

Approved in Open Board Meeting, February 2, 2010

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
OFFICE OF THE SUPERINTENDENT

January 12, 2010  
Tuesday, 10:15 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:17 a.m., Tuesday, January 12, 2010, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Jennifer Leonard Gottlieb; Vice Chair Benjamin J. Williams; Members, Robin Bartleman, Maureen S. Dinnen, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, Dr. Robert D. Parks, Kevin P. Tynan, Esq., Superintendent James F. Notter, and Edward J. Marko, Esq.

A moment of silence was requested by Mrs. Gottlieb, and observed, for Denise King, who recently passed away. Denise was the mother of 17-year old Simmie Williams, Jr., an openly gay man who was murdered two years ago and whose murder has not been solved. Mrs. Gottlieb noted that on November 16, 2008, Denise marched alongside School Board Members at the 1000 Youth March for Humanity.

**Call to Order** Mrs. Gottlieb, Board Chair, called the meeting to order and led the Pledge of Allegiance to the Flag of the United States of America.

**Minutes for Approval** Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve the official minutes for the following Board Meetings: Mrs. Hope and Mrs. Kraft had not yet assumed their seats on the dais. (7-0 vote)

December 15, 2009 – Special – Student Expulsions  
December 15, 2009 – Regular School Board Meeting

Mr. Notter noted changes to the agenda, stating for the record that Speakers Rhonda and Clinton Ward will not appear due to a family emergency.

**Close Agenda** Upon motion by Mr. Tynan, seconded by Ms. Dinnen and carried, the Agenda was approved and declared closed. Mrs. Hope and Mrs. Kraft had not yet assumed their seats on the dais. (7-0 vote)

**SPECIAL PRESENTATION**

The 2010-11 Student Enrichment in the Arts SEAS Report to the Board

Dr. Abraham Fischler, Board of Directors, Performing Arts Center, stated that the SEAS program was the catalyst to bring together the School Board and the Performing Arts Center. This has resulted in the growth of programs and the sources of dollars to support the programs.

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Dr. Fischler stated that the goal of the program is to bring two cultures together to form one culture, to support the mission of bringing in arts to students' environment and families of students. The Performing Arts foundation is raising money to support the activities that the partnership incorporates in order to help students learn and improve the future of public schools.

Mr. Kelley Shanley, President and CEO, stated that the essence of the SEAS program is the idea that the programs be used as a tool to achieve the educational goals of the community. Tying arts programs into curriculum is done through the areas of literacy, social studies, and math and science.

Mr. Shanley informed that 209,116 participants participated in over 500 programs in different events that were offered throughout the course of the year; the SEAS participants were up to 147,451.

Mr. Shanley stated that he and Mr. Notter received an award for Educational Excellence Builds Business by the Broward Alliance. Mr. Shanley indicated this is significant because it shows the business community values the partnership in terms of workforce development.

Mr. Shanley informed the Board that Ms. Sharon Brooks was honored by being elected to the Advisory Board of the John F. Kennedy Center for the Performing Arts' Partners in Education Program.

Ms. Sharon Brooks, Director of Education, highlighted the 2009-2009 Education Report. The Arts for the Future Scholarship 10<sup>th</sup> anniversary event was held, the largest arts scholarship program in the state of Florida, with 58 graduating seniors receiving over \$75,000 in scholarships to pursue the arts on a collegiate level.

In an effort to expand in the western areas of the county, the Miramar Cultural Center and Arts Park Educational programs was formed to allow students in western areas to attend performances.

The Summer Theater Camp program expanded to two locations, the Broward Center and the Miramar Cultural Center and this summer the program will expand to Aventura.

Bank of America continues to support teachers through their Cultural Adventures for Teachers series. The 6<sup>th</sup> Annual Arts Integration Conference was held in August, Teaching for Success, Educating the Whole Child through the Arts, with over 500 Broward teachers attending. Dillard Center for the Arts and the Broward Center hosted this event.

Ms. Brooks highlighted the free Student Workshops and Master Classes, including the residency of Dance Brazil; Smart Stage Matinee Series, serving nearly 15,000 students; Reading Readiness for the Theatre, with 500 Head Start children and their families; Reading Residency Program, a Title I program for over 19,000 students.

Other programs highlighted were Math and Science Day, science and math related performances, including day-long activities to experience math and science activities on stage, using weights and pulleys. The Cappies Critics Awards Program honors outstanding high school artists who are taught how to write as theater critics and they vote for the outstanding performances for the year.

In conclusion, Ms. Brooks outlined the benefits to the school community of the SEAS program.

A comprehensive report was submitted to the Board.

Board Members thanked Dr. Fischler, Mr. Shanley and Ms. Brooks for their partnership and dedication to the arts.

#### McDonald's Poster Contest Winner

Mr. Ronny Virgillito, Secretary-Treasurer, Broward Teachers Union, and Mrs. Bernie Schultz, Vice-President, Broward Teachers Union, presented the 2010 McDonald's Poster Contest winner Margia Sanchez, 11 years old, Croissant Park Elementary student and Mr. Alan Pate, Art Teacher, Croissant Park Elementary School.

Mr. Virgillito stated that Margia's poster will be mass-produced by McDonald's corporation and display the poster in all Broward County McDonald's restaurants.

Mr. Ronald McDonald stated it was a great privilege to be associated with the Broward Teachers Union, and the company is proud of all the artists who entered the contest this year.

Board Members personally congratulated Margia and her guests, followed by a photograph session with her parents.

#### Miramar High School Football Team Championship Win

Mr. Tynan, via video conference, introduced the Miramar High School Patriots Football team for their December 19, 2009 42-20 victory in the 2009 6A State Championship, the first Broward County high school team to win a 6A football championship.

Informing that the overall team record was 14 and 1, Mr. Tynan recognized Quarterback Ryan William and Wide Receiver Ivan McCartney, and the performances by the Dark Side Defense – Dominick Bryan, Jamaal Bass, and Steven Blissett who recorded over 100 tackles.

Mr. Tynan recognized Coach Damon Cogdell and his outstanding accomplishments, including the honor of the 2009 Miami Herald and Sun-Sentinel Coach of the Year awards; and the 2009 All County Players.

Mr. Tynan noted that the school was ranked 25<sup>th</sup> in the final national rankings.

Miramar High School Principal Deborah Davey and team player Ivan McCartney personally presented the School Board and Superintendent with a plaque in appreciation for their support of the whole child – academics, athletics and activities.

The Chair, School Board Members, and the Superintendent accepted the award during a photo-op.

The Board Members and Superintendent congratulated the principal, staff, coach, team and students for their accomplishments and victory.

## **REPORTS**

### District Advisory Council – Jeanne Jusevic

Mrs. Jusevic reported that DAC will meet tomorrow evening, beginning at 6:30 p.m. A presentation will be given on English Language Learners (ELL).

Mrs. Jusevic informed the Board that more information is being gathered by the newspaper rather than through the district. She stated this hampers PTA's ability to help the Board. Mrs. Jusevic requested the Board to keep PTA in the information loop prior to information getting out to the newspaper.

Dr. Parks requested that an external and internal communications strategic plan, along with review of the Communications policy, take place. Dr. Parks stated he will meet with Mr. Eddie Arnold, Executive Director, Public Relations & Governmental Affairs, in establishing a select group of individuals to develop that strategic plan. This plan would then come back to the Board at a workshop and then brought to the Board for approval. Dr. Parks further requested that the usage of new technology be used in order to develop this strategy.

### Facilities Task Force – Nick Sakhnovsky

Mr. Sakhnovsky reported that the Task Force met on January 7, 2010, with Interim Deputy Superintendent for Facilities and Construction Management Thomas Lindner and Capital Budget Director Omar Shim as guests.

Mr. Lindner reported that he has a mandate for accountability and explained the current budgetary situation. As needed, money has been placed for maintenance and work to outside contractors has been limited, in part to assure work for district personnel. He indicated a future budget includes a possible 30 percent cut.

The Task Force has a concern over air quality in unused portables. Mr. Lindner clarified that decommissioned units do have a/c; those not anticipated for reuse do not. Mr. Linder promised to prove real numbers on where they are, how many there are, and in what state.

Mr. Lindner shared his concerns over the QSEC process and suggested that the scoring process exclude outliers. He agreed that ultimately scoring is affected by who is actually on the committee, and noted that it appeared in cases that participants had not read the voluminous documentation prior to meetings.

Mr. Shim reported that another \$1.8 million has been cut out of the Five-Year Plan. There are impacts from the cuts to the 2 mills collected from local property taxes as well as the reduction in property values. Some architectural contracts have been removed, based on a determination of the stage of the contract and the likelihood of ultimate construction. Mr. Shim has asked Facilities to cut all the architectural and engineering projects because the documents will probably be outdated due to code and technology changes in five or six years. There is little or no current bonding capacity; the market will not permit more than the current 60 percent.

Mr. Sakhnovsky further reported that further discussion was held regarding the circumstances which inhibit reductions in force of personnel; information that last year's total expenditures for maintenance were \$113 million, not including utility bills, and Oakridge Elementary has been removed from the Five-Year Plan. Other information provided by Mr. Lindner indicated that Tools for Schools is scheduling walk-throughs, and the symposium will be held in Washington, D.C. in January 2010; nine schools were shut down in Atlanta this past year, and a meeting was held with Mr. Carter over Task Force ideas for transportation impact on facilities promised by the Superintendent months ago which has not yet been scheduled.

Mr. Sakhnovsky informed that the Task Force will next meet at Hortt in Shady Banks on Thursday, February 4, 2010, at 7:00 p.m.

A comprehensive written report was submitted to the Board.

#### Diversity Committee – Roland Foulkes

Mr. Foulkes informed that as the newly-reelected Chair of the Diversity Committee he looks forward to helping the district make tremendous achievements. The Diversity Committee met on January 7, 2010 at BECON, with officer elections, and the committee accepted the Diversity Committee's response to the Superintendent's Annual CCC Update which will be presented for the Board's review at a workshop.

The next Diversity Committee meeting is scheduled for Thursday, February 4, 2010, beginning at 6:30 p.m., at the K.C. Wright Board Room.

Mr. Foulkes informed that January is the 9<sup>th</sup> Annual Broward County Diversity and Inclusive Community Month. A resolution was presented by the Board in November 2009.

Board Members were invited to the series of reviews of a WPBT Public Broadcasting System's series Becoming Human: Unearthing Our Earliest Ancestors held at the African-American Research Library on three consecutive Wednesdays beginning tomorrow, January 13, 2010, 6:00 p.m. in their auditorium.

Mr. Foulkes discussed his attendance at a workshop regarding the Florida Youth Tobacco Survey; data has been provided about tobacco use amongst students in schools.

A comprehensive packet was presented to the Board, including the catalog for the 13<sup>th</sup> Annual Impact II Idea Expo sponsored by the Broward Education Foundation. This event will be held at Nova Southeastern University on Saturday, February 6, 2010, 8:00 a.m. to 3:00 pm. Mr. Foulkes stated he will be presenting a workshop on the Peace Corp's Building Bridges Across Cultures curriculum, one of many workshops that will be provided to teachers by other teachers.

#### Broward County Council PTAs/PTSAs – Bernie Kemp

Mr. Kemp reported that PTA held its Reflections program on January 4, 2010, with over 25 schools submitting entries which brought over 100 entries for the arts program that PTA presents every year. This year, national PTA is celebrating 40 years of the Reflections program.

PTA is preparing for the Pat On the Back Awards for teachers in March 2010.

Mrs. Latha Krishnaiyer, Florida PTA President, informed the Board that the National PTA has recognized Florida PTA for last year's rallies and have won the State Advocacy Award which will be presented in Washington, D.C., during the National PTA Legislative Conference.

Providing Board Members with the 2010 Legislative Program, Article IX, Section 1, Mrs. Krishnaiyer stated this will remind legislators that this is the constitution that mandates them to fund education adequately. Another rally will be held on March 25, 2010. Mrs. Krishnaiyer highlighted the PTA Legislative Priorities, beginning with Adequate Public Education Funding, which will be one of the items of focus.

Mrs. Krishnaiyer reported that the Gates Foundation has given the National PTA \$1 million for adoption of the Common Core State Standards. The PTA selected four states as pilot states to work on the standards: Florida, North Carolina, Georgia, and New Jersey.

Mrs. Krishnaiyer stated that PTA supports the Race to the Top initiative, sending a letter of support by Florida PTA and the National PTA.

#### **BOARD MEMBERS**

Ms. Murray announced that Attucks Middle School is one of five schools nationally to win the High Flying School award, an award that showcases schools that are beating the odds by closing the achievement gap in high poverty communities. The organization will honor the school by awarding \$1,000 and paying the principal and another staff member to attend its national conference in Savannah, Georgia in March 2010.

Ms. Murray informed her colleagues that Broward County Public Schools College Academy at Broward College will hold informational open houses at Bailey Hall on January 27, 2010 at 7:00 p.m. for students whose last names begin with A-L and on Thursday, January 28, 2010 at 7:00 p.m. for students whose last names begin with M-Z. This program offers high school juniors the opportunity to receive concurrently high school diplomas and an Associate of Arts degree. Tuition and books are provided at no cost and, as a result, the freshman and sophomore years of college are free of charge. Students are also able to qualify for the Florida Bright Futures Scholarship Program as Florida Academic Scholars or Florida Medallion Scholars. Ms. Murray noted that last year, the graduating class of 162 received over \$8 million in scholarships.

Ms. Murray reported that prior to the Winter Break hundreds of McNicol Middle School students, in response to the character trait of Citizenship participated in collecting canned and non-perishable foods to provide over 30 needy families with a holiday dinner and a week's worth of groceries. The Hollywood Rotary Club, as a follow-up to the annual Harvest Drive event, provided a turkey to every food basket that the school could create. Ms. Murray stated this partnership has provided outreach to the community for those less fortunate.

Ms. Murray stated that the Broward Tech Centers awarded a Department of Labor grant for the district's Green Ready Program. The Broward County Energy Training Partnership, lead by Minority Builders of Broward, and the Broward Technical Centers have been awarded a prestigious \$3.3 million training grant from the Department of Labor. As part of the federal stimulus package, this grant will allow the partnership to recruit and train 900 Broward citizens in solar PV installation, solar thermal installation and energy efficient weatherization technology. This program will offer an opportunity to unemployed individuals to go back to school and become better qualified for the job market.

Ms. Murray informed her colleagues that the five Broward high school JROTC programs underwent their three-year formal U.S. Army inspections, with all schools performing well. Everglades, Monarch, South Broward and West Broward high schools scored above the 96 percent cutoff to receive the Honor Unit with Distinction (HUD), the highest rank.

Ms. Murray stated that Palmview and Watkins elementary schools were identified as a Florida Title I Distinguished Schools for the 2008-2009 school year by the Florida Department of Education. Palmview Elementary Principal Robert Gibson was recognized for closing the achievement gap in reading and mathematics proficiency for Free and Reduced Price Lunch (FRPL) students and English Language Learning (ELL) students. Watkins Elementary Principal Cynthia Hanna was recognized for sustained academic achievement over the last two years and for closing the achievement gap in reading and mathematics proficiency for FRPL and ELL students.

Ms. Dinnen informed her colleagues that Fort Lauderdale High School was recognized by U.S. News and World Report as one of the top high schools in the United States and Plantation High School was recognized by Newsweek Magazine as one of the top high schools in the United States. She reminded her colleagues that Plantation had increased their enrollment and added an IB program to better their academic standing.

Ms. Dinnen stated that South Plantation High School students Ashlyn Valdes and Daniella Macias were invited to Australia to study wildlife and animal care at the Australia Zoo. Their teacher is Carl Wallack.

Ms. Dinnen informed that the Legislative Session begins on March 2, 2010 and runs until April 30, 2010.

Ms. Dinnen attended the Florida School Boards Association meeting which was attended by Mr. Eddie Arnold, Executive Director, Public Relations and Governmental Affairs. Discussion and ideas were exchanged with other districts and informed community groups regarding their concerns about education.

Ms. Dinnen recognized the Grants Administration/Government Programs department for their efforts in the district receiving \$176 million in grants this past year for a variety of resources, as reported under Agenda Item F-3. Annual Report of Grant Activities 2008-09.

Ms. Dinnen informed that the City of Oakland Park will hold their annual City School Partnership Breakfast this week. Every City of Oakland Park school principal, City Commissioners and key personnel turn out for this event.

Ms. Dinnen informed that Mr. Alan Phipps, South Plantation teacher, the "Solar Car Guy" is a finalist for Teacher-of-the-Year.

Mr. Williams extended gratitude to Mrs. Leslie Brown, Executive Director, Educational Programs; Mrs. Jill Young, Director, School Boundaries; Dr. Desmond Blackburn, Central Area Director, School Improvement; and Mrs. Michaelle Valbrun-Pope, Central Area Director, School Improvement for meeting with the Dillard High School community and the Boyd Anderson High School community. They discussed the different boundary scenarios for the area, providing information and getting students involved.

Mr. Williams acknowledged the support of Agenda Item A-5. Resolution in Support of Black History Month – February 2010. Mr. Williams informed that Negro History Week was originated in 1926, an idea conceived by Carter G. Woodson, a black historian that was known as the Father of Black History.

Dr. Parks announced that Ms. Cathy Blankenship, Office Manager, Quiet Waters Elementary School, has been named Broward County Public Schools School-Related Employee of the Year 2010. Cathy has been a district employee for 28 years, currently serving as Office Manager I/Confidential at Quiet Waters.

Dr. Parks stated that Cathy has the experience and knowledge that enables her to understand the responsibilities of each clerical job classification. These skills allow her to manage the clerical staff and make implementations to assure a smooth running office.

Dr. Parks informed his colleagues that the Big Brothers and Big Sisters program at Coconut Creek Elementary School received a \$75,000 check from Waste Management for the Bigs in Schools program which sets up Coconut Creek High School students to mentor and tutor the students at the elementary school.

Dr. Parks stated that he has worked with Lighthouse Point Mayor Fred Schorr, Norcrest Elementary School PTA, faculty and administration on an educational marketing strategy that can be duplicated at other schools. He stated that Norcrest is an under-enrolled "A" school, and although there has been an increase in students from private schools, additional enrollment is needed. A meeting will be held with the City of Pompano to enforce code restrictions on some streets that kids travel on.

Dr. Parks requested a review of external and internal communication as the 8<sup>th</sup> goal of the school district, as part of the Communications Strategic Plan with a review of the Communications policy. Dr. Parks stated he would meet with Mr. Arnold to establish a select group of individuals in order to develop that Strategic Plan, including the use of new technology.

Dr. Parks informed that Pompano Beach High School was designated as an Apple School, one of 304 schools in the nation who were recognized by Apple.

Dr. Parks requested that a review/strategy be developed regarding how the district will handle reducing programs and personnel/budget cuts.

Mrs. Bartleman discussed the district's Fund Balance, having fallen below the 3.5 percent threshold as of November 30, 2009. She requested the Superintendent to schedule a Board workshop to discuss the Fund Balance and mid-year cuts.

Mr. Notter informed that he will present a Superintendent's Recommendation regarding the mid-year cuts.

Mrs. Bartleman invited her colleagues to the Broward Kick-Off event for the Walk Now, Autism Speaks which will be held on Wednesday, February 3, 2010. She stated that a K.C. Wright team is being developed to participate. Mrs. Bartleman noted that a new autism case is diagnosed every 20 minutes, and there is no medical detection or cure.

Mrs. Bartleman attended the Parkland Education Committee meeting and one of the topics was Race to the Top Fund.

Mrs. Kraft praised the SEAS program and the many functions that were held throughout the year.

Mrs. Kraft recognized Mr. Neil Jenkins, Band Teacher, Taravella High School, one of the finalists for the Teacher-of-the-Year event, a teacher who will be retiring at the end of this school year. She said that Mr. Jenkins' contribution to the district has been appreciated, and noted his efforts to take his students to President Obama's Presidential Inauguration.

Mrs. Kraft read the following statement into the record: "When I was sworn in for my third term in 2006, I stated in my speech that this would be my last term. I firmly believe that my district is best served by having a Board Member who has a child in our public schools. Having a child in school gives the Board Member an important perspective on issues that face students and parents in my district. As my daughter moved through elementary school, to middle school and ultimately to high school, I gained a greater appreciation for the issues that the students faced at each level. As you all know, my daughter did graduate last June and she is attending college out of state. True to my words and my beliefs, I had always intended to not seek re-election once my daughter graduated. However, I also was concerned about leaving my district without appropriate representation so it was my hope that there would be sufficient interest by qualified people to seek this seat. I have learned that people who may be interested in running for the seat have been waiting to see what my plans were.

"I delayed making this announcement as I did not want to make it appear that I was taking this action for reasons other than my long-stated position that I would not seek re-election once my daughter graduated. At this point, in order to allow time for others to wage an effective campaign, I am formally announcing that I am stepping aside to provide the opportunity for someone who currently has a child in our public schools in my district to seek this position.

"I have truly enjoyed serving the residents of District 4 and I will certainly miss my colleagues and the great people who work with and for the School Board. I have no intention of being a lame duck and I will continue to serve my constituents faithfully and with all the attention and passion that I have until my term is up in November 2010. I will always be a part of Team Broward and wish everyone well."

Dr. Parks stated that Mrs. Kraft has been a Board Member that gave attention to detail and emanated energy in the arts program at Taravella, having a daughter actively involved in the arts. Dr. Parks further stated that many individuals wanted Mrs. Kraft to stay on the Board because it is a very cohesive Board who work well together. He expressed his pleasure in knowing Mrs. Kraft.

Ms. Dinnen voiced her appreciation to the logic with which Mrs. Kraft presented her arguments which has helped the Board's discussion, and the passion that she brings to those arguments.

Mrs. Bartleman thanked Mrs. Kraft for serving on the School Board, as she has been very important in crafting legislation and policy for the Board. Mrs. Bartleman said Mrs. Kraft's passion and knowledge will be missed.

Mrs. Hope stated she has enjoyed working with Mrs. Kraft, her love of the arts, her attention to detail, and she will miss her colleague and her expertise.

Mrs. Hope congratulated Mr. Robert Haag, Superintendent, Charter School of Excellence, who held a ribbon-cutting ceremony at the Tamarac campus, which was attended by many parents and students in the community.

Reminding her colleagues that she chairs the Census Education Committee, Mrs. Hope stated that a successful event was held in West Park and a 2010 Census Kickoff was held at Nova-Blanche Forman Elementary School.

Mrs. Hope stated that Discovery Elementary School held a performance of How the Grinch Stole Christmas at the Barnes and Noble Bookstore in Plantation.

Mrs. Hope reported that rain didn't stop the 10<sup>th</sup> Annual Holly Day parade held in the Town of Davie's Forest Ridge community. Mrs. Bartleman also attended the event.

Mrs. Hope attended a luncheon at Piper High School in their Bingo Café. Mrs. Hope thanked the Greater Caribbean Chamber for holding a Toy Wrap, collecting unwrapped toys for the needy. She stated that Tequesta Trace Elementary hosted an Environmental Day, with students planting donated plants and releasing lady-bugs.

Mrs. Hope congratulated student Ryan Morris, Falcon Cove Middle School, for sorting canned goods at Western High School during their Harvest Drive.

Mrs. Hope showcased missing student Rycki Meade, 17 year old female, 120 pounds, from Coral Springs. Anyone with information, please call the local authorities or the National Center for Missing and Exploited Children.

Mrs. Gottlieb noted the Board's support of Agenda Item A-4. Resolution in Support of Jewish History Month – January 2010.

Mrs. Gottlieb requested a moment of silence to honor Hamilton Forman, 90 years old, who passed away today. Mr. Forman had his hand in every decision that dealt with Broward County since 1950, from the location of the Turnpike and I-95. Mrs. Gottlieb stated Mr. Forman's impact on her life was the Davie educational complex, the Forman property, where she attended Nova Blanche Forman Elementary, named after Mr. Forman's mother. His gift and dedication to Nova public schools and Nova Southeastern University, and his commitment to public education will live on forever in Broward County. (A moment of silence was observed)

Mrs. Gottlieb requested that staff be consistent with the advertising and the notification of the School Board meetings so that it is easily accessible.

## **SUPERINTENDENT**

Mr. Notter informed the Board that tomorrow the Public Service Commission will be taking up the vote on the requested Florida Power & Light rate increase. The Superintendent stated he personally spoke with the Commissioner Nancy Argenziano's aide in opposing the rate increase due to today's economic climate. Mr. Notter stated that he e-mailed the remaining Public Service Commissioners to voice the district's opposition.

Ms. Dinnen requested the Superintendent to submit a letter in writing to the United States Secretary of Education, Arne Duncan and point person in the Department of Education at the national level, explaining why the Board had a certain lack of comfort with the Race to the Top Fund, the difference between the state plan and the federal plan.

Mrs. Bartleman also requested that the letter indicate that Mr. Duncan clearly indicated the district could apply for money to participate in the grant after the grant is awarded and that our state prohibited that. She stated this is important because there is no transparency from the state.

### **Speakers**

Roland Foulkes

Rev. Luc Harrigan

Lois Sanford

Ralph Pendergraph

Paul Dumervil

Mary Fertig

Maxine Tulloch

Charlene Rebecca Blackwood

Karen Cormack

The Chair asked staff to meet with speakers Mr. Pendergraph and Mr. Dumervil regarding their proposal of their website: [www.mysportresume.com](http://www.mysportresume.com).

The Superintendent suggested that speaker Ms. Tulloch meet with Mr. Donnie Carter, Chief Operations Officer, regarding her concerns.

The Chair requested Dr. Leontine Butler, Central Area Superintendent, to meet with speaker Karen Cormack to address her concerns.

**CONSENT AGENDA** Following identification of those items Board Members and members of the public indicated they would like considered separately, motion was made by Dr. Parks, seconded by Ms. Dinnen and carried, to approve the Consent Agenda for the remaining items. Mrs. Kraft had not yet assumed her seat on the dais. (8-0 vote)

Following the action of Agenda Items G-1 through G-6, Board Attorney Mr. Marko presented the Board with a memorandum regarding Gifts under \$100 – Acceptance and Reporting. Mr. Marko clarified that a Board Member is allowed to receive a gift if it is under \$100 or less, from any vendor doing business with the School Board. If the gift is under \$100 or less, the Board Member is not required to declare it in their quarterly report.

Mr. Marko further stated, when dealing with lobbyists a Board Member is allowed to receive a gift if it is \$100 or less from a lobbyist but the lobbyist has the obligation, if a Board Member receives more than \$25, to report this information.

In response to Mrs. Kraft's inquiry about the funding of the Partners in Education luncheon, and the amount, Mrs. Gottlieb stated the amount is \$27.34 per person but it may go up or down by the time of the final bill.

Mr. Notter responded that a vendor or partner related to Partners in Education contributed to the luncheon.

Mrs. Gottlieb, who informed that it is not a lobbyist funding the luncheon but a vendor, stated that a luncheon with Partners in Education has been held in the past and it is an opportunity for them to meet with the Board and discuss their goals for the year. She informed her colleagues it is important that the Board know what the appropriate action is prior to going into the luncheon.

## CONSENT ITEMS

### A. RESOLUTIONS

- A-1. Resolution in Support of National School Counselors' Week, February 1-5, 2010 (Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to adopt Resolution #10-51, in support of National School Counselors' Week.

Mrs. Bartleman recognized the tremendous impact that School Counselors and BRACE advisors have in Broward County in helping student achievement; to focus on the whole child and making sure all needs are met. Mrs. Bartleman thanked all school counselors for all they do.

Mrs. Kraft requested a moment of silence for Ms. Gretchen Clark, a Riverside Elementary School Guidance Counselor who suddenly passed away this weekend. Mrs. Clark was a 39 year-old wife and mother. Mrs. Kraft thanked adjoining schools for filling in to provide grief counseling to the students.

- A-2. Resolution in Support of Groundhog Job Shadow Week, January 25-29, 2010 (Adopted)

Adopted Resolution #10-52, in support of Groundhog Job Shadow Week, January 25-29, 2010.

- A-3. Resolution in Support of No Name-Calling Week – January 25-29, 2010 (Adopted)

Adopted Resolution #10-53, in support of National No Name-Calling Week – January 25-29, 2010.

- A-4. Resolution in Support of Jewish History Month – January 2010 (Adopted)

Adopted Resolution #10-54, in support of Jewish History Month, January 2010.

- A-5. Resolution in Support of Black History Month – February 2010 (Adopted)

Adopted Resolution #10-55, in support of Black History Month, February 2010.

**B. BOARD MEMBERS**

**D. OFFICE OF THE CHIEF AUDITOR**

- D-1. Audit of the Internal Funds of Selected Schools in the North, Central and South Areas (Received)

Received Audit of the Internal Funds of Selected Schools in the North, Central and South Areas.

Audited the Internal Funds of the schools listed below for the fiscal years ended June 30, 2008 and 2009, as authorized by the State Board of Education Rule 6A-1.087(2), Florida Administrative Code and School Board Policy 1002.1.

Schools

- \*Crystal Lake Middle School
- \*Croissant Park Elementary School
- \*Florana Elementary School
- \*Riverland Elementary School
- \*Park Ridge Elementary School
- \*Seminole Middle School
- \*Tedder Elementary School
- \*Sunland Park Elementary School

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\*Colbert Elementary School  
\*Walker Elementary School  
Schools (Cont'd)  
\*Hollywood Central Elementary School  
\*Westpine Middle School  
\*McNicol Middle School  
\*Whiddon Rogers Education. Ctr.  
\*Pioneer Middle School  
Deerfield Beach High School  
\*Silver Shores Elementary School  
Piper High School  
\*Arthur Ashe Middle School  
\*Atlantic Tech Center  
\*Broadview Elementary School

\*Denotes Schools With No Audit Exceptions

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's December 10, 2009 meeting.

The source of funds to perform the Internal Audit Reports was the General Fund budget allocation for the Office of the Chief Auditor. There is no additional financial impact to the school district.

D-2. Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2009-2010 (Received)

Received Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2009-2010.

Property and Inventory Audits of Selected Locations were performed, as authorized by the Florida Statute 274.02(2), School Board Policy 1002.1 and School Board Policy 3204.

The Audit report represents 35 locations in which a total of 21 locations had no exceptions and 14 locations had exceptions.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's December 10, 2009 meeting.

The source of funds to perform the Internal Property Audit Reports was the General Fund budget allocation for the Office of the Chief Auditor. There is no additional financial impact to the school district.

D-3. Moore Stephens Lovelace, P.A.'s Management Letter for the Year-Ended June 30, 2009 (Received)

Received Moore Stephens Lovelace, P.A.'s Management Letter for the Year-Ended June 30, 2009.

The School Board's external auditor, Moore Stephens Lovelace, P.A., completed their Management Letter ("the Report") for the year ended June 30, 2009. The Report notes certain matters involving the District's internal control structure and its operations and contains recommendations relative to those matters. Management's responses to the six audit observations/recommendations (four current year and two prior year) are included in the Report.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's December 10, 2009 meeting.

The source of funds to perform the Management Letter was the General Fund budget allocation for the Office of the Chief Auditor. There is no additional financial impact to the school district. The Management Letter is a requirement of the Independent Annual Auditing services performed by Moore Stephens Lovelace, P.A.

**E. CHIEF OPERATIONS OFFICER**

**F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT**

F-1. Full Service School (FSS) Funding Agreement Amendment for 2009-2010 (Approved)

Approved the amendment #0001 (Exhibit F, FSS grant with coding changes), change of contract manager information and update of attachment IV to reflect the schools being funded and their DAU number.

The FSS Funding Agreement for 2009-2010 with the Broward County Health Department (BCHD) was approved by the Board on May 19, 2009. The BCHD has requested the following amendment, to the current Board approved contract.

- Page 4, Standard Contract, Section III, Paragraph D.3, to reflect change in name, address, and telephone number of contract manager at BCHD
- Page 15, Attachment I, Section D.7, will reflect same as the above.
- Page 23-24, Exhibit F, Full Service School (FSS) Funding Monthly Data Collection Form replaced by Revised Exhibit F (pages 1-4).

The format of Exhibit F was changed to make the reporting of data more efficient and effective to be in alignment with computer inputting done by DOH MIS. In addition, to remove the coding for services which are not performed in schools such as TB and pregnancy testing. Nutritional counseling, paraprofessional follow-up and other individual counseling were also eliminated because these codes do not pertain to the FSS program based on the definitions of the DOH service codes.

- Change in attachment IV to reflect the schools being funded: Blanche Ely High School, Hallandale Adult and Lauderhill Middle School.

These changes do not impact the contract service delivery and are only minor in form.

The Broward County Health Department's policy is to execute an agreement only after the other party signs.

This agreement has been reviewed and approved as to form and legal content by the School Board Attorney.

There is no financial impact to the school district.

F-2. Grant Applications (Approved)

Approved the submission of grant applications to:

- A. Coral Springs At-Risk Youth Grant, \$2,500
- B. CVS Community Grant for Public Schools, \$6,730
- C. ExxonMobil Educational Alliance, \$750
- D. Florida Increasing Refugee Achievement Competitive Grant, \$278,779
- E. Florida Marlins Community Foundation, \$2,000
- F. NEA Foundation Learning and Leadership Grants, \$6,000
- G. Pay It Forward Mini-Grant, \$1,879
- H. Target Field Trips, \$5,370
- I. Transition Programs for Adult Learners into Postsecondary Education, \$100,000

Copies of the full grant applications are available at the Board Members' Office on the 14th floor of the KC Wright Building.

The positive financial impact is \$404,008 from various sources. There is no additional financial impact to the district.

F-3. Annual Report of Grant Activities 2008-09 (Received)

Received the Annual Report of Grant Activities 2008-09.

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The Grants Administration and Government Programs Department, Educational Programs & Student Support Division, has compiled the Annual Report of Grant Activities 2008-09. The report documents the success of schools and district departments in securing over \$176 million in grant funding in the 2008-09 fiscal year and provides detailed information on each of the grant projects funded during that period.

In 2008-09, the district received funding for 195 grant projects that provided direct support to Broward County students and their families. These projects fostered the development and implementation of new methods of instructional delivery, increased staff development efforts, and helped school improvement initiatives in numerous schools throughout the district.

The positive financial impact to the district for 2008-09 was \$176,404,081. The source of funds was various federal, state, local, and private sources of grant funding.

F-4. Race to the Top Fund (Not approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray, to approve the submission of the Preliminary Memoranda of Understanding with the Florida Department of Education. This motion was superseded by a Motion to Amend (page 25).

The Race to the Top Fund is a competitive grant program designed to encourage and reward States that are creating the conditions for education innovation and reform.

The State's plan must include four core education reform areas: Adopting internationally benchmarked standards and assessments that prepare students for success in college and the workplace; Increasing teacher effectiveness and achieving equity in teacher distribution; Building data systems that measure student success and inform teachers and principals how they can improve their practices; and Turning around our lowest-performing schools.

The Florida Department of Education's application for funding must give priority to high need local education agencies (LEAs). Fifty percent of the funds will be awarded to participating LEAs based on their relative shares of funding under Part A of Title I of ESEA. Participating LEAs must agree to work toward implementation of the elements of the State's reform plan, as evidenced by this Memoranda of Understanding (MOU). If the District decides not to submit a Final Scope of Work, the Preliminary MOU is no longer binding or obligated. The MOU is requesting the signatures of the Superintendent of Schools, the Chair of the School Board, and the President of the Broward Teacher's Union.

The potential positive financial impact will be determined based on the District's relative share of funding under Part A of Title I of ESEA. If the State receives their maximum amount of \$700 million, then Broward's share would be approximately \$8.5 million per year for each of four years. There is no additional financial impact to the district.

Mr. Notter informed that the preliminary Memorandum of Understanding will provide the district the opportunity to be part of the discussion for the Race to the Top at the state level. This federal initiative will provide bold initiatives to change education and increase student performance. Mr. Notter explained the four areas that are specific in Race to the Top and asking states to adhere to is a state block grant, the Local Education Agency (LEA) (school districts) will write a state plan and the state plan is submitted to the federal government for an assessment and ultimately receive an award. The Superintendent stated that the LEA generally write directly to the grantor and receive the grant.

Mr. Notter opined that if a systemic change is made there needs to be a state initiative, a critical mass; it is difficult to initiate change outside the state because school systems are so small. The Race to the Top is one of the current federal initiatives to help build a more vibrant and better educational system by significantly increasing graduation rates, rigor and programs, and math, science and engineering curricula.

The Superintendent discussed the four critical questions that the grant addresses: (1) how to reverse struggling schools; (2) standards and assessments; (3) state-wide data systems; (4) teacher and administrator quality. Mr. Notter stated there are six rationales to give a framework to promote this item for approval. The Commissioner and Chancellor have committed to work with districts and state union leaders to further define and provide local flexibility; the district needs to be in the plan as there is no flexibility to re-enter, and remain with the large urban schools districts to be able to define and push to give better definition and allow more local flexibility.

In addition, Mr. Notter stated many of the criteria in the Memorandum of Understanding is in the statutes, such as differentiated pay and turnaround schools. Mr. Notter said the opportunity for new dollars is a strong point because if the district has to abide by these rules new money would help the district offer teacher training programs for new core standards. The Superintendent stated if the district determines that the state does not provide the needed local flexibility, the Scope of Work would not be submitted or the Scope of Work which defines what Broward wants to do would be submitted. The state would either accept or reject it. Mr. Notter said it still remains a "safe harbor" exit point for the district.

Mr. Notter noted that the preliminary Memorandum of Understanding is a Department of Education suggested amendment as approved by their attorney. Mr. Notter stated that the amendment is a result of the seven largest school districts expressing their concerns about flexibility.

Remarking that the Race to the Top is very controversial, Mrs. Hope stated there are differences of ideology along with financial constraints and pressures that districts are encountering at this time. Mrs. Hope inquired about the strategy in getting support from the unions.

Mrs. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services, responded that for the initial MOU the Board can submit the MOU with the signatures of the Superintendent and the School Board. Dr. Harrison stated that the document outlines that the school district wants to be considered, to be in the pool of counties that are going to be considered as a part of the Race to the Top. The district would be notified in April that the state has received the award and has 90 days to indicate the school district will meet all the components of the MOU. Dr. Harrison further stated that Union support is not needed for the initial document, but during the next few months staff would be working with the union to address their issues of concern.

Remarking that staff worked with the unions on the STAR Plan and the appraisal plan for teachers, Mrs. Hope inquired whether these documents have been reviewed to ascertain whether the appraisals could be applied to this plan.

Dr. Harrison responded that under Differentiated Accountability the district has been required to look at Pay-for-Performance. The Human Resources department has been reviewing district information and information by other counties. Dr. Harrison stated that as a part of this and Differentiated Accountability, the district has a responsibility to work together to develop a collaborative system.

Mrs. Hope requested that she be provided the previous collaborative appraisal and a matrix of pros and cons regarding the Race to the Top, the benefits, and whether it will help or hurt the district.

Ms. Dinnen informed her colleagues that she read the 107-page application and Frequently Asked Questions at the federal level and information from the state level. Ms. Dinnen stated she focused on the Memorandum of Understanding and the preliminary Scope of Work. She said the MOU from the federal government did not contain some of the materials that the state has in its MOU. Ms. Dinnen remarked that the information was submitted to the district on December 9, 2009, two weeks with a holiday break, and it is not deliberative time to make an intelligent decision on the federal grant.

Ms. Dinnen stated the local districts would have to sign an MOU and agree to the preliminary Scope of Work. She said the MOU is described in the federal literature as being a binding agreement but the verbiage is not, from her review, included in the state document. Ms. Dinnen discussed the good aspects of the grant, focusing on struggling schools, improving teacher effectiveness and teacher distribution, addressing the distribution problem through incentives, and the improvement of collection and use of data.

Ms. Dinnen stated she views the document from the state as indicating the district must sign this binding agreement, agreeing with this Scope of Work, items which the district is suppose to do. Ms. Dinnen voiced concern that there is no cost analyst, no plan for the Board to sustain this grant. She inquired what will happen after four-years; there is no plan how to sustain these amounts of money.

Ms. Dinnen voiced concern with the evaluation of teachers for their salary, whether or not they are retained, fired, move from one area to another, and the evaluations are not going to take in a substantial level of credibility – college degrees. Ms. Dinnen stated the document denigrates an advanced degree; stating she is a better teacher because she has a master's degree in history and advanced coursework. She said that experience is to be valued.

Ms. Dinnen voiced her concerns with FCAT and the testing norms, stating there is a continuation of enhancing the importance of FCAT. She stated the district must implement the state plan as written; it also indicates flexibility and good faith to go after these particular things. Ms. Dinnen said when she signs a memo of understanding she believes she will uphold the parts of the MOU. She said it now indicates that the MOU, a binding agreement, refers to a Scope of Work – which is still evolving. Ms. Dinnen further stated the document is not bargaining, it is mandating, take it or leave it. She said there needs to be a proposal with discussion and coming up with a mutually agreeable document. Ms. Dinnen also opined that it is locally controlled, the state is mandating that the Scope of Work is the way it will be done.

Mrs. Bartleman stated she agrees with the notion of ensuring that every child succeed and that there is accountability and holding teachers responsible. Mrs. Bartleman stated that as the district moves through the Race to the Top, more and more schools are not going to meet the federal criteria because it will be impossible, as statistically it is impossible to have 100 percent. She said it is unfair to penalize districts when you have a goal that no one can attain.

Mrs. Bartleman voiced concern that Florida has taken the Race to the Top to the next level. She stated that the Executive Summary by the federal criteria is more lenient; it doesn't say you have to have 51 percent of a teacher's evaluation based on test scores. The emphasis in Florida is student performance and performance pay and tying it to teachers and principals. Mrs. Bartleman stated that FCAT is not the end-all, be-all and it is a high-stakes test, as the FCAT does not show true growth.

Mrs. Bartleman further stated the document indicates the state will get 10 points for making education funding a priority; Florida has never made education funding a priority. Mrs. Bartleman stated it "blows her mind" that the federal government is going to trust the district with these dollars after the district supplanted all the stimulus dollars. She stated there should be a red flag here and they should be looking at what is happening in Florida.

Mrs. Bartleman voiced concern with Section III, IV, a question as to whether or not charter schools are able to participate in this fund. She stated only the lowest performing 5 percent get to participate in Race to the Top, and there is no answer as to whether or not all charter schools get to access Race to the Top. Mrs. Bartleman stated it is unknown whether the district is signing up to transform every school in the district to this model and whether there is a level playing field if all charter schools get to access these funds.

Mrs. Bartleman stated the MOU is the law and there is no way to get out of it. She stated the district has not yet discussed whether or not it has met Class Size and will meet Class Size. Mrs. Bartleman voiced her discomfort by signing the MOU because of the penalties, such as temporarily withholding funds and putting the LEA on reimbursement payment status.

Mrs. Bartleman stated that school districts can sign up to participate in the Race to the Top up until 90 days after the state is awarded the grant. She said there is a contradiction when the state indicates the application would not receive competitive points for additional participation. Mrs. Bartleman stated she would feel more comfortable waiting to see what she is signing up for before joining.

Mrs. Kraft, who remarked that she agrees with her colleagues Ms. Dinnen and Mrs. Bartleman, stated that the issue seems like the STAR program, where the state says, "We will give you money for a pay-for-performance plan, money you don't have but, by the way, you have to agree to institute this program in order to get it." Mrs. Kraft stated on the one hand, how do you turn down money; on the other hand, do you want to take money for something you don't agree with.

Mrs. Kraft stated a lot of the requirements are mandated by the state anyway and if the district is going to be required to do it and the state isn't giving any money to do it, is the district better off taking the money from the federal government to do what the state is requiring the districts to do without the money. Mrs. Kraft said she does not want to say no, not to go further, if it turns out the district can restructure or maybe re-write it. Mrs. Kraft said that major decisions are not entered into by the Board without public input, and she feels hampered agreeing to things that are going to have a lot of consequences in the schools and the community.

Mrs. Kraft voiced concern that signing on with the grant is selling the district short and the Board is selling themselves out to do this.

Mr. Notter informed that writing the Scope of Work and submitting it for rejection is an exit strategy. If and when the state gets the funds there is a 90-day period, and at the end of that time the district submits its plan to the state for approval or non-approval.

Mr. Marko explained that the intent of the MOU is for the Board to sign the document subject to the deliberations of the Board's issues. The amendment does give the Board an opportunity to deliberate in the future and, if the deliberations are not firmative to this application, the Board would not go forward. Mr. Marko stated that the MOU is similar to a letter of interest. He clarified that there is no penalty for signing the MOU and then withdrawing if the LEA is not meeting its goals, timelines, budget and annual targets.

Dr. Harrison added, if the district went forward and did a Scope of Work it would have to be very specific and outlined clearly as to its goals.

Dr. Parks suggested that the issues of the district be placed in a formal letter or memorandum to the state. Dr. Parks stated that the Board can initiate a list of all the concerns the district is facing and ask the state for clarification.

Dr. Harrison reiterated that the deadline for submittal of the approved MOU is today and must be delivered overnight so the district cannot eliminate itself from getting further clarification.

Dr. Parks stated the Board should submit the MOU and indicate in the letter that the Board has other concerns that need to be answered.

Acknowledging that he has some basic philosophical problems with where the Race to the Top is going, Mr. Tynan indicated that the document is a provisional document that allows the Board to continue to play in the system.

Mr. Tynan stated if the Board says no, that will be the end of the district's involvement. He stated the Board can sign the document with an opportunity to have a voice at the table and continue to be involved in the process, to be in a position that makes sense for the district.

Mr. Williams recommended that the Board sign the MOU and submit their intent by the deadline tonight. He suggested that the issue be placed for a Workshop discussion.

Remarking that the Board is skeptical about what is occurring, Ms. Murray stated it is in the best interest of the children to get money because the state has no money. She stated she would support it and will have questions moving forward.

Responding to Mrs. Gottlieb's inquiry, Mr. Notter stated that he is not supporting year-round schools. He indicated that several school districts throughout the country have started the school year a week sooner so that they get five more days of instruction and/or adding an extra hour. Mr. Notter noted that currently there are Saturday classes for Title I schools and low-performing schools.

Mrs. Gottlieb discussed concerns by the BTU and the impact of the MOU on teachers and the support by the PTA. Remarking that there is no right answer, Mrs. Gottlieb discussed the potential impact by the FCAT and a set standard of teaching to the success of magnet and innovative programs that are already in place. Mrs. Gottlieb voiced her concern regarding the difference between the federal criteria and state criteria, the ever-changing rules. She opined that the strategy is to catch the School Board off guard and she would not support the item.

The following individuals addressed this item:

Jeanne Jusevic  
Bernie Schultz  
Mary Fertig

Motion to Amend (Carried)

Motion was made by Mrs. Hope, seconded by Mrs. Bartleman and carried, to include the following in the Memorandum of Understanding **VII. MISCELLANEOUS:** The parties acknowledge and agree that certain LEA undertakings in the MOU are subject to School Board consideration and action at a duly noticed public meeting in accordance with s.120.525, Florida Statutes. The parties further agree that if the LEA is unable to implement any of the mandatory terms of the MOU despite its good faith efforts to do so, resulting in termination of these MOU, such termination shall be without prejudice to the LEA. The LEA has not received the full State Plan, which is not yet complete. In executing this MOU and making the representations and warranties herein contained, the LEA is relying on the materials and representations provided to date by the Department with the understanding that the State Plan, once complete, will not be materially inconsistent with such materials and representations.

Mrs. Hope said that Mr. Marko thinks the Memorandum of Understanding would give the Board a non-binding agreement and give us a way out if we do not see the kind of conversation.

Mr. Marko responded that he is not indicating it is not a binding agreement; the Board could have a binding agreement with the right exit. Mr. Marko gave the analogy about entering into an agreement to buy a house if the roof passes inspection; if it doesn't pass inspection you can exit. It is a binding agreement but you have an exit. Mr. Marko opined that the language provided by Mr. Notter, the language given to Counsel, does give the Board an "out" and, therefore, the Board is not obligated to continue on forever.

Mrs. Hope stated it does give the Board an exit and the clause does provide the Board an exit. The Board would be derelict in its duties if they did not receive all information and acted without all information. She stated it is important to continue to be Team Broward and continue to stand up for teachers and staff.

Mr. Marko clarified for Mr. Tynan that the Board would be submitting the MOU, with paragraph VII included, as an amendment. The document submitted with the signature of the Chair and the Superintendent will include all seven paragraphs.

Mrs. Kraft stated even though the language in the MOU talks about it being binding, they are agreeing that by including this statement we are saying that the MOU is not binding if we don't agree to certain elements of the plan. Mrs. Kraft inquired about the implication of the termination without prejudice clause.

Mr. Marko responded there would be no retaliation, no financial penalty. As an inducement to the Board to favorably move forward, Mr. Marko quoted an e-mail indicating that it is binding but there are no penalties, without prejudice.

Ms. Dinnen voiced concern that although the full plan is not ready that the Board is suppose to sign a binding agreement on, they are saying that the plan, once complete, will not be materially inconsistent. She said she does not see flexibility. Ms. Dinnen inquired if the Board comes up with something substantially different from the original document, whether that is a consideration.

Mr. Marko advised that the requirement is to stay within the confines of the document, the Board is to develop a plan in accordance with the criteria.

A unanimous vote was taken on the amendment, followed by a roll call vote on the item as amended, as follows: Mrs. Hope, Dr. Parks, Mr. Tynan and Mr. Williams voted "yes." Mrs. Bartleman, Ms. Dinnen, Mrs. Gottlieb, Mrs. Kraft and Ms. Murray voted "no." (4-5 vote)

## **G. HUMAN RESOURCES**

### **G-1. Personnel Recommendations for Instructional Appointments and Leaves for 2009-2010 School Year (Approved)**

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the personnel recommendations for the 2009-2010 appointments and leaves as listed on the Executive Summary and respective lists for Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida.

The Personnel Recommendations for Instructional Employees include the following items:

1. Teacher Approvals
2. Substitute Teacher Approvals
3. Interim Substitute Teachers
4. Temporary Hourly Teacher Approvals
5. Instructional Leaves

There will be no financial impact to the school district. Funding for the positions has been allocated in the school and department budgets.

Agenda Items G-1 through G-6 were discussed concurrently.

The following individual addressed this item:

Mary Fertig

G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 2009-2010 School Year (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the personnel recommendations for separation of employment or discipline as listed in the respective lists for instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida.

The Personnel Recommendations for Instructional Employees include the following items:

1. Instructional Resignations/Retirements/Layoffs
2. Instructional Suspensions/Terminations

There will be no financial impact to the school district.

Agenda Items G-1 through G-6 were discussed concurrently.

The following individual addressed this item:

Mary Fertig

G-3. Personnel Recommendations for Non-Instructional Appointments and Leaves for the 2009-2010 School Year (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the personnel recommendations for appointments and reassignments as listed on the Executive Summary, respective lists and individual appointments for Non-Instructional Employees. All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida.

The Personnel Recommendations for Non-Instructional Employees include the following sections:

1. Non-Instructional Approval(s)
2. Non-Instructional Reassignment(s) – Promotion(s)
3. Non-Instructional Reassignment(s) – Demotion(s)
4. Non-Instructional Substitutes/Temporaries

5. Non-Instructional Leave(s)-Layoff(s)
6. District Managerial/Professional/Technical
7. Reassignment of Current School-Based/District Managerial/Professional Technical Personnel
8. School-Based Managerial
9. School-Based/District Managerial Acting/Special/Task Assignment(s)
10. School-Based/District Managerial/Professional/Technical Leave(s)
11. Salary Adjustment

Funding has been budgeted in 09-10 fiscal year for all appointments through June 30, 2010.

Agenda Items G-1 through G-6 were discussed concurrently.

The following individual addressed this item:

Mary Fertig

Newly-appointed district personnel were recognized and congratulated by the Board Members.

G-4. Personnel Recommendations for Non-Instructional Separation of Employment or Discipline(s) for the 2009-2010 School Year (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the personnel recommendations for separation of employment or discipline as listed on the respective lists for Non-Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/ policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida.

The Personnel Recommendations include the following items:

- Non-Instructional Resignation(s)/Retirement(s)
- Non-Instructional Suspension(s)/Termination(s)
- Managerial and Professional/Technical Resignation(s)/Retirement(s)
- Managerial and Professional/Technical Suspension(s)/Termination(s)

There is no financial impact to the school district.

Agenda Items G-1 through G-6 were discussed concurrently.

The following individual addressed this item:

Mary Fertig

G-5. Supplemental Pay Positions – List #10

(Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the recommended supplemental pay positions of employees for the 2009-2010 school/ fiscal year.

Employees are recommended for supplemental pay positions by Principals or Department Supervisors and approved by the Area Superintendent or appropriate Division Head. Supplemental positions are listed alphabetically by last name, with location and supplement type.

The Specific Supplemental Pay Positions include the following type of supplements: Secondary department chairpersons high school; secondary department chairpersons and/or team leaders middle school; elementary grade level chairpersons and/or team leaders; athletic supplements; general supplements; and special supplements for the 2009-2010 school year.

Individuals may be recommended for task assignments that improve the school's/ department's programs and/or operations. A computer-generated list of those names is printed and reveals all individuals recommended for Non-Specific (SPL). Non-Specific Supplements are additional Task Assignments performed beyond the employee's regular day based on the recommendations of the direct supervisor.

Individuals listed meet the requirements for the supplemental positions. The total number of Supplements recommended in this item is 142.

Funding has been budgeted in 09-10 school/ fiscal year for all supplements through June 30, 2010.

Agenda Items G-1 through G-6 were discussed concurrently.

The following individual addressed this item:

Mary Fertig

G-6. Recommendation(s) for Instructional/Noninstructional Discipline for the 2009-2010 School Year

(Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the recommendation(s) for discipline as listed on the Instructional/ Noninstructional staff list. All recommendation(s) are made with the understanding that these individuals will comply with regulations/ policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida.

This disciplinary action recommendation is a result of an investigation by the Office of Professional Standards & Special Investigative Unit. The individual(s) involved have been provided the opportunity to appear and participate, with representation, before the Professional Standards Committee and in a pre-disciplinary hearing prior to submission of this recommendation. We have followed the School Board processes for disciplinary action. The requested action(s) is listed on the attachment.

There is no financial impact to the school district.

Agenda Items G-1 through G-6 were discussed concurrently.

The following individual addressed this item:

Mary Fertig

## H. ATTORNEY

- H-1. Authorization to File an Amicus Curiae Brief in the Matter of The School District of Indian River County, Florida vs. Public Employee Relations Commission and Indian River County Education Association, Local 3617, American Federation of Teachers, Florida Education Association, AFL-CIO (Approved)

Motion was made by Mr. Tynan, seconded by Ms. Dinnen and carried, to approve to authorize the filing of an amicus curiae brief in the case of The School District of Indian River County, Florida vs. Public Employee Relations Commission and Indian River County Education Association, Local 3617, American Federation of Teachers, Florida Education Association, AFL-CIO, Fourth DCA Case No.: 4D09-3086. Ms. Dinnen, Mrs. Hope and Dr. Parks voted "no." (6-3 vote)

The Public Employee Relations Commission ("PERC") issued a final order in an action brought by the Indian River County Education Association ("Union") against the School District of Indian River County ("SDIRC"). The Final Order found that SDIRC unlawfully refused the Union's request to bargain over the impact of requiring secondary teachers to electronically submit lesson plans and contends that a lesson plan policy change constitutes a change in the terms and conditions of employment for bargaining unit members.

SDIRC appealed the Final Order to the Fourth District Court of Appeal and its attorney has requested that The School Board of Broward County, Florida, file an amicus curiae brief in support of SDIRC's position that school districts are not required to impact bargain over matters that fall within their management rights except when the union has demonstrated a specific class-wide negotiable impact.

The Final Order has far-reaching implications for the School District of Indian River County, as well as that of other school districts. Because of the potential adverse effect upon school districts, the General Counsel and Cadre Attorney Robert D. Soloff concur that it is in the best interest of The School Board to file an amicus curiae brief.

It is therefore requested that the General Counsel be authorized to file an amicus curiae brief on behalf of The School Board of Broward County, Florida.

There is no financial impact to the district.

Mrs. Hope requested an update on this item.

Mr. Marko informed that the Indian River School District, as all school districts, require lesson plans to be prepared by their teachers. Teachers were asked to submit them electronically and the teachers union took the position that this had to be bargained. As a result, they challenged this issue as an unfair labor practice. Subsequently, the Hearing Officer ruled that the issue needed to be bargained. Mr. Marko stated that an appeal was taken to the 4<sup>th</sup> District Court of Appeal to request a review as to whether it is a management right to request a change from a written to an electronic format or whether or not it had to be bargained.

Mr. Marko stated that Cadre Attorney Soloff, on behalf of the district, filed an amicus curiae brief, indicating that the Broward School District supports the position of the Indian River School District.

Ms. Dinnen opined that the issue is Indian River's "battle" because the district has ample issues to handle, such as Race to the Top and negotiations with the BTU. Ms. Dinnen stated that the Public Employee Relations Commission is the group that deals with a lot of labor issues in the state and it has gone to the appeals court.

Ms. Murray stated there are teachers who have already placed their plans on our system and all districts are moving to a paperless system. She opined the district should support Indian River.

Mr. Tynan stated that the ruling could have a negative impact to Broward School District in the future. Concurring that it is isolated to Indian River if there was no appeal, Mr. Tynan stated if there is an appellate decision it might not be favorable to how Broward would deal with this issue and it makes sense to weigh-in in the hope that the appellate court reverses the decision.

Dr. Parks stated he would rather have one less issue to bargain over even though he concurs that all teachers should transmit their lesson plans electronically.

Ms. Dinnen stated the issue is, if it is a work condition it is a bargainable item.

H-2. Donation Agreement between The School Board of Broward County, Florida, and Food for the Poor, Inc., and DRC Emergency Services, LLC  
(Approved)

Motion was made by Mr. Tynan, seconded by Mrs. Bartleman and carried, to approve the Donation Agreement between The School Board of Broward County, Florida, and Food for the Poor, Inc., and DRC Emergency Services, LLC, in order to facilitate the donation of two (2) surplus portable classroom buildings to serve the educational, civic and humanitarian needs for the People of the Republic of Haiti.

The proposed Donation Agreement hereto will facilitate the transfer of two (2) surplus portable classroom buildings to serve the educational, civic and humanitarian needs of the People of the Republic of Haiti. The School Board previously declared a number of portable classroom buildings to be surplus property and the Republic of Haiti has expressed a desire to receive surplus portable classroom buildings in order to serve the needs of its citizens. Food for the Poor, Inc., a not-for-profit corporation and Section 501(c)(3) organization, has agreed to accept transfer from The School Board of two (2) of the surplus portable classroom buildings and to thereafter transfer same to the Republic of Haiti. DRC Emergency Services, LLC, a shipping company, has agreed to pay for the costs of transporting the two (2) portable classroom buildings from their present locations to Port Everglades and to ship them to the Republic of Haiti.

The proposed Donation Agreement has been approved as to form and legal content by the School Board Attorney.

There is no additional financial impact to the district.

Mrs. Hope stated that her concerns have been addressed by staff.

**I. OFFICE OF THE SUPERINTENDENT**

I-1. Petition For Formal Proceedings (DH) (Received)

Received the Petition for Formal Proceedings submitted by the Superintendent in reference to this teacher and that teacher be suspended immediately without pay pending final action on these charges.

Employee violated last chance agreement signed on September 23, 2003. A pre-disciplinary meeting was held with the employee and school administrative personnel. As a result, the cadre attorney prepared the Petition for Formal Proceedings and notice was sent to the employee that a recommendation for termination would be presented to the School Board on January 12, 2010.

There is no financial impact to the school district.

I-2. Petition For Formal Proceedings (CW) (Received)

Received the Petition for Formal Proceedings submitted by the Superintendent in reference to this teacher and that teacher be suspended immediately without pay pending final action on these charges.

The Professional Standards/Special Investigative Unit (PS/SIU) held a pre-disciplinary with employee and his BTU representative regarding violation of a Last Chance Agreement which was signed on September 17, 2009. No new information of a material nature regarding this incident was presented. The cadre attorney prepared the Petition for Formal Proceedings and notice was sent to the employee that a recommendation for termination would be presented to the School Board on January 12, 2010.

There is no financial impact to the school district.

**J. FACILITIES AND CONSTRUCTION MANAGEMENT**

J-1. Change Orders (Withdrawn)

J-2. Use Agreements with Nova Southeastern University for the 2010 South Florida Summer Leadership Training Camps (Approved)

Approved Use Agreements with Nova Southeastern University for the 2010 South Florida Summer Leadership Training Camps.

Nova Southeastern University will be used for two South Florida Summer Leadership Training Camps, sponsored by the Department of Student Activities and Athletics. There will be a South Florida Summer Leadership Training Camp and an Advanced Leadership Training Camp. The School Board has used this facility for the high school leadership camp for over ten years with a total of approximately 300 participants.

The Advanced Training Camp will be held from June 12, 2010 through June 17, 2010. The second Training Camp will be held from July 17, 2010 through July 24, 2010.

Funding for the workshops are from registration fees paid by the participants.

Nova Southeastern University will execute the agreement after the School Board's approval.

The School Board Attorney has approved these contracts as to form and legal content.

There is no financial impact to the school district. The source of funds will be student registration fees which will be paid by the delegates.

- J-3. License Agreement between Greater Fort Lauderdale/Broward County Convention Center and The School Board of Broward County, Florida, to Hold the 2010 Broward Schools Transportation Summit (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to approve the License Agreement between Greater Fort Lauderdale/Broward County Convention Center and The School Board of Broward County, Florida to hold the 2010 Broward Schools Transportation Summit.

The Pupil Transportation Department will be holding its annual operator and attendants training seminar on March 26, 2010.

The Convention Center will execute the agreement after the School Board's approval.

The School Board Attorney has approved this agreement as to form and legal content.

The financial impact to the school district is \$3,000 and will be paid from the Pupil Transportation Training Auxiliary Budget.

Mrs. Hope stated that her concerns have been addressed by staff.

- J-4. Extend and Increase Open End Professional Services Agreements – Architectural Plan Review, Master Planning, Roofing Design, Civil & Traffic Engineering, Engineering Plan Review, Structural Engineering, Architectural Miscellaneous, Cost Estimating, Building Code Inspection, Geotechnical Testing, Material Testing, Moisture Intrusion, Architecture, Electrical Engineering, and Mechanical Engineering Services – Various Consultants (Approved)

Approved an extension to the Open End Professional Services Agreements for each consultant listed in Exhibit 1 for the services listed in addition to an increase in spending authority by a one-time amount of \$300,000 for Berger Avart, Inc., for Architectural Miscellaneous Services, Flynn Engineering Services, P.A., for Civil & Traffic Engineering Services, and Professional Services Industries, Inc., for Material Testing Services.

Item submitted for approval has been evaluated to determine that satisfactory service is being provided. The original contract dates, amounts and periods are included in Exhibit 1. Recommendation is being made for an extended period of one year for each open end consultant listed for various services and an additional one-time amount of \$300,000 for Berger Avart, Inc., for Architectural Miscellaneous Services, Flynn Engineering Services, P.A., for Civil & Traffic Engineering Services, and Professional Services Industries, Inc., for Material Testing Services. It has been determined that these three consultants' contracts have reached 75% or more of their spending authority limit.

The recommendation for the increases in spending authority will be funded from available funds already included in the Capital Budget for the Facilities and Construction Management Division. This item does not require a collaboration form from the Capital Budget Department.

- J-5. Amend Professional Services Agreement – Song & Associates, Inc. – Classroom Addition/Environmental Science and Everglades Restoration Program/Renovation – South Plantation High School – Project No. P.000425 (f.k.a. 2351-22-02) (Approved)

Approved the Fourth Amendment to the Professional Services Agreement with Song & Associates, Inc., for South Plantation High School, Classroom Addition/ Environmental Science and Everglades Restoration Program/Renovation, Project No. P.000425, dated January 15, 2002, previously amended on September 2, 2003, September 20, 2005, and April 10, 2007, for additional Basic Services of \$44,083 and Supplemental/Reimbursable Services of \$14,117.

Fixed Limit of Construction Cost (FLCC): original: ~~\$9,507,864~~; final \$11,131,876

Scope of Work: Original Professional Services Agreement 1/15/02: Construct addition for the Environmental Science and Everglades Restoration Program and 12 general classrooms. Environmental Science and Everglades Restoration Program includes modified science high school classroom, adjacent lab spaces, conference space and support areas designed to the pilot curriculum and new educational specifications; relocation of adjacent horticulture area, parking, and road alignment; renovate Family Consumer Science Room.

First Amendment 9/2/03: Provide a fire sprinkler system to Building 1; upgrade generator; provide ADA compliant Family Consumer Science workstations.

Second Amendment 9/20/05: Convert from Design/Bid/Build to Construction Management at Risk.

Third Amendment 4/10/07: provide new water main and drainage system.

Fourth Amendment 1/12/10: Design domestic water and storm sewer to accommodate unforeseen existing conditions; provide extended construction administration due to extended project schedule.

Song & Associates, Inc., on March 20, 2009, filed a claim in the amount of \$97,606.78 resulting from an increase of \$58,400 for Basic Services. Staff reviewed the change orders and filed a claim on January 21, 2009 in the amount of \$143,174 for consultant omissions.

Staff, working with the Negotiating Parameters Committee and the Dispute Resolution Committee, met with Song & Associates, Inc., and negotiated a settlement of the claims, and recommends a final Basic Services payment of \$44,083 to Song & Associates, Inc., after a deduction of \$14,317 for Consultant Omissions.

The Risk Management Department has reviewed this Fourth Amendment. The School Board Attorney has approved this Fourth Amendment as to form and legal content.

The financial impact for this item is \$58,200, which includes \$44,083 for Basic Services and \$14,117 for Supplemental/Reimbursable Fees. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 165.

- J-6. Authorize Negotiations of Construction Management at Risk Services for J. P. Taravella High School, Coral Springs, Project No. P.000725  
(Approved)

Approved the selection and authorize negotiations for Construction Management at Risk Services for various projects.

In accordance with Board Policy 7003 and RFQ No. 2009-32-FC, the Qualification Selection Evaluation Committee shortlisted, interviewed and has selected for Construction Management at Risk Services for Various Projects for approval by the Board as follows:

- **J. P. Taravella High School – W. G. Mills, Inc.**

The Superintendent's designees will negotiate the selected Construction Management at Risk Services fees for the projects and recommend award of contracts at a future School Board Meeting.

Proposal documents submitted by the proposers, staff evaluation documents and the Qualification Selection Evaluation Committee's score sheets are available at the Facilities and Construction Management Division.

The funds for this item are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, J. P. Taravella High page 164. There is no additional impact; therefore, a collaboration form is not required from the Capital Budget Department.

- J-7. Final Acceptance and Release of Retainage – Weiss and Woolrich Southern Enterprises, Inc. – Roof Replacement (Hurricane Wilma) – Cooper City Elementary School – Project No. P.000222 (f.k.a.1211-8-0624)  
(Approved)

Approved the Final Acceptance of Cooper City Elementary School, Roof Replacement, Project No. P.000222, and release the balance of retainage in the amount of \$127,890.

The contractor, Weiss and Woolrich Southern Enterprises, Inc., has completed the project within the contract limits. This project is primarily a roof replacement project, however; this project also includes roof drainage and civil work.

The funds being released totaling \$127,890 are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2009-2010 to 2013-2014, page 11 of Appendix E.

- J-8. Final Acceptance and Release of Retainage – D. Stephenson Construction, Inc. – Re-Roof and Façade Renovation – Plantation High School – Project No. P.000890 (f.k.a.1451-21-01) (Approved)

Approved the Final Acceptance of Plantation High School, Re-Roof and Façade Renovation, Project No. P.000890 and release the balance of retainage in the amount of \$88,886.

The contractor, D. Stephenson Construction, Inc., has completed the project within the contract limits.

The funds being released totaling \$88,886 are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2009-2010 to 2013-2014, page 163.

- J-9. Final Construction Documents and Authorization to Bid Under Construction Services Minor Projects Contract – Fire Sprinkler Installation – Boyd Anderson High, Lauderdale Lakes – Project No. P.000326 (f.k.a 1741-25-01) (Approved)

Approved Final Construction Documents and Authorization to Bid under Construction Services Minor Projects Contracts for Boyd Anderson High, Fire Sprinkler Installation, Project No. P.000326.

Project Consultant: Tercilla Courtemanche Architects  
Scope of Work: Provide a new fire sprinkler system for building #1 and #2.

The source of the funds are identified in the Adopted District Educational Facilities Plan 2008-2009 to 2012-2013.

Final Construction Documents are available for review at the Facilities and Construction Management Division.

Based on the PFA, the total cost of the project will be \$974,998. The funding for this project was approved at the December 15, 2009 Board Meeting and will come from the Capital Projects Reserve.

- J-10. Pre-Qualification of Contractors – Approval of Application and Issuance of Certificates (Approved)

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on December 16, 2009, to review Contractor Pre-Qualification Staff Application Review Executive Summaries received for the following contractors and makes the following recommendations to the Superintendent of Schools:

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- \*\*ANF, Inc. – Issue Pre-qualification Re-Certification
  - \*\*Bazan Construction Corporation – Issue Pre-qualification Re-Certification
  - \* \*\*Built Right Construction Inc. – Issue Recommendation to Not Certify (General)
  - \* \*\*Built Right Construction Inc. – Issue Recommendation to Not Certify (Roofing)
  - \*\*Horus Construction Services, Inc. – Issue Pre-qualification Re-Certification
  - \* \*\*Icon Contractors, Corp. – Issue Pre-qualification Certification
  - \*\*Miami Skyline Construction Corp. – Issue Pre-qualification Re-Certification
  - \*\*Providian Construction Group, LLC – Issue Pre-qualification Re-Certification
- \*New Certification   \*\*Certified M/WBE and/or SBE

The Pre-Qualification Application reviews were conducted and the recommendations were determined in accordance with F.S. 1013.46, State Requirements for Educational Facilities and Board Policy 7003.

Contractor Pre-Qualification Staff Application Review Executive Summaries are available for review at the Design & Construction Contracts Department.

There is no financial impact to the district, therefore this item does not require a collaboration form from the Capital Budget Department.

- J-11.   Reduction of Retainage – Balfour Beatty Construction, LLC – Discovery Elementary School (f.k.a. Elementary “A”), Sunrise, Florida – New Building Construction –Project No. P.001005 (f.k.a. 3962-25-05)  
(Approved)

Approved the recommendation to reduce retainage now being held on Discovery Elementary School, New Building Construction, Project No. P.001005, for the contractor Balfour Beatty Construction, LLC from \$281,195 to \$30,000.

In accordance with School Board Policy 7005, the Facility and Construction Management Division is recommending that the retainage be reduced from \$281,195 to \$30,000.

This project has reached Substantial Completion. The amount of \$30,000 is being withheld at this time pending final completion of this project.

The funds being released totaling \$251,195 are included in the District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, Page 56 and in the District's Capital Budget.

J-12. License Agreement between The School Board of Broward County, Florida, and Coral Ridge Mall for the Annual Science Fair (Approved)

Approved the license agreement between The School Board of Broward County, Florida, and Coral Ridge Mall for the annual Science Fair.

The School Board's Department of Student Activities is holding their annual Science Fair at Coral Ridge Mall beginning February 10 through February 15, 2010. The event is to highlight the science projects of over 550 students from over 62 schools.

The Coral Ridge Mall has requested the School Board execute this agreement first.

The School Board Attorney has approved this agreement as to form and legal content.

There is no financial impact to the district; therefore, this item does not require a collaboration form from the Capital Budget Department. The Coral Ridge Mall allows the School Board to utilize their facility at no cost for the annual Science Fair as part of their Community Outreach Program.

J-13. Revocable License for Traffic Lane Closure – Kathleen C. Wright Administration Building – Project No. P.001095 (f.k.a. 9328-9121) and Rescission of Agenda Item J-10 Approved 12/15/09 – Revocable License for Traffic Lane Closure – Kathleen C. Wright Administration Building – Project No. P.001095 (f.k.a. 9328-9121) (Approved)

Rescinded the Revocable License for Traffic Lane Closure previously approved as Agenda Item J-10 on December 15, 2009, and approve the Revocable License between the City of Fort Lauderdale, Florida attached hereto as Exhibit One.

The Revocable License provides for the closure of one lane of traffic along SE 4th Avenue between SE 6th Street and SE 7th Street to facilitate the safe removal and replacement of the underground diesel fuel storage tank at the Kathleen C. Wright Administration Building. The lane closure is necessary due to the limited space between the building and the street.

The School Board of Broward County, Florida, previously approved a Revocable License for Traffic Lane Closure (Agenda Item J-10), however, since that time, the City of Fort Lauderdale has made significant revisions to the License.

The School Board Attorney has approved this Revocable License as to form and legal content.

There is no financial impact.

**K. OFFICE OF CHIEF FINANCIAL OFFICER**

**K-1. Revision to Capital Projects Funds Budget Amendments (Approved)**

Approved the Capital Projects Funds Amendments for Fiscal Year 2009-2010. These amendments are as of November, 2009.

These amendments are being submitted to reflect additional revenues and appropriations of the Capital Projects Funds in order to:

- 1) Recognize an increase in estimated revenue
- 2) Adjust appropriations
- 3) Reallocate budgeted funds
- 4) Allocate time and travel to projects

The financial impact of this agenda item is adjusting Revenue and Appropriation as indicated on schedules A and B for Capital Budget activities as of November, 2009.

**K-2. Revision to General Fund Amendment (Approved)**

Approved the General Fund Amendment I-3 for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 11/30/09.

Financial Impact: Recognize changes in Revenues and Appropriations through 11/30/09.

**K-3. Revision to Special Revenue (Other) Amendment (Approved)**

Approved the Special Revenue (Other) Amendment IV-3B for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 11/30/09.

Financial Impact: Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 11/30/09.

- K-4. Revision to Special Revenue American Recovery & Reinvestment Act (ARRA) Amendment – Part II – (Head Start, Early Head Start, Title II D-Educational Technology, Title X-Homeless, Food Service Equipment Assistance) (Approved)

Approved the Special Revenue (ARRA) Amendment IV-3E for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 11/30/09.

Financial Impact: Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 11/30/09.

- K-5 Interim Financial Statements for the Period Ended November 30, 2009 (Approved)

Approved the Interim Financial Statement for the period ended November 30, 2009.

Financial Statements are required to be submitted to the School Board, pursuant to State Board Administrative Rule 6A-1.008.

There is no financial impact to the district.

- K-6. Comprehensive Annual Financial Report for Year Ended June 30, 2009 (Approved)

Approved the audited Comprehensive Annual Financial Report for the year ended June 30, 2009.

The audited Comprehensive Annual Financial Report (CAFR) is prepared in accordance with Generally Accepted Accounting Principles.

The CAFR will be submitted to both the Association of School Business Officials International (ASBO) and the Government Finance Officers Association (GFOA) for consideration of the Certificate of Excellence and the Certificate of Achievement for Excellence in Financial Reporting awards. In order to be awarded these respective Certificates, the District must publish an easily readable and efficiently organized report. The District has received the Certificate of Excellence for the preceding twenty-six years from ASBO and has received the Certificate of Achievement for Excellence for the preceding thirteen years from GFOA. The CAFR was reviewed and approved by the Audit Committee on December 10, 2009. In addition, our external auditors have audited the financial statements and have rendered an unqualified opinion.

There is no financial impact to the district.

## **OPEN ITEMS**

### **AA. RESOLUTIONS**

### **BB. BOARD MEMBERS**

### **CC. BOARD POLICIES**

- CC-1. Revision to Policy #5306 – School and District Technology Usage  
(Withdrawn)
- CC-2. New Policy #5306.1 – Technology Advisory Committee (TAC) Policy and Bylaws  
(Withdrawn)
- CC-3. Amendments to Policy 1403: School Accountability and Improvement  
(Deferred)

Motion was made by Ms. Murray, seconded by Mrs. Bartleman, to approve revisions to Policy 1403: School Accountability and Improvement. This is the first reading. This motion was superseded by a Motion to Defer (page 44).

Policy 1403: School Accountability and Improvement was last amended in March 2008. A revised Policy 1403 is being brought forward in order to align the policy to changes in State Statute regarding Differentiated Accountability and in response to revisions requested by Board members during Board Workshops on 9/22/09 and 10/27/09 and the RSBM on 12/15/09. These revisions are defined on the Summary of Recommended Changes matrix in Exhibit (1).

Guidelines for implementation of Policy 1403 have been developed and will be posted with the final policy on the District policies website.

There is no financial impact to the district.

Mr. Marko informed the Board that the definition of quorum is set forth in the Florida Statutes as a majority of the membership without limitation. Mr. Marko stated that the new definition, the Broward definition, would limit the voting.

Mr. Marko concurred with Mrs. Kraft that requiring the membership present to be a majority of non-school based employees goes beyond what the statute requires and would not be allowed. The new definition, the Broward definition, would limit the voting. If the data was to support this, the expansion would need to be modified so it would not interfere with the actual function of the committee.

Mrs. Kraft inquired whether the current definition of the policy needs to be changed in light of the attorney's memorandum.

Mrs. Rise Yvelson, School Improvement, responded that the policy that is before the Board today sets the standard for the Broward quorum, a standard for data collection only, but not an obligatory change from the state definition to establish a quorum.

Referring to page 7, School Advisory Council (SAC), 10 c., Mrs. Kraft requested a change as a result of Mr. Marko's memorandum, as part of the Procedural Guidelines.

Motion to Defer (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to defer agenda item to the February 2, 2010 Regular School Board meeting.

CC-4. Revision to School Board Policy 1.5 – Diversity Committee (Adopted)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to adopt the revisions to School Board Policy 1.5 – Diversity Committee, at this final reading.

At the September 3, 2009, Diversity Committee meeting, the members voted unanimously to accept the revised definition of educational equity in Policy 1.5 – Diversity Committee. At the October 13, 2009, School Board Workshop, Board Members reviewed substantive revisions to Policy 1.5: (1) the change from 4 to 3 Student Advisor representatives to reflect Area realignment; (2) the inclusion of sexual orientation, gender identity and expression in the Diversity definition per Board direction; and (3) the definition of educational equity. Board Members requested, "but not limited to the CCC Agreement," be added to the first sentence under item 4, Committee Functions.

This policy has been approved by the School Board Attorney.

There is no financial impact to the school district.

The following individual addressed this item:

Michael Rajner

- CC-5. Repeal Policies, 5006.1., Suspension & Expulsion of Students with Disabilities as Legislated by Individuals with Disabilities Education Act (IDEA) and 5006.3., Suspension and /or Expulsion Determined to be Disabled under Section 504 of the Rehabilitation Act of 1973 (Students with Section 504 Accommodation Plans) (Adopted)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to adopt repealed Policies 5006.1 and 5006.3, at this final reading.

The following policies are no longer needed as other policies have language to address or they are outdated.

- Policies 5006.1 and 5006.3 are now included in Policy 5006.

This action has been reviewed by the School Board Attorney's office.

There is no financial impact to the district.

No discussion was held on this item.

**DD. OFFICE OF THE CHIEF AUDITOR**

**EE. CHIEF OPERATIONS OFFICER**

- EE-1. Bid/RFP and Other Financial Recommendations \$500,000 or Greater (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to approve the RFP recommendation as stated on the award recommendation.

<u>BID/RFP</u>	<u>Title – Location – Amount</u>
10-056V	Investment Advisory Services – Treasurer's Office – Amount: \$500,000

Board approval of this RFP recommendation does not mean the amount shown will be spent.

This amount represents the spending authority, which may be spread among the awarded vendors through the term of this contract from available funds already included in various school/department/center budgets.

The financial impact of this RFP Recommendation is \$500,000.

Responding to Mrs. Kraft's inquiry, Mr. Robert Waremburg, Director, Supply Management and Logistics, stated Investment Advisory Services is the consultant that helps the district with underwriting and developing any bond packages that the district would be putting out. The services has cost between \$50,000 and \$100,000 per year. The RFP is through December 31, 2014.

**FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT**

**GG. HUMAN RESOURCES**

**HH. ATTORNEY**

**II. OFFICE OF THE SUPERINTENDENT**

**JJ. FACILITIES AND CONSTRUCTION MANAGEMENT**

**KK. OFFICE OF CHIEF FINANCIAL OFFICER**

**Adjournment** This meeting was adjourned at 6:00 p.m.

RT