

**Approved in Open Board Meeting, February 15, 2011**

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

**January 25, 2011  
Tuesday, 9:45 a.m.**

**MINUTES OF REGULAR MEETING**

The School Board of Broward County, Florida, met in regular session at 10:02 a.m., Tuesday, January 25, 2011, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Benjamin J. Williams; Vice Chair Ann Murray; Members, Robin Bartleman, Maureen S. Dinnen, Patricia Good, Jennifer Leonard Gottlieb, Laurie Rich Levinson, Nora Rupert, David Thomas; Superintendent James F. Notter, and Marilyn Batista-McNamara, Esq.

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

Mr. Williams called for a motion of silence to honor past school district employees who recently passed away: Ms. Connie Hammock, Counselor, West Broward High School; Mr. Willie "Mickey" Dillard retired teacher; and Mr. Nathaniel Dixon, retired teacher.

(A moment of silence was observed).

**Minutes for Approval** Motion was made by Mrs. Good, seconded by Ms. Murray and carried, to approve the official minutes for the following Board Meetings: (9-0 vote)

November 9, 2010 - Regular School Board  
November 23, 2010 - Regular School Board  
December 7, 2010 - Special - Student  
December 7, 2010 - Regular School Board  
December 14, 2010 - Special - Authorize Advertising of Interim General Counsel  
January 11, 2011 - Special - Selection of Interim General Counsel

**Close Agenda** Upon motion by Mr. Thomas, seconded by Ms. Murray and carried, the Agenda was approved and declared closed. (9-0 vote)

**SPECIAL PRESENTATION**

**Take Stock in Children Award to Student Advisor**

Ms. Ele Bautista, Regional Director, Take Stock in Children, thanked the School Board and Superintendent Notter for their support of the Take Stock in Children program. Ms. Bautista informed that this program provides mentors, advocacy and Florida pre-paid college scholarships to 400 students in Broward County.

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Ms. Ophelia Sanders, FLIGHT County Coordinator, Take Stock in Children, announced that the Leaders 4 Life Fellowship Program is a non-tuition state program underwritten by the Asofsky Family Foundation to enable highly-motivated Take Stock in Children scholars that have demonstrated strong leadership skills, moral character and academic success to excel in a university environment by giving them the resources that empower them to develop their full potential.

Ms. Sanders stated that Student Advisor Maria Rincon was one of five highly-motivated high school scholars benefiting from Take Stock in Children. Maria, along with 98 applicants, was required to submit two 1,000 word essays which included a five-year educational plan and a highlight of her family and personal situations, and two letters of recommendation. Benefits of the fellowship includes campus housing, meal plan, books and supplies, computer, transportation, health care, summer internship opportunities, learning, training and Internet access.

On hand to congratulate Maria on her achievements were her parents, Principal Hudson Thomas, Pompano Beach High School and Maria's Student Government Advisor and Student Advocate, who presented Maria her computer.

### **Florida State Principal of the Year**

On behalf of the School Board and the community, Mr. Notter honored Principal James Griffin, Lauderdale Lakes Middle School, who has received the state's top principal honor - Principal Achievement Award for Outstanding Leadership. Mr. Notter stated that Mr. Griffin is a role model that everyone should look to. A graduate of Dillard High School, Mr. Griffin subsequently became a teacher at a low-achieving elementary school and those efforts led to tremendous academic growth and student achievement. Mr. Griffin was named Broward's Principal of the Year 2010 while at Rock Island Elementary School last year. Mr. Notter further stated that he was proud to have Mr. Griffin as a principal in Broward schools, the 4<sup>th</sup> largest state in the nation.

Mr. Griffin thanked the Superintendent and the School Board for the honor and for the support and resources that have been provided to him, which enabled him to become Florida's Principal of the Year.

### **Winner of 23rd Annual Commissioner's Business Recognition Awards: EDSA, Junior League of Greater Fort Lauderdale, and Wheelabrator Technologies Inc.**

Ms. Merrie Meyers, Director, Parents, Business, and Community Partnerships, recognized the Broward County winners of the 2010 Commissioner's Business Recognition Awards, given every year to recognize outstanding business education partnerships throughout the state. Partnerships are recognized from each county and this year three partnerships from Broward County received the Commissioners Award.

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Following a highlight of each partnership, congratulations was extended to EDSA, an internationally acclaimed full-service landscape / architectural urban design and graphic design firm who are partnered with Northeast High School's Academy and Design; Junior League of Greater Fort Lauderdale, who organized the Nutrition Education Program and who have committed \$13,500 over three years to fund literacy based nutrition education for 138 - 2<sup>nd</sup> grade teams; and Wheelabrator Technologies Inc., providing for 15 years the Wheelabrator National Symposium for Environment in Education, involving 80 - 7<sup>th</sup> and 8<sup>th</sup> grade students who identify and research an environmental concern.

Ms. Dinnen praised the partnerships of all the organizations, especially EDSA. She stated that the program was inspired by Mr. Paul Kissinger, Fort Lauderdale Chamber of Commerce, who informed her that he was encouraged to go into that field through the efforts of his high school drafting teacher. Ms. Dinnen stated that she met with Mr. Notter and Mr. John Miracola, Director, Career, Technical, Adult and Community Education to get the program underway.

### **Condominium Owners of Pembroke Pines Association Donation to Flanagan High School**

Mrs. Bartleman informed that she and Mrs. Good attended "Where the Wild Things Are" COOPA performance at the Century Village, Pembroke Pines by the Falcon Sound of Flanagan High School, including the Color Guard, the orchestra, the Voices in Motion, and the Falcon Players Troupe. (Mr. Stephen K. Rivero, Band Director, and students appeared via teleconference during this presentation).

Mrs. Good informed that the COOPA organization donated \$6,000 to Flanagan High School toward programs at the school. Mrs. Good stated that although Century Village is a senior citizen community and may not presently have children in the educational system, they are passionate about children and education.

Sincere appreciation was extended to COOPA President Mr. Ray Shultz and Treasurer Mr. Bob Grant; Dr. Sharon H. Shaulis, Flanagan High School Principal; and Mr. Henry Rose, President, Falcon Foundation, who personally appeared at this meeting and thanked the School Board for their support.

### **The Student Enrichment in the Arts SEAS Report**

Dr. Abraham Fischler, School Board Representative and Board of Director, Broward Center for the Performing Arts, stated that during his tenure he has seen progress being made with the SEAS program and the partnership becoming stronger. The Broward Center responded to the organization and structure to improve curriculum and to be part of the curriculum in order to help students learn. The relationship has been built so that joint projects are sent to be funded from the federal and state government, such as the reading for Title I schools for grades 2 and 4 whereby students have a curriculum that is followed, the stories read are presented in studios and in the Performing Arts Center and students watch their stories being performed by professionals.

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Dr. Fischler stated that the Performing Arts Center is managing other locations and other venues, such as the Parker Playhouse and Pembroke Pines, to increase the ability for the Center to be more responsive in the future to the activities that are being built into the programs.

Mr. Kelley Shanley, President and CEO, thanked the Board for the appointment of Dr. Fischler to the Performing Arts Center, as his service has been invaluable and his "footprints" and influence is seen in all the programs and outcomes that have been achieved over the past 12 years.

Mr. Stanley stated that the essence of the SEAS program is tied to state standards and curriculum, arts in service of education, and to use the arts as a tool to achieve academic outcomes.

Ms. Sharon Brooks, Director of Education, highlighted the 2009-2010 Education Report which was provided to the Board. Ms. Brooks informed that programs were expanded due to the demand by teachers, or programs that were brought in as a new project.

Ms. Brooks stated that there were over 190,000 participants of which 162,000 were students, and there are 41 educational components operating at the same time. There were also 460 educational events and 280 school day performances. Special events were also brought in, such as the Soweto Gospel Choir from Johannesburg, South Africa, which was sold out.

Ms. Brooks highlighted the Reading Readiness through the Theatre, expanded from 7 to 8 schools, with 450 Head Start Children and their families participating. Funding from new sources was brought in from the Sun Sentinel Children's Fund and the Admiral William Nelson Foundation, and the state of Florida gave a \$25,000 grant.

Bethune Elementary School and Lauderhill Paul Turner Elementary School participated in 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.

Added programs included Teacher workshops; free Broadway workshops for students and teachers; and a visual touch-tour was offered with the Phantom of the Opera for visually-impaired students where they were able to come and touch the costumes and meet the performers.

A comprehensive report was submitted to the Board and a video was shown highlighting a 20-year synopsis of the SEAS program.

On behalf of the School Board, Mr. Williams expressed appreciation to Dr. Fischler, Mr. Shanley and Ms. Brooks for their partnership and dedication to the arts.

**REPORTS**

Facilities Task Force – Charlotte Greenbarg

Ms. Greenbarg reported that the Task Force met on January 6, 2011, welcoming new members Marilyn Soltanipour, Mrs. Good's appointee, Helen Brown, Mrs. Rich Levinson's appointee, and David Rosenof, Mr. Thomas' appointee.

The issue of portables was discussed with Mr. Thomas Lindner, Acting Deputy Superintendent, Facilities and Construction Management. Despite the discounting of over 2,000 portables, there are still 15,000 empty seats in the district. 175 portables will be taken out next year beginning with under-enrolled schools coordinating with projected enrollment, with a year's notice before removal. No portables have yet been shipped to Haiti. It will cost a projected \$40 million to remove them all; \$20,000 each to remove electrical, sewage and restoration work. Schools are directed to use every available space in the building, using portables to free up space for classrooms. It is noted that there are 37 new charter schools coming online, taking more students from Broward schools maintained classrooms and creating more capacity. There also appears to be support in Parkland for creating a K-8 school in the Wedge area recently annexed to Broward County.

Ms. Greenbarg stated that closing out of projects and current labor agreements was also discussed. Also discussed was the meaning of the Castaldi study, that replacing would be more cost effective than repairing, and the CM at-Risk versus Design/Build delivery methods.

Mr. Omar Shim, Director, Capital Budget, discussed transfers to Maintenance in fiscal years 2009 and 2010, when \$65 million was transferred in each year. Mr. Lindner clarified that the transfers he focused on were \$13 million in 2009 and \$9.2 million 2010, what Facilities transferred for capital work and projects done by in-house workers. He is hopeful to keep the amount to \$9 million this fiscal year. It was noted that response time for air conditioning problems is five hours, not two, and painting and coil cleanings are delayed. Mr. Shim advised that in 2011 the transfer should be about \$10 million less, or \$55 million total. Current projects are better than the Five-Year Plan originally showed. A \$28 million gap is anticipated, not \$40 million. When money is available, the Board will prioritize projects.

Ms. Greenbarg further reported that a motion was made requesting that the district implement a pilot program before the end of the school year for utilizing a remote bus site based on the highest level of "deadhead" time in the morning and the afternoon runs, to develop baseline data to reduce transportation costs as agreed to by the Superintendent in 2009-10. This motion passed unanimously.

The next meeting with Mr. Notter will be held on February 10, 2011, at 3:30 p.m.

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Mrs. Bartleman stated that she spoke with her appointee regarding her support of the pilot program for utilizing a remote site for the buses, realizing that it will not work at every school. She stated the idea is, if there is room at a school the bus will remain and everyone comes back on one bus. This will save in fuel costs, transportation, and wear and tear of the buses.

A comprehensive written report was submitted to the Board.

### Broward Education Foundation – Jorene Jameson and Coco Burns

Ms. Jameson reported that one of the key focuses of the BEF is to support excellence in education and how teachers can excel in their classroom. She informed that 36 grants have been awarded to teachers to do innovative curriculum projects in their classroom. (A handout of the 2011 Recommended Teacher Grant Winners was provided to the Board). Over \$32,000 has been awarded to the schools for innovative grant projects.

Ms. Burns informed that the BEF is holding their Impact II Idea Expo on Saturday, February 5, 2011, 8:30 a.m. to 3:00 p.m. Approximately 50 teachers with proven successful innovative ideas display and hold workshops about their ideas, providing other teachers to learn these ideas. Board Members were invited to attend and judge the event.

Ms. Jameson stated that the new Kids in Need Resource Center, free teacher supply store, will hold their Grand Opening tomorrow, January 26, 2011. Gratitude was extended to the School Board and the Superintendent and staff for their support. She said it is a goal for the BEF to eliminate teachers having to spend their personal money to equip their classrooms, by making free supplies available for teachers.

### Broward County Association of Student Councils and Student Advisor to the Board – Maria Rincon and Graham Rabinowitsch

Maria reported that the Outstanding Senior Leaders Banquet will take place on March 3, 2011. On behalf of the Student Activities Department, an invitation was extended to all Board Members and the Superintendent.

Broward Student Leaders Day will take place March 7, 2011, at Nova Southeastern University, an event for underclassmen leaders sponsored by Nova Southeastern University, the Broward County Association of Student Councils and Herff Jones, at no cost to students. There will be 280 students from Broward schools attending.

Maria further reported that the annual Florida Association of Student Councils Convention will take place February 17 through 20, 2011, in Pensacola, with 200 student delegates from Broward high schools and one middle school attending.

**BOARD MEMBERS**

**Mrs. Bartleman** informed that the two Miami-Dade police officers have children who attend Broward schools. She requested a moment of silence for these officers and their families.

**Mrs. Good** stated that Officer Roger Castillo, Davie, and Detective Amanda Haworth, Miramar, will be remembered for making the ultimate sacrifice in law enforcement. Both officers had a combined service in the Miami-Dade Police force for more than 20 years, and were parents and part of the Broward County Public Schools family. Their children attended West Broward High School, Silver Trail Middle School, and Hawkes Bluff Elementary School.

Mrs. Good further acknowledged the sudden passing of Ms. Connie Hammock, West Broward High School Guidance Counselor, on January 14, 2011. Mrs. Good attended the memorial service of Ms. Hammock, a vibrant 55-year old woman, with over 1,000 individuals, including district staff.

**Mr. Thomas** informed that Ms. Donice Rufus, Music Teacher for over 30 years, Ramblewood Middle School, recently passed away. A memorial will be held for her this weekend.

(A moment of silence was observed to honor all individuals).

**Ms. Dinnen** informed that she attended Virginia Shuman Young Elementary School's Blue Ribbon Celebration, a national award in which four public schools in Florida received. Ms. Dinnen stated that there were representatives from Washington, D.C., Tallahassee, the mayor of Fort Lauderdale, including the Superintendent and four Board Members. Ms. Dinnen expressed concern that the local newspaper did not publicize this Blue Ribbon Celebration. She requested the Chair and Superintendent to make an appointment with the Editorial Boards of the local newspapers to publicize this positive event for the hard-working children and principal of the school.

Ms. Dinnen thanked The Herald for writing an article regarding Broward's Principal Mr. Griffin receiving the honor as the Florida State Principal of the Year.

**Speakers**

Beverly Williams

Mary Fertig

Billy Davison

Reverend Luc Harrigan

Ibram Gaston

**CONSENT AGENDA** Following identification of those items Board Members and members of the public indicated they would like considered separately, motion was made by Mrs. Rupert, seconded by Ms. Murray and carried, to approve the Consent Agenda for the remaining items (**identified by \***). (9-0 vote)

CONSENT ITEMS

A. RESOLUTIONS

- \*A-1. Resolution in Support of National Groundhog Job Shadow Week,  
January 31 - February 4, 2011 (Adopted)

Adopted Resolution #11-72, in support of National Groundhog Job Shadow Week, January 31 - February 4, 2011.

- \*A-2. Resolution in Support of Black History Month - February 2011  
(Adopted)

Adopted Resolution # 11-73, in support of Black History Month - February 2011.

- \*A-3. Resolution No. 11-74 - Certificates of Participation, Series 2009A  
Amendment (Adopted)

Adopted Resolution No. 11-74 - Amending 2009A Ground Lease and Lease Schedule 2009 A-1 and 2009 A-2.

Authorization is being requested to adopt Resolution 11-74 amending Series 2009A Ground Lease, Lease Schedule 2009 A-1 and 2009 A-2 for Certificates of Participation (COP) Series 2009A. The School Board approved Resolution 09-62 on January 13, 2009 to issue COPs for financing projects specified in Schedule 2009 A-1 and 2009 A-2 which were approved in the District Educational Facilities Plan adopted by the School Board on August 6, 2008.

This amendment removes two projects that were canceled in this year's Adopted District Educational Facilities Plan, reduces funding to three projects to reflect lower bid prices and removes one project which was funded utilizing State funds.

The project cancellations are due to the \$1.8 billion reduction to the 2009-2010 Adopted District Educational Facilities Plan (Capital Plan). The \$1.8 billion reduction is a direct result of the legislature cutting the capital outlay millage tax rate from 2.0 mills to 1.5 mills, which was further compounded by the decline in property values. The 2010-2011 Adopted District Educational Facilities Plan approved by the board on September 7, 2010, canceled an additional \$83 million in projects which had not begun construction. This allowed the District to shift those funds to safety, American with Disabilities Act (ADA), indoor air quality (IAQ) and critical maintenance projects.

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The COPs resolution amendment will shift \$15 million to three projects that are in the current Adopted District Educational Facilities Plan and district-wide IAQ, ADA and roofing projects. This shift in funds is necessary to balance the 2011 capital budget. It does not free up any additional funding for new projects.

The financial impact of this resolution is to shift \$15,060,034 from the Series 2009 COPs that were canceled to fund projects that are approved in the ADEFP.

**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)

Motion was made by Mrs. Rupert, seconded by Mrs. Good and carried, to receive Audit of the Internal Funds of Selected Schools in the North, Central and South Areas. (9-0 vote)

Audited the Internal Funds of the schools listed below for the fiscal years ended June 30, 2009 and 2010, as authorized by the State Board of Education Rule 6A-1.087(2), Florida Administrative Code and School Board Policy 1002.1.

\*Coconut Creek Elementary School, Coconut Creek High School, Coral Springs High School, \*Coral Springs Middle School, \*Country Hills Elementary School, \*Cypress Elementary School, \*Deerfield Park Elementary School, Lyons Creek Middle School, \*Margate Elementary School, \*McNab Elementary School, \*Norcrest Elementary School, Northeast High School, \*Pinewood Elementary School, \*Pompano Beach High School, \*Bayview Elementary School, \*Community School North, \*Community School South, \*Falcon Cove Middle School, Fort Lauderdale High School, Indian Ridge Middle School, Indian Trace Elementary School, \*Manatee Bay Elementary School, \*Meadowbrook Elementary School, Pine Ridge Alternative School, Piper High School, \*Sheridan Technical School, \*Whiddon Rogers School, William Dandy Elementary School, Wilton Manor Elementary School, \*Attucks Middle School, \*Bethune Elementary School, \*Boulevard Heights Elementary School, \*Coral Cove Elementary School, \*Dolphin Bay Elementary School, \*Driftwood Elementary School, Everglades High School, \*Gulfstream Middle School, \*Hallandale Elementary School, \*Lakeside Elementary School, \*Miramar Elementary School, \*Nova Middle School, \*Sea Castle Elementary School.

\*Denotes Schools With No Audit Exceptions

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The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's December 13, 2010 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.

Discussing the surplused items, Mrs. Bartleman suggested some schools be provided with old instruments or items not being used. Mrs. Bartleman informed that Ramblewood Middle School needs old computers that will help facilitate a current program. She stated that the North Area assisted the principal in obtaining violins that the school needed. She inquired whether a mechanism is in place for principals to look at those items being surplused.

Mr. Notter responded that several years ago the principal made the suggestions about reusing textbooks and a mechanism was set up through a specific data base that is used district-wide.

Mr. Donnie Carter, Chief Operations Officer, informed that several years ago all items that came through B-stock were posted to allow schools and departments to select from them before they are surplused. A follow-up will be made to ascertain whether the program is still in place; if not, the schools and departments will be re-notified. Mr. Carter stated that through the standard process the district has saved "several dollars" in new furniture purchases by re-using old furniture from B-stock.

Ms. Murray shared with her colleagues that last year she visited the B-stock department which houses an inventory system that was designed by an employee. Ms. Murray stated that she previously worked in a department that had B-stock items, and that departments looking for B-stock items are involved in a network to get those items.

Referring to the Internal Fund items, Mrs. Rich Levinson stated that the majority of the schools indicated that they generally comply. She stated that she was uncomfortable with the word "generally," and that the exceptions do not appear to be improving. Mrs. Rich Levinson inquired who is held accountable, whether it is part of the individual's review process, and what steps would be needed to make improvements.

Mr. Patrick Reilly, Chief Auditor, Office of the Chief Auditor, responded that it is management's responsibility to have policies and procedures in place and to monitor, manage, and have internal controls. The Auditor's standpoint is to verify that policies and procedures are being followed, there is adequate controls in place, and there is adequate record keeping to be accountable for the information.

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Responding to Mrs. Rich Levinson's inquiry, Mr. Notter stated that progressive discipline is implemented and it is the management of the unit that has the infraction and ultimately it may come to a conference, a letter in the personnel file, or termination, depending on where the particular unit is in the progressive discipline model. Mr. Notter stated that the principal would be held responsible in the unit of a school and it is part of their review process. Mr. Notter opined that there is less missing from schools following the audit report.

Concurring that there has been significant improvement over the last two years, Mr. Reilly stated that there was a period of time where there were a lot of missing items in locations but now it has formulized into a written format and everyone knows what the policy is. Mr. Reilly further stated that through the use of technology additional improvements have been made by downloading inventory reports prior to the physical report being submitted.

Remarking that the audit was very informational, Mrs. Good stated it would be helpful to have the recommendations clearly defined. In addition, that the Board be provided the procedures that are in place to follow-up with these recommendations. Mrs. Good further stated that someone needs to be held accountable for missing equipment, either by internally looking at equipment more frequently and not waiting every quarter. She suggested having an on-site supervisor taking more of an active role in periodically checking for this equipment.

Mrs. Rupert commended schools that have gone year after year without any exceptions. Mrs. Rupert suggested that whoever is the responsible person at that school should model those positive steps to the habitually-late or error-prone schools and give them more of that site-based management to see how it is working together.

D-2. Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2010-2011 (Received)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to receive Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2010-2011. (9-0 vote)

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 30 locations in which a total of 17 locations had no exceptions and 13 locations had exceptions.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's December 13, 2010 meeting.

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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.

Referring to Repeat Exceptions, Ms. Dinnen inquired whether the site is repeating the exact problem, or whether the school had mistakes previously and are now on the list of making mistakes again but not necessarily the same mistakes.

Mr. Reilly responded that it is usually a repeat of the last thing that occurred in the last audit. For example, new inventory items are added to their inventory without the serial number of that item which is a major problem during inventory and a problem for identifying everything relating to the item that was received.

Mrs. Good requested an outline at the end of the audits of a clear recommendation that would be helpful in dealing with the findings, and also include who is to be held accountable. Additionally, that staff procedurally follow-up with the audit recommendations in a more frequent matter.

Referring to Repeat Exceptions, Ms. Dinnen and Mrs. Good requested a follow-up and update to the Board as to what process they have implemented to deal with the findings of the Property Audit Report.

Mrs. Rupert requested the Area Superintendents to have their follow-up plans include substantive and concrete responses in the future.

Mrs. Rich Levinson requested that since the interim report is provided every six months, that a list be prepared in order to review what actually happened progressively in the subsequent period compared to what is on this Board item.

Voicing concern regarding the ongoing serial number issue, Mrs. Rich Levinson requested that a review be made regarding the serial number issues and implement a better solution.

Ms. Murray stated that when a good practice is sent out it should be followed. Ms. Murray stated that the exceptions indicate that people are not following the instructions by the Area Superintendents to principals, which is to protect their schools. Some schools are coming back with two and three exceptions and the Board will be demanding that they be accountable.

### E. CHIEF OPERATIONS OFFICER

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

- \*F-1. Agreement with Sonshine Educational Tours (Approved)

Approved New Agreement with Sonshine Educational Tours.

On January 15, 2008, the School Board approved the new Teaching American History Grant Application, a three-year grant program that began July 1, 2008. As part of this grant, Sonshine Educational Tours, an approved vendor, will provide a week-long educational trip to Washington, DC. Thirty elementary, middle, and high school American History teachers who are part of the 2010-2011 Teaching American History Grant Cohort will be taking part in this trip. In addition, six designated master teachers will accompany them in the role of mentors. This intense week-long training will provide teachers with an increased knowledge in American History. Sonshine Educational Tours will provide each participant with meals, room and board, admittance to local museums and historical sites, and intensive studies.

These agreements have been reviewed and approved as to form and legal content by the School Board Attorney.

There is a financial impact of \$68,354 to the district. The source of these funds is the U.S. Department of Education Teaching American History Grant. There is no additional financial impact to the district.

- \*F-2. High School Philosophy Honors: Ethics Course (Approved)

Approved the course for submission to the Florida Department of Education's Course Code Directory.

The Florida Department of Education requires local School Board approval before a new course is submitted for addition to the Course Code Directory.

An additional Level 3 elective, will expand course offerings for career majors at the high school level.

There is no financial impact to the district.

- \*F-3. Contract Agreement between The Florida Heiken Children's Vision Program, Liability Limited Company (LLC), and The School Board of Broward County, Florida (Approved)

Approved the agreement between The Florida Heiken Children's Vision Program, LLC, and The School Board of Broward County, Florida (SBBC).

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The Florida Heiken Children's Vision Program, LLC, Agreement for 2010-2011 with The School Board of Broward County, Florida, will provide comprehensive eye examinations and eye glasses, when prescribed, to children in need who otherwise have no insurance; and have failed their school vision screening twice.

Students eligible to receive these services must meet the eligibility requirements of being enrolled in free and reduced lunch program or attend a Title I school, and have no insurance, and failed vision screening. Services will be provided to students in conjunction with input from the school principal or designee, and with parental permission. Eye exams will be performed at three satellite clinic locations. **(See the list of the Satellite Clinics.)**

The SBBC will identify the students that qualify to participate in the program; and perform a second vision screening to be certain that the children did indeed fail and qualify for the vision services.

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

This agreement will be executed after School Board approval.

There is no financial impact to the school district.

F-4. Annual Report of Grant Activities 2009-10 (Received)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to receive the Annual Report of Grant Activities 2009-10. (9-0 vote)

The Grants Administration and Government Programs Department, Educational Programs & Student Support Division, has compiled the Annual Report of Grant Activities 2009-10. The report documents the success of schools and District departments in securing over \$393 million in grant funding in the 2009-10 fiscal year and provides detailed information on each of the grant projects funded during that period.

In 2009-10, the District received funding for 215 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 2009-10 was \$393,616,641. The source of funds was various federal, state, local, and private sources of grant funding.

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Praising the excellence of the Annual Grants report, Ms. Dinnen stated that grants are important at this time and the amount given to the district through grant categories; federal money funneled through the state is the largest package of money to the district. The second largest package of money to the district are the direct federal grants and the smallest are the direct state grants. Noting that the National Education Association is a constant grant giver, Ms. Dinnen praised the private entities that provides more grant money to the district than the state does.

Mrs. Rich Levinson stated she was very pleased with the amount of grants and the increase of grants to the district from year to year. She inquired whether the district has enough grant writers on staff and whether any more grant writers are needed to pursue these grants.

Dr. Harrison informed that two positions are currently opening; one person was to be presented to the Board today but the individual indicated he would be remaining at his current position. Dr. Harrison stated that processes have been put in place to monitor spending, utilizing every money that is received and spending it appropriately.

Mrs. Good inquired if there is a networking of information that grant writers perform.

Ms. Kareen Torres, Grants Planner, Grants Administration and Government Programs, responded that through the state the Florida Grant Developers Network is a group of directors or specialists in the Grants Department across school districts. Conferences are held and the Florida Department of Education meets with the specialists, provide information, and the information is then shared through the network.

Mrs. Good stated that sometimes on federal grants information is distributed with a list of potential grants. She inquired whether on a district-wide basis those can be distributed among departments to see if they are of value to that department.

Dr. Harrison informed that a grant is available on a related topic to the district, the information is forwarded to the department that might see merit in that grant. If staff is not sure where the grant could be directed, the information is disseminated to everyone to ensure that whoever may have some connection with it takes advantage of it. Dr. Harrison stated that everyone is embracing writing grants and applying for grants because it is one of the district's limited funding sources.

Responding to Ms. Murray's inquiry, Dr. Harrison stated there is a system whereby assistance is provided to teachers who want to apply for grants opportunities.

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Ms. Torres informed that grant contacts are at the school sites, who are selected by the principals, and they share the information through the schools. If there is a particular project, whether a foundation or a municipality, the information is sent to the schools and that person will distribute it to staff. Ms. Torres stated that there are contacts for some of the cities and the district works directly with them.

Ms. Murray informed that throughout the nation there are \$3 billion available grants in many avenues. She stated that Nova Southeast Library has access to a lot of grants that people may never see.

Ms. Torres stated that the district can only apply for grants that are eligible for a school district or a school.

\*F-5. Grant Applications (Approved)

Approved the submission of grant applications to:

- A. Partnership to Advance School Success Matching Grant Program, \$200,000
- B. Target Field Trips, \$3,280
- C. The Wal-Mart Foundation, \$1,000
- D. Youth Garden Grant, \$500

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 \$204,780, from various sources. There is no additional financial impact to the school district.

F-6. Class Size Reduction Compliance Plan for 2011-12 (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to certify the compliance plan for each of the 72 non-charter schools that were out of Class Size Reduction compliance during Survey 2 in October 2010. (9-0 vote)

Pursuant to s. 1, Article IX of the State Constitution, beginning in the 2010-11 school year: (a) the maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for pre-kindergarten through grade 3 may not exceed 18 students; (b) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 4 through 8 may not exceed 22 students; (c) The maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 9 through 12 may not exceed 25 students.

## Approved in Open Board Meeting, February 15, 2011

Per F.S. 1003.03, each district that has not complied with the requirements in subsection (1), shall submit to the commissioner by February 15 a plan certified by the district school board that describes the specific actions the district will take in order to fully comply with the requirements in subsection (1), by October of the following school year.

Based on compliance summaries provided to the Florida Department of Education (FDOE) on November 30, the class size operating categorical reduction calculation (prior to appeals) for Broward County is \$3,003,040. The December 29 FDOE memorandum and chart of 2010-11 Class Size Operating Categorical Reduction Calculations (prior to appeals), is attached.

If a district submits the certified plan by the required deadline, the funds remaining after the reallocation calculation for the districts that have fully met the class size requirements (amount of up to 5 percent of the base student allocation multiplied by the total district FTE students not to exceed 25 percent of the total funds reduced), shall be added back to the district's class size categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. No district shall have an amount added back that is greater than the amount that was reduced.

Mrs. Rupert reiterated that subject-area teachers are in the classrooms and not substitute teachers.

Ms. Dinnen stated that there is a lack of understanding by the public regarding the Class Size amendments and its compliance. Ms. Dinnen informed that this district was 98 percent in compliance, a great percentage for the 6<sup>th</sup> largest school district in the nation. Ms. Dinnen clarified that the compliance is suppose to be through the funding from the state and not from local funds. Ms. Dinnen further stated that in order to comply to this Phase III (classroom by classroom), it would take \$350 million, and the state of Florida was granted \$82 million, with the district receiving \$8 million instead of \$35 million.

Discussing the penalty phase, Ms. Dinnen informed that the penalty has not been assessed and the Florida School Boards Association will take legal action when the district is assessed. Ms. Dinnen noted that charter schools, although public, were exempt from that requirement.

Mrs. Good informed that charter schools are getting penalties if they are not meeting schoolwide, but they are not getting penalized for Phase III.

**(Following the action of this agenda item, the Regular School Board meeting was in recess to conduct The School Board Leasing Corporation meeting, beginning at 4:05 p.m.)**

G. HUMAN RESOURCES

\*G-1. Personnel Recommendations for Instructional Appointments and Leaves for 2010-2011 School Year (Approved)

Approved the personnel recommendations for the 2010-2011 appointments and leaves as listed in 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 teacher approvals on this G-1 item are teachers in subject areas for which there is no surplus and/or layoff teacher in that certification area that could be placed in these positions.

The Personnel Recommendations for Instructional Employees include the following items:

1. Teacher Approvals
2. Substitute Teachers
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.

G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 2010-2011 School Year (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Good 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. (9-0 vote)

The Personnel Recommendations for Instructional Employees include the following items:

1. Instructional Resignations/Retirements/Layoffs

There will be no financial impact to the school district.

## Approved in Open Board Meeting, February 15, 2011

Ms. Dinnen acknowledged Dr. Vivian Corll, Teacher, Taravella High School, who is retiring. Ms. Dinnen said that she had the pleasure of having Dr. Corll as a colleague early on in her career with the district.

Concurring, Mr. Thomas stated that Dr. Corll was a great asset and she will be missed.

G-3. Personnel Recommendations for Non-Instructional Appointments and Leaves for the 2010-2011 School Year (Approved as amended)

Motion was made by Mrs. Gottlieb, seconded by Ms. Dinnen 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. **This item was amended to withdraw one name from Section 6.** (9-0 vote)

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) – Layoff(s)
11. Salary Adjustment

Funding has been budgeted in 10-11 fiscal year for all appointments through June 30, 2011.

Mrs. Good expressed concern that a retired individual is being considered for a principal position. Mrs. Good stated that assistant principals and teachers strive to reach a point in their careers where they move up internally through the school district, one of the unique opportunities, especially during a time of budget shortfalls.

## Approved in Open Board Meeting, February 15, 2011

Remarking that there are qualified employees, Mrs. Good requested that an internal review be made to hire within rather than to hire retired individuals who are looking for additional employment in the district.

Concurring, Mr. Thomas informed his colleagues that he has spoken with the Superintendent regarding his concerns. Mr. Thomas stated that he has been intimately involved with Coral Park Elementary School and the school has been operating extremely smoothly for the last several weeks. Mr. Thomas said that the district has a "pipeline" and it should either be used or shut down. He said there have been people who have been training in an assistant principal position, they are outstanding and are qualified to be a principal, even in arduous conditions. Remarking that his role as a Board Member is to set policy, Mr. Thomas said he will not micromanage schools but will keep an eye on the management of schools.

Mrs. Rupert suggested offering additional training, thinking forward to when the individual will no longer be in the position. Mrs. Rupert stated there have been many individuals who have been training and waiting for an opportunity to advance. She requested that the current policy be reviewed regarding promoting from within, rather than hiring back retirees.

Responding to Mrs. Good's inquiry, Mrs. Batista-McNamara advised that the nomination of employees in the system is under the auspices of the Superintendent. Once a nomination is made for employment, even as in this temporary position, the only reason the nomination can be rejected by the Board is for good cause. By law, good cause is defined as lack of qualifications or moral turpitude.

Mrs. Bartleman stated there are currently outstanding assistant principals who have been trained in every area and are ready to move forward. Additionally, assistant principals are cross trained in Exceptional Student Education and the new transition classes, knowing how to evaluate these teachers. Mrs. Bartleman stated that every aspect of training that the Board has asked for has been created in the Assistant Principal Internship Program. Mrs. Bartleman opined that the problem lies in staff not going through the pipeline, and legally the Board can be sued if the appointment is not approved.

Mrs. Bartleman further stated that the Board had previously discussed the parameters of having a policy on this issue; that only under extreme circumstances that someone is being brought back. She requested that a workshop discussion be held to re-address this issue.

## Approved in Open Board Meeting, February 15, 2011

Mrs. Gottlieb stated that she has personally seen and participated in the district's training program's events and activities, and it is a fantastic training opportunity for staff to develop. Mrs. Gottlieb stated that the appointment by the Superintendent is not within the role of the Board. Remarking that she is sensitive to the health and stability of the students of the school, and the continuance of the programs, Mrs. Gottlieb said that she trusts the recommendation by the Superintendent, that the right person has been selected to handle a crisis situation of the school. She said if there is a policy issue to be addressed, a request should be made to make that policy change.

Mrs. Rich Levinson voiced concern with the practice of placing retired employees back into positions, and requested a workshop discussion to discuss this issue and a possible policy.

Remarking that she will support the recommendation, Mrs. Good reiterated that the system has excellent staff who are capable of being principals and everything should be done to ensure that staff has the ability to move up within the system. Mrs. Good further stated she supports having a workshop on this issue.

Ms. Dinnen stated that she has mixed concerns because there are people who are looking for advancement. The recommendation is a four-month appointment and the individual will not be taking benefits, which is financially better for the district rather than placing an individual in a permanent position. Ms. Dinnen further stated that the Superintendent has been told that this practice not be used as a rule but only as an emergency, or a crisis, that needs a certain personality or individual to handle. Ms. Dinnen suggested giving the Superintendent more concrete direction during a workshop discussion.

Mrs. Rupert stated that she knows the caliber of staff, assistant principals, and the training provided, and every opportunity should be afforded to them to attain a higher position within the district.

Ms. Murray stated that she supports the recommendation, having a veteran principal at the school during this difficult task. Ms. Murray stated that the well being of children is most important and she feels the school will be in capable hands during this brief period.

Mr. Notter informed that he immediately needed to stabilize a torn community and parents who loved the principal who has been at the school for many years. Mr. Notter stated that the long-term environment needed to be stabilized through the end of the school year by a temporary position. There was a financial benefit to the district by not having to back-fill a sitting assistant principal position, as elementary schools only have one assistant principal.

**Approved in Open Board Meeting, February 15, 2011**

Mr. Notter further stated that the value of having an experienced individual outweighs any small dollar amount in terms of a salary.

Addressing the autism cluster at the school, Mr. Notter stated that Mr. Katz has worked in the autism field, has intimate knowledge of how and when to handle situations, which is key in stabilizing the school in a quick manner and proceed through the end of the school year with the least amount of disruption. Mr. Katz' last position was at Riverside Elementary School for five years, in the Coral Springs community, which was a B school in the first year of his tenure and subsequent A grades for four consecutive years and achieving AYP. Remarking that FCAT testing is approaching, Mr. Notter stated that Mr. Katz knows and has implemented to the highest level of detail the curriculum that is needed so that all children can learn at their highest standards.

The Superintendent relayed that Riverside Elementary previously had an indoor air quality crisis, which Mr. Katz handled, and Coral Park has some minor indoor air quality issues which Mr. Katz can temporarily handle until the end of the school year.

Mr. Notter reiterated that having two assistant principals in the leadership of the school would not have been in the best interests of the children, the parents or the community. The Superintendent welcomed a workshop to discuss criteria on the issue of retiree appointments.

Following a vote on the item, newly-appointed district personnel were announced and congratulated by Mrs. Gottlieb, Mrs. Good and Ms. Murray.

G-4. Personnel Recommendations for Non-Instructional Separation of Employment or Discipline(s) for the 2010-2011 School Year  
(Approved as amended)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray 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. **This motion was superseded by Motions to Defer (pages 25 and 27).** (9-0 vote)

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)

**Approved in Open Board Meeting, February 15, 2011**

There is no financial impact to the school district.

Acknowledging that one auditor is resigning from the district, as well as other positions in the Audit Department, Mrs. Bartleman inquired whether the positions will be filled, as she is concerned about the work load on the remaining auditors.

Mr. Notter responded that all jobs are frozen until such time as he meets with the Executive Leadership member and the departments are reviewed, between now and the school year. A data-driven recommendation will then be presented to the Board.

Ms. Murray stated that the Audit Department provides the Board with information on how to save the district money, and that there needs to be sensitivity to the position to ensure that there is sufficient staff to do the work that is needed during these financial times.

The following individual addressed this item:

James Griffin, North Area Carpenter

Mr. Jeff Moquin, Executive Director, Support Operations, informed the Board that Mr. Griffin experienced a compensable worker's compensation injury in 2009. While undergoing his medical treatment he had temporary restrictions that the workplace was accommodating on a temporary basis. Mr. Moquin stated that when Mr. Griffin reached maximum medical improvement, the authorized treating clinician issued him permanent restrictions and no climbing. Subsequently a determination was made that his job description includes climbing and the district was unable to accommodate his permanent restrictions on an ongoing basis. At that time, Mr. Griffin was advised of the district's protocol relating to finding alternative employment within his qualifications and within his permanent medical restrictions.

Mr. Moquin further stated that Mr. Griffin was offered a position which does not need advertising but he declined to accept the position. The employee is not authorized by his treating physician of going back to his previous employment capacity.

Ms. Dinnen inquired whether the district would be liable if the employee was placed in the position, that included those activities that his treating physician said he could not perform.

## Approved in Open Board Meeting, February 15, 2011

Mr. Moquin responded that the district would be at risk in having him perform duties outside his physical abilities. He stated that there is documentation by his clinician that he has a permanent restriction of no climbing. Mr. Moquin explained that the union contract provides for a blended rate of pay for twelve months, what he made previously and his new rate of pay for the position. At the conclusion of that period, the employee is paid at the highest level that is closest to what he was previously earning in his previous capacity. Mr. Moquin stated in most cases it is a lower rate of compensation.

Responding to Mrs. Rupert's inquiry, Mr. Moquin stated that the job was not comparable in salary and duties. Clarifying that the dismissal is not for disciplinary purposes, Mr. Moquin stated that Mr. Griffin can apply for other positions in the district that he is qualified for and is within his permanent restrictions. He reiterated that he cannot be retained as an active employee without being in a position since his 60-day temporary status expired.

Mrs. Rupert inquired whether there were any requirements under the Americans with Disability Act (ADA).

Mrs. Batista-McNamara responded that the employee needs to perform the essential functions of his job for the ADA to apply. In this situation, the employee is not able to perform those duties because he is restricted by his physician. Mrs. Batista-McNamara stated that the position that was offered to the employee would not be comparable in duties because he is not able to perform his job duties.

Mrs. Good inquired whether Mr. Griffin has the ability to obtain a second opinion since the physician determined that he was unable to perform the duties of the job description, and whether he was advised of that option to seek a second opinion.

Mr. Moquin responded that worker's compensation law provides the employee the right for one request for a change of position. He said he was not sure whether the employee exercised that right during his claim.

Mrs. Good stated that physicians have differences of opinions and evaluations and that every measure should be utilized before terminating employment by worker's compensation.

Mr. Moquin informed that from his review of the case in preparation for the Board meeting there were several attempts throughout his medical treatment to place him back at 100 percent capacity which was unsuccessful. Each attempt resulted in an exacerbation.

**Approved in Open Board Meeting, February 15, 2011**

Responding to Mrs. Good's inquiry, Mrs. Batista-McNamara advised that the Board has the ability to separate the Agenda Item and defer the employee to a time certain so that staff can further review the file.

Mrs. Good requested a further quality review of the worker's compensation file and provide the Board with the results.

Motion to Separate (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Bartleman and carried, to separate employee James Griffin from the agenda item. (9-0 vote)

A vote was taken on the Motion to Separate.

Motion to Defer (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Bartleman and carried, to defer Mr. Griffin's case to the February 15, 2011 School Board meeting. (9-0 vote)

A vote was taken on the Motion to Defer.

The discussion continued on the remaining G-4 agenda item:

The following individual addressed this item:

Gloria Valdes, Bus Operator

Ms. Dinnen stated that leaving a student unsupervised places the district and the child in great jeopardy.

The following individual addressed this item:

Shirley Campbell, Bus Operator

Mrs. Victoria Kaufman, Director, Noninstructional Staffing, reminded the Board that a memorandum was submitted regarding the events with Ms. Campbell. Mrs. Kaufman stated that Ms. Campbell was not assigned to a route due to numerous parental complaints about her interaction with children. The Terminal Manager met with Ms. Campbell and gave her the choice of two routes to review and the following day the employee voiced concern about the number of stops for two different schools and said she would like assistance, a relief operator, to ride with her to familiarize herself with those stops. The manager agreed that she would provide someone to ride with her on Monday and Tuesday and that she was to begin riding that route on Monday morning.

## Approved in Open Board Meeting, February 15, 2011

Mrs. Kaufman further stated that on the Monday morning the employee clocked in but could not be located, so the relief operator drove the bus alone. Later in the morning she was located and in the afternoon she drove the afternoon run. She said the employee contends she was not told properly to begin riding the bus Monday morning when the research indicates that she was notified and provided that route by the Supervisor on Friday.

Mrs. Good inquired whether any changes or directions provided to bus operators are placed in writing so that there is no miscommunication.

Mrs. Kaufman responded that sometimes it is verbal and sometimes it is in writing. A notice for a pre-disciplinary conference was sent to the employee and a meeting was held so that the employee can explain why she did not report and perform her duty that morning. She informed that Ms. Campbell explained that she did not understand or was not told that she was to begin on Monday.

Mrs. Good inquired whether there were other people present that validated that the discussion took place.

Mrs. Kaufman responded that the employee had someone with her on Thursday and Friday, when the routes were given.

Mrs. Good stated it is important to have direction from staff validated by the employees in writing, to ensure there is no miscommunication or misunderstanding.

Remarking that there was a perception issue as to when the employee would start the route, Mrs. Bartleman voiced concern that the direction was not given in writing.

Mrs. Kaufman stated that progressive discipline was provided, the employee received a suspension regarding insubordination; she was directed to change her stop for the safety of the students, and videotape was observed whereby supervisors had to direct her to move the stop for the safety of students.

Mr. Thomas inquired whether there is standard operating procedure for these infractions.

Mrs. Kaufman responded that she spoke with the Transportation Specialist who indicated that the procedure is for the Terminal Manager to give the employee the new route.

**Approved in Open Board Meeting, February 15, 2011**

Remarking that not following standard procedure opens up the Board for liability, Mr. Thomas stated he would support pulling the item in order to get clarification on what happened, how it happened, and why it happened.

Motion to Separate (Carried)

Motion was made by Mrs. Bartleman, seconded by Mr. Thomas and carried, to separate employee Shirley Campbell from the agenda item. (9-0 vote)

A vote was taken on the Motion to Separate.

Motion to Defer (Carried)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to defer employee Shirley Campbell to the February 15, 2011 School Board meeting. (9-0 vote)

A vote was taken on the Motion to Defer.

Board Members Bartleman, Dinnen, Good, Murray and Thomas requested that staff speak with the employee again and provide clarification: Who else was present at the time the employee was given direction; whether the employee signed off on the routes; what happened on Monday morning; where was she and whether she was looking for a bus. In addition, that the Board be provided full disclosure of the progressive discipline.

Ms. Murray noted that Transportation bus operators are governed by rules and penalties, and what is being discussed is the progression of discipline under a certain article.

Mrs. Kaufman confirmed that Ms. Campbell had progressive discipline action under a certain penalty.

A vote was taken on the remaining G-4 agenda item.

\*G-5. Supplemental Pay Positions – List #11 (Approved)

Approved the recommended supplemental pay positions of employees for the 2010-2011 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.

**Approved in Open Board Meeting, February 15, 2011**

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 2010-2011 school years.

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 312.

Funding has been budgeted in 2010-2011 school/fiscal year for all supplements through June 30, 2011.

G-6. Recommendation(s) for Instructional/Noninstructional Discipline for the 2010-2011 School Year (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Good 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. (9-0 vote)

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.

The following individual addressed this item:

Juan Picasso (translating on behalf of employee Rebecca Dwoskin)

**Approved in Open Board Meeting, February 15, 2011**

Mr. David Golt, Executive Director, Professional Standards, Special Investigative Unit, responded that the district's policy states that Food and Nutrition employees cannot take food out of the building, even if the food is discarded. Mr. Golt stated that the employee had taken food and took it home; the employee indicating that the food was going to be discarded because it was prior to a vacation.

Mrs. Good inquired whether the employee understood the policy.

Mr. Golt responded that the documentation indicates that the employee met with her supervisors and has been told not to take food, and whether she understood that directive. The documentation indicates that she filled out the information.

Ms. Barbara Leslie, Director, Food and Nutrition Service, informed that all of the food that was taken was not food that was to be discarded. It was the employee's opinion that it was to be discarded. Ms. Leslie stated that the Employee Handbook indicates that no food is to be taken from the kitchen. She noted that the National School Lunch and Breakfast funds are federal funds and there are requirements on how to handle those funds; it is to be used for the benefit of the students. Ms. Leslie further stated that the employee also took a course and a test and she had no problem completing the test, understanding that honesty was one of the concerns. The employee attended regular staff meetings, which she signed that she understood the discussion that no food was to leave the kitchen.

Responding to Mrs. Good's inquiry, Ms. Leslie stated that the occurrence was prior to the Spring Break and there was some fresh produce that the employee felt would not be used, and some leftover hamburgers, which amounted to a box full of food.

Acknowledging that there are guidelines to be followed, Mrs. Good stated that the employee attended several meetings and indicated by signing documentation that she clearly understood what was occurring. Mrs. Good stated if there is an issue with English proficiency, it is also up to the employee to indicate that this is an issue. Remarking that she is sensitive to the language issue, Mrs. Good stated that she has difficulty hearing this issue because the employee has participated with staff in meetings and acknowledged understanding the rules and regulations.

Mrs. Gottlieb stated that she is sympathetic to the situation involving food that may have been discarded but the district has policies in place. She stated that food could also be viewed in other departments as paper, staplers and computer equipment that is taken by people, property that belongs to the school district. Mrs. Gottlieb further stated that the employee acknowledged understanding the rules and procedures.

**Approved in Open Board Meeting, February 15, 2011**

Responding to Mrs. Bartleman's inquiry, Mrs. Batista-McNamara informed that Mr. Picasso is translating for the employee and he is not her legal representative. Mrs. Batista-McNamara stated that the School Board meeting is not the proper forum to make a determination as to whether she is English proficient and whether she is able to understand, as there are two sides to the issues. She stated that there is no liability, and advised going back to the employee and making sure that she understands whatever rules she is suppose to abide by.

Mrs. Bartleman stated that staff needs to make certain that she understood everything she signed, to rule out any miscommunication.

Mrs. Rich Levinson stated that the employee signed the documentation which means that she accepts responsibility for her actions. She requested that the Board move forward on the item.

A vote was taken on the item.

- G-7. Re-opener for the Fourth Year of the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Broward Teachers Union - Education Support Professionals for the 2009-2010 School Year (Adopted)

Motion was made by Mrs. Rich Levinson, seconded by Mrs. Rupert and carried, to adopt the amendments to the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Broward Teachers Union - Education Support Professionals (July 1, 2006 – June 30, 2011). (9-0 vote)

This Agreement provides for no wage increase for the 2009-2010 school year. The Board will pay 100% of the health insurance premiums for HMO and Consumer Driven Plan coverage for the individual employee for the term of this Agreement.

There is no financial impact to the district. The source of funds for health insurance has been allocated in the 2010-2011 budget.

Dane Ransom, Esq., Broward Teachers Union, informed the Board that she was chief negotiator this year and said that she was grateful for the positive, harmonious atmosphere at the negotiation table.

Ms. Ransom expressed gratitude to the Board for not implementing the 6-day furlough for employees last year. She voiced concern that there were more than 200 Education Support Professionals (ESP) who have had their schedules reduced by 10 days, with no notification, and it was not presented at the bargaining table. She requested that this issue be taken into consideration for discussion in the future.

## Approved in Open Board Meeting, February 15, 2011

Mrs. Good thanked Ms. Ransom for her passion and keeping the best interests in mind for the education of children. Mrs. Good concurred with Ms. Ransom's positive comments regarding the bargaining talks, which she said reflects on Ms. Diaz, the district's team, and the mindset of the Board.

Concurring, Ms. Dinnen stated that the Board is proud of the district's bargaining team and the BTU team.

### H. ATTORNEY

#### H-1. Settlement Agreement between The School Board of Broward County, Florida, DiPompeo Construction Corp., and Architecture, Inc.

(Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Bartleman and carried, to approve the Settlement Agreement between The School Board of Broward County, Florida, Di Pompeo Construction Corp., and Architecture, Inc. Mrs. Gottlieb was absent for the vote. Mrs. Rich Levinson abstained from voting. (7-0 vote)

The School Board of Broward County, Florida (the "SBBC") entered into a Contract, dated March 15, 2005 with Di Pompeo Construction Corp. ("DI POMPEO) for the construction of a Cafeteria and Classrooms located at Broadview Elementary School (Project No. 0811-21-01)(the "Project"). The Contract required the Project to be constructed pursuant to the design documents prepared by Architecture, Inc. (the "A/E"). The SBBC, DI POMPEO and the A/E are hereinafter collectively referred to as the "Parties."

In Count I of an action styled Di Pompeo Construction Corp. v. The School Board of Broward County, Florida, filed in the Circuit Court of the 17th Judicial Circuit, in and for Broward County, Florida, Case No. 10-31869CACE 02 (the "Lawsuit"), DI POMPEO has alleged that it was significantly delayed in the progress and completion of the Project for a number of reasons, including, but not limited, to issuance of defective and incomplete design drawings, improper designs, delays in connection with submittals, untimely approvals from other governmental agencies, alleged improper and untimely inspections of DI POMPEO's work and an alleged failure of the SBBC to approve various change orders, grant appropriate time extensions, and timely pay DI POMPEO, all of which were alleged to constitute active interference by the SBBC.

**Approved in Open Board Meeting, February 15, 2011**

DI POMPEO has agreed to accept the total sum of \$150,000 in full and final settlement of Count I of the Lawsuit. Subject to School Board approval, the SBBC will pay DI POMPEO the sum of \$110,000, and the A/E and its subconsultant, JLRD, will collectively pay DI POMPEO the sum of \$40,000 ~~in~~ towards the ~~accordance with the s~~ Settlement amount Agreement.

District staff, the School Board Attorney's Office, and The School Board's cadre counsel, Steven B. Lesser, Esq., and Neil H. Levinson Esq., recommend approval of the Settlement Agreement as a fair and reasonable cost-effective resolution to Count I of the Lawsuit, which will eliminate protracted litigation and additional costs.

The financial impact to the district is \$110,000. The source of funds is the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, Legal and Contingency budget.

Mrs. Rich Levinson read the following statement into the record:

"I would like to abstain from voting on Agenda Item H-1. Agenda Item H-1 on the January 25, 2011 agenda of The School Board of Broward County, Florida is a proposed settlement agreement concerning pending litigation between the School Board and another party. My spouse is an attorney employed in the law firm of the cadre counsel assigned by the School Board to represent it in that litigation. During the course of the litigation, my spouse has rendered legal services to the School Board and has recommended approval of the Settlement Agreement. Acting in an abundance of caution, I requested the advice of the Florida Commission on Ethics upon whether I would have a voting conflict if the School Board considered settlement of a case in which it was represented by spouse. In accordance with the guidance provided by the Florida Commission on Ethics, I shall abstain from voting upon Agenda Item H-1."

The Memorandum of Voting Conflict was submitted for the official record.

**I. OFFICE OF THE SUPERINTENDENT**

- I-1. Diversity Committee Bylaws (Withdrawn)
- \*I-2. Petition For Formal Proceedings (RVH) (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.

**Approved in Open Board Meeting, February 15, 2011**

The Professional Standards/Special Investigative Unit (PS/SIU), completed an investigation into allegations of failure to self-report arrest for drug possession. The allegation was thoroughly investigated and the results were presented to the Professional Standards Committee (PSC). PSC found probable cause and recommended termination. A pre-disciplinary meeting was held with the employee, a School Board cadre attorney and a representative from PS/SIU. 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 25, 2011.

There is no financial impact to the school district.

- \*I-3. Petition For Formal Proceedings (LR) (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), completed an investigation into allegations of failure to self-report arrest for drug possession. The allegation was thoroughly investigated and the results were presented to the Professional Standards Committee (PSC). PSC found probable cause and recommended termination. A pre-disciplinary meeting was held with the employee, a School Board cadre attorney and a representative from PS/SIU. 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 25, 2011.

There is no financial impact to the school district.

- \*I-4. Petition For Formal Proceedings (RML) (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), completed an investigation into allegations of an arrest for DUI during work hours and had a car accident. The allegation was thoroughly investigated and the results were presented to the Professional Standards Committee (PSC). PSC found probable cause and recommended termination. A pre-disciplinary meeting was held with the employee, a School Board cadre attorney and a representative from PS/SIU.

**Approved in Open Board Meeting, February 15, 2011**

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 25, 2011.

There is no financial impact to the school district.

**J. FACILITIES AND CONSTRUCTION MANAGEMENT**

**J-1. Change Orders (Approved)**

Motion was made by Ms. Murray, seconded by Mr. Thomas and carried, to approve change orders as listed for various school projects, and approve an increase of \$1,804,541, to the Capital Projects Reserve. (9-0 vote)

<b><u>Dania Elementary</u></b> (Fire Sprinkler Protection)	Change Order 02	\$1,382
Consultant Omission		\$1,382
<b><u>Dania Elementary</u></b> (New Food Service)	Change Order 07	\$7,701 (CREDIT)
Owner Request		\$7,701 (CREDIT)
<b><u>Deerfield Beach Elementary</u></b>	Change Order 06	\$0
Owner Request		\$0
Unforeseen Condition		\$0
<b><u>Hollywood Hills High</u></b>	Change Order 04	
		\$7,266
Consultant Error		\$1,299
Consultant Omission		\$5,967
<b><u>Mirror Lake Elementary</u></b>	Change Order 03	\$1,796,840 (CREDIT)
Consultant Omission		\$6,088
Owner Request		\$1,802,928 (CREDIT)
<b><u>Pines Lakes Elementary</u></b>	Change Order 04	\$12,267
Consultant Error		\$4,097
Consultant Omission		\$6,458
Owner Request		\$2,653
Unforeseen Condition		\$941 (CREDIT)

Financial Impact: Dania Elementary - Project No.: P.000011 \$7,701 CREDIT; Mirror Lake Elementary - Project No.: P.000357 \$1,796,840 CREDIT. The resulting financial impact shown above will increase the Capital Projects Reserve by \$1,804,541. There is no additional financial impact to the district for the remaining projects.

Mrs. Rupert informed that at the November 23, 2010 meeting, she requested a list of change orders per vendor.

Mr. Lindner responded that this report is comprised every six months, beginning in January, and it is in progress.

**Approved in Open Board Meeting, February 15, 2011**

- \*J-2. Final Acceptance and Release of Retainage – The Weitz Company, LLC – New Food Service Multipurpose Building – Dania Elementary School, Dania – Project No. 0101-25-01 (Approved)

Approved the Final Acceptance of the Dania Elementary School, New Food Service Multipurpose Building, Project No. 0101-25-01, and release the balance of retainage in the amount of \$9,337.

The contractor The Weitz Company, LLC, has completed the project within the adjusted contract limits.

The funds being released totaling \$9,337 are included in the Adopted District Educational Facilities Plan, Fiscal Year 2008-2009 to 2012-2013, page 54.

- \*J-3. Amend Professional Services Agreement – Zelch & McMahon, Architects – Remodel/Renovation & IAQ-HVAC – Western High School, Davie – Project No. P. 000505 (f.k.a. 2831-99-02) (Approved)

Approved the Fourth Amendment to the Professional Services Agreement with Zelch & McMahon, Architects, for Western High School, Remodel/Renovation & IAQ - HVAC, Project No. P.000505, dated September 7, 1999, previously amended on April 4, 2000, April 17, 2001, and April 18, 2006.

This Fourth Amendment to the Professional Services Agreement (i), rescinds specific language contained in the Third Amendment, dated April 18, 2006, which had changed the project delivery method from "Hard Bid" to "Construction Management at Risk," and (ii) amends the Scope of Work as follows: re-permit the project under the current Building Code; re-design the electrical distribution system for this project; reselect air handling units (AHU).

Bids were received on June 3, 2008, and thereafter rejected in order to revise the scope since part of the scope was awarded to another contractor. Bids on April 16, 2009, were not awarded until November 10, 2009, due to a lack of funding. The awardee's permit was denied as the plans approval had expired. The proposed action is to compensate the architect/engineer to update plans to comply with the current Building Code.

Zelch & McMahon, Architects, and the Superintendent's Negotiations Committee negotiated additional Basic Services Fees for Phase III 100% Construction Documents in the amount of \$9,900.

**Approved in Open Board Meeting, February 15, 2011**

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 \$9,900, for additional Basic Services. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015 and will come from the District Wide IAQ Contingency.

- \*J-4. Amend Professional Services Agreement – Zelch & McMahon, Architects – New Multipurpose Cafeteria Building and Eight-Classroom Addition – Pompano Beach Middle School – Project No. P. 000005 (f.k.a. 0021-21-01) (Approved)

Approved the Second Amendment to the Professional Services Agreement with Zelch & McMahon, Architects, for Pompano Beach Middle School, New Multipurpose Cafeteria Building and Eight-Classroom Addition, Project No. P.000005, dated October 16, 2001, previously amended on April 18, 2006.

**Scope of Work:**

*Additional Basic Services 1/25/11:* Extend contract administration by 225 consecutive calendar days resulting from the unforeseen circumstances related to the redesign of sanitary sewer system per City of Pompano Beach, so as to remove from easement and install below existing roadways.

Zelch & McMahon, Architects, and the Superintendent's Negotiations Committee negotiated an increase in fees for Phase V Contract Administration by \$24,000. As part of this Amendment, Zelch & McMahon, Architects, waives its request of \$884, for emergency generator screen enclosure extension. Zelch & McMahon, Architects, agrees that this action serves as final payment for this project.

The Second Amendment also revises the Fixed Limit of Construction Cost (FLCC) from \$9,840,000 to \$14,577,579 in order to align the Architect/Engineer Agreement with that of the Construction Manager.

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

The financial impact for this item is \$24,000, for additional Basic Services. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015.

**Approved in Open Board Meeting, February 15, 2011**

- J-5. Grant a Property Agreement, License, Donation of Property and Resolution to the Florida Department of Transportation, for a Portion of Fox Trail Elementary School (Deferred)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman, to approve the grant of a Property Agreement, License, Donation of Property and Resolution to the Florida Department of Transportation, for a portion of Fox Trail Elementary School. **This motion was superseded by a Motion to Reconsider and a Motion to Defer (page 39).** (9-0 vote)

Florida Department of Transportation (FDOT), in exercising its right of eminent domain, has petitioned The School Board of Broward County, Florida, for a twenty-five foot (25') strip of easement land along the northern boundary of the school site adjacent to State Road 84, representing 19,343 square feet of land area. The Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida has issued an Order of Taking for the 25 foot easement area.

As a result of this taking, staff reviewed the construction plans and determined that the standard sidewalk and curbing does not provide adequate safety measures for the students as currently existing. In negotiation with FDOT on this matter, FDOT agreed to provide a buffer with landscaping, sidewalk and a fence along the northern right-of-way line of the school, if the School Board dedicates an additional seven and one half feet (7.5'), approximately 7,079 square feet, to provide for these improvements.

FDOT is also requesting a License to enter upon the Fox Trail Elementary School grounds during the construction period, but no later than July 2014, for sloping, grading, tying in, harmonizing and reconnecting existing features with the highway improvements.

The Department of Transportation will execute this agreement after School Board approval.

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

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

**(Following the adjournment of The School Board Leasing Corporation meeting, the following discussion commenced on this agenda item.)**

## Approved in Open Board Meeting, February 15, 2011

Remarking that the agreement does not speak to precautionary or safety measures that FDOT will take on the school grounds, Mrs. Good stated she would like to see more language that provides additional safety measures for students at the school. Mrs. Good inquired when the work will be done, suggesting that it be done in the summertime so that there is less activity in the area and will cause minimal impact to the schools.

Responding to Mrs. Good's inquiry, Mr. Lindner stated there is no infrastructure, as this was a time sensitive issue that was negotiated over a long period of time. Remarking that the location currently has a sidewalk and a fence, Mr. Lindner further stated that the original land was taken by eminent domain and this item approves the negotiated berm, fence and sidewalk that the district wanted, which improves the safety at the school based upon what the district was ordered to give up.

Mr. Nick Messina, Property Coordinator, Facilities and Construction Management, informed that the construction agent for FDOT has indicated they will provide security fencing to secure the site and to protect the children from the construction.

Voicing concern over this language not being included in the agreement, Mrs. Good stated, when anyone is doing construction on school sites, she would like to see language in the contracts that specifically indicates that they will take responsibility for securing and providing precautionary and safety measures within school grounds. Additionally, if contractors are going to be on school sites they need to comply with the Jessica Lunsford Act.

Remarking that the contracts are not consistent, Mrs. Good inquired whether this language could be included on this item.

Mr. Messina responded that if the item is pulled the construction of the project will be delayed. Mr. Messina stated that once the fencing is erected the workers will be outside school property and not have any contact with students. The fencing will be placed at the boundary of the donated property; everything on the south side of the property will be School Board property and everything on the north side will be FDOT property.

Mrs. Good noted that workers would have to come on to School Board property to install poles and make measurements. Mrs. Good stated it would behoove the district to ensure that language is included in standardized lease agreements, which would help to limit potential liability for the district.

Mr. Lindner informed that he will meet with legal counsel to discuss the standard language, have Facilities documents updated to reflect the similar language that is used in Miami-Dade school district.

## Approved in Open Board Meeting, February 15, 2011

Mrs. Good stated that there is less staff and the documents should be standardized in a way that it has counsel's preferred language, and with input from the various agencies the document can be modified. She said that the district should take the lead and provide the documents to these agencies. She inquired whether the agenda item can be approved with the condition that the agreement be modified.

Mrs. Batista-McNamara stated that the district has a template for a contract that is provided to all agencies and sometimes they get altered during the negotiation process. Mrs. Batista-McNamara informed that there is a cadre lawyer that works on these types of contracts and contained in the template is the language pertaining to the Jessica Lunsford Act.

Mrs. Good voiced concern that neither the license agreement nor the other agreement before the Board includes the Jessica Lunsford Act.

Mrs. Batista-McNamara advised that the Jessica Lunsford Act may not have to be mentioned because this is a different type of an arrangement; property that is being donated by the district. Mrs. Batista-McNamara advised that after speaking with the attorney who handled the negotiations this very likely would be outside of the property of the School Board where the double fence will be going up. At this juncture, FDOT would be outside the district's property.

Mrs. Good stated if legal is comfortable with the language she will not delay the project. Mrs. Good reiterated that there are inconsistencies in all the contracts that are presented to the Board at today's meeting.

Following the vote on the item, Mr. Notter stated that his concern is with the lack of the Jessica Lunsford language in the contract. Mr. Notter suggested that the item be deferred to the February 1, 2011 Regular Board Meeting, so that he can review whether this portion is covered.

### Motion to Reconsider (Carried)

Motion was made by Mrs. Rupert, seconded by Ms. Dinnen, to reconsider the action of this item. (9-0 vote)

A vote was taken on the Motion to Reconsider.

### Motion to Defer (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert, to defer this item to the February 1, 2011 Regular School Board Meeting. (9-0 vote)

A vote was taken on the Motion to Defer.

**Approved in Open Board Meeting, February 15, 2011**

- \*J-6. Grant of Utility Easement to the Florida Power & Light Company for Pool Replacement at Northeast High School (Approved)

Approved the Grant of Utility Easement to Florida Power & Light for the Pool Replacement at Northeast High School.

The proposed Utility Easement is required by Florida Power & Light to provide power for the new pool replacement at Northeast High School.

This item 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, therefore this item does not require a collaboration form from the Capital Budget Department.

- \*J-7. Grant of Utility Easement and Bill of Sale to Broward County for Parkway Middle School (Approved)

Approved the Grant of a Utility Easement and Bill of Sale to Broward County for (1) one sewer and, (2) two water main lines for classroom and gymnasium renovations at Parkway Middle School.

The proposed Utility Easement and Bill of Sale are required to provide installation and maintenance of sewer and water main lines for classrooms and gymnasium at Parkway Middle School.

This item 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, therefore this item does not require a collaboration form from the Capital Budget Department.

- \*J-8. Grant of Utility Easement to Broward County for Northeast High School (Approved)

Approved the Grant of a Utility Easement to Broward County for water mains and meters to provide service to the new cafeteria at Northeast High School.

The proposed Utility Easement is required by Broward County to provide service and maintenance for water mains and meters to the new cafeteria at Northeast High School.

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

**Approved in Open Board Meeting, February 15, 2011**

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

- J-9. Grant of Easement Deed to the City of Coral Springs, Florida, for a Water Well at Forest Hills Elementary School (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve the Grant of Easement Deed to the City of Coral Springs, Florida, for a water well at Forest Hills Elementary School. (9-0 vote)

The City of Coral Springs, Florida, is formally requesting an easement for the raw water supply well #12, located on the Southwest corner of Forest Hills Elementary School. The existing well has been serving the City as a water supply source, (raw water), since 1979.

As part of the city's capital improvement plan, the Forest Hill Wellfield Rehabilitation, currently under design by Eckler Engineering, is tasked with upgrading the raw water supply wells in the neighborhood. During the initial surveying portion of the design, Avrom and Associates, Inc., discovered that a proper easement for the well was never dedicated from the School Board to the City.

This easement 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, therefore this item does not require a collaboration form from the Capital Budget Department.

Responding to Mrs. Good's inquiry about the inconsistency of documents, Mrs. Batista-McNamara-McNamara stated that Agenda Item J-5 dealt with an eminent domain issue.

Mr. Chris Akagbosu, Director, Growth Management, stated that the easement is a template and concurred that there is no conveyance implied because it is called a deed.

Remarking that the district's documents should be boiler-plate, Mrs. Good stated that it would be helpful on the standard sketches from the agencies to know the relationship of the proposed easement areas with the schools' boundaries.

Mrs. Good inquired how the agency is accessing the area if the easement area is fenced.

**Approved in Open Board Meeting, February 15, 2011**

Mr. Lindner responded that there was not an easement on record which resulted in having an engineering survey, to clean up what was on site. He stated that the existing easement area is surrounded by fence.

J-10. Master Recreation Lease Agreement between the City of Deerfield Beach and The School Board of Broward County, Florida (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Rupert and carried, to approve the Master Recreation Lease Agreement between the City of Deerfield Beach, and The School Board of Broward County, Florida. (9-0 vote)

The City of Deerfield Beach desires to lease the five (5) acres of open space acquired by the Board in December 2008. The District purchased this parcel with the intent of relocating the recreational fields displaced by the construction of the classroom addition building at Quiet Waters Elementary School to the parcel.

The City's Parks and Recreation Department desires to fund the construction of a ball field, two multi-purpose fields, lighting and retention areas for the joint use by Quiet Waters Elementary School students and the local residents. The District will provide design services support and participate in periodic and final construction inspections.

This item 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, therefore this item does not require a collaboration form from the Capital Budget Department.

Mrs. Good inquired whether there is an existing lease with the city. Remarking that she would have preferred to see a 20 or 25-year lease with some renewals, Mrs. Good inquired why the district would allow agricultural use on the property and wet/dry retention areas.

Mr. Lindner responded that there is not an existing lease for this property, and the agricultural use is for the construction of athletic fields and retention areas. Mr. Lindner stated that a classroom addition had been constructed on play fields and the district bought an adjacent land, agreeing with the city that the district would buy the land so that the city could have the play fields as long as they were developed. The district did the design work and the city has agreed to the design that was proposed.

Mrs. Good stated that the permitted use for agricultural does not go hand in hand with recreational activities.

**Approved in Open Board Meeting, February 15, 2011**

Mr. Lindner opined that the agricultural use is similar to the food bank project at a Deerfield school and can be used to plant a garden.

Mrs. Good stated that if the city is notified, any improvements constructed or placed within the project must be relocated within 10 days of receipt of the form. Mrs. Good said it does not appear to be sufficient time for the city to relocate any issues that the district may have with any improvements they have made.

Mr. Akagbosu responded that the time period is the standard language in most of the master lease agreements. Mr. Akagbosu stated that the cities have never had any issues with that issue.

Referring to paragraph E., Mrs. Good stated that the city shall be responsible for all contract obligations, contractors hired to construct improvements. Mrs. Good stated this is a very detailed lease and there was no mention of the Jessica Lunsford Act.

Mr. Lindner stated that the property is adjacent to the school property and the school is currently fenced off from this property. Mr. Lindner further stated that the school is not using this area for recreational purposes at this time and they will not be using the area until it is completed. He stated there will be access when the sidewalk is opened.

J-11. Funding and Use Agreement for McNicol Middle School Basketball Courts (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Rupert and carried, to approve the Funding and Use Agreement between The School Board of Broward County, Florida, and the City of Hollywood. Project funding in the amount of \$90,000, is derived from the Adopted District Educational Facilities Plan (\$80,000), City of Hollywood (\$5,000), and the Department of Athletics and Student Activities (\$5,000). Mrs. Gottlieb was absent for the vote. (8-0 vote)

The Adopted District Educational Facilities Plan, 2010-2015, appropriates \$80,000 for sports lighting of basketball courts at McNicol Middle School. Lighting of the courts will contribute to expanded use by students from McNicol Middle School and the community. The City of Hollywood will contribute \$5,000, to the lighting project. In addition, the City of Hollywood will fund all electrical consumption costs resulting from the use of the sports lights at McNicol Middle School. The remaining \$5,000, for the project will come from the Department of Athletics and Student Activities budget. The City of Hollywood approved the Agreement on December 1, 2010.

## Approved in Open Board Meeting, February 15, 2011

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

The financial impact to The School Board of Broward County, Florida, is \$90,000. The source of funds is the Adopted District Educational Facilities Plan (\$80,000, page 78, McNicol Middle School), the City of Hollywood (\$5,000), and the Department of Athletics and Student Activities (\$5,000).

Responding to Mrs. Good's inquiry, Mr. Lindner stated that the district has agreed to put lighting on the courts at McNicol Middle School and the city has agreed to pay the power bill and donate \$5,000 for the cost of installation. The district will in turn let the city use the courts at night.

Mrs. Good stated that the city is asking to be reimbursed for the remaining value of the funded improvement, which is a considerable amount by the district. Mrs. Good stated there is not an explanation as to how this value is going to be determined, or at what point.

Mr. Lindner responded that there are no city-funded improvements at this time. The city is contributing 5,000 to the construction of the fencing and lighting.

Mrs. Good further stated she would like information regarding what partnerships or agreements are held between the school district and municipalities. She said there needs to be standardized period of term for leases.

Discussing electric consumption, Mrs. Good inquired how the city's time of use will be monitored.

Mr. Lindner responded that a separate meter will be used and the bill will go directly to the city.

Mrs. Good discussed the advertisements of leasing the facilities, allowing the city to lease the premises with written consent by the principal. She stated that this issue needs to come before the Board, if the city was to turn around and lease their premises to a third parties. As with advertising, the School Board should be making this determination and not the principals of the schools.

Ms. Murray stated that this community has been waiting for this important and viable project, which is located off Pembroke Road and 28<sup>th</sup> Avenue. This site will provide a safe location for students and offer facilities that will be overseen by the city.

**Approved in Open Board Meeting, February 15, 2011**

Mrs. Good stated it would have been helpful if one of the Whereas clauses could have included the fact that the school district has an existing lease with the city in conjunction and use of the area. She said it is helpful to the new School Board Members to understand what partnerships the district currently has with these municipalities.

- \*J-12. Reciprocal Use Agreement between the City of Dania Beach and The School Board of Broward County, Florida (Approved)

Approved the Reciprocal Use Agreement between the City of Dania Beach and The School Board of Broward County, Florida.

This agreement will allow the City to use School Board facilities and allow the various schools within the City to use City facilities. Without this Agreement, each party would be required to provide proof of insurance and indemnification on a case-by-case basis. This Agreement provides these items and eliminates the need for this continuing repetitive documentation. The City will also be able to utilize school facilities for summer programs and other activities on non-school days.

The term of the Agreement is for five years at no cost to the School Board.

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; therefore this item does not require a collaboration form from the Capital Budget Department.

- \*J-13. Bill of Sale to the City of Sunrise for Water Line at Banyan Elementary School (Approved)

Approved the Bill of Sale to the City of Sunrise for a water line at Banyan Elementary School.

The Bill of Sale is required by the City of Sunrise to provide documentation and cost of the water line materials and equipment to be transferred to the City for the installation of the water line to the Media Center at Banyan Elementary School.

This item 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; therefore this item does not require a collaboration form from the Capital Budget Department.

**Approved in Open Board Meeting, February 15, 2011**

J-14. Amendment to the State Educational Plant Five Year Survey (2009-2014)  
(Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Rupert and carried, to authorize staff to conduct a spot survey and amend the State Educational Plant Five Year Survey (2009-2014), to recommend the disposal of a 0.36-acre vacant parcel, as no longer required for educational purposes. Mrs. Gottlieb was absent for the vote. (8-0 vote)

The Town of Davie purchased land along the southern boundary of the Broward Fire Academy to construct a water and water reclamation facility. As a part of this facility, the Town must locate several water wells to utilize the Floridian Aquifer. One of the locations identified is a 15,650 square foot (0.36-acre) parcel, south of the access drive to the Broward Fire Academy. The current Educational Plant Five Year Survey (2009-2014), and the Florida Inventory of School Houses (F.I.S.H.), reports the site contains 15 acres. A reduction of 0.36 acres will not impact the operational use of the school site. The property has been surveyed and appraised. The Town of Davie has expressed the desire to purchase the property.

Upon the Florida Department of Education concurrence with the Districts recommendation and approval of the Educational Plant Five Year Survey (2009-2014) amendment, staff will prepare a Resolution to declare 0.36 acre parcel on Broward Fire Academy as surplus.

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

Mrs. Good inquired whether the value has been established for the property, and whether the City of Davie is able to purchase the property when the district surpluses the property to the city, per statute.

Mr. Lindner responded that the appraisal is \$100,000.

Mr. Messina informed that the district has the ability to directly sell it to the city.

Mrs. Good stated that she will meet with staff to discuss the process regarding how districts can dispose of property.

\*J-15. Authorize Negotiations of Professional Services Contracts for Continuing Contracts for Cost Estimator Services (Approved)

Approved the selection and authorize negotiations for Professional Services for Continuing Contracts for Cost Estimator Services.

## Approved in Open Board Meeting, February 15, 2011

In accordance with Board Policy 7003 and RFQ No. 2010-31-FC, the Qualification Selection Evaluation Committee shortlisted, interviewed and has selected for Continuing Contracts Cost Estimator Services for approval by the Board as follows:

- C.M.S. – Construction Management Services, Inc.
- ONM&J and Zabik J-V
- Post, Buckley, Schuh & Jernigan, Inc., d/b/a PBS&J

The Division will process the Contracts and recommend award for the continuing 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 is included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015. There is no additional impact; therefore, a collaboration form is not required from the Capital Budget Department.

- \*J-16. Reduction of Retainage – Pavarini Construction Company (SE), Inc. – New Kitchen/Cafeteria Building and Central Utilities Plant – Cooper City High School, Cooper City – Project No. P.000385, (f.k.a. 1931-23-02)  
(Approved)

Approved the recommendation to reduce retainage now being held on Cooper City High School, New Kitchen/Cafeteria Building and Central Utilities Plant, Project No. P.000385, for Pavarini Construction, Company (SE) Inc., from \$467,875 to \$93,575.

In accordance with School Board Policy 7005, the Facilities and Construction Management Department is recommending that the retainage be reduced from \$467,875 to \$93,575.

This project will be brought back to the Board for Final Acceptance and Release of Retainage.

The funds being released totaling \$374,300, are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015.

**Approved in Open Board Meeting, February 15, 2011**

- \*J-17. Reduction of Retainage – Padula & Wadsworth Construction, Inc. – Phase Replacement II – North Andrews Gardens Elementary School, Ft. Lauderdale – Project No. P.000098 (f.k.a. 0521-95-01) (Approved)

Approved the recommendation to reduce retainage now being held on North Andrews Gardens Elementary School Phase Replacement II, Project No. P.000098, for Padula & Wadsworth Construction, Inc., from \$218,938 to \$49,482.

In accordance with School Board Policy 7005, the Facilities and Construction Management Department is recommending that the retainage be reduced from \$218,938 to \$49,482. The amount of \$49,482 is being withheld pending final completion and the installation of smoke doors at Building #5 and #6 (second floor) by another Contractor and the credit change order for \$48,482 for the deleted work. Therefore, the release of retainage to Padula & Wadsworth would be for \$169,456.

This project will be brought back to the Board for Final Acceptance and Release of Retainage.

The funds being released totaling \$169,456 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015.

- \*J-18. Award of Contract – MVP Contractors, Inc. – Facade Improvements for Selected Buildings – Blanche Ely High School, Pompano Beach – Project No. P.000722 (Approved)

Approved the award of a construction contract for Blanche Ely High School, Facade Improvements for Selected Buildings, Project No. P.000722 to the low bidder meeting the bid specifications, MVP Contractors, Inc., in the amount of \$521,700.

**Project Consultant:** Manuel Synalovski Associates, LLC

**Contractor:** MVP Contractors, Inc.

**Scope of Work:** Remove existing stucco from the exterior perimeter walls of the Gymnasium (Building No. 14) and Science Building (Building No. 18). Stucco and paint exterior of buildings. Remove interior walls and ceilings in Science Building and replace.

The amount of the contract shall be \$521,700. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015.

**Approved in Open Board Meeting, February 15, 2011**

- \*J-19. Pre-Qualification of Contractors – Approval of Application and Issuance of Certification (Approved)

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on January 12, 2011, 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:

\*\*Al Hill Plumbing Corporation – Issue Pre-qualification Re-Certification  
\*\*Decon Environmental & Engineering, Inc. (Asbestos) – Issue Pre-qualification

Re-Certification

\*\*Decon Environmental & Engineering, Inc. (General) – Issue Pre-qualification

Re-Certification

Hewett-Kier Construction, Inc. – Issue Pre-qualification Re-Certification

Logitech Construction Group, LLC – Reject Appeal and Not Certify

M Space Holdings, LLC – Issue Pre-qualification Re-Certification

\*\*M.A.C. Construction, Inc. – Issue Pre-qualification Re-Certification

Merkury Development – Issue Pre-qualification Re-Certification

Roth Bros., Inc. – Issue Pre-qualification Re-Certification

TCS Group, Inc. – 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. This item is not affecting the overall budget; therefore, it does not require a collaboration form from the Capital Budget Department.

- \*J-20. Final Construction Documents which include Authorization to Advertise for Bids – Fort Lauderdale High School – Phased Replacement – Project No. P.000687 (f.k.a. 0951-27-01) (Approved)

Approved Final Construction Documents, which include Authorization to Advertise for Bids for Fort Lauderdale High School, Phased Replacement, Project No. P.000687.

**Approved in Open Board Meeting, February 15, 2011**

**Project Consultant:** Manuel Synalovski Associates, LLC.

**Scope of Work:** This Project comprises: demolish existing swimming pool (Bldgs. 15 and 16); demolish existing tennis courts; demolish Buildings 1, 2, and 3; construct two 3-story buildings (one administration and one classroom) of approximately 68,940 gross square feet combined to include administration, three (3) general classrooms, five (5) resource rooms, four (4) science labs and related spaces, 4-classroom ESE suites, one (1) business technology lab, one (1) family and consumer science (ProStart) lab, one (1) health occupations lab, one (1) pre-law public service education lab, custodial spaces, textbook storage, and student, staff and public restrooms. Remodel existing science building (Building 8). Construct new parent drop off and pick up areas and staff/visitor parking. Construct new student parking area on west side of the site to increase parking capacity by 92 spaces. Modify existing temporary bus loop to meet SREF code and ADA standards; ADA modifications will include barricades and covered sidewalk. Remodel existing courtyard for ADA access to gym and auditorium.

Final Construction Documents, which include the advertisement for bids are available for review at the Facilities and Construction Management Division.

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

**K. OFFICE OF CHIEF FINANCIAL OFFICER**

\*K-1. Revision to General Fund Amendment (Approved)

Approved the General Fund Amendment I-3 for Fiscal Year 2010-11.

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 11/30/10.

Recognize changes in Revenues and Appropriations through 11/30/10.

\*K-2. Revision to Special Revenue (Other) Amendment (Approved)

Approved the Special Revenue (Other) Amendment IV-3B for Fiscal Year 2010-11.

**Approved in Open Board Meeting, February 15, 2011**

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 11/30/10.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 11/30/10.

- \*K-3. Revision to Special Revenue – State Fiscal Stabilization (SFSF) Amendment (Stabilization, Education Jobs Act, and State Appropriated Equipment Assistance Food Service) (Approved)

Approved the Special Revenue (SFSF) Amendment IV-3C for Fiscal Year 2010-11.

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 11/30/10.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 11/30/10.

- K-4. Revision to Capital Funds Budget Amendments (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve the Capital Funds Budget Amendments for Fiscal Year 2010-2011. These amendments are as of November, 2010. Mrs. Gottlieb was absent for the vote. (8-0 vote)

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, 2010.

Ms. Dinnen stated that the Professional Services Agreement was terminated on the new cafeteria and kitchen at Plantation High School. Ms. Dinnen stated that this was promised to the community, as it is the oldest cafeteria replacement in the county. She reminded her colleagues that Parkway Middle and Plantation projects were listed for consideration prior to anything else being considered.

**Approved in Open Board Meeting, February 15, 2011**

Responding to Mrs. Bartleman's inquiry, Mr. Lindner stated that the school's program has been modeled after another prototype cafeteria that was successfully feeding their students. Mr. Lindner further stated that approximately 70 percent of cosmetic changes have been made on an interim basis until the cafeteria can be built.

Responding to Mrs. Rupert's inquiry, Mr. Lindner confirmed that the cafeteria at Northeast High School opened today.

K-5. Interim Financial Statements for the Period Ended November 30, 2010  
(Approved)

Motion was made by Mrs. Rupert, seconded by Ms. Dinnen and carried, to approve the Interim Financial Statement for the period ended November 30, 2010. Mrs. Gottlieb was absent for the vote. (8-0 vote)

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.

Responding to Mrs. Rupert's inquiry, Mr. Oleg Gorokhovskiy, Director, Accounting and Financial Reporting, stated that IDEA money comes from the General Fund, as shown on page 2, under Special Revenue, Federal Sources: Other – \$106,665,204. The Other Special Revenue grants include Title I, IDEA, and special stimulus funds. The \$106,665,204 received as of November 30, 2010, comprises the biggest component of IDEA.

Mrs. Rupert requested information regarding where Individuals With Disabilities Education Act (IDEA) is reported in the Interim Financials; how much of Federal Sources: Other is for IDEA; and a breakdown of IDEA expenditures.

K-6. Comprehensive Annual Financial Report for Year Ended June 30, 2010  
(Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve the audited Comprehensive Annual Financial Report for the year ended June 30, 2010. Mrs. Gottlieb was absent for the vote. (8-0 vote)

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

## Approved in Open Board Meeting, February 15, 2011

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-seven years from ASBO and has received the Certificate of Achievement for Excellence for the preceding fourteen years from GFOA. The CAFR was reviewed and approved by the Audit Committee on December 13, 2010. In addition, our external auditors have audited the financial statements and have rendered an unqualified opinion.

There is no financial impact to the district.

Mrs. Rupert requested an explanation regarding the differing enrollment figures for Table 16 on page 165 and Table 20 on page 169, as there is a discrepancy with those enrollment figures. Mrs. Rupert stated that she is not comfortable with two different enrollment figures in a book that is being distributed and the figures contradict each other.

Mr. Gorokhovsky informed that the information on page 165 comes from the National Center for Educational Statistics and the information on page 169 comes from the state of Florida Full Time Equivalent (FTE) account. Mr. Gorokhovsky stated that there is always a minor discrepancy between national statistics and state reports.

Mr. Gorokhovsky said that Mrs. Rupert's observation will be taken under consideration and future reports will be reviewed for this discrepancy.

Referring to page 53, Capital Leases, Mrs. Bartleman inquired what happens to the lease agreements if there is no money to renew the leases.

Mr. Leong stated that the district has a program whereby items are leased but they are not owned by the district; buses are not usually leased under this arrangement and normally computers are leased. Mr. Leong further stated that usually a lease is under the COPs program and another lease program that is entered into with a bank or any creditors for short-term leases, a lease purchase, which is only for five years for computers. At the end of the lease term, the district owns the computer; any current lease agreement with the district is a lease to own. Mr. Leong informed that at the end of the lease term with computers the district receives 5 percent back and said that it is not to the district's advantage to own computers.

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

CC. BOARD POLICIES

- CC-1. Proposed Revised Job Description, Minimum Qualifications and Job Title for the Coordinator, Educational Programming for The School Board of Broward County, Florida (Approved)

Motion was made by Mrs. Gottlieb, seconded by Ms. Dinnen and carried, to approve the proposed revised job description and minimum qualifications for the Coordinator, Educational Programming position for The School Board of Broward County, Florida. This is the first reading. (9-0 vote)

The job description has been updated to more accurately reflect that this position has accountabilities that imply a comprehensive knowledge of the District's facilities planning and programming as it relates to the Educational Plant Survey and the Five-Year District Educational Facilities Plan. Changes to the revised job description have been reviewed and approved by the Compensation Committee, and the Committee is requesting approval by the School Board. See Executive Summary.

There is no financial impact to the district.

Mrs. Good stated that she met with Ms. Diaz who informed her that there is an individual in the position and the job description is being modified to be more in line with the duties that the individual has currently.

Concurring, Ms. Diaz stated that a job study was conducted with the change in job duties and the pay grade was the same, Grade 27, that the individual currently has.

Mrs. Good inquired what the process would be if the study were to reveal that there would be an increase in the pay grade.

Ms. Diaz responded that it would be indicated on the job description with the financial impact to the district, and presented to the Board for approval. The individual would remain in the position.

**Approved in Open Board Meeting, February 15, 2011**

The following individual addressed this item:

Bernie Schultz

Mrs. Schultz informed that the job description was not reviewed and that staff would speak to Ms. Diaz.

Mr. Notter responded that there will be plenty of time for Broward Teachers Union (BTU) staff to review and provide feedback and, if needed, can be modified prior to the second reading of the policy.

- CC-2. New Job Description and Minimum Qualifications for Coordinator, Environmental Resource Management Position for The School Board of Broward County, Florida (Approved)

Motion was made by Mr. Thomas, seconded by Ms. Murray and carried, to approve the proposed new job description and minimum qualifications for the Coordinator, Environmental Resource Management position for The School Board of Broward County, Florida. This is the first reading. Mrs. Rich Levinson voted "no." (8-1 vote)

The job description, Coordinator, Environmental Resource Management, has been created to provide the proper documentation and classification of the work being performed. Through the 2010-2011 Organizational Chart process, the position was identified for a job study. The Compensation Committee has reviewed and approved the new job description and recommended pay grade and the Committee is requesting approval by the School Board. See Executive Summary.

Funding for this position is included in the 2010-2011 Organizational Chart. There is no additional financial impact to the district.

Mrs. Good inquired why a new job description has been developed; whether it will be utilized to promote internally or whether the position will be advertised externally. Mrs. Good voiced concern over hiring an individual during the district's budget shortfall and the possibility of potential cuts.

Mr. Lindner responded that there is a teacher on task assignment who has been performing this function for the past two years. There is a need for this function, as previously the district was contracting it out and a large portion has been brought in house. Mr. Lindner stated that once the job is approved it will be posted for competitive interview and selection. The individual currently performing the function is aware of the intent of the position, and the task assignment position will not be funded next year.

**Approved in Open Board Meeting, February 15, 2011**

Responding to Mrs. Good's inquiry, Mr. Lindner stated that the district has the ability to only advertise internally but not for this position.

Ms. Diaz informed that this is a new position that must be advertised internally and externally.

Mr. Notter informed that there was no job description for the teacher on task assignment. Mr. Notter stated that issues arose regarding the teacher also making additional dollars in the position he was in. Subsequently, a job description was developed so that the roles and responsibilities were detailed.

Mr. Lindner concurred that there is no guarantee that the individual would be selected if he applied for the position.

Mrs. Good inquired what this position entails and why it is needed.

Mr. Lindner informed that the position will entail tracking all environmental permits, managing the grants that involve planning and the Broward Xeriscape and county landscape programs, low-water usage design for schools, and works alongside engineers and architects who do a lot of the district's environmental planning. Also, the individual would be responsible for the reduction of irrigation and the design of the district's irrigation systems that are now using reduced water throughout the county, including products using waste water. Mr. Lindner concurred that the individual would be needed to help in potential cost savings for the district.

Mrs. Rich Levinson stated that she is not inclined to hire new individuals for positions until the Board reviews the Organizational Chart, what jobs can be consolidated and what type of potential cuts need to be made.

Responding to Mr. Thomas' inquiry, Mr. Lindner stated that there is not a position in his department's organizational chart for a teacher on task assignment, however, the person was performing a function in the department that was required and necessary. Mr. Lindner further stated that this was an effort to establish the position in the department, create a job description, get approval and fill the position using the protocol that the district uses in filling positions. The service is already being paid; either the district contacts out for services or an individual is hired to perform the services.

Mrs. Good stated that during these budget times it is necessary to review every job description. Mrs. Good informed that she has visited the district's area that handles the environmental consumption and oversight within the school sites, and praised the tremendous job that is being performed with the minimal staff that is in place.

**Approved in Open Board Meeting, February 15, 2011**

Mrs. Good stated that she would support the item because the individual that would be hired would provide potential cost savings to the district.

The following individual addressed this item:

Billy Davison

A vote was taken on the item.

CC-3. New Job Description and Minimum Qualifications for Executive Director, Facilities Design & Construction Position for The School Board of Broward County, Florida (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve the proposed new job description and minimum qualifications for the Executive Director, Facilities Design & Construction for The School Board of Broward County, Florida. This is the first reading. Mrs. Good, Mrs. Rich Levinson, and Mrs. Rupert voted "no." (6-3 vote)

During the 2010-2011 Organizational Chart evaluation process, the position of Director, Plans/Design was identified for a job study. As a result of the consolidation of two positions (Director, Plans/Design and Executive Director, Design Services) within the Facilities and Construction Division, the accountabilities and responsibilities of the job have expanded and evolved to an executive level job. The Compensation Committee has reviewed and approved the new job description and the recommended pay grade 32. The Committee is seeking the approval of the School Board to update the 2010-2011 Organizational Chart with the new recommended title, job description, and pay grade of the position. See Executive Summary.

Funding for this position is included in the 2010-2011 Organizational Chart. The consolidation of two positions within the Facilities & Construction Division represents an estimated net savings to the District budget of \$106,252.

Mrs. Good expressed concerns to the job description, similar to her comments on Agenda Item CC-2. She inquired why staff is creating the consolidation of the positions and eliminating one position.

Mr. Lindner responded that the contract does not allow the promotion of someone and requires a competitive bid for a job, particularly in this pay grade level. Mr. Lindner explained that there were two positions, one position was eliminated on last year's chart and a person was temporarily appointed to take over that department.

**Approved in Open Board Meeting, February 15, 2011**

Mr. Lindner stated that the person performing those duties is a Director but he has never been placed in the right bargaining unit. Mr. Lindner stated that since the Facilities department has downsized significantly, these two departments need an Executive Director to manage staff.

Mrs. Good voiced concern that a new job description is being created for an employee who will be applying for the position.

Ms. Diaz clarified that the district's salary handbook indicates that if the pay grade is increased by one step the person does not have to interview for the position. That would have been the case if it was raised at all, under Agenda Item CC-1, and the job study ultimately came to the same pay grade. Ms. Diaz stated that this job description is more than one increase and the position would be eliminated. The district will be saving money by consolidating two positions to create one position with far greater responsibility.

Voicing concern over the process, Mrs. Good stated that the intent of the employee is to apply for that position and he will probably be selected.

Mr. Notter stated that he will take the concerns of the Board and meet with the legal department regarding the advertisement, and the information will be provided to the Board prior to the second reading.

The following individual addressed this item:

Billy Davison

For the record, Mrs. Good stated that she is more concerned about the process and understands that Facilities does more than just facilities; they do a tremendous job in the district in a variety of ways in providing support.

CC-4. Revisions to School Board Policy 1341 – Use of Broward County School Facilities for Non-School Purposes (Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Gottlieb and carried, to adopt the Revisions to School Board Policy 1341, Use of Broward County School Facilities for Non-School Purposes, at this final reading. (9-0 vote)

The existing Use of Broward County School Facilities for Non-School Purposes Policy 1341, addresses School Board rules for the use of school facilities by other groups or organizations.

## Approved in Open Board Meeting, February 15, 2011

The changes proposed in the Revised Policy 1341, were brought forward primarily to clarify provisions in the existing Policy, define commonly used terms, automate the application process by using a central database to store information and produce the lease agreement, adjust the fees to today's reality, and add a matrix to identify requirements and clarify the type of charges to be applied to the four (4) categories of users.

The amendment before the Board was reviewed by the Executive Leadership Team (ELT), and presented to the School Board at a Workshop on October 26, 2010.

The revised Policy was approved as to form and legal content by the School Board Attorney.

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

Mrs. Bartleman stated that she met with Mr. Jeff Moquin, Executive Director, Support Operations; and Mr. Notter and Ms. Karen Swartzbaugh at Children's Services Council. She thanked them for working out the issues in this policy regarding the non-profit providing summer programming for ESE students.

CC-5. Proposed Revised Job Description, Minimum Qualifications and Job Title for the Associate Superintendent, Research Development & Assessment for The School Board of Broward County, Florida  
(Approved)

Motion was made by Mrs. Gottlieb, seconded by Ms. Dinnen and carried, to approve the proposed revised job description and minimum qualifications for the Associate Superintendent, Research Development & Assessment position for The School Board of Broward County, Florida. Approval is requested to advertise for this vacant position, after the first reading. This is the first reading. Ms. Dinnen, Mrs. Good, Mrs. Gottlieb, Ms. Murray and Mr. Williams voted "yes." Mrs. Bartleman, Mrs. Rich Levinson, Mrs. Rupert, and Mr. Thomas voted "no." (5-4 vote)

The job description has been updated to more accurately reflect the accountability and responsibilities for the areas of Accountability, Research Services, Student Assessment, and Grants Administration. Changes to the revised job description have been reviewed and approved by the Compensation Committee. The Committee is requesting approval by the School Board. See Executive Summary.

Funding for this position is included in the 2010-2011 Organizational Chart.

## Approved in Open Board Meeting, February 15, 2011

Mrs. Good inquired why there is a need to revise the job description when there is no one currently in the position.

Remarking that the responsibilities have changed, Ms. Diaz responded that Dr. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services, determined upon review of her organizational division that the job duties needed to be updated. Ms. Diaz stated that in order to establish equity within that department it was important to look at the job title and the responsibilities, and the job study resulted in a Pay Grade 32 and the title was changed to Executive Director.

Concurring, Dr. Harrison stated that when she reviewed the job description two years ago Dr. Blasik oversaw Boundaries; Boundaries is not a responsibility and this was changed. Dr. Harrison further stated that the need to reorganize the job description around the duties that the department does was critical. Dr. Harrison informed that one of the biggest areas in that department is Grants and there is not a director for that department. She noted that some of the openings need to be filled because, as the Grants Report indicates, the volume of money the district attracts can be increased.

Dr. Harrison explained that the district has an enormous amount of assessment that is conducted by a three-member department. She stated that one of the responsibilities of the Executive Director is taking over the responsibilities of those positions that have been eliminated over the last two years. Discussing the Diversity Committee, Dr. Harrison stated that the committee reports to a director and the department is down from 8 people to 5 people, with expected reductions. She stated that having a person in this position will help to offset some of the other cuts that will be reviewed across the board in her division.

Mrs. Good stated the department has done a tremendous job in securing almost \$1 million in grants for the district. Mrs. Good stated she spoke with Dr. Harrison regarding the issue of having someone seek out further grants that provide cost savings to the district. She said that based on comments by Dr. Harrison she will support the item.

Remarking that she appreciates the comments by staff, Mrs. Rich Levinson reiterated that she needs to review the Organizational Chart to ascertain how it will take place before she approves hiring another upper-level management position.

Mrs. Rupert inquired about the average salary of the four individuals who are in jeopardy of losing their jobs, once this job description is approved.

**Approved in Open Board Meeting, February 15, 2011**

Dr. Harrison responded that the information will be subsequently provided to the Board. She stated that the positions range from clerical, and from Pay Grade 27 through Pay Grade 30.

Responding to Ms. Dinnen's inquiry, Dr. Harrison stated that when the division was reorganized other responsibilities were shifted to her department. Dr. Harrison stated that because the job description did not match the last reorganization, the job description had to be rewritten to match the duties that Dr. Blasik was responsible for. Dr. Harrison further stated that the new job description is not adding to the organizational chart, and that the job description is a priority for her department and for the district. She said there may be a need to eliminate positions across the board.

Mrs. Bartleman stated that she supports hiring another Research Analyst to collect data which helps access grant moneys, but voiced concern with the creation of an Executive Director. Mrs. Bartleman stated she will not support the position at this time but she would support hiring someone at a lower salary rate if the work load is too much, to ensure that access to grant money is available.

Remarking that the position involves accountability and assessment, in addition to research, Mrs. Good stated that the grants piece requires so much oversight, as every grant is specific and detailed. She stated this is the prime opportunity to seek grants that provide cost savings and that proper staff is needed to oversee the grants in an appropriate fashion.

Concurring, Dr. Harrison stated that she is running the division; 67 charter schools are directly reporting to her division. Dr. Harrison further stated that the responsibilities include overseeing the Diversity Department, accessing Grants and resources that the district is trying to obtain.

CC-6. Policy 4001.1 – Non-discrimination Policy Statement (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mr. Thomas and carried, to approve the recommended revisions to Policy 4001.1, Non-discrimination Policy Statement, at this first reading. (9-0 vote)

Policy 4001.1, Non-discrimination Policy Statement was established in order to provide an education and work environment free from discrimination and harassment. Revisions to the policy align with federal and state guidelines for non-discrimination. Moreover, several sections of this policy have been revised to align with changes made to the Diversity Committee Policy, 1.5. The revisions to the policy were presented to the Board during the December 14, 2010, Board Workshop. As a result of the School Board Workshop, the proposed amendment of the current policy is being brought forward for approval.

There is no financial impact to the district.

Mrs. Gottlieb stated that Broward School District has one of the strongest and most inclusive anti-bullying policies in the country, and it is a model for the state and the nation. Mrs. Gottlieb stated that the policy will continue the district's legacy as a national leader in respecting diversity, promoting excellence and valuing the contribution of every employee. Mrs. Gottlieb further stated that the new policy will be clear that no form of discrimination will be tolerated toward students or employees.

Mrs. Gottlieb thanked her colleagues for supporting this item and being progressive for all students and employees.

The following individual addressed this item:

Billy Davison

- DD. OFFICE OF THE CHIEF AUDITOR
- EE. CHIEF OPERATIONS OFFICER
- FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT
- GG. HUMAN RESOURCES
- HH. ATTORNEY
- II. OFFICE OF THE SUPERINTENDENT
- JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

- JJ-1. Amend Supplemental Services and Terminate Professional Services Agreement - Perez & Perez Architects Planners, Inc. – Phased Replacement – Cooper City High School – Project No. P. 000386 (f.k.a. 1931-99-02) (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to approve an increase of \$183,185, in Supplemental Services and terminate the Professional Services Agreement with Perez & Perez Architects Planners, Inc., Project No. P. 000386, dated October 21, 2008. (9-0 vote)

This project's budget was scaled back significantly requiring a reduction in the scope in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. The scope of the project has been revised to reflect the available funds of \$23,600,000 for construction.

**Approved in Open Board Meeting, February 15, 2011**

The State of Florida legislature has reduced the capital outlay millage from 2 to 1.5 mils. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a 1.8 billion-dollar cut to available funds to the District's Capital Plan. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3, of the Professional Services Agreement. Staff has reviewed this recommendation with the General Counsel's Office.

Staff recommends an increase in Supplemental Services Fees in the amount of \$183,185, for services requested from and provided by Perez & Perez Architects Planners, Inc., to revise its documents to reflect the above-mentioned reduction to the scope of this project in accordance with Article 2.9.14, of the Professional Services Agreement. At a future School Board Meeting, Staff shall recommend that the Board authorize the use of plans prepared by Perez & Perez Architects Planners, Inc., in a design criteria package for the procurement of design/build services to design and construct the revised project.

The original Agreement includes fees of \$4,114,564 for phased replacement. Perez & Perez Architects Planners, Inc., has been paid \$652,759 to date. Upon approval of this item, Perez & Perez Architects Planners, Inc., shall be entitled to a final payment of \$270,962, resulting with a final contract amount of \$923,721. The funds released by this Termination will remain in the project budget.

Funds for the completion of this project are in the Adopted District Educational Facilities Plan 2010-2011 to 2014-2015, page 89. Funds released by this Termination, totaling \$3,190,843 will remain in the project. There is an additional financial impact of \$108,185 for Supplemental Services.

The following individual addressed this item:

Billy Davison

**KK. OFFICE OF CHIEF FINANCIAL OFFICER**

Following the Commissioner's Business Recognition Presentation, the following Attorney-Client Session commenced at 11:51 a.m.

**Announcement by Chair**

"The School Board of Broward County, Florida, will meet in an Attorney-Client Private Session in accordance with Florida Statutes, Section 286.011(8), today January 25, 2011, 11:51 a.m. The Attorney-Client Session will be held in the Board Room of the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

"The purpose of this Attorney-Client Session is for the School Board and Counsel to discuss pending litigation relative to the following case: Joyce Collette, as Personal Representative of the Estate of Amanda Grace Collette, on Behalf of the Estate and Its Lawful Survivors, to wit: Joyce Collette, Surviving Mother, and Thomas Edward Crowther, Surviving Father vs. The School Board of Broward County Case No.: 10-015587 (25), before the Circuit Court of the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida. A Certified Court Reporter will record the entire session.

"The following persons will attend the Attorney-Client Session: Chair Benjamin J. Williams; Vice Chair Ann Murray; Members, Robin Bartleman, Maureen S. Dinnen, Patricia Good, Jennifer Leonard Gottlieb, Laurie Rich Levinson, Nora Rupert, David Thomas; Superintendent James F. Notter, Eugene K. Pettis, Esq.; and Marylin Batista-McNamara, Esq.

"Telephone Conferencing or other telecommunications technology may be used in the conduct of this Attorney-Client Session to permit absent Board Members to participate and to be heard by other School Board Members and Counsel."

The Attorney-Client Session recessed at 12:45 p.m. The Regular School Board meeting reconvened at 1:30 p.m., with the delegation of Speakers.

**Adjournment** This meeting was adjourned at 5:11 p.m.

RT