and a second by Mr. Benjamin Gies.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	No
Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes

#### **V. Recommendation for Approval of Minutes of Previous Meeting**

**Order #2017-315 - Motion Passed:** Acting Superintendent Martin Pollio recommends the Board of Education approve the minutes of the October 24, 2017, regular meeting. The recommendation passed with a motion by Ms. Diane Porter and a second by Dr. Lisa Willner.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes

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

Dr. Pollio discussed his desire to improve culture and climate within the District. He shared comments related to safe and healthy academic learning climates within all schools; MAP data; and the work of the Facilities Committee. He announced that he hopes to have the director of school

choice and the HR diversity hiring specialist in place by the next Board meeting. He then discussed school visits with Board members.

#### **VII. Persons Requesting to Address the Board Regarding Action, Information, or Consent Items**

Penny Mills discussed the Recognition of National School Psychology Awareness Week.

#### **VIII. Persons Requesting to Address the Board Regarding Non-Agenda Items**

Kathryn Haigler addressed the Board as a follow-up to her statements at the September 12, 2017, Board meeting where she expressed several concerns relating to her children. David Lott, Chris Harmer, Kendall Boyd, Sheri Showalter, and Michelle Wagley addressed the Board regarding the incident that happened at Jeffersontown High School on November 1.

#### **IX. Action Items**

There were no action items.

#### **X. Information Items**

##### **X.A. Acceptance of Mini Comprehensive School Survey Results**

Dr. Pollio introduced this item and Dr. Dena Dossett, chief of Data Management, Planning and Program Evaluation, highlighted the finds from the survey.

Dr. Kolb discussed his concerns with culture and climate regarding the presence of law enforcement officials in schools; he read an email from a law enforcement expert.

Chair Brady advised Dr. Kolb that his comments were out of order and not related to the topic of the mini comprehensive school survey results.

Dr. Kolb continued with his comments and expressed alarm and great concern as he discussed the video he witnessed regarding the incident at Jeffersontown High School on November 1. He discussed safety in schools and the negative effect of law enforcement officials in schools. He concluded by stating that he wants to terminate the contract with Jeffersontown Police Department.

A motion by Mr. Gies to accept the report on the results of the mini comprehensive school survey failed for lack of a second.

Mrs. Duncan noted the ironic difference in responses regarding the following survey topics:

- My school provides a caring and supportive environment for students.
- I would rather send my own child(ren) to JCPS than to a non-JCPS school.

**Order #2017-316 - Motion Passed:** Acting Superintendent Martin Pollio recommends the Board of Education receive a report on the results of the mini comprehensive school survey focused on climate and culture. The recommendation passed with a motion by Mr. Benjamin Gies and a second by Mrs. Stephanie Horne.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes

The Board took a 12 minute recess at 8:30 p.m.

**X.B. Acceptance of JCPS Corrective Action Plans to Address the KDE Management Audit Findings**

Dr. Pollio introduced this item and stated that staff has worked with KDE to create the corrective action plans. Dr. Dossett and Dr. Carmen Colman, acting chief academic officer, reviewed the history of the Management Audit, provided an overview of the plan, and highlighted the process used to create the plan.

Dr. Pollio confirmed that KDE has not provided the complete audit finding; he is not aware of when they will provide the full report.

Dr. Willner requested the Board take separate votes for each corrective action plan. She still has a few questions and she isn't ready to assume responsibility for all three plans.

Mrs. Horne expressed concern with the findings.

Ms. Porter stated that it is the responsibility of the Board to provide proper funding to ensure things are done correctly. It cannot be done without putting people and funding in place.

**Order #2017-317 - Motion Passed:** A motion to accept the corrective action plan to address compliance in *Career and Technical Education with the Carl D. Perkins Career and Technical Education Improvement Act of 2006* passed with a motion by Mrs. Stephanie Horne and a second by Ms. Diane Porter.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes

**Order #2017-318 - Motion Passed:** A motion to accept the corrective action plan to address compliance with *Individuals with Disabilities Education Act* passed with a motion by Mrs. Stephanie Horne and a second by Dr. Christopher Kolb.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	No

**Order #2017-319 - Motion Passed:** A motion to accept the corrective action plan to address compliance with 704 KAR 7:160, *Use of Physical Restraint and Seclusion in Public Schools* passed with a motion by Dr. Christopher Kolb and a second by Mrs. Stephanie Horne.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	No

### **X.C. Update on Superintendent Search**

Chair Brady read the following update:

“In late September, the Board issued an RFP for a firm to provide public relations and community relations services relating to the superintendent search. This firm will assist the Board to obtain input from the community and stakeholders about the qualities and capabilities that are desired in a superintendent. At its October 24 meeting, the Board voted to award the contract to one of the three bidders on the condition that this firm provides the Board their plans on how they will reach out to all areas of the community through an equitable process in which each segment and population of the community will be involved. The firm has submitted a letter describing its plans such as outreach and they are satisfactory to the Board. Therefore the Board will enter into a contract with this firm – Bandy Carroll Hellige.

The process of obtaining community and stakeholder input is expected to begin in November and to continue through December and January.

As required by Kentucky law, the Board will receive advice from a superintendent screening committee that is composed of one Board member, appointed by the Board chair; two teachers, elected by the teachers in the district; one principal, elected by the principals in the district; one parent, elected by the presidents of the parent-teacher organizations of the schools in the district; one non-teacher employee, elected by the non-teacher employees in the district; and, if a minority member is not otherwise elected or appointed to the committee, one minority parent member elected by parents in an election conducted by the board. All members of the committee have now been selected. The membership of the committee is as follows:

- Board member – Chris Brady
- Teachers – Brent McKim and Beth Fuller
- Principal – Julie Cummings
- First Parent – Karin Bennett
- Classified Employee – Sue Foster
- Minority Parent – Yvette Gentry

For several weeks now, the Board has been advertising the superintendent position in national and state publications and online job listings that are widely read by educators, including minority educators. The project manager has been receiving responses to the advertisements from interested educators and has been providing those persons with an informational brochure about the district and an application form. This process will continue until the deadline for submitting applications, which is December 1. Applications will be reviewed by the screening committee and by the members of the Board.

The process of reviewing applications is expected to take place through December and January. The Board hopes to select the finalists for the superintendent position and to interview the finalists in February. The Board hopes to select the superintendent by the middle of March, so that he or she can begin work by April 1.

As a reminder to the community, the JCPS website includes a [page](#) that contains updated information about the superintendent search including answers to frequently asked questions about the search process”

Ms. Porter requested the website have an easy to understand summary of the superintendent search process.

Mrs. Horne expressed concern and stated that the process has not been very clear to her. The Board cannot make decisions outside of meetings so the public has heard all discussions about this process. If things have happened that the public didn't hear about, then the Board didn't decide on it. The Board did not decide the timeline. Other than the December 1 deadline, she thinks Chair Brady decided the timeline. She wanted to make it clear that the Board didn't ever discuss the timeline.

Chair Brady clarified that he did not arbitrarily decided the timeline; it is just a guideline as to when things should occur.

Mrs. Horne suggested having a future discussion regarding the procedural aspects of the search. She then stated that she doesn't know who decided that the statement from the community relations firm was acceptable; there was no discussion.

Ms. Porter requested the website clarify the fact that there is no search firm being used for this process.

Dr. Willner clarified that the acceptance of the community relations firm happened at the last meeting. She suggested the inclusion of the firm's community outreach plan on the website.

Mrs. Horne stated that the acceptance was subject to the firm’s plan of community outreach, which the Board never approved. She is concerned but hopeful that the process can improve once the firm is onboard and they can discuss the timeline.

**Order #2017-320 - Motion Passed:** Chair Chris Brady recommends the Board of Education receive an update on the superintendent search. The recommendation passed with a motion by Mrs. Linda Duncan and a second by Mr. Benjamin Gies.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes

### **XI. Consent Calendar**

XI.A. Certified Leaves of Absence

XI.B. Report of Personnel Actions

XI.C. Recommendation for Approval of Organizational Charts

XI.D. Recommendation for Approval of Field Trip Requests

XI.E. Recommendation for Approval of Contract Completion and BG-4 Form for Car Rider Loop Addition at Audubon Traditional Elementary School

XI.F. Recommendation for Approval of Construction Change Orders

XI.G. Recommendation for Approval of Bid Tabulations, Contract Renewals, and Amendments

XI.H. Recommendation for Approval of Professional Services Contracts of \$5,000 or More

XI.I. Acceptance of Purchase Order Report

XI.J. Acceptance of Voucher Report

XI.K. Acceptance of the Comprehensive Annual Financial Report for Year Ended June 30, 2017

XI.L. Acceptance of Donations, Grants, and Funding

XI.L.1. Acceptance of Donations and Small Grants

XI.L.2. Acceptance of Funding from the FACE Foundation.

XI.L.3. Acceptance of Kentucky Department of Education's Fresh Fruit and Vegetable Grant

XI.M. Recommendation for Approval of Agreements

XI.M.1. Recommendation for Approval of Memorandum of Agreement with the Kentucky Department of Education for Education Recovery Specialists

XI.M.2. Recommendation for Approval of Memorandum of Understanding with Transform Education Kentucky, Inc.

XI.N. Recommendation for Approval of Shortened School Day and/or Week for One Exceptional Child Education Student

XI.O. Recommendation for Approval of Kentucky School Boards Association 2017 Policy Updates (Second Reading)

Mrs. Duncan request the Board pull down IX.K. for discussion.

**Order #2017-321 - Motion Passed:** A motion that the Board of Education approve the consent calendar for November 7, 2017 minus XI.K Acceptance of the Comprehensive Annual Financial Report for Year Ended June 30, 2017, passed with a motion by Mr. Benjamin Gies and a second by Dr. Lisa Willner.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes

Mrs. Duncan requested clarification regarding the recommendation for the activity funds.

William G. Carroll, audit partner, Strothman & Company PSC, explained that the recommendation is for the Board to take steps to properly train, educate, and monitor the bookkeepers.

**Order #2017-322 - Motion Passed:** A motion that the Board of Education approve XI.K Acceptance of the Comprehensive Annual Financial Report for Year Ended June 30, 2017, passed with a motion by Mr. Benjamin Gies and a second by Mrs. Linda Duncan.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes

▪ **TIE BIDS on BID ID# 7484** - Electrical Supplies & Lighting (Line Item)

Vice-Chair Willner drew lots for Tie Bids on BID ID #7484 and they were awarded as follows:

- Item No. 54 – Ed Kute Electric Supplies, Inc.
- Item Nos. 188 & 201 – A-M Electric
- Item Nos. 37, 38, 103, 220, & 237 – Westco Distribution

**XII. Board Planning Calendar**

A motion by Dr. Kolb to call a special meeting for Friday, to discuss the incidents that happened at J-town and also the superintendent's evaluation, was not acknowledged by Chair Brady.

There was no discussion or vote regarding the planning calendar.

### **XIII. Board Reports**

Mrs. Duncan reported on the Class Act branch grand-reopening and the upcoming Local School Board Members Advisory Council meeting.

Mrs. Horne submitted her [Board Report](#) in writing and pointed out the informational links.

Dr. Willner reported on the October 25 meeting with Louisville's Office of Safe and Healthy Neighborhoods and Cure Violence.

Ms. Porter expressed gratitude for the earlier recognition as a 2017 Urban Educator of the Year Finalist. She then reported on the Council of the Great City Schools conference; school visits; Metro United Way's 100<sup>th</sup> Anniversary Community Celebration; and the November 2 Facilities Committee Meeting. She gave a shout-out to Diversity, Equity, and Poverty for winning the Sam Robinson Service Award and acknowledged Delquan Dorsey and Sylena Fishback. She concluded by pledging her support to the District.

Chair Brady would not recognize Dr. Kolb as he raised his hand to speak.

Dr. Kolb: "My board report is that I need to go on record to say I believe we need to have a special meeting to discuss the J-Town situation. I suggest we have a special meeting within one week;"

Mr. Gies read a prepared statement regarding his time as a Board member and his duty to defend the law. He stated that yelling and being out of order will not solve the issue.

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

### **XV. Action Item (If Needed)**

**XVI. Adjournment**

The meeting adjourned at 9:33 p.m.

**Order #2017-323 - Motion Passed:** A motion to adjourn the November 7, 2017, meeting of the Jefferson County Board of Education passed with a motion by Mrs. Stephanie Horne and a second by Mrs. Linda Duncan.

Mrs. Stephanie Horne	Yes
Mr. Chris Brady	Yes
Mrs. Linda Duncan	Yes
Mr. Benjamin Gies	Yes
Dr. Christopher Kolb	Yes
Ms. Diane Porter	Yes
Dr. Lisa Willner	Yes

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Chris Brady  
Chairperson

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Dr. Martin A. Pollio  
Acting Superintendent/Secretary

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