



JEFFERSON COUNTY BOARD OF EDUCATION

Minutes of Special Meeting of August 07, 2023

Special Meeting of the Jefferson County Board of Education held at VanHoose Education Center, on Monday, August 07, 2023, at 6:00 p.m.

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

Mr. Craig and Ms. McIntosh attended the meeting virtually.

STAFF MEMBERS PRESENT:

Superintendent Martin A. Pollio, Ed.D.

Kevin Brown, General Counsel

Dana Collins, Assistant General Counsel

Johnathan Lowe, Executive Administrator of Policy and Systems

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.

SPECIAL MEETING

The purpose of this meeting was for Board members to receive a report and have discussions regarding Board policies to implement Senate Bill 150; to consider related proposed Board policies; and to receive for review related administrative procedures.

I. Call to Order

Chair Porter called the August 07, 2023, Special Meeting of the Board of Education to order at 6:08 p.m.

II. Recommendation to Receive a Report Regarding Board Policies to Implement Senate Bill 150; to Adopt Version #3 of Related Board Policies for First Reading; to Waive Second Reading; and to Receive for Review Related Administrative Procedures

Johnathan Lowe, executive administrator of policy and systems, gave a brief presentation regarding Version #3 of proposed policies and administrative procedures. Each Board member had an opportunity to comment and ask questions.

Mr. Marshall asked General Counsel to give a brief statement regarding potential consequences if the Board does not adopt policies to implement Senate Bill 150 by the deadline. He then asked what the process would be if Senate Bill 150 is deemed a violation of Title IX.

Mrs. Duncan discussed preferred pronouns being used by staff as requested by a parent and bathroom usage in schools. She concluded by saying that a student should be referred to a mental health professional when they come forward with any issues on this subject.

Mr. Craig wanted clarification on the language regarding 504 plans, misgendering, and bathroom usage. He asked how the process would begin and be implemented. He then asked, "Will all teachers and staff who interact with transgender students be advised of this Board policy and the risk of EPSB (Education Professional Standards Board) referral if it passes tonight?" He concluded by asking, "What is staff's best estimation of the students who will receive some protection under Version #3 versus those trans students who will not avail themselves?"

Ms. McIntosh asked for a quick explanation of the acronyms that have been used during discussions on this topic. She wanted to confirm that a parent or custodian is included in (ARC) Admissions and Release Committee meetings.

Dr. Kolb questioned the stipulation that a parent or guardian must provide written consent to school officials for a student to have the best available accommodations. He then asked, "If I'm a trans student and I'm currently diagnosed with gender dysphoria, is that likely to already be in my IEP or 504 or do we not know?" He wanted to clarify the process to add the bathroom as a stipulation in an IEP.

Mr. Craig wanted to confirm that even if the Board adopted Version #2, Senate Bill 150 would still control the District until the Sixth Circuit makes a ruling or we have different regulations from the Federal Government. He concluded by asking if a resolution would be appropriate to ensure the Board revisits this issue when appropriate.

Dr. Kolb agreed that the Board should take action to make sure they revisit this issue. He asked how many federal circuits there are and how many have ruled that gender identity is basically the same as biological sex and allows you to use the restroom of your preference.

Mrs. Duncan asked, "With the use of a 504 plan, is there any guarantee that girls will not be in restrooms, against their will, with trans girls?"

Chair Porter made the following statement before calling for a vote, "Everyone has had an opportunity to ask questions and to share their thoughts. No matter what happens, our focus is on the Jefferson County Public Schools. Our focus is on students, academics, personal life, sense of belonging, feeling safe, and providing a safe learning environment for our students. A lot of work has gone into the revision to give us this Version #3. We are trying to focus on the Jefferson County Public School District, our students, our staff, and our families and we have had an opportunity to hear the voice of our students and our families - and thank you, everyone. I again want to say as laws change, we as a board can come back together and revisit whatever the law is saying that will make it in the best interest of the Jefferson County Public School students, staff, and families."

Order #2023-129 - Motion Passed: Superintendent Martin Pollio recommends the Board of Education receive a report regarding Board policies to implement Senate Bill 150 (2023 RS); to adopt Version #3 of related Board Policies 08.13531, 09.141, 09.22, 09.13 and 09.14; to waive second reading; and to receive for review related administrative procedures 09.22 AP.2 and 09.13 AP.1. The recommendation passed with a motion by Mr. Joseph Marshall and a second by Ms. Sarah McIntosh.

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

III. Consideration of Related Motion(s)

Order #2023-130 - Motion Passed: A motion that upon the release of Federal Regulations that we anticipate will provide a firm legal foundation for the policies identified as Version 2 in the board meeting materials of July 25, 2023, that the Board hold a special board meeting within 14 days of the release of the Federal Regulations to consider policies substantially similar to the policies identified as Version 2 passed with a motion by Dr. Christopher Kolb and a second by Mr. Joseph Marshall.

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

Order #2023-131 - Motion Passed: A motion that the Board of Education instruct Dr. Pollio upon the release of Federal Regulations that we anticipate will affirm the rights of LGBTQ+ students, to eliminate any procedure or practice in JCPS that has demonstrated by a preponderance of research is harmful to students or staff members who identify as LGBTQ+ passed with a motion by Dr. Christopher Kolb and a second by Mr. Joseph Marshall.

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

IV. Adjournment

The special meeting adjourned at 7:09 p.m.

Order #2023-132 - Motion Passed: A motion to adjourn the August 7, 2023, Board of Education Meeting at 7:09 p.m. passed with a motion by Dr. Corrie Shull 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

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**