

MINUTES OF MEETING OF THE EXECUTIVE COMMITTEE
BOARD OF REGENTS
WESTERN KENTUCKY UNIVERSITY
May 8, 1981

Required statutory notice having been timely and properly given, a meeting of the Executive Committee of the Board of Regents of Western Kentucky University was held on Friday, May 8, 1981, at 4 p.m., CDT, in the Regents Conference Room of the Wetherby Administration Building on the Western campus. Mr. John David Cole, Chairman, at whose request the meeting was called, presided.

A prayer of invocation was given by Dr. John D. Minton, Vice President for Administrative Affairs.

All members were present; namely,

Dr. William G. Buckman
Mr. Joe Bill Campbell
Mr. Ronald W. Clark
Mr. John David Cole

In response to the invitation for other members of the Board to attend the meeting, Miss Marcel Bush was present and participated in the discussion. Also present, in addition to Dr. Minton, were President Donald W. Zacharias; Dr. James L. Davis, Vice President for Academic Affairs; Mr. Harry K. Largen, Vice President for Business Affairs and Treasurer; Mrs. Mary Sample, Secretary; Dr. Paul B. Cook, Assistant to the President for Resources Management and Director of the Budget; Dr. Randall Capps, Assistant to the President and Parliamentarian; Mr. William E. Bivin, University Attorney; Mr. Fred Hensley, Director of Public Information; representatives of the Warren County School System, including Superintendent Robert Gover, Mr. Joe B. Orr, and others; representatives of C.O.N.C.E.R.N. (the Committee on New Choices for Educationally Related Needs), including Dr. Frank L. Buono, Dr. James R. Burt, and others; and representatives for Parents of Jones-Jaggers Students, including Mr. Norris Thomas and others.

Chairman Cole announced that the purpose of the meeting was to consider the present status of the Jones-Jaggers School.

In comments to the Committee, President Zacharias reviewed the recent history of the function of the Jones-Jaggers Center for Child Learning and Study and the financial situation which faces the University. He reported that it was his recommendation, with the concurrence of the Faculty Program Coordinator for the Jones-Jaggers Center, the Dean of the College of Education, and the Vice President for Academic Affairs, that the instructional program of the school be discontinued. The President further stated that the Executive Director of the Council on Higher Education and the Secretary of Finance, through conversations

he had had with them, were aware of considerations relative to the use of the facility and would work with the Board in the matter. It was pointed out that any leasing arrangement for the facility would require the approval of the Department of Finance.

In addition, Dr. Zacharias reported that inquiry had been received from the Superintendent of the Warren County Schools relative to the possibility of making the space available to the Warren County Schools on a short-term lease basis. Information had been provided to Superintendent Gover concerning space, nature of the facility, and, in general the programmatic relationship which the University would like for this area to continue to have. The President stated that the Warren County School Board does not have a formal lease proposal before the University; however, discussions on two occasions have been held relative to several specific points which should be included in any lease.

The President further reported that inquiry had been received from a group headed by Dr. Frank L. Buono and Dr. James R. Burt who would like additional time to possibly make a proposal relative to the facility. Reference was also made by Chairman Cole to a third group who were interested in the continued operation of the Jones-Jaggers Center for Child Learning. (Secretary's Note: The group to which the Chairman referred was the Parents of Jones-Jaggers Students.)

The Chairman then gave an opportunity for discussion of the matter of discontinuing the operation of the Jones-Jaggers Center for Child Learning and pointed out that the Executive Committee could take action only on an interim basis subject to the action of the full Board.

Each of the Regents present was given an opportunity to discuss the matter and express opinions. Recognizing that the school was an outstanding one but that the economic situation called for reducing expenditures in every area possible and that the main purpose of the University was first and foremost higher education and not elementary or secondary education, Regents Campbell, Clark, Cole, and Bush voiced concurrence with the President's recommendation that the school be discontinued. Dr. Buckman stated that he recognized the economic situation but he wanted to look at all aspects of the situation before he accepted an alternative.

Chairman Cole pointed out that the facility is not considered excess property as it could be occupied to advantage by some other area of the University. As other alternatives, he enumerated interest by three groups which included the Warren County School Board, a community group known as C.O.N.C.E.R.N., and the parents of students presently enrolled in the school.

President Zacharias provided information relative to savings that would be realized with the discontinuance of the instructional program at Jones-Jaggers, amounting to \$109,851 plus the rental receipts. Present operational costs amount to \$350,000 annually.

Following thorough and extensive discussion, in which information was provided about the physical aspects of the facility and cost of operation by the University and in which information was provided by Superintendent Gover concerning the proposal of the Warren County School Board, members of the Executive Committee expressed a need for more time to study the pertinent materials which they had received. Considering the request by C.O.N.C.E.R.N. for additional time to make a proposal and the Executive Committee's desire for further study, the Chairman announced, without objection from the other members, that the meeting was adjourned until 1 p.m., CDT, on Saturday, May 16, 1981, when the meeting would reconvene.

Any proposal which C.O.N.C.E.R.N. desired to make and any additional information which the Warren County School Board or others wished to supply for consideration of the Committee was to be received by Friday, May 15. Guidelines would be provided by the Vice President for Business Affairs to interested parties so that all proposals could be comparable.

There being no further discussion, the meeting adjourned at 4:45 p.m. to convene in open session at 1 p.m. on Saturday, May 16, in the Regents Conference Room of the Wetherby Administration Building.

The meeting of the Executive Committee of the Board of Regents of Western Kentucky University reconvened at 1 p.m. on Saturday, May 16, 1981, in the Regents Conference Room of the Wetherby Administration Building on the Western campus in accordance with the announcement made at the meeting on Friday, May 8, 1981, and with required statutory notice having been timely and properly given. Chairman John David Cole presided. A prayer of invocation was given by Dr. John D. Minton, Vice President for Administrative Affairs. All members of the Executive Committee were present; namely,

Dr. William G. Buckman
Mr. Joe Bill Campbell
Mr. Ronald W. Clark
Mr. John David Cole

Regent Marcel Bush was also present but did not participate in the discussions. Others in attendance were as enumerated as being present for the meeting on Friday, May 8, 1981.

Chairman Cole reviewed the proceedings of the meeting of the previous week and reported that proposals relative to the use of the facility housing the Jones-Jaggers Center for Child Learning had been received from the Warren County Board of Education, representatives for the Parents of Jones-Jaggers Students, and C.O.N.C.E.R.N. The Chairman suggested that each of the groups designate a spokesperson and each was allowed to present information which they deemed appropriate. The Chairman stated that he felt the President would recommend to the full Board that any plan considered include the following items:

1. Annual rental of \$65,000.00 (which was in keeping with discussions with the Department of Finance).
2. Lease period of one (1) year with four (4) one-year options for renewal with the mutual consent of both parties.
3. Rent for the option years would increase or decrease for each option term of the agreement based upon the inflation rate as determined by the Department of Commerce.

The President commended the faculty and staff at the Jones-Jaggers Center for Child Learning and Study on the fine job they had done. He then called attention to the fact that the nature of the Center had not been just an instructional operation; the primary objective had been conducting an ongoing research program directed to developing new techniques in teaching and advancement of elementary education. He reiterated that the instructional program is what is being considered for phasing out.

When called upon, Dean Sandefur reported that the role assigned to the Jones-Jaggers Center had been successfully carried out by those involved; however, the financial problems of the University were recognized and no protest was being raised to the need to discontinue the role of instruction at the school although it would in some very definite ways diminish the effectiveness of the teacher education program. Reporting that he had had no discussion with other groups relative to the operation of the school, Dr. Sandefur stated that he had no reservations in working with the Warren County School Board in the operation of the school relative to a program of University involvement.

Proposed plans, pertinent information, and other comments were presented by the spokesperson for the three groups and questions were answered by each as directed to them by members of the Executive Committee and President Zacharias. Mr. Norris Thomas spoke for the Parents of the Jones-Jaggers Students, Dr. Jack Scott spoke for the Warren County School Board, and Dr. Buono spoke for C.O.N.C.E.R.N.

The economic aspect of the three proposals was as summarized below:

1. Parents of Jones-Jaggers Students proposed for Western to continue the operation of the school but charge tuition of \$600 a year which would provide additional income of approximately \$75,000 - \$100,000 per year.
2. Warren County Board of Education proposed to provide for all expenses relevant to the operation of the school and to pay Western a rental fee of \$65,000 per year for the use of the school.
3. C.O.N.C.E.R.N. proposed a private school for 200 students with tuition of \$2,000 per student per year and payment to Western of a rental fee of \$65,000 per year for the use of the school.

President Zacharias reviewed earlier information which he had provided in stating that closing the school would result in a savings of approximately \$109,000 per year plus the rental receipts recommended at \$65,000.

Thorough discussion covering all phases of the proposed programs, presentation of information, and the answering of numerous and varied questions was conducted.

During the discussion Mr. Cole made inquiry of University Attorney William Bivin as to whether there would be any problem with leasing the facility to a non-profit corporation as opposed to the Warren County Board of Education. Mr. Bivin responded that he had seen this as a problem from the outset. In elaborating, the University Attorney provided information that the statutory standard requires an official determination that any alternative use of public property be demonstrated to be in the best public interest; and leasing the property to a private organization rather than a public organization results from the judgment that it would be of greater public interest to the community and to the Commonwealth to lease the facility to private management and a private group with stated and expected restricted enrollment. Also it was pointed out during discussions by the University Attorney that Federal regulations, including rules and regulations against discrimination on the basis of race, sex, religion, national origin, etc., would be applied.

President Zacharias was asked to present his views on the matter. Expressing respect and admiration for those presenting proposals, the President stated that it was his responsibility to look at the total public interest and to make a recommendation on that basis. He explained that the Department of Finance would be the final arbiter of the amount of the lease. Based upon conversations with the University Attorney and his own reading of the public interest in the matter, the President felt it was in the best interest of the University to make the facility available, if the appropriate terms could be reached, to the public school system. If the University were not facing the present financial situation, the President stated that the recommendation would be to continue operating the facility because there are a number of ways it could be used.

Following the President's comments, Mr. Clark stated that even if the President had not made the recommendation which he did, his deliberations, study, and experience and the public interest would have resulted in his making the motion which he proposed, whereupon he made the motion that the Jones-Jaggers facility be leased to the Warren County Board of Education. Mr. Campbell seconded the motion, stating that he had not been faced with a more difficult decision for him personally as a member of the Board because of the friendship involved. However, he expressed the belief that his professional responsibility as a member of the Board must transcend any personal interest. It was his feeling that public property should be used for public purposes; and since there was an expressed need on the part of Warren County Schools, he supported the recommendation.

Chairman Cole expressed respect for the decision of the other members of the Executive Committee and President Zacharias but did not agree with the recommendation. He pointed out that the proposals from the Warren County Schools and C.O.N.C.E.R.N. were essentially the same economically. Among the reasons he gave for not supporting the recommendation were (1) smaller student population under C.O.N.C.E.R.N.'s proposal; (2) benefits that might come to the University through teacher training, etc., in a private school; (3) disagreement that the Jones-Jaggers School, which charged tuition, fit the category of public school and was subject to the public-to-public interest consideration; and (4) concern with the involvement of the University in a problem of the city and county school systems.

Dr. Buckman reported that he was impressed with each of the proposals and appreciated the interest which they exhibited in the quality of education. He further stated that excellent points had been made by members of the Board and that in his deliberations he would give considerable weight to the recommendations of the President and his staff.

There being no further discussion, the motion was presented that the Jones-Jaggers facility be leased to the Warren County Schools as recommended by the President and that such recommendation be made to the full Board for their approval. The roll call vote was as follows:

Yea: Buckman, Campbell, Clark

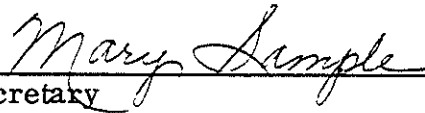
Nay: Cole

Lengthy discussion followed relative to certain points of any proposed lease. After hearing comments, it was agreed by the Committee that the recommendation to the full Board would be for approval of the recommendation of the President that the Jones-Jaggers facility be leased to the Warren County School Board for a period of one year at a rental of \$65,000 with four one-year options for renewal

upon mutual consent of Western Kentucky University and the Warren County Board of Education with the rent for each of the option years to increase or decrease based on the inflation rate as determined by the Department of Commerce and with the period of time for notice of termination to be worked out so as to be mutually agreeable to both parties and to the Department of Finance.

There being no further business to come before the Board, the meeting adjourned at 3 p.m.


Chairman


Secretary

CERTIFICATION OF SECRETARY

I hereby certify that the minutes herein above set forth an accurate record of votes and actions taken by the Executive Committee of the Board of Regents of Western Kentucky University in a meeting which convened on May 8, 1981, and reconvened on May 16, 1981, in the Regents Conference Room of the Wetherby Administration Building on the Western campus and further certify that the meeting was held in compliance with KRS 61.810, 61.815, 61.820, and 61.825 (enacted as Sections 2, 3, 4, and 5 of House Bill 100, 1974 Regular Session, General Assembly).


Secretary