

**RECORD OF BOARD PROCEEDINGS
(MINUTES)
Board Agenda Planning Meeting
November 10, 2008**

The Fayette County Board of Education met at 701 East Main Street, Lexington, KY at 5:30 p.m. on the 10th day of November 2008, with the following members present: **(1) Becky Sagan, (2) John Price, and (3) Melissa Bacon, and (4) Amanda Ferguson, (5) Kirk Tinsley**

Staff Members Present

Stu Silberman, Mary Browning Wright, Mike Burke, Fabio Zuluaga, Jack Hayes, Melodee Parker, Carmen Coleman, Kathy Dykes, Julie Hawkins, Brenda Allen, Michael Ernst, Mike McKenzie, Rodney Jackson, Vince Mattox, Lisa Deffendall

The purpose of the agenda planning meeting is to review the draft agenda with the Board before the official Board Meeting on November 24, 2008. The draft agenda is filed with the official minutes.

Brenda Allen, Board Attorney, administered the Oath of Office to Kirk Tinsley, the newly KDE appointed Board member. The vacancy was created by the resignation of Larry Conner who moved out of state.

A. Call to Order

Becky Sagan, Chair convened the meeting at 5:33 p.m.

B. Roll Call

Becky Sagan, John Price, Melissa Bacon, Amanda Ferguson, Kirk Tinsley

G. Introductions, Student Performance and Recognitions

1. Introductions

Becky Sagan introduced the teacher and student representatives for the November 10th meeting.

- a. Student Representative: Allison Sauer and Samantha Farhat – Tates Creek High School
- b. Teacher Representative: Elizabeth Inman – Tates Creek High School

H. Reports, Communications and Resolutions

1. Progress Reports

A. Superintendent's Report

b. District Nutrition/Physical Activity Report Card

Michelle Coker: Presented an update on the nutrition plan

- Third year for presenting an update on the nutrition plan
- Received 11 gold and 10 bronze awards for the Healthy Challenge
- All elementary schools are on the Gold criteria standards
- Bronze status was based on less than 70% participation
- Continuing to work with schools to develop more physical activity programs

Becky Sagan – Withholding recess for punishment: Make sure that we reinforce not taking away recess as a form of punishment or loss of privileges.

Betty White – When there is a report of one of these incidents, Jack Hayes is notified.

Stu Silberman – This message has been sent out to the schools and the directors will also talk with the principals. Students sometimes run the track instead of participating in recess so that they are still getting physical activity. We have been a leader in the state, both in nutrition and physical activity.

John Price – Great work being done – 21 elementary schools recognized out of 121 elementary schools in the state.

Michelle Coker – Kentucky had 121 elementary schools recognized out of 500 schools nationwide. In December there will be an open forum for comments or suggestions from the community. The report will be presented again in January along with a plan of action.

c. District Improvement Plan Report – Written Report

Jack Hayes - Senate Bill 168 report will be presented to the Board at a later date

Becky Sagan - Will schools be having parent meetings to discuss Senate Bill 168?

Jack Hayes - Everything is in the process now.

Stu Silberman - One of the requirements of Senate Bill 168 is that each school has to have a public forum.

Amanda Ferguson - Is the activity for ESL going to be left on or are we changing the wording?

Jack Hayes - We are working on revising the District Improvement Plan with KDE.

d. Support Services Position Control Document – No discussion

e. Monthly Construction Report – No discussion

J. Approval of Consent Items

1. **Award of Bids/Proposals and Bid Contract Extensions** – Placeholder
2. **Actions for Post Approval and Claims** – Placeholder
3. **Special and Other Leaves of Absence** – No discussion
4. **Requests from Principals for Extended Trips** – No discussion
5. **Professional Leave by District Personnel** – No discussion
6. **Trust Fund Management Committee**

Stu Silberman – Feedback received from Board members was to add a teacher or principal and possibly a Board member.

Rodney Jackson -

- **Schmidt Fund** - Willed to FCPS by N. Isabel Schmidt on June 18, 1952 for the purpose of helping teachers and certified staff who are having financial hardships.
- **Stoner Fund** – Willed to FCPS on February 2, 1960 with access to the funds in September 4, 2000. This fund is used for providing assistance for educational loans for teachers and to prevent hardship for all staff related to travel and professional development.
- **Anthony Day** – Willed to FCPS on February 7, 1969 and is for a particular geographic region of the city to provide assistance to families in those areas. The fund is used for any child or family in need in that geographic location.
- **Lexington Industrial Fund** – Willed to FCPS on March 13, 1911 and named after a school that was located at 4th and Upper Street from 1886 until after World War I. This fund serves indigent children of Fayette County with no boundary limitations.
- **Marcie Thomason Trust** – Established last year and is for scholarships for students at Henry Clay High School.

Educational loans have been stopped. We are in sound financial status with the trust funds.

Stu Silberman - Committee will develop criteria in terms of how to allocate these funds. The way it is currently set up, a teacher could take out a loan from the Stoner Fund, remain with us for three years and the loan is forgiven. If they leave before the three years, the loan has to be repaid. The committee will decide how best to utilize these funds.

John Price - Would like to see a yearly report as to how the funds were used.

Stu Silberman - Could possibly be a report per semester.

Amanda Ferguson - Suggested that one Board member be on the committee and not one for each fund.

Stu Silberman - Becky would need to provide a Board member recommendation for the committee.

Becky Sagan - Feel that there should be a principal and not a teacher because it is the teachers who are getting the awards.

Rodney Jackson - Individual fund committees meet quarterly and report back.

Stu Silberman - Melodee Parker will work with the Directors to secure a principal for the Trust Fund Management Committee.

Becky Sagan - How do employees know about these funds?

Rodney Jackson -

- Directors have communicated out the information regarding the Stoner Fund and there is a Bookkeepers Roundtable where they received the information.
- Schmidt Fund – By need or recommendation.
- Industrial Fund or Anthony Day Fund go through Michelle Beverly’s office.
- Money comes out of the interest and not the principal, which is invested.

7. KDE Discretionary Grant Programs – Request for Applications 21st Century Community Learning Centers Grant – No discussion

8. Approval of Development/Installation of PTA Sponsored Playground Equipment for Liberty Elementary School –

John Price - Why are there two amounts?

Mary Wright - \$35,376.52 is the correct amount – the other amount was an estimate. The agenda item will be changed to reflect the correct amount in both areas.

K. Approval of Action Items

9. FY09 KETS Offer

Stu Silberman – The State provides an offer each year to help with technology needs and over the years this office has decreased significantly. The Board matches these funds.

Mike Burke – KDE requires board action to accept the funds. The amount this year is \$351,108.00, which is a little over \$10.00 per student. This money goes in to technology RFPs along with the local money.

Stu Silberman – One of the goals this year is to increase the technology program to increase student achievement. The match from the district is an in-kind match.

10. Approval of a BG-1 Project Application for the Henry Clay High School Girls Softball Field Repair Project

Mary Wright – This is a repair project for the Henry Clay High School Girls Softball Field which was constructed for Title IX compliance. The recommendation is to use the field one more year and for long term use of the field we need to do some remedial kinds of efforts to make the field stable. Issues are with the retaining wall.

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Mike Woolum, Strand Associates -

- Involved in the project since 2001.
- Contractor dissolved the partnership after the project started.
- Keystone retaining system design was responsibility of contractor – contractor had qualifications for this type of system.
- After project completed, there were questions – contractor could not validate some of the quality controls and measurements. Contractor gave assurance that they had performed the quality control effort throughout the project.
- Issues arose regarding settlement right after the warranty phase of the project started – contractor was active in trying to find solutions.
- Where there is settlement, you need to make sure that the settlement is complete before you implement remedial repairs resulting in this project extending a considerable length of time. Settlement was monitored over a twelve month period – settlement was declining, but still occurring into 2004.
- Fill material behind the retaining wall is the key factor.
- Different solutions were presented with no agreement between the contractor and FCPS as to an acceptable solution.
- A geotechnical consulting firm was hired to perform a review of the project. Their conclusion was that there was a failure of the wall itself. They suggested that approximately 80% of the wall be removed and reconstruct the wall and the structures located above.

Becky Sagan: Is your professional opinion is that the field is safe to be used for one more year?

Mike Woolum - Feedback from the geotechnical firm was that they did not feel that there would be a catastrophic failure and recommended periodic monitoring.

Amanda Ferguson - Isn't the biggest problem near the press box?

Mike Woolum - Yes, there are some uneven slabs and issues with the stairs. The stairs could be fixed before the next season.

Amanda Ferguson - Have there been other problems with the keystone retaining system?

Mike Woolum - Not aware of any – issues during the construction process results in this type of scenario. Problem was with the soil that was brought in. Settlement is decreasing.

John Price - Do we have any grounds to recover some of the costs from the original contractor?

Brenda Allen - It is a possibility – currently in litigation.

Mike Woolum - Problems were uncovered during the warranty period and the bonding company is on notice.

Stu Silberman - We want to make sure that everything is completely safe. Can the stairs be made usable this year?

Mike Woolum - Feel like it is a question of retrofitting. A structural engineer would need to look at the stairs.

11. Approval of Design Development Documents and A Revised BG-1 Project Application for the Renovation of Arlington Elementary School BG 08-207

Mary Wright - Items 11-16 -

- These are actually BG-3's – statement of probable cost on the upcoming five renovations.
- Five renovations were on the last Facilities Plan.
- Renovations were considered to be critical and will occur before the projects on the new Facilities Plan.

- Initial BG-1's were based on a standard cost per square foot. Since January the environment has changed resulting in some significant costs increases.
- These are estimates and actual costs won't be known until bids come in sometime next spring.

Stu Silberman - The architects hired for these projects are not the ones who did the estimates in January. Bill Wallace provided the estimates in January which was just a formality to be able to get a BG-1 through KDE. Bill used the normal figures for these estimates and some are not close to the estimates being presented. These are really not increased costs – the first estimates were made without all the information needed – they were just ball park figures.

Mary Wright - The first estimates are the first step in the process and based on how KDE advises us.

Becky Sagan - Regarding site acquisition, have we acquired everything that we need?

Mary Wright - Yes. We have acquired a strip that enhances how we can approach the building.

12. Approval of Design Development Documents and A Revised BG-1 Project Application for the Renovation Cassidy Elementary School BG 08-206

John Price: This is almost a 60% increase.

Stu Silberman: This is not a 58% increase in costs, but a 58% increase from what the original estimate was. This was just an estimate and could have contained any dollar amount just to get the project started with KDE. The estimates being presented are more of a real estimate because the architects have been involved.

Amanda Ferguson: Why is this one so far off?

Bill Wallace: The calculations were just estimates and in the future a different method will be used. Really do not know why the estimate was so far off because the same method was used on all the project estimates.

Susan Hill, Architect:

- The age of Cassidy is a big factor.
- Regarding square footage requirement for a 650 student school, Athens-Chilburg Elementary was 71,200 square feet and Cassidy is 73,874 square feet with a difference of less than 4% between new and renovation which is less efficient.
- \$200.00 per square foot is a good price right now.
- The renovation is not nearly what a new building would cost and is still under the 80% factor from KDE.
- Some situations have already been discovered which will help at the front end – under the footprint there had been underground heating fuel tanks, organic material that was fill to the original farm – some of the organic material is going to have to be removed.

Bill Wallace – The estimate in January for site work has increased more than 6.5 times because of these factors.

Amanda Ferguson: Is it worth renovating or not?

Stu Silberman: We won't know until the bids come in as to how much it will cost and right now we are below the 80% and hope that the bid comes in this way. The architects could do the initial estimates instead of Bill Wallace, but it would cost about \$10,000.00 more per project and it is just a formality to submit to KDE. We don't recommend going this route.

No opposition from the Board for Bill Wallace to continue doing the estimates.

Stu Silberman: Mary will update the Construction Report each month to reflect the current market conditions. From the initial Facilities Plan amounts, the figures are going to be up.

Mary Wright: In the Construction Report there is our estimate and KDE's estimate.

13. **Approval of Design Development Documents and A Revised BG-1 Project Application for the Renovation Russell Cave Elementary School BG 09-050**
14. **Approval of Design Development Documents and A Revised BG-1 Project Application for the Renovation Bryan Station Middle School BG 08-306**
15. **Approval of Design Development Documents and A Revised BG-1 Project Application for the Renovation Leestown Middle School BG 08-307**
16. **Approval of a Proposed Change Order (No. Two) to the Contract for the New Construction at Sandersville Elementary School BG 06-037**
Stu Silberman – This is a close out change order and is a credit.
17. **Report on 2008 Financial Records Audit for Fayette County Public Schools – Written Report**
Hard copy of audit included with permanent minutes.
Rodney Jackson – Audit was presented to the Budget and Finance Committee consisting of the following members:
 - Board Members** - John Price, Amanda Ferguson
 - School Director** – Mike McKenzie
 - Equity Council Member** – Stephanie Hong
 - Principal** – Amy McVey
 - FECA** – Betty Rhodes
 - Community Representatives** – James Kent Pleasants
 - Staff** – Mary Wright, Wade Stanfield, Rodney Jackson, Julane Mullins, Melodee Parker, Debbie Boian

Bill Carroll, Auditor – Activity Funds Audit has been submitted to KDE and the opinion is an unqualified or clean opinion – the highest level opinion that can be given.

John Price – Can the letter that is being sent to the schools addressing issues with the Activity Funds Audit be sent to the Board members?

Rodney Jackson – The letter will be placed on SharePoint.

Bill Carroll – The letter contains any compliance issues or failure to follow rules and regulations of the Redbook – none are significant.

Stu Silberman – A letter is being sent to the Principals for repeat comments and the expectation is that this will not happen again or a letter will be placed in their file.

Bill Carroll – Presented an overview of the highlights of the District-wide and Fund Financial Statements (hard copy attached to permanent minutes).

 - Unqualified opinion or a clean opinion – highest level of opinion that can be given.
 - Audit went well – staff did a great job.
 - A management letter was issued that contains six comments of which none were significant. These were conditions or issues that improvement would make things more efficient and add some greater safeguards, particularly in the area of computer operations. Responses have already been provided by Rodney and Mary - concur with their responses.

Stu Silberman – This has been one of the cleanest audits - appreciate the work that is going on in the Financial Office.

Rodney Jackson – Proud of the Financial Services team.

18. Monthly Financial Report - Placeholder

L. Informational items

- 1. Personnel Changes**
- 2. Administrative Procedure Review and Revision**

Stu Silberman – FCPS is one of a few or maybe the only district that does not grant sick leave to employees retiring after the year starts. This procedure will allow employees retiring after the year starts to get credit for all their sick leave. There is an additional cost to the board, but it is the right thing to do for the employees.

M. Oral Communications

- 3. Other Business -**
 - a. Board**
 - Discussion of Board Work**

- b. Staff**

Requests from Board – None

Stu Silberman welcomed Kirk Tinsley, new Board member and congratulated Becky Sagan, Melissa Bacon and John Price on their re-election.

Adjournment

A motion was made by John Price and seconded by Melissa Bacon to adjourn the meeting at 7:07 p.m. The motion carried with a vote of 5 to 0.

CHAIR

SECRETARY