



# **JEFFERSON COUNTY BOARD OF EDUCATION**

**Minutes of September 13, 2022**

**Regular Meeting** of the Jefferson County Board of Education held at VanHoose Education Center, Stewart Auditorium, Louisville, Kentucky, on Tuesday, September 13, 2022.

## **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

Ms. McIntosh attended the meeting via videoconference

## **STAFF MEMBERS PRESENT:**

Superintendent Martin A. Pollio, Ed.D.

Kevin Brown, General Counsel

Jonathan Lowe, Executive Administrator of Policy and Systems

Jodi Renn, Director of Internal Audit

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**

The purpose of this special meeting was to have an executive session for discussions relating to pending litigation pursuant to KRS 61.810(1)(c) of the Kentucky Open Meetings Act.

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

Chair Porter called the meeting to order at 5:34 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 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 Closed Executive Session as permitted by KRS 61.810(1)(c) of the Open Meetings Act, for the Purpose of a Discussion Regarding Pending Litigation**

**Order #2022-158 - Motion Passed:** A motion to enter Closed Executive Session as permitted by KRS 61.810(1)(c) of the Open Meetings Act, for the Purpose of a Discussion Regarding Pending 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	Yes
Mr. Joseph Marshall	Yes
Ms. Sarah McIntosh	Absent
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

## **III. Adjourn from Executive Session**

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. No action was taken while in closed session”

**Order #2022-159 - Motion Passed:** A motion that the Board of Education adjourn from Executive Session and return to Open Session 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	Absent
Ms. Diane Porter	Yes
Dr. Corrie Shull	Yes

Chair Porter made the following announcement.

“The Board met in closed executive session, as permitted by KRS 61.810(1)(c), for the purpose of a discussion relating to pending 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 a motion to authorize Board counsel to effectuate a settlement in the matter identified in closed session and pursuant to the terms discussed in closed session.”

#### **IV. Possible Consideration of a Motion on Pending Litigation**

**Order #2022-160 - Motion Passed:** A motion to authorize Board counsel to effectuate a settlement in the matter identified in closed session and pursuant to the terms discussed in closed session 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

#### **V. Adjournment**

The special meeting adjourned at 6:05 p.m.

**Order #2022-161 - Motion Passed:** A motion to adjourn the special meeting at 6:05 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

#### **REGULAR MEETING**

Chair Porter called the meeting to order at 6:05 p.m.

##### **I. Moment of Silence**

##### **II. The Pledge of Allegiance**

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

Mr. Marshall read the Vision Statement.

### III. Recognitions and Resolutions

**A. Recognition of Jefferson County Public Schools Safety Officer Mullikin for His Work to Ensure the Safety of Students and Staff at Atkinson Elementary School**

**B. Recognition of Jefferson County Public Schools Bus Driver Tim Franklin for His Calm, Quick Actions to Ensure the Safety of Students on a Carter Elementary School Bus**

**Order #2022-162 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve the recognitions for September 13, 2022. The recommendation passed with a motion by Mr. James Craig and a second by Dr. Corrie Shull.

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. Recommendation for Approval of Meeting Agenda

**Order #2022-163 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve the agenda for September 13, 2022. 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

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

**Order #2022-164 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve the minutes of the August 30, 2022, meeting. 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

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

Dr. Pollio offered condolences as he recognized the life and impact of beloved teachers Rob Hammond, who taught at Waggener High School, and Lisa Carson who taught at Louisville Male High School. He then recognized education reporter Kevin Wheatley for his honest and fair reporting as he takes on a new job at Norton Healthcare.

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

There were no speakers.

## **VIII. Action Items**

### **A. Recommendation for Approval of the Internal Audit Work Plan for the Period Ending September 30, 2022, and Acceptance of the Report on the Status of the Fiscal Year 2023 Internal Audit Work Plan**

Jodi Renn, director of Internal Audit, presented the report. James Rose, chair of JCPS Audit & Risk Management Advisory Committee, was available to answer questions. Each Board member had an opportunity to comment and ask questions.

Ms. McIntosh asked Mrs. Renn to give a brief overview of voluntary audits versus what is legally required. She then questioned the quality of the District's public transparency.

Mr. Marshall questioned the audit plan staffing allocation and follow-up procedures for bullying/harassment investigations. He then asked Mrs. Renn to talk about the Racial Equity Analysis Protocol and how that was viewed from an audit standpoint.

Mrs. Duncan asked for clarification regarding contracts with women-, minority- or veteran-owned businesses. She questioned the information regarding substantiated reports of bullying and harassment. She then wanted clarification on the recommendation for training around the attendance documents.

**Order #2022-165 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve the attached Internal Audit Risk-Based Audit Plan for Fiscal Year 2022-23 and receive the Report on the Status of the Fiscal Year 2022 Internal Audit Work Plan. The recommendation 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

## IX. Information Items

### A. Acceptance of Report on Regular Board Meeting Schedule for 2023

Dr. Pollio introduced this item and Jonathan Lowe, executive administrator of policy and systems, presented the draft schedule of meetings for 2023. Each Board member had an opportunity to provide feedback.

Chair Porter asked for clarification regarding the difference between work sessions and business meetings.

Ms. McIntosh asked if merging work sessions and business meetings would decrease the need for special called meetings. She then wanted to ensure that the schedule avoids major religious holidays.

Mr. Marshall said, "I think that maybe it's time for a conversation about how to make those look differently, how we can align our work session work with business meeting work more intentionally - to turn work sessions into a time where we really do talk about some major changes in the things that we want to have happen." He said that he is ready to also get back to some real Retreats.

Mrs. Duncan said, "I like the proposal for the calendar that's similar to this year's. I also prefer the work sessions to know that we're having work sessions - which we will not be dealing with action items."

Mr. Craig agreed with other Board member's feedback.

Dr. Kolb said, "...I want to echo everything that Board member Marshall said. I completely agree with those sentiments. In looking at the schedule I think we could stand to lose a few meetings, in particular, the ones around the end of the school year..." He wondered if the Public Forums are working as well as they had intended or if it might be a better use of time to have four Board Retreats to work on Board development.

Dr. Shull agreed that the work sessions should be more conversational. He also suggested they think about hosting Board meetings at high schools in various districts again.

Chair Porter said, "I think I have heard the majority of the Board members say that they appreciate the opportunity for the work session to have more conversation with Board members and for those who are presenting." She asked for clarification regarding meeting requirements per state law. She then said it is important to have the retreats separate from the meetings/work sessions.

**Order #2022-166 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education receive a report on the Regular Board Meeting Schedule for 2023. The recommendation passed with a motion by Mr. James Craig and a second by Dr. Corrie Shull.

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

## **X. 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 Schools**

**2. Recommendation for Approval of Organizational Charts and/or Job Descriptions - Operations Services**

### **D. Recommendation for Approval of Field Trip Request**

**E. Recommendation for Approval of the Project, Assignment of Architects/Engineers, and BG-1 Form for Window Replacement at King Elementary School**

**F. Recommendation for Approval of Revised BG-1 Form for HVAC Central Plant Replacement at Doss High School**

### **G. Recommendation for Approval of Contract Completions and BG-4 Forms**

**1. Recommendation for Approval of Contract Completion and BG-4 Form for Phase I HVAC Renovation at duPont Manual High School**

**2. Recommendation for Approval of Contract Completion and BG-4 Form for Boiler Replacement at Newburg Middle School**

### **H. Recommendation for Approval of Project Closeouts and BG-5 Forms**

**1. Recommendation for Approval of Project Closeout and BG-5 Form for Partial Roof Replacement at Doss High School**

**2. Recommendation for Approval of Project Closeout and BG-5 Form for Partial Roof Replacement at Eastern High School**

**3. Recommendation for Approval of Project Closeout and BG-5 Form for Partial Roof Replacement at Fern Creek Elementary School**

**4. Recommendation for Approval of Project Closeout and BG-5 Form for Partial Roof Replacement at Highland Middle School**

**5. Recommendation for Approval of Project Closeout and BG-5 Form for Partial Roof Replacement at Meyzeek Middle School**

**6. Recommendation for Approval of Project Closeout and BG-5 Form for Boiler Replacement at Okolona Elementary School**

**7. Recommendation for Approval of Project Closeout and BG-5 Form for Wood Door Replacement at Rutherford Elementary School**

**8. Recommendation for Approval of Project Closeout and BG-5 Form for Partial Roof Replacement at Seneca High School**

**9. Recommendation for Approval of Project Closeout and BG-5 Form for Window Replacement at Waller-Williams Environmental**

**10. Recommendation for Approval of Project Closeout and BG-5 Form for Kitchen Classroom Renovation at W.E.B. DuBois Academy**

**11. Recommendation for Approval of Project Closeout and BG-5 Form for Boiler Replacement at Wellington Elementary School**

**12. Recommendation for Approval of Project Closeout and BG-5 Form for Wood Door Replacement at Western Middle School**

**13. Recommendation for Approval of Project Closeout and BG-5 Form for Chiller & Water Heater Replacement at Westport Middle School**

- I. Recommendation for Approval of Competitive Negotiation, Bid Tabulations, Contract Renewal, and Amendments**
- J. Recommendation for Approval of Professional Services Contracts of \$20,000 or More**
- K. Acceptance of Summary of Professional Services Contracts**
- L. 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**
- M. Recommendation for Approval to Borrow Funds for Fiscal Year 2022-23**
- N. Acceptance of Donations, Grants, and Funding**
  - 1. Acceptance of Funding from the Kentucky Department of Education**
  - 2. Acceptance of Donations and Small Grants**
- O. Recommendation for Approval of Agreements**
  - 1. Recommendation for Approval of Memorandum of Agreement with Isaac W. Bernheim Foundation**
  - 2. Recommendation for Approval of Memorandum of Agreement with Commonwealth Theatre Center for Programming at Olmsted Academy South**
  - 3. Recommendation for Approval of Amendment to Memorandum of Agreement with Baptist Health Medical Group**
  - 4. Recommendation for Approval of Memoranda of Understanding with Dare to Care Food Bank**
  - 5. Recommendation for Approval of Addendum to Memorandum of Agreement with Jefferson Community and Technical College**
  - 6. Recommendation for Approval of Memorandum of Agreement with The Office of Vocational Rehabilitation, Education and Labor Cabinet**
  - 7. Recommendation for Approval of Local Head Start Memorandum of Agreement with Ohio Valley Education Cooperative**
  - 8. Recommendation for Approval of Memorandum of Agreement with the University of Louisville**
  - 9. Recommendation for Approval of Student Teacher Agreement with the University of Louisville**
  - 10. Recommendation for Approval of Student Placement Agreement with Western Governors University**
  - 11. Recommendation for Approval of Trademark License Agreement from the Kentucky Education & Labor Cabinet**
  - 12. Recommendation for Approval of Memorandum of Agreement with Ulliman and Schutte Construction**
  - 13. Recommendation for Approval of Confidential Data Privacy Agreement with Public Consulting Group LLC for CSTAG Threat Assessment EDPlan™**
  - 14. Recommendation for Approval of Data Privacy Agreement with Houghton Mifflin Harcourt Company**
  - 15. Recommendation for Approval of Data Protection Agreement with Intrado Interactive Services for School Messenger**
  - 16. Recommendation for Approval of Data Privacy Agreement with Lexia Learning Systems**
  - 17. Recommendation for Approval of Data Sharing Agreement with McGraw Hill Education for Achieve3000**
  - 18. Recommendation for Approval of Data Sharing Agreement with Merlyn Minds**
  - 19. Recommendation for Approval of Data Privacy Agreement with SchoolMint, Inc.**
  - 20. Recommendation for Approval of Data Sharing Agreement with Texthelp, Inc.**
  - 21. Recommendation for Approval of Bus Lease Agreement with Letcher County Board of Education**

- 22.** Recommendation for Approval of Rental Agreement with AEG Management West Louisville, LLC
- 23.** Recommendation for Approval of Contract Modification with Kentucky Department of Education for 21st Century Community Learning Center Grants
- P.** Recommendation for Approval of Fiscal Year 2022 Technology Activity Report
- Q.** Recommendation for Approval of the Internal Audit Charter
- R.** Recommendation for Approval of the Working Budget for Fiscal Year 2022-23

**Order #2022-167 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education approve the Consent Calendar for September 13, 2022. The recommendation 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

## **XI. Board Planning Calendar**

Dr. Kolb said, “I would like to see us continually revisit the issue of funding for the District, revenue for the District.” He continued, “I would just ask the Superintendent, Board Chair, and Vice-Chair to, as they develop the planning calendar in the agenda setting meetings, to schedule as frequently as we can some updates on how we're using the revenue that we generated and what our needs-list continues to be to make plans for meeting those needs with the additional revenue that we are probably going to need.”

Chair Porter recommend that the Board receive an annual report on cyber security in JCPS.

Mrs. Duncan said, “I would like for us to get an update on our security force and the activities that they're doing and maybe the needs. ... And then, I would also like for us to revisit the most recent CDC guidance.”

**Order #2022-168 - Motion Passed:** Superintendent Martin Pollio recommends the Board of Education receive the attached planning calendar outlining discussion agenda items. The recommendation 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

## **XII. Committee Reports**

Dr. Kolb reported on the Policy Committee and Mr. Craig reported on the Facilities Committee.

## **XIII. Board Reports**

Chair Porter praised a Central High School student for applying life-saving techniques she learned in the classroom to help save a man's life.

## **XIV. Persons Requesting to Address the Board (If Necessary)**

There were no speakers.

## **XV. Executive Session (If Necessary)**

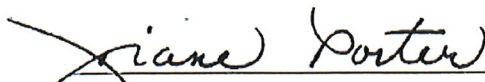
## **XVI. Action Item (If Necessary)**

## **XVII. Adjournment**

The meeting adjourned at 7:10 p.m.

**Order #2022-169 - Motion Passed:** A motion to adjourn the September 13, 2022, meeting of the Jefferson County Board of Education at 7:10 p.m. passed with a motion by Dr. Corrie Shull 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

  
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**