

**RECORD OF BOARD PROCEEDINGS
(MINUTES)
Regular Board Meeting
March 22, 2010**

The Fayette County Board of Education met at 701 East Main Street, Lexington, KY at 6:00 p.m. on the 22nd day of March 2010, with the following members present: (1) Becky Sagan, (2) John Price, (3) Melissa Bacon, (4) Amanda Ferguson and (5) Kirk Tinsley

Staff Members Present for Regular Meeting

Mary Wright, Mike Burke, Melodee Parker, Kathy Dykes, Lisa Deffendall, Vince Mattox, Mike McKenzie, Julie Hawkins, Kelley Crain, Loraye Jones, Rodney Jackson, Ketsy Fields

A. Call to Order

Becky Sagan, Chair called the Regular Board Meeting to order at 6:01 p.m.

B. Roll Call

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

C. Extended Welcome to Guests

Becky Sagan, Chair, welcomed the guests and attendees to the meeting.

D. Moment of Silence

E. Pledge of Allegiance, Mission Statement

Melissa Bacon led the pledge and read the Board Mission Statement.

F. Approval of Agenda

A motion was made by John Price and seconded by Melissa Bacon, to approve the agenda with any changes voiced including the lifting of items from the consent section for discussion. The motion carried with a vote of 5 to 0.

G. Introductions, Student Performance and Recognitions

1. Introductions

Becky Sagan introduced the teacher and student representatives for the March 22nd meeting.

- a. Student Representative: George Livingston IV, Bryan Station High School
- b. Teacher Representative: Lori Laaker, Yates Elementary School

2. Student Performance

a. Edythe J. Hayes Middle School Orchestra

The Edythe J. Hayes Middle School Orchestra is comprised of seventh and eighth graders. Last year, the group was the only middle school orchestra invited to perform at Kentucky Music Educators Association's state conference. The group also consistently receives "distinguished" ratings at the KMEA district assessment event and it has been named a KMEA "Gold Level" Program of Excellence.

3. Recognitions

- a. **Zachary Wheat, Squires Elementary: Kentucky Proud Poster Essay Contest Winner**
Zachary Wheat of Squires Elementary was the first grade winner in the “Kentucky Proud” poster and essay contest, which is sponsored by the Kentucky Department of Agriculture. The competition invited students across the state, from kindergarten through the eighth grade, to show why they are “Kentucky Proud.” Zachary was awarded a one hundred dollar savings bond by Agriculture Commissioner Ritchie Farmer.
- b. **Stephanie Stumbur, SCAPA at Bluegrass: 2009 National Artistic Achievement Awards Winner**
Stephanie Stumbur of SCAPA Bluegrass won first place in the ten-to-twelve age bracket and a five hundred dollar prize in the 2009 National Artistic Achievement Awards competition. Stephanie’s entry was a watercolor and colored pencil drawing of a pomegranate, her favorite fruit.
- c. **Winners, Kentucky Music Teachers Association State Competition**
Ashland Elementary third-grader Andy Du took first place in the elementary division and LTMS seventh-grader Alice Li won in the junior high group of the Bluegrass Piano Performance Competition. The event was part of the Kentucky Music Teachers Association’s fall conference. Andy Du also won overall first-place honors in the primary division of the Memorial Scholarship Classical Piano Competition. Several students from Lafayette High also excelled at the Kentucky Music Teachers Association fall conference. In the instrumental category, Chloe McIntosh and Emma Jackson finished first in their age group and Carrie Baldwin was second. In the vocal category, Gabrielle Barker captured the top honors in her age group. Gabrielle also won the “VSA arts of Kentucky” Young soloist Award in December.
- d. **Winners, Lexus Eco Challenge**
SCAPA Bluegrass is among eight middle school winners nationwide in the air/climate division of the Lexus Eco Challenge. The team has earned ten thousand dollars so far in competition. Eighth graders Brandyn Duncan, Hallie Hensley, Kyler Johnson, Bay Phillips and Kiara Powell will each receive fourteen hundred dollars with the remaining three thousand dollars going to their school.
- e. **Morton Middle School Cheerleaders: First Place, Middle School State Competition**
The Morton Middle School cheerleaders brought home top honors from the Middle School State Cheer and Dance Classic, which is sponsored by Team Spirit of Lexington. Morton also took second place at the Universal Cheer Association’s Bluegrass Regional. Morton Middle is the first Fayette County Middle school to compete in this national competition.
- f. **Edythe J. Hayes Cheerleaders: Game Day Spirit Bowl Champions and JamFest Spirit Bowl Nationals Champions**
The Edythe J. Hayes Cheer Squad brought home first place at the Game Day Spirit Bowl National Championships. They also earned the prestigious MVP award for earning the highest score from the middle school division. This is the first national title that E.J. Hayes cheerleaders have won. The cheerleaders brought home first place wins from Cheersport Regional’s JamFest Game Day Regional’s and were named Grand Champions at the Fayette County Middle School Cheer and Dance Showcase.

g. Edythe J. Hayes Dance Team: Second Place, JamFest Dance Super Nationals and Second Place, Winter Jam

The Edythe J. Hayes Middle School dance team brought home several awards from the JamFest Dance Super Nationals held in Cincinnati. The team was awarded second place in hip hop and third place in pom. Out of eighteen squads, they also received the Sportsmanship Award. In December the group team placed second in hip hop dance and second in pom dance at the JamFest Winter Jam.

h. Lafayette High School Dance Team and Tates Creek High School Dance Team: Winners, Winter Jam

Lafayette High School placed first in the varsity jazz dance category and won Best Choreography. The Tates Creek High School dance team won first place in varsity pom dance.

i. Paul Laurence Dunbar High School Cheerleaders: First Place, Kentucky Association of Pep Organization Sponsors State Competition

Paul Laurence Dunbar High School captured the Large Varsity State title, making this their eighth consecutive win. They also placed fourth at the National High School Cheerleading Championships.

j. Henry Clay High School Cheerleaders: Second Place, Kentucky Association of Pep Organization Sponsors State Competition

The Henry Clay High School cheerleaders placed second in the state competition and fifth at the nationals. They also finished second at the Universal Cheer Association Bluegrass Regional competition.

k. Winners, Keep It Real Video Contest Winners

This competition is a youth-driven community effort to educate young people about the risks of drinking alcohol. This year's winners were:

Paul Laurence Dunbar:

- Best Picture: "Beautiful World," by Andrew Von Nieda and Rob Gomez
- Best Comedy: "The Exam?!" by Luke Coleman, Phillip Flaga, Robert Givens, Spencer McGuire and Ben Rice
- Best Cinematography: "Sisterly Love," by Erin Adkins and Danielle Denniston
- Best Depiction of Message runner-up: "What Doesn't Belong?" by Corie Roberts and Serena Sahajian
- Best Drama runner-up: "Don't Let Your Life Fall to Pieces," by Louann Lopez and Zachary Walker
- Best Art Direction runner-up, "Upside Down," by Celia Barnhill

Henry Clay High School:

- Best Drama: "Toxic," by Molly Barnette
- Most Original runner-up: "Ya Wanna Drink?" by Walker Miller
- Best Editing runner-up: "The News," by Annie Dunbar

- d. **Support Services Position Control Document** – No discussion
- e. **Monthly Construction Report**
Mary Wright gave a PowerPoint presentation regarding the construction and renovation projects in progress in the district. A hard copy of the presentation is included with the permanent minutes.

2. **Remarks by Citizens:**

- Doug Barnett – Spoke regarding redistricting
- Betty Rhodes – Spoke regarding outsourcing legal department

3. **Resolutions**

- a. **Regarding the Death of Virginia A. Guy – Food Service Employee**
Resolution read by John Price.

A motion was made by John Price and seconded by Melissa Bacon, to adopt the resolution regarding the death of Virginia A. Guy. The motion carried 5 to 0.

- b. **Regarding the Death of Marjorie Miller Magedanz** – Former principal
- c. Resolution read by Kirk Tinsley.

A motion was made by Kirk Tinsley and seconded by Melissa Bacon, to adopt the resolution regarding the death of Marjorie Miller Magedanz. The motion carried 5 to 0.

I. Approval of Routine Matters

1. *Approval of the Agenda Planning Meeting Minutes of February 8, 2010*
2. *Approval of the Confidential Minutes of February 8, 2010*
3. *Approval of the Special Meeting Minutes of February 11, 2010*
4. *Approval of the Special Meeting Minutes of February 17, 2010*
5. *Approval of the Regular Board Meeting Minutes of February 22, 2010*
6. *Approval of the Confidential Minutes of February 22, 2010*

A motion was made by John Price and seconded by Kirk Tinsley to approve the minutes. The motion carried with a vote of 5 to 0.

J. Approval of Consent Items

- a. *A motion was made by Melissa Bacon and seconded by Kirk Tinsley, to approve the items on the consent section of the agenda including items added by addendum. The motion carried with a vote of 5 to 0.*

1. **Award of Bids/Proposals and Bid Contract Extensions** - No discussion
2. **Actions for Post Approval and Claims** - No discussion
3. **Special and Other Leave of Absences** - No discussion
4. **Requests from Principals for Extended Trips** - No discussion
5. **Professional Leave by District Personnel** - No discussion
6. **District Summer School Tuition** - No discussion
7. **Approval of 2010-2011 District Improvement Plan (DIP)** - No discussion

8. **Request for a Shortened School Day** - No discussion
9. **Certified Staff Evaluation Plan Update** - No discussion
10. **Declaration of Surplus and Intent to Sell** - No discussion
11. **Approval of a Proposed Change Order (No. Two) to the Contract for the Renovation at Arlington Elementary School BG 08-207** - No discussion
12. **Approval of a Proposed Change Order (No. Three) to the Contract for the Renovation at Leestown Middle School BG 08-307** - No discussion
13. **Approval of a Proposed Change Order (No. Four) to the Contract for the Renovation at Leestown Middle School BG 08-307** - No discussion
14. **Approval of a Proposed Change Order (No. Six) to the Contract for the Renovation at Cassidy Elementary School BG 08-206** - No discussion
15. **Approval of a Waiver Request to KDE for the Location of the Family Resource Center at the New Elementary School at Keithshire BG 09-267** - No discussion
16. **Approval of Waiver Requests to KDE for the Use of a Structural Lightweight Insulating Roof System and a Variance to KDE Window Opening Heights at Tates Creek Middle School BG 10-028**
No discussion
17. **Approval of a Reduction in Retainage on the Construction Contract for the Renovation at Arlington Elementary School BG 08-207** - No discussion

K. Approval of Action Items

18. Approval of Attendance Area Changes

Stu Silberman:

- Public forums were held for public input with some adjustments being made
- New school on Keithshire – help overcrowding in the Clays Mill corridor
- Change at Sandersville – Large number of students on waiting list - need to help relieve overcrowding

Bob Joice:

- Keithshire school will relieve overcrowding at Stonewall and Picadome – students in vicinity of Keithshire who are now in attendance area for Stonewall and Picadome will be in the Keithshire attendance area
- Proposing redistricting of Georgetown area into Booker T. Washington Academy – most of area is closer to Booker T. Washington and will help with transportation efficiency – will go into effect in August 2011
- Grandfathering will take place at both locations: Anyone currently attending or attending by the end of the 2010-2011 school year at Stonewall, Picadome, Garden Springs or Sandersville will be grandfathered , allows them to stay and finish even if they are in the redistricting location, as long as they do not move - siblings also be allowed to attend when sibling still attending
- South end of district – area #81- cannot be accommodated at Keithshire or Stonewall. Students could apply to attend Keithshire under out of area provisions and if room is available these students would get preference

Melissa Bacon:

- The Willow Oak neighborhood will have the option to attend Keithshire?

Bob Joice:

- The Willow Oaks will be able to attend Keithshire.
- Clemmons Heights neighborhood will stay at Garden Springs.

Becky Sagan:

- The Board has put a lot of thought into these changes. We want to best meet the needs of the kids.

A motion was made by Melissa Bacon and seconded by Kirk Tinsley, to accept and approve the proposed 2011-2012 attendance area boundaries for the new elementary school on Keithshire Way and the attendance area revisions for Booker T. Washington, Garden Springs, Mary Todd, Picadome, Sandersville and Stonewall Elementary schools, with grandfathering provisions as recommended by staff. The motion carried with a vote of 5 to 0.

19. Approval of the Construction Documents and Advertisement for Bids (Phase 1) for the Construction of the Locust Trace Agriscience Farm BG 09-339

Mary Wright:

- Primarily related to the infra-structure
- This part of project to finish around July

A motion was made by John Price and seconded by Amanda Ferguson, to approve the Construction Documents and advertisement for bids for the new construction at Locust Trace Agriscience Farm, subject to the approval of the Kentucky Department of Education, Division of Facilities Management, per the provisions of 702 KAR 4:160. The motion carried with a vote of 5 to 0.

20. Approval of Bid, Interim and Proposed Contracts, and a Revision to the BG-1 Project Application for the Renovation of Yates Elementary School BG 10-025

Mary Wright:

- Recommending base bid and alternates 2 and 3
- Staying well under budget

Stu Silberman:

- Bid came in 16% below pre-bid estimate

A motion was made by Melissa Bacon and seconded by Kirk Tinsley, to accept the base bid with Alternates 2 and 3 as submitted by Messer Construction Company, approve the interim contract in the amount of \$2,000,000 (Two Million Dollars) and the proposed contract in the amount of \$9,009,000 (Nine Million Nine Thousand Dollars), and approve a revision to the BG-1 Project Application for a total of \$10,918,388 (Ten Million Nine Hundred Eighteen Thousand Three Hundred Eighty-eight Dollars), for the renovation of Yates Elementary School, subject to the approval of the Kentucky Department of Education, Division of Facilities Management, per the provisions of 702 KAR 4:160. The motion carried with a vote of 5 to 0.

21. Approval of Bid, Interim and Proposed Contracts, and a Revision to the BG-1 Project Application for the Construction of the New Elementary School at Keithshire BG 09-267

Mary Wright:

- Recommending taking several alternates
- Very green project
- Bid came in under proposed budget

Stu Silberman:

- Bid coming in at close to 6% under pre-bid

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A motion was made by Melissa Bacon and seconded by Kirk Tinsley, to accept the base bid with alternates 1, 2, 3, 4, 5, 7, 8 and 9 as submitted by D. W. Wilburn, Inc., approve the interim contract in the amount of \$2,000,000 (Two million dollars), the proposed contract in the amount of \$13,566,000 (Thirteen million, five hundred and sixty-six thousand dollars), and approve a revision to the BG-1 Project Application for a total of \$16,457,368 (Sixteen million, four hundred and fifty-seven thousand, three hundred and sixty-eight dollars), for the construction of the new elementary school at Keithshire Way, subject to the approval of the Kentucky Department of Education, Division of Facilities Management, per the provisions of 702 KAR 4:160. The motion carried with a vote of 5 to 0.

22. Approval of Design Consultants for Renovation of Breckinridge Elementary School, Cardinal Valley Elementary School, Mary Todd Elementary School and Millcreek Elementary School
Mary Wright:

- Met with 10 architect firms

A motion was made by John Price and seconded by Kirk Tinsley, to approve design consultant contracts for renovation/additions with EOP Architects at Breckinridge Elementary, Tate Hill Jacobs Architects at Cardinal Valley Elementary, Murphy + Graves Architects at Mary Todd Elementary, and Pearson & Peters Architects at Millcreek Elementary, subject to the approval of the Kentucky Department of Education Division of Facilities Management, per the provisions of 702KAR 4:160. The motion carried with a vote of 5 to 0.

23. Approval to Outsource Legal Services

Becky Sagan:

- Last summer Board decided to look at the current evaluation for the Board Attorney – contacted KSBA to get sample evaluation documents – only three districts in Kentucky with an in- house attorney
- KSBA Conference in January – director of KSBA talked about revamping their legal services
- After the KSBA Conference, proposed to the superintendent to look at the feasibility of FCPS outsourcing legal services
- Lyle Hannah, Hannah Resource Group - employed to conduct a study on the feasibility of outsourcing legal services
- Board heard report during work session

Lyle Hannah, Hannah Resource Group, gave a review of the report on the feasibility of outsourcing legal services. Hard copy of report included with the permanent minutes.

Amanda Ferguson - Concerns presented:

- Board Attorney and two staff members not contacted for the research project
- Board Attorney employed by the Board
- No discussions with Board members about the Board Attorney's job duties
- Research project not put to a Board vote – never gave her approval

Lyle Hannah:

- Engaged by the Board Chair to do the study

Stu Silberman:

- Authority given by Board to enter into contracts up to \$20,000.00 – both Ms. Sagan and I met with Mr. Hannah.

Lyle Hannah:

- Standard practice in a study like this not to talk to people in the positions – don't know what the result of the study will be

Amanda Ferguson:

- My opinion - not practical

Melissa Bacon:

- This is a feasibility study.

Amanda Ferguson:

- Concerned about the method of calculating legal expenses – total cost of legal expenses of other districts – number of lawsuits filed

Lyle Hannah:

- Did not look at number of lawsuits

Amanda Ferguson:

- No way to know if your numbers for Fayette County are a result of the greater number of law suits filed against us

Lyle Hannah:

- Most likely the high cost is related to those law suits.

Amanda Ferguson:

- Superintendent praised and credited for success in Daviess County
- Only trial in this district last year direct result of Superintendent's conduct

Becky Sagan:

- Nothing to do with the feasibility study

Amanda Ferguson:

- To me it does - Superintendent exactly why we need an in-house attorney

Becky Sagan:

- Talking about the feasibility of outsourcing legal services

Stu Silberman:

- Community has opportunity to save between \$250,000 and \$350,000 a year – need to be good stewards of community's money

Amanda Ferguson:

- Definitely based on potential annual savings - points have been made regarding incorrect numbers and annual expenses
- Employee listed as part of Board attorney's office, actually performing most of duties in another offices

Stu Silberman:

- Don't think in question for this year – 100% this year

Amanda Ferguson:

- Board Attorney available 24 hours a day, seven days a week
- Concerns heard from administrators
- People less likely to seek legal guidance from outside counsel
- Greater legal expenses – minor matters not addressed
- Don't want to spend one more penny than necessary – value of full time attorney can't be quantified

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John Price:

- Possibility of negotiating with KEDC
- Board members have to make very difficult decisions
- Focus - what and how to best spend resources
- Difficult decision - right decision to outsource legal services

Kirk Tinsley:

- Always about the kids
- Agree – outsourcing best business sense

Melissa Bacon:

- Echo what John Price said

Becky Sagan:

- In-house attorney a luxury

A motion was made by Kirk Tinsley and seconded by John Price to approve outsourcing legal services beginning July 1, 2010. The motion carried with a vote of 4 to 1 with Amanda Ferguson voting no.

24. Monthly Financial Reports

Rodney Jackson:

- Net revenue over expenses of \$107,193,070.62 due primarily to ad valorem taxes
- Approximately 83% revenue received compared to 79% at this time last year
- Total year to date expenses approximately 51% - same as last year
- Interest revenue continues to be down
- Increase in motor vehicle taxes
- Financial position remains very sound

John Price:

- Appears with the utility taxes we may not meet budget.

Rodney Jackson:

- Not projected to make budget in utility taxes
- Will be a wash – utility tax revenue is based on collections throughout the state – expenses aren't

A motion was made by Melissa Bacon and seconded by John Price, to accept the Monthly Treasurer's Report of Revenue/Expenses reports as presented to the Board. The motion carried with a vote of 5 to 0.

L. Informational Items

1. Personnel Changes – No discussion

M. Oral Communications

1. **Public Comments** – None
2. **Board Requests** – None
3. **Other Business**
 - a. **Board**
Discussion of Board Work

c. Staff

N. Closed Session

A motion was made by Kirk Tinsley and seconded by Melissa Bacon, to go into closed session at 8:19 p.m. to discuss acquisition or sale of real property pursuant to KRS 61.810(1)(b) . The motion carried with a vote of 5 to 0.

Amanda Ferguson was not present during the closed session.

O. Open Session

A motion was made by John Price and seconded by Kirk Tinsley, to reconvene in open session at 8:34 pm. The motion carried with a vote of 4 to 0.

Present in Open Session: Becky Sagan, John Price, Melissa Bacon, Kirk Tinsley, Stu Silberman and Mary Wright.

Motion in Open Session:

A motion was made by Melissa Bacon and seconded by John Price that the Board, in its absolute discretion, not renew Brenda Allen's June 25th, 2007 employment agreement and that the Board, in its absolute discretion, not continue to employ her beyond June 30, 2010. Further, that the Board provide written notice to Ms. Allen concerning the decisions not to renew the June 25, 2007 employment agreement and not to continue to employ her beyond June 30, 2010. The motion carried with a vote of 4 to 0. Amanda Ferguson was not present during the Open Session.

P. Motion Making Agenda Part of the Official Board Minutes

A motion was made by John Price seconded by Kirk Tinsley, to make the agenda dated March 22, 2010, which action has been taken at this meeting, a part of the minutes as if copied in the minutes verbatim. The motion carried with a vote of 4 to 0.

Q. Adjournment

A motion was made by John Price and seconded by Kirk Tinsley to adjourn the meeting at 8:40 p.m. The motion carried with a vote of 4 to 0.

CHAIR

SECRETARY