

Approved in Open Board Meeting, February 17, 2010

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

February 2, 2010
Tuesday, 10:15 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:15 a.m., Tuesday, February 2, 2010, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Jennifer Leonard Gottlieb; Vice Chair Benjamin J. Williams; Members, Robin Bartleman, Maureen S. Dinnen, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, Dr. Robert D. Parks, Kevin P. Tynan, Esq., Superintendent James F. Notter, and Edward J. Marko, Esq.

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

Ms. Dinnen requested a moment of silence, which was observed, in memory of Cara Dyan Catlin, a Freshman student at Northeast High School who recently passed away as a result of an automobile accident.

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

January 12, 2010 – Special – Student Expulsions
January 12, 2010 – Regular School Board Meeting

Added Items (9 speakers)

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

Mrs. Gottlieb informed that beginning with the February 17, 2010 Regular School Board meeting, the Committee Reports will begin at 1:00 p.m. and public Speakers will begin at 1:30 p.m. These changes will be advertised to provide notice to the community.

SPECIAL PRESENTATION

Discovery Education Recognizes Broward County Public Schools

Ms. Gottlieb introduced Mr. Andy Shafer, Vice-President, Discovery Education, who will present the One-Millionth-View Certificate to the district for their outstanding achievement in reaching the milestone of one million digital educational videos viewed.

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Mr. Shafer stated it was a pleasure and an honor to be present before the School Board, district leadership, educators and caring parents of Broward County schools. He introduced Mr. Philippe Cousteau, Discovery Education's Chief Environmentalist and President of EarthEcho International; Kristy Hill; Connie Rechner; Amy Noer; Kelly Vickers-Gay; Justin Karcow; and Steven Wakefield, Discovery Communications.

Mr. Shafer, who remarked that many individuals know Discovery Education from its many television networks, including the Discovery Channel, Animal Planet and the Science Channel, stated that education is the DNA of Discovery Communications and its founder, John Hendricks. As the number one non-fiction media company in the world producing content in dozens of languages, Discovery has a nearly endless supply of engaging multi-media to provide to schools.

Mr. Shafer congratulated the School Board for embracing technology for the purpose of increasing student achievement and for reaching one million lifetime on-demand views of Discovery Education streaming. He informed that more than one million times a Broward County educator has captured a teachable moment by logging on to Discovery Education and shared an engaging video clip to further the learning process. Consuming, processing and learning from digital media in many forms simultaneously is how today's tech-savvy students function.

Mr. Shafter stated that since piloting this service in a handful of schools in 2005, Broward County educators have worked hard to provide engaging 21st Century classrooms that are now demanded by 21st Century learners. Mr. Shafer stated that Dr. Jeanine Gendron, Director, Instructional Technology, and all of the media, curriculum and technology experts of Broward County have spent many hours weaving Discovery's digital content into the BEEP portal. While ensuring educators have the appropriate techniques and strategies to use these tools to their fullest potential, the School Board implemented policy that allows them to be used effectively. In addition to providing innovative technology, infrastructure and professional development, one million on-demand views of Discovery Education streaming would not be possible without the committed teachers of Broward County and their willingness to embrace new technology and improve student achievement.

More than 940 Broward County Educators have joined the Discovery Educator network, a global community of more than 120,000 teachers who commit their own time to share best practices and learn from their colleagues.

Broward County School District has amongst the most dedicated and passionate educators in the world. In August of 2009, one of those teachers logged on to Discovery Education and shared the one-millionth on-demand video with her classroom. This milestone was achieved by Broward County in just three years, faster than any district in the country. More than 60,000 schools utilize Discovery Education streaming but many are new to this technology. Mr. Shafer stated that this occasion was marked by filming Superintendent Notter at Olsen Middle School for a 30-second commercial highlighting educational excellence in the district.

Also to mark the occasion, Mr. Cousteau visited students at two Broward Schools today. Mr. Cousteau is the son of Jan and Philippe Cousteau, Sr. and grandson of Captain Jacques-Yves Cousteau. As a member of the legendary Cousteau family, Philippe is continuing the work of his father and grandfather through EarthEcho International, a non-profit organization he founded with his sister and mother. Philippe currently serves as a chief spokesperson for environmental education for Discovery Education, work with Planet Green and Animal Planet on various ocean and water initiatives, including Oceans Deadliest which he completed after his co-host Steve Irwin was fatally wounded during their expedition. He is the host of Ocean Series, a new high definition Discovery Channel BBC co-production premiering in 2010 that explores the state of our world's oceans and major seas. Most recently, Philippe and his sister Alexandra co-hosted Planet Green's Blue August, a dynamic month of content that engages every viewer in the awe and mysteries of the aquatic, from the majesty of our oceans to the critical issue of clean drinking water.

Mr. Cousteau thanked the School Board and Superintendent, administrators, teachers and parents for allowing this presentation. He applauded the Board for embracing this type of technology and empowering the teachers, because today the average 18 year old spends 53 hours engaging with new media every week; that is part of their lives and that is how they are learning today. To be able to offer them this kind of multimedia engaging and interactive technology is proof that this is being used by the teachers and students. Mr. Cousteau relayed his visit this morning at South Broward High School, and said this afternoon they will visit New River Middle School. He stated there were 400 to 500 "kids" in the audience and they were all so engaged; the questions they asked were spectacular. Mr. Cousteau said the students in the marine magnet program were remarkable, those who are engaged in the shark club, shark research with the University of Miami, doing river and beach cleanups, to engage in science about coral reef mapping, and many other projects.

Mr. Cousteau informed that he has spent time all over the country, all over the world working with young people through the organization that he runs, EarthEcho International and, of course, having the opportunity and privilege to work with Discovery, which has to be one of the most dynamic groups. The students discussed the projects they were engaged with, making a very professional presentation at the end of his presentation. Mr. Cousteau said he learned about what they were doing and it was amazing and it is a testament to the district's vision and how Discovery and this kind of interactive learning can really engage this new world. He said this new generation of 21st Century learners, with Facebook and Twitter, and all these things that are moving quickly but are such an important part of the learning medium.

Mr. Cousteau relayed a story from his youth, when he was 13 with his 83 year-old grandfather, a visionary man who knew all about what the current games kids were playing, such as Game Boy. His grandfather understood that this is how young people are learning and what powerful tools they could be to engage the next generation, being part of the solution.

Mr. Cousteau thanked the district for their vision.

A few seconds of the video clip was presented, A First Look at Earth, Continental Drift.

Mr. Shafer introduced Ms. Bobbie Knauer, Sunshine Elementary teacher, who viewed the One millionth On-Demand video from Discovery Education streaming in Broward County, and Principal Dr. Lewis Jackson. Ms. Knauer accepted the certificate signed by Discovery Education President Bill Goodwin and Superintendent Notter, along with a Classroom gift set from Discovery as tokens of appreciation.

Dr. Jackson thanked Mr. Shafer for the Discovery Education program, and thanked the Board for having the foresight to see what could happen, using programs that teachers use several times a day to give students the background knowledge in many areas. He praised the work of Mr. Cousteau throughout the world. Mr. Jackson stated his claim to fame is being Principal of Sunshine Elementary and the school who was the millionth click on Discovery Education.

Dr. Parks noted that Dr. Jackson has the distinct pleasure of being one of the first three Nationally Board Certified Teachers in Broward County.

Mr. Shafer stated the school district is a testament to visionary leadership, passionate and caring teachers, and the willingness to embrace new technology.

A video presentation was shown to the Board Members and audience, which will be aired on Comcast networks over the next few months, showing the leadership of Broward County School District in the use of technology to transform educational learning.

Mr. Shafer invited Board Members to continue this commemoration at the Museum of Discovery and Science this evening, beginning at 6:00 p.m.

Mrs. Gottlieb, Superintendent and Board Members accepted the award, followed by a photographic session with Mr. Cousteau.

REPORTS

District Advisory Council – Jeanne Jusevic

Ms. Jusevic voiced concern over the change in time of the Committee Reports to the Board to 1:00 p.m. as many parents work and are unable to attend.

Ms. Jusevic reported that DAC met on January 13, 2010; a presentation was given by the ESOL department on the programs available to English Language Learners. A second guest speaker from Broward County Census Bureau spoke to DAC for 15 minutes regarding upcoming events and why the census is extremely important, and how to speak to undeserved populations about the importance of filling out the census.

A motion was made from the South Area that was adopted unanimously, when the district knows that a school is sited as possibly being involved in the boundary process that a meeting be called within 10 days after the 20-day count at the affected schools and matriculating schools to bring awareness to the community. Mrs. Jusevic stated the discussion on this motion resulted in the lack of public notice to individual schools and the fear that some principals have in getting information regarding the boundary issues to their respective communities, and the lack of balanced community input during the public boundary discussions. In addition, many communities felt left out of the process because the district did not follow its own procedures for community speaking which allowed only one community to be heard.

Mrs. Jusevic further reported that communication and senior and middle management's inability to communicate with stakeholders is a reoccurring theme this year. A live survey will be conducted on a multitude of issues to get a real feel for a stakeholders' point of view – www.browardadvisory.org.

Mrs. Jusevic stated that DAC is ready and willing to give good advice and help get information to parents with explanations. DAC will meet with staff to craft a public engagement process that will assist DAC and advisories in getting information to parents in a timely manner. School Board Members and Mr. Notter were invited to the February 10, 2010 DAC meeting at the Sunrise Room, Central South Area Office, beginning at 6:30 p.m., to talk about issues of concern and the upcoming Legislative Session.

Mrs. Bartleman informed that she was unaware of the high school schedule change and she is receiving complaints from students and parents. She requested that a statement needs to be released to the Board and the public as to what changes were made, why a policy change was not made, if applicable. Mrs. Bartleman stated that the pros and cons of this plan need to be explained, as no information is available to explain to parents why the district is doing this. Mrs. Bartleman further requested if parents are not able to attend the Board meetings, that a time agreeable to everyone needs be made. She stated the School Board wants parents in attendance.

Concurring, Mrs. Gottlieb stated if the time is not working the Board will revert to the previous schedule.

ESE Advisory Council – Robert Mayersohn

Mr. Mayersohn reported that ESE Advisory held a meeting on January 25, 2010 which was well attended by a blend of over 60 parents, advocates, and school and community members. Two surveys were presented to the membership: the 2009-2010 ESE Parent Needs Assessment Survey and the Florida Department of Education survey. The Parent Needs Assessment Survey is extremely valuable in developing the 2010-2011 ESE parent workshops and the DOE survey is designed to provide the state with information on how well schools are supporting parents' involvement in their child's education. Parents can go online to www.ESEsurvey.com to complete the survey.

The meeting centered on two major areas of concern. First, the federal lawsuit filed in 2005 in which the School Board is a defendant regarding the provision of services to students identified with Autism Spectrum Disorder (ASD). The federal court has entered an order requiring the school district to make available for inspection to the plaintiffs education records for all ASD students from August 2000 to the present. Although the district filed several motions in an attempt to prevent affording the plaintiffs access to the educational records of the ASD students, those motions were denied.

The membership was informed that the district would be mailing a letter to notify parents that the district has been ordered to release the Educational Records of their child. If parents objected they would have 15 days from the mailing of the letter to file a motion with the court objecting to this discovery.

Mr. Mayersohn further reported that the second portion of the meeting focused on a January 6, 2010 Wall Street Journal Article, Special-Ed Funds Redirected; School Districts Shift Millions of Dollars to General Needs After Getting Stimulus Cash (Attached to the Committee Report.) The article referred to a provision in federal law that allows some school districts to spend millions of dollars of special education funding elsewhere, and Broward County was one of those districts.

Mr. Notter gave a brief overview to the membership of the IDEA Stimulus Funding process and how the district is using the allotment of those dollars to cover a shortfall in Special Education related services that are not part of the regular IDEA Grant fund. The Superintendent also expressed that the IDEA Stimulus dollars allowed the district to allow programs such as teacher training workshops and transition programs, as well as add 21st Century technology equipment and software.

Mr. Notter and Mrs. Bartleman emphasized the importance of the ESE Advisory parents to contact legislators in Tallahassee, especially in this election year, to encourage them to adequately fund Special Education.

The next ACE meeting will be held February 17, 2010, 10:00 a.m., at Baudhuin Pre-School. The next ESE meeting is February 22, 2010, 7:00 p.m., at Piper High School.

A comprehensive written report was submitted to the Board.

Broward County Association of Student Councils and Student Advisor to the Board - Eti Raz

Eti informed that several students throughout the county are upset about the new scheduling policies and the new Word Wall and agendas that high school classrooms must have, which is a distraction on the wall and takes time away from teachers.

Eti reported that the county chapter of National Honor Society is holding a Dodge Ball tournament at Lockhart Stadium, with proceeds going to Special Olympics.

Broward Student Leaders Day, whereby each high school sends 12 Juniors who pass the FCAT as Sophomores to Nova – Southeastern University on March 8, 2010, 8:00 a.m. to 2:30 p.m. Workshops and speakers will be held during this “cool” event.

The next BCASC meeting will be held on February 18, 2010, at Stranahan High School, 1:30 p.m., with speaker Bud Chiles, son of former Governor, now deceased, Lawton Chiles. Mr. Chiles will speak about the First to Worst campaign and an organized walk may take place after the meeting.

The Outstanding Senior Leaders Banquet will be held on Wednesday, March 10, 2010, Signature Grand. Each high school nominates 4 outstanding Senior leaders who made a difference at their high schools.

Eti reminded the Board that the Rally in Tally will be held. He stated that funding for the trip is limited and BCASC is looking for donations to help send student leaders to Tallahassee for this annual event.

Broward Education Foundation – Jorene Jameson

Ms. Jameson reported that BEF held a luncheon meeting with School Board Members.

Ms. Jameson discussed the Education First campaign whereby all employees of the school district are asked to enroll in payroll deduction to support the foundation. This year has been historic because it is the most amount of money that has been raised from employees, despite the economy. The foundation’s pledged commitment is \$100,000 by 4,600 employee payroll deductions, over 34 percent from last year.

Ms. Jameson informed the Board that BEF has awarded over \$26,000 to 34 projects submitted by teachers throughout the school district. 80 projects were submitted for innovative teaching ideas, grants that help teachers do innovative projects in the classroom, and several teachers teamed together to submit a project. Ms. Jameson stated that the BEF annual Expo event will be held on Saturday, February 6, 2010, 8:00 a.m. to 3:00 p.m., Nova-Southeastern University. Over 400 teachers will be attending this day-long event at their expense, or their school’s expense, to attend workshops on innovative teaching ideas and curriculum.

Responding to Dr. Parks’ inquiry, Ms. Jameson stated in the payroll deductions program the money goes into a fund that supports several programs, the Teacher Fellowship Program.

BOARD MEMBERS

Mrs. Kraft informed her colleagues that every year for the past three years the City of Coral Springs has sponsored a Teen Political Forum, a successful event that is open to students who live in Coral Springs or attend a high school in the city, and open to charter schools and private schools. City Commissioners and other elected officials also attend. Mrs. Kraft urged other municipalities to duplicate this event and she encouraged the City of Coral Springs to take this program to the League of Cities.

Mrs. Kraft discussed the use of a Word Wall in classrooms. She inquired whether the district can provide information to the Department of Education when there are mandates that may or may not have any significant benefit.

Mrs. Kraft stated that Kids Voting provided an event last year that the Board participated in. She requested an update as to whether the district will be participating this year.

Eti informed the Board that students are excited about Teen Political Forum, as they can meet with Board Members, representatives and commissioner and feel they can be heard.

Mrs. Hope reminded everyone that February is Black History Month.

Mrs. Hope visited the Central Area Advisory meeting on January 22, 2010, a large turnout by parents who were provided information on the Census 2010 in schools and the Haitian Relief effort underway in Broward County.

Mrs. Hope praised the talent at South Plantation High School and said students showcased a skit simulating passengers on a bus.

Mrs. Hope stated that Juan Ortega, senior, Cypress Bay High School, was her groundhog shadow on February 2, and they visited the district's warehouse where some of the supplies are stored for the Haitian Relief. She thanked Juan for coming out again, his second year as her shadow. Mrs. Hope thanked all schools who participated in the Haitian Relief. (A video presentation was shown of the relief effort).

Mr. Israel Canales, Manager, Administrative Site Operations, informed the Board that as of this morning the total relief effort yielded 400 pallets, 160 tons of collected items. 20 pallets were delivered this morning to Food for the Poor charity in Coconut Creek, and tomorrow 60 pallets will be delivered. Contact was also made with Hope for Haiti so delivery of pallets can be made to them.

Mrs. Hope showcased missing child Tyler Allen, born July 1, 1995, and missing January 6, 2010, from Fort Lauderdale. Anyone with information, please call your local police or the National Center for Missing and Exploited Children.

Ms. Murray informed that lapel pins were provided to the Board Members, with proceeds of the sale going to help victims in the Haiti earthquake. The original hat-house design was made by a first grade student at Atlantic West Elementary School. Many high schools are holding fundraisers for victims of the Haiti earthquake.

Ms. Murray stated that the following schools in District 1 have been proactive in soliciting grants: Apollo Middle School received \$450 and \$485 grants from the Kids in Need Foundation; Driftwood Middle School has received a \$500 grant award from Florida Atlantic University; Hollywood Hills Elementary received a \$1,500 Target Corporation grant that will help with reading and encouraging young children to read with their families. Additionally, Lake Forest Elementary received a \$1,500 grant from Target for the Music Day project; Sheridan Park Elementary received a \$100 grant from the American Institute of Aeronautics and Astronautics Foundation to explore science, technology and engineering; and the Quest Center received a \$5,000 grant award from AT & T to provide autistic and intellectually disabled students with opportunities to practice social skills in a natural environment.

Ms. Murray reported that Hallandale Elementary has been collecting money for the construction of the new building for the Joe DiMaggio Children's Hospital scheduled to be open in late 2011. Almost \$2,000 has been collected.

Ms. Murray informed that Be Right Back, a new program this year in Broward schools, is a collaboration between three technical centers and the district's alternative high schools. This is designed to re-engage students at the risk of dropping out of school. This program is in conjunction with the Princeton Review and students can earn a standard high school diploma rather than a GED.

The City of Hollywood is sponsoring the Relay for Life and a 5K Run/Walk that will be held at Arts Park in Hollywood on March 6, 2010 as part of the City's Relay for Life effort. She and Mrs. Gottlieb are co-chairs of that event.

Congratulations was extended to Hollywood High School Band Director Chandler Wilson who won the Florida Band Masters prestigious Tom Bishop Award. This award is given annually to a band director that has made a positive impact to a music program in a short amount of time.

Ms. Murray informed that 4th and 5th grade students at Nova Blanche Forman Elementary took part in a technological version (digitally) of the election process, illustrating how they were going to enhance the school and promote student achievement. 18 speeches were prepared as a movie so it can be housed on the school's server and websites, thus allowing teachers and students to view the 30 minute production. This two-week process resulted in the election of six competent officers by staying green and discouraging the use of paper.

Congratulations was extended to Ms. Joan Kessler, a College Academy mathematics instructor for being chosen to be a speaker at the 2010 T3 (T Cubed) Teachers Teaching with Technology international conference.

Ms. Murray stated there are many positive things going on in Broward schools. She expressed gratitude to teachers and staff for making a concerted effort in working with students to bring out the best in them.

Ms. Dinnen informed her colleagues that she visited New River Middle School and students were thrilled to listen to the presentation by Mr. Cousteau. She stated that the Museum of Discovery and Science has praised the school district, indicating how easy it is to work with staff, Board Members and the Superintendent.

Ms. Dinnen attended the Children and Youth Cabinet meeting in Tallahassee, discussing the state of children with topics such as breaking the barriers between departments and agencies. She stated that data on children is not being shared by the DOE with the Juvenile Justice Department and other agencies. In addition, budgets are reviewed. Ms. Dinnen informed that 18 percent of Florida children are below the poverty level in 2007, by the end of 2010 it may be as high as 25 percent. She stated that most of the exchange and review about the child is through health, family, community and school readiness.

Ms. Dinnen stated she was impressed with the students and their efforts in the Haitian Relief.

Congratulations was extended to new principals in District 3: Ms. Priscilla Ribeiro, New River Middle School and Mr. Angel Almanzar, Seminole Middle School, who replaced veteran principals and are doing an outstanding job. Ms. Dinnen visited Wilton Manors for the opening of their City Hall.

Ms. Dinnen informed that the Downtown Council of the Fort Lauderdale Chamber of Commerce will hold a St. Patrick's Day festival and parade this year, and the district may assist in the loan of a truck for their parade.

City of Oakland Park held their School City Breakfast which was very well attended, including principals and assistant principals of Oakland Park schools.

Ms. Dinnen stated that the League of Cities has 4 scholarships to present this year. The deadline for submission is February 16, 2010.

The Broward Historical Commission and Museum has a new headquarters at the old Westside Grade School, near the Sailboat Bend area. A reception will be held on Thursday, February 4, 2010 at 4:00 p.m.

Gratitude was extended to staff for providing information on Agenda Item G-1, that teachers are in subject areas for which there is no surplus and/or layoff teacher in that certification area that could be placed in these positions.

Mr. Williams announced and congratulated Parkway Middle School student Jermaine Johnson for winning the National Magnet Schools Poster Contest, sponsored by Magnet Schools of America and part of the celebration of National Magnet School Month. This initiative highlights and promotes magnet schools across the country and takes place in January.

Mr. Williams reported that Blanche Ely High School Band won 1st Place in the state Band competition.

Mr. Williams stated that tomorrow evening the Haitian community and 3 councilmen and national individuals from Haiti will meet at the K.C. Wright Board Room to discuss the portables project.

Ms. Dinnen praised Mr. Williams for his initiative in the portables project, as it has spread throughout the state of Florida.

Dr. Parks provided copies of the Go Red for women, a recipe collection provided by Merck to the Wellness Committee.

Discussing the innovative programs at Norcrest Elementary School, Dr. Parks stated when the Board approved the innovative programs the intent was to attract students from private schools, other magnet schools, and charter schools. Dr. Parks stated that he has worked with Lighthouse Point Mayor Fred Schorr, Norcrest Elementary School PTA, faculty and administration on an educational marketing strategy of how to recruit students back to their local public schools. He stated this is the creation of a template for other innovative programs that they can use to market their schools.

Dr. Parks informed his colleagues that he has served on the board of the Sample McDougal House, a large house that was placed on property that the City of Pompano Beach gave to the school district. Dr. Parks stated that the community is providing resources such as electricity and plumbing and will be similar to the Blanche Ely house in Northwest Pompano. This instructional and educational environment is an example of how groups can come together and work in partnership.

Dr. Parks informed that an open house was held for the magnet program at Pompano High School which now has a waiting list of between 600 and 800 students.

Dr. Parks stated that the Apple Distinguished Award is reserved for schools that have become centers of educational excellence and leadership, consistently demonstrating best practice qualities of the 21st Century learning environment while utilizing Apple technology. Dr. Parks stated on April 9, 2010 a teleconference will be shown to the Board; presenting Pompano with this award. Dr. Parks noted there are only 54 countries in the nation that get this award and only five in the state of Florida.

Pompano High School's volleyball team received the Florida High School State Athletic Association's Academic Team championship award since finishing their season with a team GPA of 3.416, ranking 7th in the state of Florida.

Mrs. Bartleman informed her colleagues that on January 14, 2010, the Chef Odis Herring Food Court opened at Sheridan Technical Center. Chef O cups can be purchased, with proceeds going to a scholarship for students participating in a culinary program.

Mrs. Bartleman congratulated and thanked the Plantation Steppers who performed at the Dr. Martin Luther King, Jr. breakfast. She thanked organizers of the Dr. Martin Luther King, Jr. parade and walk, including Mr. Williams and his wife. An 11-year old student from Texas spoke at the event.

Mrs. Bartleman reported that the Superintendent and district staff has done an outstanding job coordinating the Haitian Relief effort. Meetings have been held with Broward County Health Department, Children's Services Council and other agencies to help children come into the school system. Mrs. Bartleman praised the coordination among agencies in the county, and said it is a role model for other areas.

Mrs. Bartleman attended the opening of Feeding South Florida, formerly known as the Daily Food Bank, whose warehouse is now open in Pembroke Park. Mrs. Bartleman stated there is an "amazing" teacher store that is going to be open to Title I teachers, similar in size to a CVS or Walgreen's drugstore, and there will be free items for all teachers. Mrs. Bartleman stated that a meeting will be held with the Broward Education Foundation so as not to duplicate efforts and coordinate, since the district has its own teacher bank.

Mrs. Bartleman announced that according to a recent Florida Impact report Broward is in 2nd place statewide for having the most unused federal dollars (\$19 million) for school breakfast. Mrs. Bartleman stated this figure is lower than Miami-Dade and Palm Beach counties. She requested that this issue be reviewed so the district can take advantage of those unused dollars.

Mrs. Bartleman praised Dr. Lewis Jackson and Sunshine Elementary School for their educational leadership and attaining student achievement.

Remarking that she will not attend the Federal Relations Network (FRN) conference in Washington, D.C. due to the cost, Mrs. Bartleman stated that Ms. Ruth Melton, Florida School Boards Association, will be sending her information. Mrs. Bartleman stated she will organize phone conferences with the education aides in Washington, D.C., and will review the Legislative plan with everyone.

Mrs. Bartleman discussed speaking with Richard Cantlupe, Westglades Middle School student regarding AYP and exemptions for ESE students. Mrs. Bartleman stated there will be meetings to discuss changes that need to be made regarding an individual's growth, invalidating tests, including changes in FCAT administration.

Mrs. Bartleman praised the Haitian Relief effort in the district and the need to donate time and money to the Ronald McDonald House, located near the Broward Health Center. The Autism Walk Kick-Off event will be held on Thursday, February 4, 2010, at the Signature Grand.

Mr. Tynan informed his colleagues that the West Broward High School Girls Soccer Team won the District 12 6A Championship.

Discussing the JROTC program, Mr. Tynan stated that Everglades and West Broward high schools recently underwent their three-year formal U.S. Army inspection; both schools scoring above the 96 percent cutoff to receive the Honor Unit with Distinction, the highest possible ranking. West Broward High received the highest score of 98.5 percent, very impressive for a school which just began this program.

Mr. Tynan suggested that at the Board Workshops Board Members hold their questions past the presentation, which may speed up the process.

Speakers

No speakers were in attendance.

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

CONSENT ITEMS

A. RESOLUTIONS

- A-1. Resolution in Support of Women's History Month – March 2010
(Adopted)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to adopt Resolution #10-56, in support of Women's History Month – March 2010.

Ms. Dinnen said she looks forward to a time when no particular group in America is highlighted, that American History can be taught and it includes everyone, women and men, who have made contributions. She stated this resolution is an example for young women to aspire to what other American women have accomplished.

Mrs. Kraft informed her colleagues that during her recent trip to California she toured the Hearst Castle which was designed by a woman architect, Julia Morgan, in 1919. Remarking that Women's History Month did not exist while she was in school, Mrs. Kraft stated there are many significant individuals in history and this is an opportunity to single out their contributions.

Ms. Murray stated that credit is due for women.

Ms. Dinnen noted that women have not yet had the vote in America for 100 years, the vote having been granted through the 19th amendment in 1920.

- A-2. Resolution in Support of World Languages Month – March 2010
(Adopted)
Adopted Resolution #10-57, in support of World Languages Month – March 2010.

- A-3. Resolution in Support of Music in Our Schools Month – March 2010
(Adopted)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to adopt Resolution #10-58, in support of Music in Our Schools Month – March 2010.

Mrs. Kraft discussed the irony of having a Resolution in Support of Music in Our Schools Month during the same month that the All County Music program is not being held. Mrs. Kraft stated she spoke with a senior at the Teen Political Forum, which was held at Coral Springs High School, who indicated that he did not get to participate in All County Music this year, his last opportunity to participate. She requested that the program be resurrected for next year and include suggestions that were previously discussed by the Board. In addition, that plans begin now for next year's program, looking at school sites or other venues as an alternative, and include in the Facilities policy a reduced rate when the use of facilities for events is used.

- A-4. Resolution in Support of Black Family Technology Awareness Week – February 14-20, 2010
(Adopted)

Adopted Resolution #10-59, in support of Black Family Technology Awareness Week – February 14-20, 2010.

B. BOARD MEMBERS

D. OFFICE OF THE CHIEF AUDITOR

E. CHIEF OPERATIONS OFFICER

- E-1. Business Associate Agreement with Northwest Medical Center, Inc., d/b/a Northwest Medical Center
(Approved)

Approved the Business Associate Agreement between The School Board of Broward County, Florida, and Northwest Medical Center, Inc., d/b/a Northwest Medical Center.

The federal regulation for the Health Insurance Portability and Accountability Act (HIPAA), effective April 14, 2003, guarantees individuals access to their own medical records and gives them more control over how their protected health information (PHI) is used and disclosed.

The legislation requires covered entities to enter into formal agreements with any parties in which they communicate confidential medical information.

The District's Health Science Education programs provide secondary and postsecondary career technical students with clinical learning experiences through contractual agreements with hospitals, nursing homes, and other facilities. Students participating in these programs will handle confidential medical information and PHI under HIPAA.

This Business Associate Agreement delineates the obligations and activities of the entities, permitted use and disclosure of PHI, and indemnification.

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

There is no financial impact to the school district.

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

F-1. Contract Amendment with District 10, Department of Children and Families, Substance Abuse and Mental Health Program Office (SAMHPO) (Approved)

Approved amendment #003 to contract with District 10, Department of Children and Families, Substance Abuse and Mental Health Program Office.

On August 8, 2008, the School Board approved a contract with the Department of Children and Families (DCF) for a three-year award totaling \$1,603,983. The funding was provided to support specific suicide prevention activities, to fund a behavioral specialist at Wilton Manors Elementary due to the large number of shelter and foster care students served at the school, and to provide family counselors to work with students attending the alternative to external suspension sites. The amendment to the contract provides for:

- Decrease in funding in Children's Mental Health for year two (2009-10) and year three (2010-11) from \$543,661 by \$31,262; resulting in a total of \$503,999 for 2009-10 and 2010-11. This reduction is taken from DCF Children's Mental Health Prevention and Intervention Program portion of the allocation. There is no anticipated impact on student services as the services funded are new services that have not been fully implemented. Reduction in funding related to decrease in funding in the district.
- Several changes in the language and details of the contract. Specific changes are outlined in pages 1-3 of the amendment.

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

This agreement will be executed by the Department of Children and Families after School Board approval.

The financial impact to the district is a decrease in funding totaling \$62,524.

F-2. Grant Applications (Approved)

Approved the submission of grant applications to:

- A. American Institute of Aeronautics and Astronautics Foundation Classroom Grant, \$191
- B. Delta Kappa Gamma Educational Foundation, \$2,500
- C. FPL Group Foundation, \$1,000
- D. Kids in Need Teacher Grants, \$500
- E. Jim Moran Foundation, \$6,020
- F. Lennar Foundation, \$29,500
- G. NEA's Books Across America Library Books Awards Program, \$6,000
- H. Pre-Disaster Mitigation Program, \$3,000,000
- I. State Farm Good Neighbor Service-Learning Award Grant Program, \$9,496
- J. The Wal-Mart Foundation, \$1,000

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

The positive financial impact is \$3,056,207 from various sources. Except for the required \$1,000,000 cash match for the Pre-Disaster Mitigation Program, which has already been allocated from the General Roofing Fund for the proposed projects, there is no additional financial impact to the district.

F-3. Interagency Agreement between The School Board of Broward County, Florida, and Children's Services Council of Broward County (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Hope and carried, to approve Interagency Agreement between The School Board of Broward County, Florida, and Children's Services Council of Broward County.

The School District, through this agreement with the Children's Services Council, will expand its efforts to deliver training for parents of students with disabilities, ages 18-22 years who are transitioning from the school system. These trainings will provide parents with information regarding post secondary and career options, expand their knowledge of community resources and establish linkages with state agencies to ensure continuity of services.

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

The financial impact is \$45,000. The source of funding is the IDEA American Reinvestment & Recovery Act (ARRA) Funds.

Mr. Mayersohn informed the Board that ESE discussed where the money is going, into transition. He stated Children's Services Council is working diligently in doing some of the transition summits, the first being held in July 2010 or September 2010. Once these funds stop it is hopeful that others will help to fund these programs so they can be sustained.

Mrs. Bartleman requested that the discussion be postponed until after the luncheon recess.

Motion to Postpone Item Discussion (Carried)

Motion was made by Mrs. Bartleman, seconded by Mrs. Kraft and carried, to postpone the item. Ms. Dinnen was absent for the vote. (8-0 vote)

Following the action of Agenda Item I-9, a motion was made by Mrs. Bartleman and seconded by Ms. Dinnen to continue the discussion.

Mrs. Bartleman referred to the Payment Schedule, Target Date, and stated that (2) Filing the Transition Gaps Summit, Target Date July 2010 and (5) Transition to Life Summit Target Date July 2011 should be changed to September 2010 and September 2011, respectively.

Mr. Marko inquired whether the item has been advertised.

Ms. Denise Rusnak, Director, Exceptional Student Education, responded that the agreement has already been signed by the Children's Services Council and it is not an RFP.

Mr. Marko stated if an amendment is made it must be returned to the Children Services Council for their consent, which will cause a delay in beginning the program.

Ms. Rusnak informed that the Target Date is only providing a timeline, and the Council is aware this could change in the future.

Mrs. Bartleman stated, for the record, that this agreement is filed and will change for (2) Filing the Transition Gaps Summit, Target Date September 2010 and (5) Transition to Life Summit Target Date to September 2011. Mrs. Bartleman stated there is parent training during July and they are away.

F-4. Agreement with Broward College to Share Responsibilities of the Administration of the College Placement Test (Approved)

Approved the agreement between The School Board of Broward County, Florida, and Broward College to share responsibilities of the administration of the College Placement Test.

Broward College has a Memorandum of Understanding (MOU) with the Florida Department of Education (FLDOE), regarding administration of the College Placement Test (CPT). Section V of the MOU allows Broward College to share these responsibilities with the Broward School District.

The agreement will allow Broward's high schools to become a satellite location for the administration of the computer-based and/or paper-based Accuplacer (CPT) assessment. This assessment is required under Senate Bill 1908 (F.S. 1008.30) to determine the college readiness of statutorily identified 11th grade students. Students who do not meet the minimum college readiness scores will have the opportunity to take remediation courses during their senior year. All testing must be completed prior to May 1, 2010, in order to meet the FLDOE's reporting timeline. This agreement will provide schools with the flexibility to administer the test at their discretion at their respective site.

In addition, this agreement will allow schools to purchase additional testing units and materials directly from The College Board for students who do not fall within the statutorily funded eligibility requirements. This is optional and schools will be required to provide their own funding for students not identified in the statute. These additional units will allow schools to measure the college readiness of any student at their school and count their performance toward the new high school grading formula.

School personnel must be trained on proper administration and security measures to ensure that the integrity of the test is not compromised. A team of district staff will also be trained on these procedures to provide additional support for schools.

Broward College will sign the agreement after School Board approval.

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This agreement was approved as to form and legal content by the School Board Attorney's office.

There is no financial impact for statutorily eligible students; if schools choose to administer to non-eligible students the cost is \$3.60 per student for the computer-based assessment. The source of these funds would be the individual school's budget. There is no additional financial impact to the district.

G. HUMAN RESOURCES

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

Approved the personnel recommendations for the 2009-2010 appointments and leaves as listed on the Executive Summary and respective lists for Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. The 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 Teacher Approvals
3. Interim Substitute Teachers
4. Temporary Hourly Teacher Approvals
5. Instructional Leaves

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

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

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

The Personnel Recommendations for Instructional Employees include the following items:

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

There will be no financial impact to the school district.

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

Motion was made by Dr. Parks, seconded by Mr. Tynan 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. Mrs. Kraft had not yet assumed her seat on the dais. (8-0 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)
11. Salary Adjustment

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

School District employee James Brehm addressed the Board regarding the disciplinary/demotion, stating that he has been employed in the district for 28 years and has had good reviews from his supervisors. He stated for the past 3 years he has been placed at K.C. Wright, and made a mistake sending an e-mail with inappropriate material on his lunch break.

Apologizing for his mistake, Mr. Brehm stated he has not caused any strife in the workshop which has caused or created a hostile work environment. He said he has not been given due process on his case and requested that the Board deny the request to demote him and place him back in his position as Foreman at the North Area Lot.

Mr. Marko advised the Board that the Superintendent makes recommendations to the Board after staff has reviewed the issues of the case. If the employee feels they are aggrieved, there is a procedure which allows cross-examination and testimony under oath. Mr. Marko stated that the employee has legal rights under their collective bargaining agreement and/or statute.

Ms. Dinnen inquired when an employee files a grievance and moves through its course, whether the end of the grievance process is a binding arbitration which has been reviewed and decided by a third party.

Mr. Marko responded affirmatively.

In response to Mrs. Bartleman's inquiry, Mrs. Marilyn Strong, Associate Superintendent, Human Resources, stated that she advised Mr. Brehm of his rights and to speak to Mrs. Susan Dumala, Director, Human Relations, so she could advise him of his rights, which did occur.

Following the vote of the item, Mrs. Gottlieb recognized and congratulated Mrs. Gracie Diaz on her appointment as Acting Associate Superintendent, Human Resources.

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

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

The Personnel Recommendations include the following items:

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

There is no financial impact to the school district.

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

Approved the recommended supplemental pay positions of employees for the 2009-2010 school/ fiscal year.

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

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

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

Individuals listed meet the requirements for the supplemental positions. The total number of Supplements recommended in this item is 214.

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

G-6. Approval of Teachers Teaching Out-of-Field (Approved)

Approved the list of teachers to teach out-of-field in the Broward County Public Schools. (The list of teachers teaching out of field for the Central Area was revised).

This recommendation is made with the understanding that the individuals indicated will comply with all regulations of the State Board of Education and The School Board of Broward County, Florida. A total of 358 (.6%) courses are identified as being taught by a total of 277 out-of-field teachers for the first time. Fifty-Seven (57) of the out-of-field courses are being taught at Charter Schools and the remaining 301 out-of-field courses by School Board employees.

State Board of Education Rule (SBER) 6A-1.0503 Definition of Qualified Instructional Personnel requires out-of-field teachers to take at least six (6) semester hours towards certification or take and pass the appropriate subject area exam. Teachers out-of-field due to the English for Speakers of Other Languages (ESOL)/Multicultural Education Training Advocacy (META) Agreement are required to follow the established timeline.

There is no additional financial impact to the school district. Funding is allocated in the budget.

G-7. Recommendation(s) for Instructional/Noninstructional Discipline for the 2009-2010 School Year (Approved)

Approved the recommendation(s) for discipline as listed on the list for Instructional/ Noninstructional staff. All recommendation(s) are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida.

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

There is no financial impact to the school district.

H. ATTORNEY

I. OFFICE OF THE SUPERINTENDENT

I-1. District Advisory Council Bylaws (Approved)

Motion was made by Mr. Tynan, seconded by Mrs. Kraft and carried, to approve revised District Advisory Council Bylaws. Ms. Dinnen was absent for the vote. (8-0 vote)

At the November 24, 2009 School Board Workshop, the DAC chair reviewed proposed changes to the DAC Bylaws.

There is no financial impact to the school district.

Mrs. Kraft stated that the bylaws indicate a requirement that officers of DAC, Chair, Vice Chair, and Chairs from each of the area advisory councils not be employed by the School Board.

Mrs. Kraft inquired whether this requirement should be included for elementary, middle and high school parent representatives, to be consistent with SAC policy.

Mrs. Jusevic responded that area chairs are allowed to work for the School Board, per policy, but they are not allowed to work in the area that they are area chairs. Mrs. Jusevic stated there was a brief discussion in the sub-committee and DAC that it must be recognized that there are employees that work for the School Board and are parents, and whether access to leadership should be cut off completely. She stated this issue is still pending within DAC.

Mrs. Kraft inquired whether discussion was held as to a compromise where the parent reps for elementary, middle and high should not be employed at the school that their child attends.

Mrs. Jusevic responded that this issue did not come up at the meeting.

Mrs. Kraft suggested that for a future bylaws review this issue should be discussed. Remarking that the bylaws for the North Area were approved, Mrs. Kraft inquired whether the individual bylaws for the other two areas were approved by the Board.

Mrs. Jusevic stated that bylaws for the other two areas have not been approved. The Central Area is working on their bylaws because of the merger of North-Central and Central areas. South Area has bylaws but they have not come before the School Board. Mrs. Jusevic further stated that DAC Steering is reviewing these area bylaws and all area chairs have been put on notice that by the end of the school year all bylaws must be reviewed and come before the Board for approval.

Mrs. Kraft stated that previous Board discussions revealed that each area was to report directly to the School Board in addition to or instead of the DAC, with a consensus in addition to. She stated that sometimes individual areas may have different recommendations. Mrs. Kraft inquired whether this issue could be included in the DAC bylaws or the Board's advisory policy.

Mrs. Jusevic responded that operationally what DAC was planning is starting in March, but the North and Central Area Chairs cannot make a 1:00 p.m. reporting and neither can the South Area Chair because his job begins in the afternoon.

Mrs. Kraft suggested that some Committee Board reports be given in the morning and others in the afternoon session.

Mrs. Bartleman discussed the issue of public speakers at the 1:30 p.m. time slot. She stated that many speakers are parents and there is a 2:00 o'clock pickup time for elementary school children which is not user-friendly. Mrs. Bartleman requested that consideration be given to starting the public speakers portion at the beginning of the meeting.

The student advisor informed the Board that having Attorney-Client sessions can run about two hours and he cannot stay for the remainder of the School Board meetings. Eti stated that having the reports in the morning is preferable.

Mrs. Gottlieb informed that a two-hour Attorney-Client session would not be scheduled during the lunch hour. She stated that time conflicts will be worked out and it is not designed to preclude or eliminate anyone from speaking to the Board. Mrs. Gottlieb stated that other solutions will be discussed, such as a rotation of reports, and also look at ways to increase participation, including the use of technology.

Mrs. Jusevic stated that most of the other committees report once a month, the Board meeting immediately after the committee meeting, and DAC does not have to report at every meeting. She noted that 85 percent of Steering Committee members work and their time is not flexible.

Mrs. Bartleman stated the job of the School Board is to encourage input.

Mrs. Kraft stated that the timing of the meeting needs to be agreed upon by all Board Members and needs to be addressed at a workshop. She said it is important that all Board Members come together on this issue.

Concurring, Mrs. Bartleman stated that the workshop on this issue should include input from parents.

I-2. Appointment to the Broward County Climate Change Task Force
(Approved)

Approved the Superintendent's recommendation to appoint Gary Hines, Special Job Placement, Facilities and Construction Management, to the newly formed Broward County Climate Change Task Force (Task Force), as The School Board of Broward County, Florida's representative.

The purpose of the Task Force will be to develop recommendations for a coordinated county-wide strategy in addressing the local implications of global climate changes.

The Task Force will consist of twenty-two individuals representing a broad cross-section of governmental, business, academic, and environmental interests. The School Board of Broward County, Florida, has one nomination to the Task Force.

There is no financial impact to the district. Therefore this item does not need a Collaboration Form.

I-3. Agreement with City of Coral Springs (Approved)

Approved the Agreement between The School Board of Broward County, Florida (SBBC), and the City of Coral Springs, to use Drug Sniffing Dogs adhering to SBBC procedures.

The Broward County School District is committed to ensuring that all students and staff learn and work in a safe environment. The use of trained animals in the search of student lockers, storage areas and/or other school district sites and locations provides the district, along with local law enforcement agencies, another tool in making our schools safe. Implementation procedures were developed following a review of legal requirements and policies from other districts.

The Executive Director of Professional Standards & Special Investigative Unit must approve key components of the focus on searches prior to any search, searches may be only used to check inanimate objects, and persons will not be checked. Inanimate objects include, but are not limited to, cars, lockers, desks, book bags, and backpacks.

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

There is no financial impact to the school district.

I-4. Petition For Formal Proceedings (PK) (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 creating a hostile work environment, and using inappropriate and profane language with students.

The allegations were thoroughly investigated and the results were presented to the Professional Standards Committee (PSC), employee and Broward Teachers Union (BTU) representative were in attendance.

PSC found probable cause to believe the allegations were true and recommended termination. A pre-disciplinary meeting was held with the employee, BTU representation, a School Board cadre attorney and a representative from PS/SIU. No new information of a material nature regarding this incident, that was not available and/or considered by the PSC, was received. 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 February 2, 2010.

There is no financial impact to the school district.

I-5. Petition For Formal Proceedings (PC) (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 disclose information on application and falsely answering questions on the Security Check form. The allegations were thoroughly investigated and the results were presented to the Professional Standards Committee (PSC), employee and Broward Teachers Union (BTU) representative were in attendance. PSC found probable cause to believe the allegations were true and recommended termination. A pre-disciplinary meeting was held with the employee, BTU representation, a School Board cadre attorney and a representative from PS/SIU. No new information of a material nature regarding this incident, that was not available and/or considered by the PSC, was received. 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 February 2, 2010.

There is no financial impact to the school district.

I-6. Petition For Formal Proceedings (SK) (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 inappropriate conduct and contact with a student.

The allegations were thoroughly investigated and the results were presented to the Professional Standards Committee (PSC), employee and Broward Teachers Union (BTU) representative were in attendance. PSC found probable cause to believe the allegations were true and recommended termination. A pre-disciplinary meeting was held with the employee, BTU representation, a School Board cadre attorney and a representative from PS/SIU. No new information of a material nature regarding this incident, that was not available and/or considered by the PSC, was received.

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 February 2, 2010.

There is no financial impact to the school district.

I-7. Petition For Formal Proceedings (BG) (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 creating a hostile work environment and inappropriate conduct. The allegations were thoroughly investigated and the results were presented to the Professional Standards Committee (PSC). PSC found probable cause of inappropriate conduct and recommended termination. A pre-disciplinary meeting was held with the employee, employee advocate, a School Board cadre attorney and a representative from PS/SIU. After the pre-disciplinary meeting a suspension was recommended. Subsequently employee refused to sign a Disciplinary Action Agreement and refused to meet with appropriate representatives. The cadre attorney prepared the Petition for Formal Proceedings and notice was sent to the employee that a recommendation for an imposed three-day suspension would be presented to the School Board on February 2, 2010.

There is no financial impact to the school district.

I-8 License Agreements with the Greater Fort Lauderdale/Broward County Convention Center (Approved)

Approved the License Agreements with the Greater Fort Lauderdale/Broward County Convention Center for the Teacher of the Year Luncheon and Community Involvement Awards Luncheon.

The Greater Fort Lauderdale/Broward County Convention Center will lease their facility to the School Board to hold the Teacher of the Year Luncheon on Friday, February 19, 2010, and the Community Involvement Awards Banquet on Wednesday, April 28, 2010.

It is the policy of the Convention Center that the licensee executes the Agreement first.

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

There is no financial impact to the school district. Ticket sales and sponsorships pay for all expenses associated with these events directly to the Greater Fort Lauderdale/ Broward County Convention Center.

I-9 Request for Letter of Interest (RLI) for General Counsel Services
(Approved as amended)

Motion was made by Mr. Tynan, seconded by Mr. Williams and carried, to approve the release of the Request for Letter of Interest (RLI) for In-house General Counsel – full-time employee or full-time specified attorney of a law firm. This motion was superseded by Motions to Amend (page 31).

On March 13, 2008, The School Board of Broward County, Florida, approved the Employment Agreement of the General Counsel for the period of April 1, 2008 through January 1, 2010. Section 15 of this agreement contained a provision to issue a Request for Proposal for the position of General Counsel in June 2009, and that the School Board anticipated selecting a candidate for this position in September 2009.

Subsequently, at the November 10, 2009 Regular School Board Meeting, The School Board of Broward County, Florida, approved the First Amendment to Employment Agreement for General Counsel, Edward J. Marko. This amendment covers the time frame, January 2, 2010 through December 31, 2010. Section 4 of this amendment acknowledges that the School Board will issue a RLI for the position of General Counsel and upon the expiration of this agreement Mr. Marko will transition into an emeritus position.

The financial impact for an individual respondent who will be a full-time employee of The School Board would include an annual salary of \$180,000 to \$216,000, plus benefits, including pension contributions, health insurance, and other benefits as negotiated.

The financial impact for a law firm with a specified attorney providing full time services as a General Counsel, contract payment to the selected respondent law firm will be in the range of \$234,000 to \$270,000 annually, no additional payments for benefits will be provided to the selected respondent law firm or the individual attorney specified to perform the full-time services.

The difference in cost is related to the benefits being paid by the firm versus the School Board paying directly for employee benefits.

Mrs. Hope requested information regarding how the district will be advertising for General Counsel.

Mr. Richard Soloff, Esq., who provided a background synopsis of events, responded that the intent of the Legal Committee was to have a national search and criteria for the Letter of Interest. Mr. Soloff stated that the committee addressed, and was confirmed by the Florida Bar Association, at the time of appointment of General Counsel it is required that the individual be a member of the Florida Bar. Reference was made of the range of salary, between \$180,000 to \$216,000, plus benefits; for a General Counsel who is selected and remained a member of a firm but was a full-time provider of services to the district the range would be \$234,000 to \$270,000 without benefits.

Mr. Soloff informed that the intent of the committee was to seek the greatest possible number of respondents to the RLI. It is set up so that individuals who wish to be full-time employees, salary plus benefits, may apply, as well as individuals who wish to remain a member of an outside firm but who would provide full-time service just as if they were a full-time employee.

Mr. Soloff discussed the criteria and qualifications, including minimum qualifications that are set forth on page 3, which is at least 10 years of experience. In addition, all applicants are to provide a Curriculum Vitae illustrating their performance as an attorney, and a disclosure of any disciplinary actions, if any, by the Florida Bar or any other bar association. Governmental experience, personal references and any current conflicts of interest, if any, are also required.

Mr. Soloff informed that members of the Legal Services Committee include Chair Mrs. Gottlieb, Board Members Mrs. Kraft, Dr. Parks, Superintendent Notter and Mr. Marko. The Screening Committee is identified as Mr. Marko; Associate Superintendent, Human Resources; and Mr. Soloff.

Mrs. Kraft requested an amendment to substitute names due to the retirement of Mrs. Strong.

Mr. Marko informed that the most important publication will be the Florida Bar and submittal of the RLI by February 8th will appear in the March 1, 2010 publication.

Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to amend Request for Letter of Interest, page 7 of 8, 4. Cone of Silence, to substitute the name of Marilynn L. Strong, Associate Superintendent, Human Resources, with the title of the position, Associate Superintendent, Human Resources, and throughout the entire document.

A unanimous vote was taken on the Motion to Amend.

Mr. Marko stated he will coordinate with Mr. Soloff to ensure the language is appropriate for the return date.

Ms. Dinnen suggested removing the October date and inserting an actual date, 60 days from the first publication.

Mr. Tynan clarified that the Board wants a cut-off date 60 days after initiation of the publication.

Mr. Marko concurred that a date must be in Section V.

Mrs. Kraft said the date of May 15, 2010 will provide sufficient time.

Second Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to amend Request for Letter of Interest, page 5 of 8, Section V: Submittal Due Date, remove verbiage ... on or before October ____, 2009, and insert May 15, 2010, to:

A unanimous vote was taken on the Second Motion to Amend.

Mr. Marko clarified that any place the name of Marilynn Strong appears will be changed to reflect the title, Associate Superintendent, Human Resources, as the amendment throughout the document.

Mr. Marko, in response to Mrs. Kraft's inquiry, stated the RLI will be posted on the district's website.

The item was voted on as amended.

J. FACILITIES AND CONSTRUCTION MANAGEMENT

J-1. Change Orders (Approved)

Motion was made by Dr. Parks, seconded by Mr. Tynan and carried, to approve change orders as listed for various school projects, and approve an increase of \$2,330,153 to the Capital Projects Reserve. (This item was revised to withdraw Coral Park Elementary School).

<u>Anderson, Boyd H. High</u>		Change Order 17	\$10,282
Consultant Error	\$5,391		
Consultant Omission	\$256		
Owner Request	\$4,635		
<u>Attucks Middle</u>		Change Order 02	\$47,358
Owner Request	\$2,365		
Unforeseen Condition	\$44,993		
<u>Banyan Elementary</u>		Change Order 02	\$4,868
Unforeseen Condition	\$4,868		
<u>Chapel Trail Elementary</u> (CREDIT)		Change Order 02	\$-56,036
Owner Request	\$-56,036 (CREDIT)		
<u>Coconut Creek High</u>		Change Order 02	\$538,407
Consultant Error	\$538,407		
<u>Coral Park Elementary</u>		Change Order 08	\$77,721
Unforeseen Condition	\$77,721		(Withdrawn)
<u>Cross Creek School (IAQ)</u>		Change Order 04	\$52,196
Unforeseen Condition	\$50,220		
Consultant Omission	\$583		
Owner Request	\$1,393		
<u>Cross Creek School (Roof Over Playcourt)</u>		Change Order 01	\$4,639
Unforeseen Condition	\$4,639		
Consultant Error	\$0		
<u>Cypress Elementary</u>		Change Order 03	\$12,116
Consultant Error	\$3,819		
Unforeseen Condition	\$8,297		
<u>Dania Elementary</u> (CREDIT)		Change Order 06	\$-1,185,830
Owner Request	\$-1,185,830 (CREDIT)		
<u>Deerfield Beach Middle</u>		Change Order 06	\$3,499
Unforeseen Condition	\$3,499		
<u>Discovery Elementary</u>		Change Order 02	\$219,019
Consultant Error	\$64,854		
Consultant Omission	\$10,418		
Owner Request	\$143,747		

<u>Douglas, Marjorie Stoneman High</u>		Change Order 03	\$24,370
Unforeseen Condition	\$24,370		
<u>Falcon Cove Middle</u>		Change Order 01	\$19,186
Consultant Error	\$19,186		
<u>Griffin Elementary</u>		Change Order 03	\$17,080
Owner Request	\$17,080		
<u>Harbordale Elementary</u>		Change Order 01	\$-43,412 (CREDIT)
Owner Request	\$-43,412	(CREDIT)	
<u>Horizon Elementary</u>		Change Order 02	\$20,366
Owner Request	\$3,226		
Consultant Error	\$5,165		
Consultant Omission	\$2,304		
Unforeseen Condition	\$9,671		
<u>Lanier-James Education Center (SAAC)</u>		Change Order 02	\$97,796
Owner Request	\$29,901		
Unforeseen Condition	\$67,895		
<u>Margate Elementary</u>		Change Order 03	\$38,498
Consultant Error	\$19,086		
Unforeseen Condition	\$19,412		
<u>Miramar High</u>		Change Order 02	\$2,379
Owner Request	\$2,379		
<u>Forman, Blanche (Nova) Elementary</u>		Change Order 02	\$120,013
Consultant Omission	\$6,983		
Unforeseen Condition	\$113,030		
<u>Nova Middle</u>		Change Order 06	\$9,975
Consultant Error	\$3,772		
Consultant Omission	\$2,736		
Unforeseen Condition	\$3,467		
<u>Perry, Henry D. Middle</u>		Change Order 02	\$13,544
Unforeseen Condition	\$13,544		
<u>Pines Lakes Elementary</u>		Change Order 02	\$-32,741 (CREDIT)
Owner Request	\$-32,741	(CREDIT)	
<u>Pompano Beach Middle</u>		Change Order 01	\$-1,790,858 (CREDIT)
Owner Request	\$-1,790,858	(CREDIT)	
<u>Silver Palms Elementary</u>		Change Order 02	\$49,917
Consultant Error	\$41,760		
Consultant Omission	\$2,888		
Owner Request	\$5,269		
<u>Southwest Area Bus Facility</u>		Change Order 24	\$-1,198,128 (CREDIT)
Owner Request	\$-1,207,936	(CREDIT)	
Unforeseen Condition	\$9,808		

<u>Stirling Elementary</u>		Change Order 01	\$10,551
Unforeseen Condition	\$10,551		
<u>Village Elementary (Cafeteria)</u>		Change Order 12	\$-5,288 (CREDIT)
Owner Request	\$-3,272 (CREDIT)		
Unforeseen Condition	\$-2,016 (CREDIT)		
<u>Village Elementary (Restrooms)</u>		Change Order 03	\$0
Unforeseen Condition	\$0		
<u>Watkins Elementary</u>		Change Order 01	\$2,312
Unforeseen Condition	\$2,312		

Financial Impact: The resulting positive financial impact shown below will increase the Capital Projects Reserve by \$2,330,153. Anderson, Boyd H. High – Project No.: P.000326 \$10,282; Banyan Elementary – Project No.: P.000398 \$4,868; Chapel Trail Elementary – Project No.: P.000527 (\$56,036); Coconut Creek High – Project No.: P.000304 \$523,600; Dania Elementary – Project No.: P.000011 (\$194,858); Douglas, Marjorie Stoneman High - Project No.: P.001029 \$15,098; Griffin Elementary – Project No.: P.000873 \$9,903; Harbordale Elementary – Project No.: P.000093 (\$43,412); Miramar High – Project No.: P.000334 \$2,379; Forman, Blanche (Nova) Elementary – Project No.: P.000252 \$57,894; Perry, Henry D. Middle – Project No.: P.000187 \$13,544; Pines Lakes Elementary – Project No.: P.000683 (\$32,741); Pompano Beach Middle – Project No.: P.000006 (\$1,790,858); Southwest Area Bus Facility – Project No.: P.000673 (\$844,528); Village Elementary – Project No.: P.000288 (\$5,288). There is no additional financial impact to the district for the remaining projects.

Referring to Coconut Creek High School, Dr. Parks requested that a rationale be given for the change order. He stated this has far-reaching implications about doing work on time and the importance of maintenance.

Mr. Thomas Lindner, Acing Deputy Superintendent, Facilities and Construction Management, responded that the change order dates back to Hurricane Wilma and the roof project was originally bid and awarded in 2007. The contractor determined he could not perform the work that was originally scoped in 2005 because of the additional damage that had been caused to the roof, which was being held together by Plant Operations roofers. Subsequently, an engineer looked at the roof, the job was re-scoped and awarded again in 2007. Remarking that the price doubled, Mr. Lindner stated that using the 2007 engineering reports when the job was re-bid and re-awarded in 2009 resulted in additional damage over what the contractor believed was the condition of the roof when he started the job.

Mr. Lindner further stated that the current situation will require replacement of the concrete deck of the entire structure. He stated the architect and the engineer should have known this and they did not take sufficient core samples, particularly in light of the previous episode regarding changing the scope of work. Mr. Lindner stated that following discussion with staff, it is determined that the work must be performed to restore the roof to its proper condition.

Dr. Parks stated if due diligence was conducted in the past the proper work would have been performed. He requested that staff perform its due diligence to ensure that these projects do not remain on the books for five years and that the issue of safety be addressed immediately.

Dr. Parks requested that a further explanation be included on agenda items than appears on the back-up materials so the Board can better understand why things occurred. In addition, Dr. Parks requested information if there is a Consultant Error and if there is a potential of litigation; the reason and what is going to be the solution.

Concurring, Mr. Lindner stated that future items will reflect this information, including a history, if applicable, and to be more transparent.

Mr. Tynan requested more detailed information, especially on bigger ticket items. He stated one of the problems in the future, in struggling for dollars, is the balance between new construction to make a repair like a roof and the patch work.

Mrs. Hope inquired whether the consultants had a chance to identify whether they concur in those errors.

Mr. Lindner responded that consultants and staff do meet as part of the project closeout and a settlement is negotiated. Some of the current items that have been identified in the past are in arbitration and the final step would be litigation. Mr. Lindner informed that the process has changed in the past month to include Mr. Marko's office, including construction Attorney Tom Cooney, and the auditors to review every change order before it is brought to the Board, which was not a practice in the past. Mr. Lindner explained in some cases it would cost more to fight a case, so an attempt is made to reach a 50-50 agreement that benefits the district and the company.

Ms. Dinnen stated she liked the idea of having the totals of how many projects are credits and how many are not, by category - what are Consultant Errors, what are Omissions, what are Unforeseen Conditions, which are very helpful. Ms. Dinnen noted there are over \$4 million in credits.

Noting the amount of litigation with design professionals and contractors' change orders, Mrs. Gottlieb inquired whether there is anything in the policy that would help alleviate these issues.

Mr. Lindner responded that a review is being made at this time with outside assistance. He stated there will always be issues of contention in construction projects, this is part of the negotiation, and funds are actually set aside for this. Mr. Lindner explained that historically, industry-wide, 2.5 percent is set aside for change orders of any contract and currently a review is being made as to whether the district's numbers match that percentage. He opined, if there are air-tight plans that are followed there will not be a lot of change orders. A lot of the change orders are driven by plans, how well they are reviewed and how well they are followed.

Mrs. Gottlieb noted that Broward School district is the only school district that does not have an Errors and Omissions policy. She stated that a policy will help in that area, and this issue will be discussed at a workshop.

- J-2. Extend and Increase Open End Professional Services Agreements – Environmental Resource Management, Land Surveying, Site Engineering & Environmental Permitting, Building Code Plan Review, Landscape Architectural, Civil & Traffic Engineering, Engineering Plan Review, Environmental Engineering, Landscape Design, Electrical Engineering, Mechanical Engineering, Cost Estimating, and Value Engineering Services – Various Consultants (Approved)

Approved a one-year extension to the Open End Professional Services Agreements for each consultant listed in Exhibit 1 for the services listed, and to increase the spending authority by a one-time amount of \$300,000 for Johnson, Avedano, Lopez, Rodriguez & Walewski Engineering Group, Inc., for Mechanical Engineering Services, and James R. Tucker, Inc., for Cost Estimating Services.

Item submitted for approval has been evaluated to determine that satisfactory service is being provided. The original contract dates, amounts and periods are included in Exhibit 1. Recommendation is being made for an extended period of one year for each open end consultant listed for various services and an additional one-time amount of \$300,000 for Johnson, Avedano, Lopez, Rodriguez & Walewski Engineering Group, Inc., for Mechanical Engineering Services, and James R. Tucker, Inc., for Cost Estimating Services. It has been determined that these two consultants' contracts have reached 70% or more of their spending authority limit.

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

J-3. Grant of Easement from the City of Miramar for Glades Middle School
(Approved)

Approved the Grant of Easement from the City of Miramar for Glades Middle School.

During the planning stages for Glades Middle, the community requested access to the school from SW 49th Street. For security reasons there is no entrance to the school from SW 49 Street, so a pedestrian sidewalk was designed on the adjacent property owned by the City of Miramar running north and south, parallel to the school's west property line. This easement grants access to install and maintain the sidewalk. The City of Miramar will sign the easement after the School Board.

The School Board Attorney has approved the easement as to form and legal content.

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

J-4. Award of Contract and Rejection of Bids – Koldaire, Inc. – IAQ Mechanical Renovations – Cross Creek School, Pompano Beach – Project No. P.000587 (f.k.a.3222-99-05)
(Approved)

Approved award of a construction contract for Cross Creek School, IAQ Mechanical Renovations, Project No. P.000587 to Koldaire, Inc., in the amount of \$637,567 and rejection of bids received from Hill York Service Corporation and Air Ideal, Inc.

Approved an additional appropriation in the amount of \$1,144,680, which will come from the IAQ Reserve.

Consultant: GLE Associates, Inc.

Reject the bids from:

- Hill York Service Corporation for failure to submit an original signed and sealed Document 00420 Bid Security Form as required in Document 00200, Article 4.01G.
- Air Ideal, Inc., for failure to submit required Document 00470 Letter of Intent: M/WBE Subcontractor Participation and Document 00475 Summary: M/WBE Subcontractors Participating M/WBE documents per Document 00200, Article 4.01, Item A 8.

Contractor to be awarded:

- Koldaire, Inc.

Scope of Work: Replace air handling unit nos. 1-13, replace all fan coil units in behavioral rooms, replace exhaust fans in electric transformer rooms with mini split A/C units to provide cooling, replace duct work in Buildings 5 & 7 and install a new ceiling, and replace HVAC system controls with a Direct Digital Control system.

The amount of the contract shall be \$637,567. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 172. Based on the PFA, there will be an additional financial impact in the amount of \$1,144,680, which will come from the IAQ Reserve.

J-5. Pre-Qualification of Contractors – Approval of Application and Issuance of Certificates (Approved)

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on January 20, 2010, 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:

Asphalt Consultants, Inc. – Issue Pre-qualification Re-Certification

Decon Environmental & Engineering, Inc. – Issue Pre-qualification Re-certification

Hensel Phelps Construction Co. – Issue Pre-qualification Re-Certification

*J & J Fire Protection, Inc. – Issue Pre-qualification Certification

KVC Constructors, Inc. – Issue Pre-qualification Re-Certification

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

**Sal's Abatement Corporation – Issue Pre-qualification Re-Certification

TCS Group, Inc. – Issue Pre-qualification Re-Certification

Weiss & Woolrich Southern Enterprises 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 to the district, therefore this item does not require a collaboration form from the Capital Budget Department.

J-6. Second Amended Interlocal Agreement for Public School Facility Planning, Broward County, Florida (Approved as amended)

Motion was made by Mr. Tynan, seconded by Ms. Dinnen and carried, to approve the Second Amended Interlocal Agreement for Public School Facility Planning, Broward County, Florida. This motion was superseded by a Motion to Amend (page 41). Ms. Dinnen was absent for the vote. (8-0 vote)

Due to the significant excess permanent capacity at several under-enrolled schools in the District, the Florida Department of Education (DOE) directed that the School Board could no longer construct new schools or build classroom additions. As a result, the School Board was left with the sole option of using School Board Policy 5000 (specifically school boundary changes) to ensure that schools met the adopted level of service standard (LOS) of 110% permanent FISH capacity by their due dates. However, to avoid the domino effect that implementation of the boundary option may cause, the Board held workshops on various proposals to amend the Amended Interlocal Agreement for Public School Facility Planning (ILA).

Additionally, the Board requested the Oversight Committee's support and assistance in reaching a viable solution regarding amendment of the Amended ILA. Subsequently, at the December 9, 2009 Special Oversight Committee meeting, the Committee voted unanimously to amend the Amended ILA, and change the LOS to 100% gross capacity and sunset the use of relocatables in 2018, while retaining the concurrency service areas (CSA's) as individual school boundaries.

On December 15, 2009, the School Board approved Agenda Item No. J-27 (Formal Initiation of the Proposed Amendments to the Amended Interlocal Agreement for Public School Facility Planning), consistent with the Oversight Committee's recommendation to commence the formal process to amend the Agreement. Included in the proposed amendments are amendments proposed by the Staff Working Group (SWG) to address pertinent timeframes and processes in the Amended ILA that would enhance the intergovernmental coordination between the School District and local governments regarding implementation of pertinent provisions of the Agreement.

Attachment "A" provides a detailed summary, explanation and background regarding the general sequence of events that necessitated the proposed amendments to the Amended ILA. The proposed Second Amended ILA before the Board was generated by staff in coordination with School Board Cadre Attorney Alan Gabriel, and the Board Item including the amendments, were subsequently reviewed by Mr. Gabriel and approved as to form by the School Board Attorney. Therefore, staff recommends that the School Board should approve the proposed Second Amended ILA.

There is no financial impact to the school district. However, the Amended ILA requires the Superintendent to organize and staff the meetings of the Oversight Committee and the Staff Working Group. This item does not require a collaboration form from the Capital Budget Department.

Dr. Parks requested that this item be tabled momentarily.

Motion to Table (Carried)

Motion was made by Dr. Parks, seconded by Mrs. Kraft and carried, to table Agenda Item J-6. (9-0 vote)

Following the Special Presentation, the item was moved by Ms. Dinnen and seconded by Mr. Tynan to place the item back on the table.

Mrs. Kraft stated that the amendment in the agenda item differs from the verbiage in Mr. Lindner's memorandum of January 15, 2010 to the Board Members. She requested an overview of the item.

Mr. Lindner informed that some of the requested changes that were submitted had nothing to do with the language that the School Board required to execute the Second Amendment to the ILA as the School Board needed. There were additional changes that were not the School Board's purview. Mr. Lindner stated that after significant discussion the Committee agreed to table those issues and vote on approving the ILA Second Amendment in support of the School Board's initiative to do so, and taking the additional items as a separate issue internally for them.

Mr. Thomas Coates, Executive Director, Facility Management, Planning and Site Acquisition, informed that the School Board was the initiating party, and the School Board's Second Amendment is the only amendment that can be addressed. Mr. Coates stated that clarifying language had been included to address the implication that ESE students were being put in portables, which was not the purpose. He stated the clarifying language in the memorandum "on a temporary basis" has been struck out and should be amended.

Mrs. Kraft offered an amendment to page 8, 8.10 (a) Level of Service Standard (LOS), to reflect the language in Mr. Lindner's memorandum.

Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to amend Second Amended Interlocal Agreement, page 8, 8.10 (a) Level of Service Standard (LOS), replace the second to last sentence, "To maintain the adopted LOS....." to read as follows: "To maintain the adopted LOS, the School Board may, if necessary, utilize relocatable classrooms (portables) on a temporary basis as an operational solution during the replacement or expansion of District school facilities, or at Exceptional Student Education cluster sites, or in the case of a disaster or emergency."

Mrs. Bartleman inquired why the language was previously deleted.

Mr. Lindner responded that the verbiage was a scrivener's error.

Ms. Dinnen stated this was a very difficult meeting as far as following the process.

A unanimous vote was taken on the Motion to Amend.

Mrs. Bartleman stated the agreement is good until year 2019-2020 and will revert back to the 110 percent of permanent FISH capacity. She stated that after this item is approved, staff needs to discuss and determine what would be a permanent solution to this county and find a level of service that will work.

Mrs. Kraft inquired how the 100 percent gross capacity is working with the statute that indicates there must be a phase-out of portables that are 20 years and older, and the statute regarding qualified relocatables.

Mr. Coates responded that the district operating against the Plant Survey which is the measure of capacity and the utilization, is based upon an elimination of portables and to meet the requirements against the Plant Survey numbers. Mr. Coates stated there is a significant lack of clarity in Statute 1013.21 with regard to 20-year old portables, and at the request of the Oversight Committee staff has sought an opinion from the Attorney General's office on this issue, which is pending. Mr. Coates said the district is operating on the basis that the program for the district's level of service parallels that of Miami-Dade's interlocal agreement which has been approved. He concurred that Policy 5000 would need to be modified.

The following individual addressed this item:

Debby Eisenger, Mayor, City of Cooper City

Thanking the Mayor for her foresight on this issue, Dr. Parks noted that the use of relocatables in 2018 will revert back.

Thanking the Mayor for her dedication, Mrs. Hope said she will support the agreement.

Mrs. Kraft inquired whether the ILA change will eliminate the domino boundary scenario.

Mr. Notter responded affirmatively. He stated that staff over the next several months will emphasize the pros and cons to the municipalities so they have a thorough understanding of what a quality job the working group and the League of Cities has done in helping the Board get to today's action.

Mr. Tyson praised the flexibility and creativity of everyone involved in the process, including the different civic leaders that have different constituents.

A vote was taken on the item as amended.

K. OFFICE OF CHIEF FINANCIAL OFFICER

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

CC. BOARD POLICIES

CC-1. Policy 6000.1: Student Progression Plan (Approved)

Motion was made by Mrs. Bartleman, seconded by Mr. Tynan and carried, to approve revisions to Policy 6000.1: Student Progression Plan, at this first reading. Ms. Dinnen was absent for the vote. (8-0 vote)

At the School Board Workshop on September 8, 2009, information on two areas of legislated change were shared for policy revision:

- The waiver requirements for elementary physical education
- Providing open access to Florida Virtual School at all levels

A memo, dated November 12, 2009, alerted Board Members to these changes coming forward. Other changes shared at the Board Workshop that are not state mandated will be provided at the Board Workshop on February 9, 2010, for further Board direction.

There is no financial impact.

Mr. Notter concurred with Mrs. Kraft that the revisions are statutory revisions and the other revisions will be discussed at the February 9, 2010 Board Workshop with regard to the items discussed in committees.

Mrs. Kraft inquired whether the waiver requirements for elementary physical education is the same for middle school physical education, whereby if the students can show they have some kind of physical activity a waiver can be signed by their parents. Referring to page 4, Mrs. Kraft stated that the elementary school language mirrors the language in middle school. Parents can waive the student out if the student is enrolled or required to be enrolled in a remedial course, or if the parent indicates in writing that the student enroll in another course from among those courses offered as options by the school district. She stated that to her knowledge elementary schools are not offering alternatives or electives like they are in middle school. Mrs. Kraft opined that the language does not apply to elementary schools.

Mrs. Leah Kelly, Executive Director, Student Support Services and Exceptional Student Education, responded that the language is directly from state statute.

Mrs. Kraft discussed the waiver of some middle school students from physical education. She inquired whether a study has been conducted to ascertain how many Broward students are opting out of physical education and, if they are, are the majority opting out for other courses versus other activity.

Mrs. Kelly responded that this information has not been researched but the data will subsequently be provided to the Board.

Mrs. Kraft, who remarked that she supports the statute as written in district policy, stated especially in middle school it is imperative if the student prefers to take a band and a foreign language that they be allowed to do that and not having to choose between these classes or a PE class, especially if the student is getting outside activity. She stated it might be helpful to review eliminating those waivers, have the data available so that the district's lobbyist can present the information in Tallahassee.

Dr. Parks stated that he received information from Monarch High School that the schools are choosing their core courses.

Mr. Notter responded that he will meet with several guidance staff to obtain precise information regarding an automated program, to ensure that students are getting the required graduation courses in a timely fashion so that they do not go into their senior year and discover there are courses they should have taken as a sophomore or a junior.

Eti stated that he did not agree with the new scheduling policy. He said that he chose to take a Health course online in his junior year, and in the new policy students would have to take it in school because it would be a graduation requirement. Eti further stated that in his junior year his guidance counselor informed him of the required courses for graduation; sign up for the course or take it online. He stated that students knew what was required and the new method will not give students the opportunity to choose.

Mrs. Kelly informed that the scheduling initiative was meant to not only ensure that students were getting their graduation requirements but also to get students scheduled into the most rigorous courses that they are capable of taking. Mrs. Kelly stated it is suppose to be automated to a point but there are still choices about what happens. Ultimately, the plan is that it will be based on the student's performance in courses that would help guide the automation of it. Currently it is being tested out and it is defaulting to what students took last year or the first semester. Mrs. Kelly further stated that the concept is worth pursuing but all the different pieces need to be reviewed, including unintended consequences that might occur.

Mrs. Kraft informed her colleagues that she attended the Teen Political Forum and a question was posed to her by a student regarding the changing of schedules based on computer automation, and she had no knowledge of what the student was discussing. Mrs. Kraft discussed an e-mail she received from Dr. Earlean Smiley, Deputy Superintendent, Curriculum, who indicated that she reported this information at the September 29, 2009 Board workshop.

Mrs. Kraft referred to Student Achievement for Accomplishments for 2008-2009, where it states, "Design a 9-12 Master Scheduling process and standard operating procedures for improved accuracy of student placements in reading." She stated there is no indication in that paragraph that would have alerted the Board to the fact that students were being automatically scheduled into certain courses. Mrs. Kraft stated she would prefer that this issue be discussed at the February 9, 2010 Board Workshop, since Policy 6000.1 will be discussed, if this is the direction that the Board appears to be taking.

Mrs. Kraft further stated that students are remarking that they are not getting the flexibility that maybe the district had expected, especially at Stoneman Douglas where this is being piloted. She stated if students want to do a schedule change most of the time the schedule changes are not allowed until the beginning of the year and at that point they are getting closed out of other classes.

Mrs. Bartleman stated she had a concern with the scheduling as it pertains to Class Size in the next school year. She stated with the pilot program taking place now and in the fall, she voiced concern over students having to re-do all their schedules. Mrs. Bartleman further stated that discussion needs to be held with principals in the pilot Class Size because there are students who cannot get a class schedule because it puts the class size over the Class Size amendment and they are in a class they do not belong in. She said there should be flexibility and individualizing the schedule for the student and what is best for them.

Mrs. Bartleman further discussed students opting out of elementary school physical education, and stated there needs to be a standard policy so that every school is on the same level.

Mrs. Kelly stated when the waiver came in for middle school it also came in for elementary school at the same time. It was not placed into policy because there was going to be a legislative change, and it was not offered at the elementary level. Mrs. Kelly informed that in getting the data for middle schools opting out, information as to what may have already occurred at the elementary level will be forwarded, in addition to following up on what the procedures will be at the school level.

Mrs. Bartleman discussed page 5, Promotional Criteria for reading, criteria 1, the use of "or" and whether it should remain in policy, as Criteria 2 is being used this year. She stated she will review the data to ascertain whether 70 percent is the correct proficiency level.

Mr. Marko suggested if the district is not following what the policy prescribes, the policy must be changed to include the practice that is being implemented. He stated that the use of the word "or" is to show flexibility.

CC-2. Amendments to Policy 1403: School Accountability and Improvement
(Not approved)

Motion was made by Mr. Tynan, seconded by Mrs. Hope, to approve revisions to Policy 1403: School Accountability and Improvement. This is the first reading.

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

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

There is no financial impact to the district.

Mr. Notter advised that a memorandum was submitted to vote down the item, and Agenda Item CC-3 is the correct version of the policy.

CC-3. Amendments to Policy 1403: School Accountability and Improvement
(Approved)

Motion was made by Mr. Tynan, seconded by Ms. Murray and carried, to approve revisions to Policy 1403: School Accountability and Improvement. This is the first reading. Mrs. Kraft voted "no." (8-1 vote)

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

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

There is no financial impact to the district.

Mrs. Kraft stated she would prefer that the district be allowed to have the quorum being defined as the people that are present and voting at the time they are voting. Mrs. Kraft said that even if the meeting requirements remain as far as the composition of the SAC team, when the vote is taken there is no guarantee that the people voting are representative of the composition, which is what the Board originally indicated.

Mrs. Kraft requested that the SAC chairs and principals at each school continue to attempt to work with the SAC teams to ensure that the vote of the membership does reflect the composition of the community. In addition, that principals restructure the way SAC meetings are conducted and the manner in which the SAC teams are handled.

Discussing the issue of certain schools not following the appropriate procedure for implementing the SAC waiver meetings, Mrs. Kraft requested that Area Superintendents work with these schools and use a different approach.

Mrs. Bartleman requested that a link be placed on the district's website concerning No Child Left Behind, Average Yearly Progress and Differentiated Accountability criteria. Mrs. Bartleman further requested that a clear explanation be given in a matrix regarding what is the definition of Prevent 1 and what is the penalty. In addition, that a hyperlink be posted rather than a PDF document.

The following individual addressed this item:

Jeanne Jusevic

- 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
- KK. OFFICE OF CHIEF FINANCIAL OFFICER

Following the action of Agenda Item J-6, the following Attorney-Client Session commenced at 12:05 p.m.

Announcement by Chair

First Session

"The School Board of Broward County, Florida, will meet in an Attorney-Client Session (First Session) in accordance with Florida Statutes, Section 286.011(8), today February 2, 2010, 12:00 Noon. 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: William H. Hazelhurst and Brenda Gail Hazelhurst, et al. Vs. School Board of Broward County, Case no. 09-069104 (08), before the circuit court of the 17th Judicial Circuit in and for Broward County, Florida. A certified court reporter will record the entire session.

"The following persons will attend this attorney-client session: School Board Members: Jennifer Leonard Gottlieb, Chair; Benjamin j. Williams, Vice-Chair; Robin Bartleman; Maureen S. Dinnen; Phyllis C. Hope; Stephanie Arma Kraft, Esq.; Ann Murray; Dr. Robert D. Parks; Kevin P. Tynan, Esq.; James F. Notter, Superintendent of Schools; Eugene K. Pettis, Esq.; Marylin Batista McNamara, Esq.; Thomas C. Cooney, Esq.; and Edward J. Marko, Esq.

Second Session

"The School Board of Broward County, Florida will meet in an Attorney-Client Session (Second Session) in accordance with section 286.011(8), Florida statutes on February 2, 2010 at the conclusion of the first session. The Attorney-Client session will be held in the Board Room on the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

"The purpose of the private session is for the School Board and counsel to discuss pending litigation relative to the following case: School Board of Broward County, Florida vs. Buss Duarte Bryant, Inc. and Rodriguez Design Group, Inc., Case No. 07004739 (13), before the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida. A certified court reporter will record the entire session.

The following persons will attend this attorney-client session: School Board members: Jennifer Leonard Gottlieb, Chair; Benjamin j. Williams, Vice-Chair; Robin Bartleman; Maureen S. Dinnen; Phyllis C. Hope; Stephanie Arma Kraft, Esq.; Ann Murray; Dr. Robert D. Parks; Kevin P. Tynan, Esq.; James F. Notter, Superintendent of Schools; Oscar E. Soto, Esq.; Thomas C. Cooney, Esq.; Marylin Batista McNamara, Esq.; and Edward J. Marko, Esq.

“Telephone conferencing or other telecommunications technology may be used in the conduct of these attorney client sessions to permit absent board members to participate and to be heard by other School Board members and counsel.”

Adjournment This meeting was adjourned at 3:28 p.m.

RT