

**RECORD OF BOARD PROCEEDINGS
(MINUTES)
Board Agenda Planning Meeting
July 9, 2007**

The Fayette County Board of Education met at 701 East Main Street, Lexington, KY at 5:30 p.m. on the 9th day of July 2007, with the following members present: **(1) Larry Conner, (2) Becky Sagan (3) John Price, (4) Melissa Bacon, and (5) Amanda Ferguson**

Staff Members Present

Mary Browning, Vince Mattox, Mike Burke, Fabio Zuluaga, Jack Hayes, Melodee Parker, Carmen Coleman, Kathy Dykes, Julie Hawkins, Scott Hawkins, Brenda Allen, Lisa Deffendall, Rodney Jackson

A. Call to Order

Becky Sagan convened the meeting at 5:35 p.m.

Larry Conner arrived at 6:15

H. Reports, Communications and Resolutions

1. Progress Reports

A. Superintendent's Report

b. District Report on Senate Bill 168: 2008 School Targets – Written Report

Vince Mattox – KRS 158.649, Senate Bill 168, was passed to address the achievement gaps in Kentucky. Per this bill, all schools are required to biennially set gap reduction targets. Targets are set based on discrepancies in achievement for students based on race, gender, disability and socio-economic status. Councils at each school look at their data and decide what the targets should be to close the achievement discrepancies, an agreement is set with the superintendent on these targets and a Gap Reduction Matrix is created. Part of Senate Bill 168 requires that the Board review biennially the targets set and the initiatives that are going to be put in place in their Comprehensive Improvement Plan (CIP) to achieve these targets. The bill states that if you have more than ten schools in your district, you can put together a comprehensive district report, which is what we have done.

Stu Silberman – Requested that the regular goal setting and the superlative goal setting be reviewed.

Vince Mattox – Part of the matrix, in terms of setting goals, gives options for setting targets. The options are superlative targets and a minimum targets. The minimum targets set allows for all students to reach proficiency by 2014 and the superlative target is by 2008. The minimum acceptable with the agreement with the superintendent is the 2014 date. In order to get schools to be more aggressive in setting the number of targets, Senate Bill 168 stipulates targets (more than one), we have an agreement with the schools that if they want to set more than two targets, they are allowed to set primary targets for which they will be held accountable and secondary targets for which they will not be held accountable for through Senate Bill 168. Councils will hold the school accountable for the secondary targets. Most of the schools set superlatives. If they don't reach the superlative targets for 2008, as long as they don't fall below the minimum target, that will get all students to proficiency by 2014, we still count this as reaching the target.

Stu Silberman – Initially schools wanted to set higher targets than required and when they didn't reach these targets they were being reported as not reaching their targets. We want them to set the higher goals, but when we report out, we report out what the required targets are so that they are not penalized for setting more targets. This was received extremely well by the principals.

Vince Mattox – Explained the different sections of the Comprehensive District Report and 2008 School Targets (Board members received a written copy). Report is broken down by elementary, middle and high school Percent Proficient and Distinguished Biennial Targets.

Stu Silberman – Some schools chose free and reduced lunch and this encompasses a lot of the other sub-groups allowing more students to be targeted by choosing this group.

Vince Mattox – Pointed out that each school submitted a Gap Reduction Cover page and Senate Bill 168 Activity Sheet. Schools have been asked to list rationales for selecting their particular targets. PD and ESS are listed because the statute actually states that these areas will be the initial accountability piece and if they don't reach their targets, these are the two areas that will be impacted.

John Price – A few of the schools did not indicate where these programs are listed in there CIP. Does this mean that they are not in the plan or are they not specifically identified?

Vince Mattox – In a couple of situations they were submitted prior to making the full revision to the CIP. A lot of them made the integrations, but were not sure where they were going to put them in the CIP.

Becky Sagan – Schools that did not meet their goals the last time and have the superintendent's approval of their plans, was a workshop conducted with them and is this how they picked their goals and strategies?

Vince Mattox – Yes. Directors worked very closely with them.

c. District Improvement Plan Report – Written Report

Jack Hayes – After the last meeting we talked about how some of the measures on the plan weren't as tight as they could be and the need for revision. Places where we are still working on these it says in the written report that they are under revision.

J. Approval of Consent Items

1. **Award of Bids/Proposals and Bid Contract Extensions** – placeholder - no discussion
2. **Actions for Post Approval and Claims** – placeholder – no discussion
3. **Special and Other Leaves of Absence** – placeholder – no discussion
4. **Professional Leave by District Personnel**
5. **Approval of Liability Insurance Participation Agreement**
Stu Silberman – Board members were given a copy of this agreement for review. No cost to sign the agreement, cost for the insurance.
6. **Approval of Treasurer and Public Employee Bonds**
Stu Silberman – Bond for Mary Browning and Rodney Jackson - \$3 million each. One is required by KDE and the District is adding the other.
Melissa Bacon – Will this be this one time or every year?
Mary Browning – Last year when the Board approved her bond, it was stated that we would do only the approval once, unless there is a personnel change. We decided to suggest adding Rodney Jackson

because of the amount of money that goes through Financial Services. After this approval it will not need to be approved again unless there is a personnel change.

John Price – Who is the provider of the bond?

Fred Nelson – Ohio Casualty.

7. Approval of Early Start Contracts for 2007-2008

Stu Silberman – Routine contracts with local agencies.

8. School-wide Fundraising Projects – no discussion

K. Approval of Action Items

9. Approval of a Proposed Change Order (No. Seven) to the Contract for the New Construction at Bryan Station High School BG 03-415

Bill Wallace – When change orders 5 and 6 were approved for the synthetic turf and the addition to the field house, the architect issued those as straight change orders to the construction contract when in fact we were able to take advantage of the tax savings if we purchased some of the materials directly. This change order corrects the documentation that it all doesn't go to the construction contract. We are taking out the \$140,000 from the construction contract and putting it in as a direct purchase order from the district so that when we write the purchase order to those vendors, we get the tax exemption and we have a 6% savings. All we are doing is correcting paper work - transfer of \$140,000 from the contractor's side to the direct purchase side. No change in the amount of money involved.

Stu Silberman – Is this normally done at the beginning of the project?

Bill Wallace – Ordinarily when we issue the contract at the beginning of the project, all of the purchase orders that we know to us at that time, we wrote the purchase orders to the vendors at the same time we issued the contract with the general contractor and we took care of that upfront. With the change we were able to save \$140,000 plus other savings. This will correct the documentation.

Amanda Ferguson – So we would not have had the tax savings otherwise?

Stu Silberman – No.

Bill Wallace – The contractor does not get the tax exemption. If we purchase directly we save the 6%. We have been able to do this on BSHS and the three elementary school projects.

Stu Silberman – If we are saving 6%, why does it come out to 0?

Bill Wallace – The numbers quoted to us originally included the tax exemption, the tax savings. It was a mistake for us to have issued the documentation without making it show that we already had the tax savings there.

Stu Silberman – This is basically a paper work clean up.

Bill Wallace – No issue with KDE approving.

10. Approval of a Proposed Change Order (No. One) to the Contract for the New Construction at Liberty Elementary School BG 06-045

Bill Wallace – This is an issue of bad soil that needs to be replaced. This happens sometimes on the new construction sites that are virgin soil or farm land. There had been a pond that had soft, wet soils that were in conflict with our building foundations and had to be removed and replaced with soil that would support the building. The \$42,932.55 relates to this project. The other deduction portion of \$7,700 is the labor for the general contractor to install some plastic laminate cubbies that we can get for a lesser price through KEDC. We actually feel that we get a better quality of materials and there is a tax savings on both. There

is actually an additional \$1,800.00 that is available to us by moving the purchase order from one side to the other.

Stu Silberman – From an architect’s perspective, is there anything that we need to be doing different?

Freida Myers – This is a tough situation. It is similar to renovation where you don’t know what is behind the walls. You do geotechnical surveys, test pits, or wells and you do as many as possible in the building area and several out in the site. You couldn’t tell that there had been a pond there and when they started digging they found wet soils. You could spend a lot of money early on to do more testing, but I don’t think that you would catch this.

Becky Sagan – Understand that we could spend more money upfront testing and still may not find anything?

Freida Myers – Right. When you have a 15 acre site, you space your borings out and sometimes you are going to miss things in the middle of the acreage.

Bill Wallace – We are probably spending \$10,000-15,000 per site by doing both surveying above ground and testing under ground. We may run twenty tests within the footprint of the building and six foot away there might be a big sink hole. Until you actually start moving soil you really don’t know. We have engineers on site and review conditions as they come up and advise us whether we need more testing or removal of the soil.

Amanda Ferguson – Where is the pond? What’s going to be there?

Bill Wallace – Toward the park area, close to where the drainage way is. It is toward one end of the building.

Freida Myers – Slightly close to the wing.

Bill Wallace – Too close for comfort, but not in the middle of the building.

Freida Myers – This is a site, given the huge elevation changes, this is a very low area and we were building that area up to build the building pad.

Stu Silberman – Why do we do the geo tests if they don’t work?

Bill Wallace – When doing these tests we are trying to get an idea of what the general condition of the soil is. This is about all these tests can do, how deep is rock, what type of soil is on the property and maybe you find something that we need to avoid. With 15 acres there are a lot of other small incidental things that can crop up any place in conflict with the building that can’t be identified before you start the building.

Freida Myers – In two ways it helps. These tests help the structural engineer who has to design the foundation and it shows the hidden costs that would have been if the testing had not been done. In the corner of what will be Star Shoot extended and Liberty Road, there is a great deal of rock and we took extra borings to determine how much rock would be removed so that the bidder has a better idea of how much rock will have to be removed and a better idea of how much to bid.

Amanda Ferguson – Is the red tail hawk still there?

Bill Wallace – The site superintendent says that they have not been spotted lately. The tree is supposed to be taken down.

Stu Silberman – It is my understanding that the nest is about three feet in diameter and is also protected.

Mary Browning – We have talked with the Fish and Wild Life department and you have to have a permit to take the nest down. They do not want the nest. Urban County Government is a possibility, to be used at Raven Run. Whoever takes the nest has to have a permit to go with it.

Stu Silberman – We do not want to get fined for not doing the right thing.

Bill Wallace - The project is moving at a rapid pace and there is excellent progress.

Freida Myers – The force main sewer was finally started last week and this has been somewhat of a delay and we may incur costs from this down the road.

Stu Silberman – From the force main sewers?

Freida Myers – From the timing that is involved with it. It did not start on schedule.

Stu Silberman – Is that the city?

Freida Myers – Yes.

Stu Silberman – I need to be kept informed so that I can keep the mayor informed. What about the road?

Freida Myers – It is on schedule right now. Bids should be out now and start at the end of August.

11. Approval of a Proposed Change Order (No. One) to the Contract for the New Construction at William Wells Brown Elementary School BG 06-035

Stu Silberman – Discussed at last month's Board meeting.

Bill Wallace – There may be some additional items with the soil, as I have been warned. The soil has a lot of building material buried in it from multiple construction projects from the past.

L. Informational items

1. Personnel Changes

2. Board Policy Review – 1st Reading

Brenda Allen – These policies have gone through a district policy review.

03.1 Certified Personnel - no discussion

03.11 Hiring

Amanda Ferguson – Under eligibility, can you resign for cause?

Brenda Allen – You can be terminated for cause, but you can resign in lieu of termination.

Amanda Ferguson – We will know when this happens?

Brenda Allen – Yes.

03.1161 Paraprofessionals in Athletics – no discussion

03.12 Compensation and Benefits – no discussion

03.1211 Salary Deductions – no discussion

03.1213 Cafeteria Plan – no discussion

03.122 Holidays and Vacations – no discussion

03.1231 Personal Leave

Stu Silberman – When an employee reaches the maximum amount of personal leave days that they accumulate, they have to notify us that they want to convert part of the days to sick leave. We want to come up with a system that personal days would automatically convert to sick leave so that employees do not lose these days.

03.1234 Extended Disability Leave – no discussion

03.1235 Sabbatical leave – no discussion

03.1236 **Emergency Leave** – no discussion

03.13212 **Use of Buildings and Grounds** – no discussion

03.1327 **Use of Tobacco**

John Price – I have had a few calls from people who are not pleased about school bus drivers getting off the buses and smoking in their front yards. Is there anything we can do about this?

Stu Silberman – They are not supposed to be doing this. If we know which bus drivers are doing this, we can deal with it.

Amanda Ferguson – Does this include smokeless tobacco?

Brenda Allen – This includes all tobacco products.

Stu Silberman – At some point in time we are going to have to address smoking at outdoor events. This is very hard to monitor. We are not currently violating any ordinances.

03.1332 **Hours of Duty**

Larry Conner – The language dealing with the schedule being prepared annually as directed by school policy or the immediate supervisor - is the immediate supervisor required to prepare an annual schedule or is it limited to the policy?

Brenda Allen – There is some latitude there with the principals and the start time at the school. It is not going to be the same at each school, depending on the start times.

Larry Conner – Concern is that the policy reads that it would require the immediate supervisor to prepare the schedule annually.

Stu Silberman – Teachers are required to be there 30 minutes before school starts and 30 minutes after dismissal which makes a 7 ½ hour day. This 7 ½ hour days would start and end at different times at different schools.

Brenda Allen – Could also depend on the assignment of the teacher, such as the Safe Room, after school detention, etc.

Larry Conner – Supervisor would have the latitude to do flex scheduling and still comply with the policy?

Brenda Allen – Yes.

Stu Silberman – Main change in this policy is taking out the sections where it was locked in on records day and inclement weather days.

03.14 **Health and Safety**

Stu Silberman – Need to follow up with Kelly Breeding to make sure he is aware of this change.

03.15 **Personnel Records** – no discussion

03.19 **Professional Development**

Larry Conner – The statement regarding reduction in salary for those who do not get their required number of hours, has this provision ever been used?

Stu Silberman – I don't think we have ever had to do that. This year we had only two certified employees that didn't meet the required number of hours. The state gives them a grace period and if they don't get the hours, that is when this provision would be used.

Larry Conner – If they don't get the hours, how will a salary reduction be determined?

Stu Silberman – Not sure. Probably hold their check until completed. Has not been an issue before. Only time we have employees that refuse to get the hours is when they are retiring.

Larry Conner – According to the policy they are in violation and would require a reduction in salary.

Brenda Allen – One of the statutes would probably detail how this would be done.

Larry Conner – Not advocating that salary be reduced, but need to be in compliance with the policy or revise it.

Stu Silberman – If there is a way to revise the policy and be in compliance with the KDE regulations, we need to do so.

Larry Conner – Holding their check does not equate to a reduction in salary.

John Price – Could revise the policy to say that it will be charged back to them. Assume that we would reduce their salary by the hours or days that they are short on PD and deduct from their next check.

Larry Conner – We could change the word shall to may. Stated that he is concerned that we have a policy that we are not complying with.

Stu Silberman – Requested that Brenda Allen check into this policy.

Brenda Allen - It could be that it is in the Administrative Procedure, which is not on line for her to check right now.

Stu Silberman – Changing the policy to read “may” would probably make it more workable.

- 03.22 **Compensation and Benefits** – no discussion
- 03.2211 **Salary Deductions** – no discussion
- 03.2231 **Personal Leave** – no discussion
- 03.22321 **Sick Leave Bank** – no discussion
- 03.2236 **Emergency Leave** – no discussion
- 03.23212 **Use of buildings and Grounds** – no discussion
- 03.23215 **Use of Delivery Systems and Bulletin Boards** – no discussion
- 03.2327 **Use of Tobacco** – no discussion
- 03.2332 **Hours of Duty** – no discussion
- 03.24 **Health and Safety** – no discussion
- 03.5 **Para-educators** – no discussion
- 04.8 **Disposal of School Property** – no discussion

06181

10.4 Advertising in the Schools

Amanda Ferguson – How is this enforced?

Brenda Allen – The policy puts the responsibility on the principal and they are required to send it to the director for informational purposes and review.

10.5 Visitors to the Schools – no discussion

3. Update #30 – Board Policy Revisions – 1st Reading

Brenda Allen – The changes in the next set of policies originated in the last legislative session.

01.61 Records Management – no discussion

01.821 Board Member Expense Reimbursement – no discussion

02.411 SBDM Qualifications – no discussion

02.412 Voting – no discussion

02.421 Election of School Council Members – no discussion

02.423 School Council Meetings – no discussion

02.4242 School Budget and Purchasing – no discussion

02.4243 School Purchasing – no discussion

03.13251 Drug-Free/Alcohol-Free Schools – no discussion

03.2 Classified Personnel – no discussion

03.23251 Drug-Free/Alcohol-Free Schools – no discussion

03.2711 Non-renewal of Contract – no discussion

08.2323 Access to Electronic Media – no discussion

09.111 Transfers and Withdrawals – no discussion

09.123 Absences and Excuses

Amanda Ferguson – Does this policy take into account the new way of calculating percentages of the day?

Stu Silberman – Yes.

Amanda Ferguson – It doesn't appear that it takes this into account.

Brenda Allen – This is to determine truancy.

Amanda Ferguson – Truancy is based on absences. How do we determine absences? At what point does a tardy become an absence?

Stu Silberman – Tardies do accumulate to make absences. It depends on how much time the tardy is. **Will get with Gary Wiseman for a clarification.**

Brenda Allen – Tardies cut off at the 60 minute point and then it moves into absences.

Amanda Ferguson – 70 minutes is an absence for that day?

Stu Silberman – It counts as an absence, but not an absence for a full day. Each of those absences is a percentage of that actual day. The state went to a new accounting system where if a student is tardy 61 minutes, they are 1 minute absence.

Amanda Ferguson – What does this do to our average daily attendance?

Stu Silberman – We lose money.

Jack Hayes – We lost almost \$300,000 last year.

09.425 **Assault and Threats of Violence** – no discussion

09.4294 **Driver’s License Revocation**

Melissa Bacon – Is parent permission needed for this to happen?

Brenda Allen – This is the mechanism that we have to start to notify the County Clerk.

Stu Silberman – This has been an informal first reading of these policies and the formal first reading will be at the regular meeting with the second reading in August.

M. Oral Communications

3. Other Business -

a. Board

Discussion of Board Work

b. Staff

Requests from Board – None

Closed Session

A motion was made by John Price and seconded by Becky Sagan, to go into closed session at 6:47 p.m. to discuss proposed or pending litigation pursuant to KRS 61.810(1)(c). The motion carried with a vote of 5 to 0.

Open Session

A motion was made by Melissa Bacon and seconded by Amanda Ferguson, to reconvene in open session. The motion carried with a vote of 5 to 0.

06183

Adjournment

A motion was made by John Price and seconded by Becky Sagan to adjourn the meeting at 7:50 p.m. The motion carried with a vote of 5 to 0.

CHAIR

SECRETARY