



# **JEFFERSON COUNTY BOARD OF EDUCATION**

## **Minutes of Special Meeting of October 20, 2020**

**Special Meeting** of the Jefferson County Board of Education held via  
Video Teleconference, on Tuesday, October 20, 2020, at 6 p.m.

### **BOARD MEMBERS PRESENT:**

Chairwoman Diane Porter  
Mr. Chris Brady  
Mrs. Linda Duncan  
Dr. Corrie Shull

Vice-Chair Chris Kolb  
Mr. James Craig  
Mr. Joseph Marshall

### **STAFF MEMBERS PRESENT:**

Superintendent Martin A. Pollio, Ed.D.  
Jimmy Adams, Chief Human Resources  
Kevin Brown, General Counsel  
Dr. Kermit Belcher, Chief Information Officer  
Kim Chevalier, Chief Exceptional Child Education  
Dr. Carmen Coleman, Chief Academic Officer  
Dr. Dena Dossett, Chief Accountability, Research, & Systems Improvement  
Cordelia Hardin, Chief Financial Officer  
Dr. John Marshall, Chief Equity Officer  
Renee Murphy, Chief Communications and Community Relations Officer  
Chris Perkins, Chief Operations Officer  
Eva Stone, Health Coordinator

In light of the Governor having declared a state of emergency within the Commonwealth on March 6, 2020, as a result of the COVID-19 outbreak and in compliance with guidance issued by the Executive Branch on March 12 and 16, 2020, regarding the conduct of meetings of state boards and commissions during the emergency period, this meeting was conducted by video-teleconference and available for live public viewing online.

The guidance from the Executive Branch provided that all Kentucky Boards and Commissions take proper health precautions to mitigate the spread of COVID-19 and accordingly, with respect to the public attendance at meetings of said bodies, states "members of the public will only be able to view video-teleconferenced meetings remotely."

Members of the public had the opportunity to voice opinions or express concerns by submitting remarks via email or mail.

## **SPECIAL MEETING**

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

Chair Porter called the October 20, 2020, Special Meeting of the Board of Education to order at 6 p.m.

### **II. Enter into Executive Session per KRS 61.810(1)(c)**

The purpose of the closed session was for discussion of and possible action on proposed litigation.

Chair Porter made the following announcement:

“The Board will now conduct a closed session, as permitted by KRS 61.810(1)(c) of the Open Meetings Act, for the purpose of a discussion relating to 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. Action by the Board to authorize the filing of any lawsuit will be conducted in open session.”

**Order #2020-154 - Motion Passed:** A motion that the Board of Education conduct a closed session for the purpose of discussions relating to proposed litigation as permitted by KRS 61.810(1)(c) of the Kentucky Open Meetings Act passed with a motion by Mr. James Craig and a second by Mrs. Linda Duncan.

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

### **III. Adjourn from Executive Session and Return to Open Session**

The Board returned to open session at approximately 6:50 p.m.

**Order #2020-155 - Motion Passed:** A motion to adjourn closed session and return to open session passed with a motion by Mr. Chris Brady and a second by Dr. Corrie Shull.

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

Chair Porter made the following announcement:

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

#### IV. Possible Consideration of a Motion on Proposed Litigation

Chair Porter made the following announcement:

“I will now entertain a motion to adopt a resolution authorizing participation in the “Multi-District Litigation” against pharmaceutical manufacturers, distributors and marketers of opioid pain medications and vaping products. If there is a motion, I ask the Board member making the motion to read the proposed resolution in its entirety.”

Mr. Craig read the resolution aloud.

**Order #2020-156 - Motion Passed:** A motion to adopt a resolution authorizing participation in the “Multi-District Litigation” against pharmaceutical manufacturers, distributors and marketers of opioid pain medications and vaping products passed with a motion by Mr. James Craig and a second by Mr. Chris Brady.

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

#### V. Recommendation for Approval of Project, BG-1 Form, and Purchase of Land for the New Elementary School – West Broadway Corridor

Dr. Pollio introduced this item and Chris Perkins, chief operations officer, discussed the construction of a modern 21<sup>st</sup> Century elementary school in West Louisville. Each Board member had an opportunity to comment and ask questions.

Chair Porter stated that she would meet with Mr. Perkins individually to get more details, noting the importance of student safety and community input.

**Order #2020-157 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve the project, the BG-1 form for an estimated cost of \$19,664,000, and the purchase of land at 1720 West Broadway in the amount of \$1,409,570.24 for the New Elementary School – West Broadway Corridor. The recommendation passed with a motion by Dr. Corrie Shull and a second by Mr. Chris Brady.

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

## **VI. A New Way Forward: Back to School Plans**

Dr. Pollio and his team presented an update on plans for a possible return to in-person school and the concurrent implementation of the JCPS Virtual Academy. Dr. Pollio noted the escalating COVID-19 incidence rate and stated that the U.S. Centers for Disease Control and Prevention and the White House show Jefferson County in high categories of transmission rates. Each Board member had an opportunity to comment and ask questions.

Mrs. Duncan expressed hope with the plans and asked for clarification on student hand washing; bus depot transfers; lesson plans; and face mask enforcement.

Mr. Marshall expressed enthusiasm with the planning and asked about transitioning from a hybrid model to a normal schedule for in-person learning. He was interested in learning how the Virtual Academy would look compared to the current NTI.

Mr. Craig questioned if the hybrid model would work better at elementary schools with higher percentages of families who opt for in-person instruction. He asked about transportation for students who need to leave school due to a fever. He asked for clarification on medical waivers and wondered if it would be possible to require students without masks to enroll in the Virtual Academy. He then asked when staff members who are working remotely would be required to return to their building. He concluded by stating that he thinks the Board should have an in-person meeting when the time comes to consider a possible date to return to in-person instruction.

Dr. Shull requested details regarding teacher expectations while working in a hybrid model. He asked about the process for students who may have to miss in-person instruction due to self-quarantine. He wanted to ensure there would be a process in place to deal with students who refuse to wear a face mask.

Mr. Brady wanted to ensure that face masks would be mandatory for staff members who choose to wear a face shield. He requested clarification on face mask medical waivers and about staffing for isolation rooms. He then asked for transition details and was specifically concerned for students who are transitioning with IEPs. He wanted to understand the criteria that would trigger a return to NTI and suggested the District have written criteria since there is no clear benchmark.

Chair Porter asked for details regarding the development of individual school plans. She asked about partnerships with local health care providers. She wanted to ensure that all students now have the capability of logging in and working virtually.

Dr. Kolb acknowledged frustration among families who want to return to in-person instruction and stated that he doesn't see hope in returning until the Governor and Mayor implement limitations to help contain the spread of COVID-19.

Mr. Brady asked about the possibility of a testing plan. He urged the administration to have a date in which they would call for the continuation of NTI for the remainder of the calendar/school year to help families make accommodations.

**Order #2020-158 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education receive an update regarding Back-to-School Plans. The recommendation passed with a motion by Mr. James Craig and a second by Dr. Corrie Shull.


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

## VII. Adjournment

The meeting adjourned at 8:56 p.m.

**Order #2020-159 - Motion Passed:** A motion to adjourn the October 20, 2020 meeting at 8:56 p.m. passed with a motion by Mr. Joseph Marshall and a second by Mr. James Craig.

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

  
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Diane Porter  
Chairwoman

  
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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**



## **JEFFERSON COUNTY BOARD OF EDUCATION**

### **Persons Requesting to Address the Board**

**(Deferred to Email Due to COVID Attendance Limitations)**

Until meeting room capacity returns to normal, members of the public will have the opportunity to voice opinions or express concerns by submitting remarks via email. Remarks should be limited to 500 words or less and sent to the Assistant Secretary to the Board ([angela.gilpin@jefferson.kyschools.us](mailto:angela.gilpin@jefferson.kyschools.us)) for dissemination purposes prior to the meeting. Public remarks will be shared with each Board member and recorded in the Official Minutes.

## Public Comments

Dear Dr. Pollio and Board Members,

As the parent of two college-age and two high school-age students, I implore you to open up the schools for elementary students. That may sound strange, but I've seen firsthand the negative impact NTI has had on our youngest students and our oldest students. The little ones need to go back first. One argument I've heard from the board for not returning to the classroom is discipline and unruly behavior. That is not as much of a problem (though still present, unfortunately) in the elementary grades. The other argument is insufficient staffing. Again, I don't have the data, but would be willing to guess that it's in the middle and high schools more than elementary.

The number one focus of our schools should be our students. Period. The risk to our students is minimal (see chart) and those who are at a greater risk could still have the option of eschool (think students with long term health issues in the past). The average age of our teachers is 41, so even our teachers are not in the high risk age group.

Something else to consider is the fact that no other group of essential workers were given a survey to see if they would return to work. Doctors, nurses, police officers, grocery store employees, nursing home staff, pilots, etc. all went to work because they had to. Why should teachers be any different?

Parents realize schools are not daycares as some have accused, but for many, having their children in school is the only way they can work to care for their families. Allowing elementary students to go back the classroom would relieve a heavy burden from so many struggling families right now.

In closing, I would encourage you to find a solution that allows our youngest students to go to school where they can learn in the way that is most beneficial to them. If we don't teach them to love school when they're young (and most aren't loving it), we don't stand a chance when they're in the more challenging years of middle and high school. Thank you.

Regards,

Claudine Geoghegan

Why is it Ok for children to play sports when kids are not allowed to attend school in person?

Why are some schools used for NTI in person instruction and not for in person school?

Why do kids only have to attend NTI four days a week? School is structured for five days of learning. Kids are in need of more material to learn.

Thanks

Davin DeVore

Good morning. I am Heidi Margulis, and am contacting you in my capacity as Chair, Louisville Metro Board of Health. I am also a JCPS graduate, and am one of your constituents.

First, I want to personally thank you for your commitment to public education service through your School Board position. As a fellow Atherton graduate (Class of '71), your desire to "give back" to the system in which you were educated, is a tribute. Your efforts will make a difference in young peoples' lives. I know the value of public education; in fact, I credit a large part of my career success to my 11th grade English teacher at Atherton, Mrs. Henry.

I write today to urge you to vote to return ESL and special needs children to school as soon as possible, given the critical need for the educational/wrap-around service support our public school system offers them. It allows the school system to safely open with a small, targeted group. Large school systems across the country have seen success with this tiered approach. In fact, this morning, the New York Times published an article on the tiered approach used in New York City which is seeing results:

<https://www.nytimes.com/2020/10/19/nyregion/schools-coronavirus.html?referringSource=articleShare>

Thank you for your consideration of this request, and again, my deep appreciation for your commitment to public school education.

Please stay/be well.

Regards,

Heidi Margulis

Chair, Louisville Metro Board of Health

hsmargulis@gmail.com

502-938-0315 (m)



Dr. Pollio and Board Members:

I would like to know why the JCPS board is not using the CDC Indicators for Dynamic School Decision-Making and has instead chosen to rely on a state color grid metric issued by Dr. Stack's office.

One minute state leadership is preaching about CDC guidelines and then the next they are preaching about their own guidelines. Why would JCPS rely on Dr. Stack's recommendation over the CDC? Dr. Stack's unrealistic color grid is now dictating the kids' future? If we were following CDC's grid our kids would have been in school a month ago.

[https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/indicators.html?fbclid=IwAR3Y3p\\_G1n3bXOdb3pI7zYsDACD9i1BEml131rRsNtfbdMv0mpdTn89KbK0#thresholds](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/indicators.html?fbclid=IwAR3Y3p_G1n3bXOdb3pI7zYsDACD9i1BEml131rRsNtfbdMv0mpdTn89KbK0#thresholds)

I am glad all other surrounding districts have decided to ignore state recommendations after seeing low transmission rates and give some kids in our state an opportunity to learn again.

On a personal note, I pulled my kids out of private school and put them in public because I wanted them to experience diversity and get out of the "private" bubble. I had great faith in the JCPS system at the time. The last nine months have been a wake up call for us and it has now come to the point that we are considering pulling them back out and putting them back in private. Fortunately we have the financial ability to do that. Thinking about families that don't have the financial means keeps me up at night. I spoke to a mom yesterday with a special needs child that had to quit her job to stay home to help her two kids with NTI. She is getting just enough money from the state to put food on the table each week. Another is a dad who made \$90K last year, but now only makes \$24K a year doing freelance work because he has to stay home with his kids too. I will continue to fight the fight for those families.

I would appreciate an answer to my question and so would a lot of other parents. Thank you!

Jennifer Griffin

Hi

I am writing this email I hopes that you will feel my extreme concern, sadness and heartache. My children ages 5 (Twins Kindergarten) and 9 (4th grade) need to be in school. It's not only a daily struggle for me as a single mother trying to provide for my boys but now no longer able to make an income because I'm forced to homeschool.

My boys are struggling with NTI. This is not working for them. The teachers are doing their best but unfortunately it's not enough. My boys needs interaction, close connection and guidance. It's breaking their spirits. They used to love school and now it's heartbreaking because they are in tears the minute we talk about school.

What is also very hard for me to understand and explain to my kids (as we did drive thru orientation) and there were children playing on their school play ground and they can't. These children are allowed to go to school at Stopher thru the Y camp if I pay. Which for me would be exactly \$444 a week for my three boys. Total insanity! How is this ok?

All area schools are open around us and have not had issues. Why is JCPS not stepping up and listening to us?

--

Kelley Hughes

My name is Lindsay and my daughter transferred this year from Oldham county and is attending Noe Middle. I am emailing to give you some insight on how our life has been since NTI started this past August. My daughter is an only child and I work full time.... most days I get home after working a ten hour shift and help her with her homework for about 3-4 hours. There is so much busy work and not much actually retention of useful knowledge. Computer glitches and WiFi issues are a daily occurrence as well which adds to the stress of meeting deadlines. My daughter and I have always been extremely close and this has definitely affected our relationship as we tend to argue daily now. My daughter had to get glasses bc of the amount of screen time necessary with NTI and has headaches almost every day. The isolation created with NTI had been extremely detrimental to my daughter's psychological well being as well. She has become withdrawn and depressed due to the loneliness of this all. Her social skills have been adversely affected and she has anxiety when speaking to anyone outside of the immediate family now. She used to be a vibrant, happy and social young girl and is now withdrawn and unhappy to the point that I've spoken with a therapist. I know my situation is not unique or the worst... I have heard from many other parents and actually feel relieved that I am not alone. And while my daughter's grade are great, most kids are not faring well which means that they will be extremely ill prepared when school ever does resume. I'm simply asking to please please reconsider the decision to continue NTI. Please give the parents the option as other Kentucky counties have done. I understand the realness of this virus... I am immunocompromised and would most likely require hospitalization if I got sick. Yet I work every day.... it is absolutely hypocritical to allow everything else to open up while our children suffer in silence at home. And for JCPS employees, who in my mind essential workers, to stay home and hide behind their union is deplorable. If this has been a political or union issue up until now there is still time to rectify the situation and make it right. If it's the issue of social distancing and buses then make a stipulation that all children attending school be driven by parents. Do a half week schedule like other counties.... let them stay in one room all day and have teachers rotate.... please.... anything is better than this... I implore you as a mother who is fearful for her only daughter's well-being. Covid 19 is not going away and cases are rising even with a mask mandate. It is imperative to try and get these kids back as safely as possible. It isn't fair to hide behind guidelines put in place by the CDC when all other schools are not... I assure you that the parents will support and rally behind any attempts that are made to get these kids back.... please. Thank you for taking the time to read this.