

Approved in Open Board Meeting, April 19, 2011

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

March 21, 2011  
Monday, 9:45 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:00 a.m., Monday, March 21, 2011, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Benjamin J. Williams; Vice Chair Ann Murray; Members, Robin Bartleman, Maureen S. Dinnen, Patricia Good, Jennifer Leonard Gottlieb, Laurie Rich Levinson, Nora Rupert, (David Thomas was absent); Superintendent James F. Notter, Robert P. Vignola, Esq., and Marylin Batista-McNamara, Esq.

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

**Minutes for Approval** Motion was made by Mrs. Rupert, seconded by Mrs. Gottlieb and carried, to approve the official minutes for the following Board Meetings: Mr. Thomas was absent. (8-0 vote)

February 15, 2011 – Regular School Board Meeting

February 23, 2011 – Special – 2nd Public Hearing – School Boundaries for 2011-2012  
School Year

March 1, 2011 – Special – Student Expulsions

**Added Items** Agenda Items E-3 and H-1.

Mr. Notter informed that Agenda Item E-3 will be withdrawn at the request of the attorney in order to discuss corrective action for meeting the contractual requirements.

Mr. Notter stated that Agenda Item H-1 will be withdrawn in order to provide additional time for the opposing legal counsel.

**Close Agenda** Upon motion by Ms. Dinnen, seconded by Mrs. Rupert and carried, the Agenda was approved and declared closed. Mr. Thomas was absent. (8-0 vote)

**SPECIAL PRESENTATION**

**City of Sunrise Computer Donations to Piper High School**

Mrs. Rich Levinson introduced Mayor Michael J. Ryan, City of Sunrise; City Manager Bruce Moeller; Leisure Services Director Carol Ungerer, City of Sunrise; and Principal Enid Valdez, Piper High School.

## Approved in Open Board Meeting, April 19, 2011

Mrs. Rich Levinson recognized the City of Sunrise for donating approximately 100 computers to Piper High School's income-eligible students two years ago. The City of Sunrise purchased new computer equipment as part of their ongoing computer replacement program and decided to donate to the school all computers that were replaced. The computers are no longer compatible with city networks and upgrades, they are suitable for home and school use.

In conjunction with the city, district guidance counselors coordinated criteria and selection of students who would benefit academically and do not have the means to purchase their own computers. Mrs. Rich Levinson stated that last year, Piper High School received 18 computers from the City of Sunrise and created an additional computer lab classroom to accommodate state test administration and computer software practice in reading, science and APEX credit recovery programs for students. On February 8, 2011 the Sunrise City Commission approved a donation of 13 computers and monitors that will be used by students in computer labs, teacher training and curriculum development.

Mrs. Rich Levinson presented a Certificate of Special Recognition and Appreciation to the City of Sunrise for their extraordinary commitment, dedication and generosity to the students of Piper High School. Mrs. Rich Levinson stated this is one of the things the City of Sunrise does to enhance district schools in their city and it is a model for the type of partnership the district should have between the cities and schools.

Mayor Ryan stated that the City and Commission is dedicated to 11 public schools in their city, a long-term commitment that other cities have not done, and employs full-time School Resource Officers in every one of their elementary schools. The City also developed a Teacher of the Month program, with the cooperation of the School Board. Mayor Ryan stated that the city will continue its commitment to the School Board and to the system, recognizing that good schools mean good neighborhoods, good neighborhoods mean good business; growth and people will stay, play and pay taxes.

Principal Valdez stated that the innovation has come from the direct leadership of the School Board and Superintendent in regards to connecting with communities, and making sure that a network is created so that students are ready for post-secondary education and the workforce in the communities.

Mr. Williams, on behalf of the School Board, expressed gratitude to the City of Sunrise for all they have done today and over the years.

Mrs. Gottlieb thanked Principal Valdez for being open and receptive to the community and thanked the City of Sunrise for being a role model for other municipalities in the county, in supporting the schools.

Ms. Dinnen stated that this is an example of not solely relying on federal or state funding, and thanked the city for a great partnership.

Mrs. Bartleman thanked the City of Sunrise for everything they do for the kids.

## Approved in Open Board Meeting, April 19, 2011

### WOW (Work Opportunities from Within Broward County Public Schools) Program

Mrs. Bartleman stated that WOW is a program to ensure that people who work with the School Board embrace and hire students with disabilities. She introduced Mr. Mark Klein, Sunshine Cleaning, the first business to hire a Broward student and started the program, and Mr. Lou Ruccolo, ESE Program Specialist.

Mr. Klein stated that Sunshine Cleaning is proud to be a part of the WOW program, working with kids, and the company is very proud to be associated with the district and its students.

Mrs. Bartleman announced that March 23, 2011 is Developmental Disability Awareness Day and encouraged everyone to attend the event in Tallahassee to speak on behalf of the students. Remarking that over 70 percent of individuals with disabilities are unemployed in Florida, Mrs. Bartleman stated that the goal of the program is for students and young adults with developmental disabilities; to make sure they are independent. With this program students are developing more self esteem, social skills, and has untapped a student employment group. Mrs. Bartleman stated that interested businesses should contact her office.

### REPORTS

#### Facilities Task Force – Charlotte Greenbarg

Ms. Greenbarg reported that at the Task Force meeting Mr. Patrick Reilly, Chief Auditor, and Auditors Mr. Dave Rhodes and Mr. Joe Wright were present to give an overview of the Audit department, now composed of 20 individuals to perform audits for the entire district. At one time the department had 32 individuals. They explained the functions of the Audit department as well as the reporting structure and the role of the Audit Committee. The under-staffing of auditors was discussed, considering the large scope of their responsibilities, and there is not enough staff to be present at all bid openings, as per the Grand Jury Report.

Regarding Beachside Montessori Magnet, Ms. Greenbarg stated that the Agenda Prep Group saw change orders being approved before ground was broken. The plans for a K-5 school were supposed to be reused, but substantial changes were made to them to build a K-8 school, which conflicts with the State Requirements for Educational Facilities.

The CM at-Risk delivery method was discussed; a good delivery method in certain circumstances but particularly bad when there is fraud. Contracts are not written to protect the District and must be changed. Evidence they have seen over the years substantiates the Grand Jury's Report.

## Approved in Open Board Meeting, April 19, 2011

A motion was made and passed that the Facilities Task Force endorses the recommendation of the January 11, 2011 Grand Jury Report as identified by the Auditors pertaining to construction and calls upon the district to devote a minimum of four auditors to review construction projects. The Task Force supports the present reporting system of the Office of the Chief Auditor.

Ms. Greenburg further reported that staff continues to focus on closing out completed projects and preparing for the move to Sawgrass Park. Until the closeout backlog is reduced, new project start-ups will be curtailed. Work continues on revision of board item templates and updating of all contracts. A detailed response to the Grand Jury Report for items directly related to Facility Construction Management issues is in progress.

The District Educational Facilities Plan process is underway for 2011-12. Funding is the major issue.

The Fort Lauderdale High School bid went out this week, and the Cooper City High School and South Broward High School pool projects will go out for qualification and subsequent short listing this week.

Staff has received an estimate for procuring new recording equipment for the Facilities Construction Management meeting room to allow recording of the meetings. The first estimate is in excess of \$4,000. Funds will be requested to purchase the equipment.

Ms. Greenburg discussed the topic of overtime in the Transportation department, stating there was an indication from the Acting Director that some overtime had been eliminated. She stated that the Task Force is requesting that a feasibility study be done to show the highest dead head routes, excluding magnet routes, and to pick one to determine if there is any potential savings. Data may be provided by April 7, 2011.

The Chair advised that no Board Members' appointees will represent the Task Force on the Qualification Selection Evaluation Committee (QSEC) in an abundance of caution re: ethics. Only community members and I-Zone representatives will be able to serve on QSEC for the Task Force.

Ms. Dinnen noted that no School Board Member has served on QSEC for a while and the agreement at the workshop was that no School Board Member would serve. It is not only the direction of the committee, it is also a direction of the Board.

Mrs. Bartleman inquired about the overtime issues at the Transportation department.

Mr. Donnie Carter, Chief Operations Officer, responded that overtime has not been eliminated, as it is a requirement for running a daily bus route. Mr. Carter stated that an update will be provided to the Board regarding what has been eliminated in overtime dollars.

Mr. Notter informed that he has met with the Chief Auditor and he has authorized the filling of an auditor position as soon as possible.

March 21, 2011

Minutes of Regular Meeting  
Page 4 of 56

## Approved in Open Board Meeting, April 19, 2011

A comprehensive, written report was submitted to the Board.

### **BOARD MEMBERS**

**Mrs. Rich Levinson** informed her colleagues that she visited Indian Ridge Middle School (Principal Frank Zagari) and Everglades Elementary School (Principal Eliot Tillinger), both principals spending a lot of time showing the teaching and learning that is occurring at these schools.

Mrs. Rich Levinson visited Driftwood Middle School with Ms. Cynthia Park, Advanced Academics. Principal Steven Williams showcased a SpringBoard class taught by Ms. Francine Wilcox, with double-Level I students. Mrs. Rich Levinson requested the district to consider expanding the SpringBoard program.

Mrs. Rich Levinson attended the Outstanding Senior Leaders Banquet; she served as judge at the Broward County History Fair, showcasing students' projects that they created. Mrs. Rich Levinson requested that this fair be marketed better for next year. She also attended the Broward Tech Centers Foundation Dinner - Red, White & Blue Jeans event.

Mrs. Rich Levinson praised Mrs. Barbara Leslie, Director, Food and Nutrition, whom she met to review what is occurring throughout the district regarding food service.

Congratulations was extended to the following students: Daniella Ray, Cypress Bay High School, elected the Florida DECA President; Piper High School JROTC Leadership Team 6<sup>th</sup> Brigade who finished 1<sup>st</sup> Place in the Leadership Division of JLAB. This is the school's second consecutive year to earn qualification to the National Finals and they will be traveling for the National Championship in Washington, D.C. in June 2011. Only two of 150+ teams made the cut for advancement to the national championship.

Mrs. Rich Levinson announced that the Cypress Bay High School Boys Ice Hockey Team begins competition for the National High School Ice Hockey Championship in Bensenville, Illinois. They are the first Florida public high school to receive an invitation to compete.

**Mrs. Rupert** informed that she attended the History Fair at Pompano Beach High School. Remarking that the 2011 Butterfly Festival at the City of Coconut Creek was a huge success, Mrs. Rupert stated she would like to see more schools participate in this event which highlights their bands.

Mrs. Rupert visited Atlantic Technical Center's Culinary and Automobile programs; attended Monarch High School Zone Night; toured Deerfield Beach High School with Principal Jon Marlow, and attended the Anti-Defamation League workshop for the students.

Congratulations was extended to Northeast High School's Rugby Team, who are going to the State Championship.

## Approved in Open Board Meeting, April 19, 2011

**Mrs. Bartleman** expressed concern regarding the district's policies and procedures that are in place with regard to medical leave issues. She stated that Policy 4411 - Family and Medical Leave needs to be amended. Acknowledging that the paraprofessionals is a Collective Bargaining issue, Mrs. Bartleman stated that this issue needs to be handled as soon as possible.

Mrs. Bartleman voiced concern over Policy 1401 – Naming/Renaming of School Board-Owned Facilities, which was mentioned in the Grand Jury Report. She stated this policy should be amended to include that a person should be deceased in order to name facilities.

Mrs. Bartleman reported on the PTA/DAC Advocacy Training at Piper High School, stating that Mr. Notter made a presentation. She stated that parents now have the tools to lobby the Legislature.

Mrs. Bartleman informed her colleagues that she attended President Obama's presentation at Miami Central High School. She stated there is going to be a "push" for merit pay, which the Board will not be able to prevent. Mrs. Bartleman stated that the district needs to be prepared in designing the plans that the Board will be forced to implement.

**Ms. Murray** informed her colleagues that Davie Elementary School is the first in the district to be introduced as a Mentor in Fitness program. The school is using the program, launched in January, to promote the importance of staying active. Activities range from soccer and kickball to **Wii Fit** and Dance, Dance Revolution. The children also participate in team sports, including basketball and volleyball, as well as aerobics and a fitness obstacle course. There are currently 10 volunteers and 105 students involved. Volunteers must complete an orientation session and background check before participating. Mentors interact with students, helping them achieve fitness and nutrition benchmarks. These are tracked in a journal and through a computer program. The plan is to expand the program to other schools. Residents who are interested in volunteering must be able to meet students at least one hour a week between 3:00 and 6:00 p.m., Monday through Friday.

Ms. Murray reported that Logan Stewart, a 14-year-old eighth-grader at Hollywood Academy of Arts and Science, won 1st place in the National Radon Poster contest, which drew 4,000 posters submitted from 33 states, six tribal nations and a military installation. Her colorful poster features silhouettes of a father and son with the title *Keep Your Family Safe*. It also states that radon can cause lung cancer. She was able to attend The National Radon Poster Contest Awards ceremony in Washington, D.C., along with her mother, Jennifer Stewart. According to the U.S. Surgeon General, radon is the number one cause of lung cancer for nonsmokers and the second leading cause of lung cancer for people who smoke.

## Approved in Open Board Meeting, April 19, 2011

Ms. Murray further reported that McArthur High School recently won the Broward County Mock Trial Competition. The school defeated four other finalists to become this year's champions, and will represent Broward County at the state competition in Orlando, March 31 – April 2, 2011. The Mock Trial event is programming dedicated to improving the administration of justice, and strengthening democracy through practical, hands-on law related and civic education programs for students. The Mock Trial teams participated in role-playing prosecution attorneys, defense attorneys and witnesses in a fictitious civil case of Young vs. Gardner. The case was presented before a judge from the Broward County Courts system, with attorneys from Broward County serving as jurors.

Members of Nova High School's National Honor Society (NHS) coordinated Operation Cure **Cancer**, raising more than \$675. During the summer, NHS President Emily Senderey worked with her family to craft a 6-foot-tall wooden Cavity Sam, the character from the popular Operation game. She made awareness ribbons to represent the 18 different types of cancers and affixed them to Sam in the area each affected. A short infomercial was produced in the weeks leading up to the effort, which took place during Valentine's week. Emily hoped the ribbons Sam wore would dramatize how vulnerable the body is to cancer. Each teacher involved chose a ribbon they wanted to "cure." Their name and the amount they collected were printed onto new ribbons. Cavity Sam's cancer ribbons will be replaced with these "cured" ribbons and will reside in the media center for students, staff and teachers to see the success of the project.

Ms. Murray informed her colleagues that Nova High School defeated Miami-Dade's W.H. Turner Technical Arts High School in the HEAT Black History Month Challenge at the American Airlines Arena on February 23, 2011, with a final score of 680 to 610. This was the second year of this event, however, the first time a high school from Miami Dade was competing against a high school from Broward County. The high schools were randomly selected by HEAT staff. Former HEAT player Tim Hardaway led the Nova student team. The Nova team received a prize pack, which included HEAT tickets and a \$5,000 grant for their school.

Ms. Murray extended a personal thank you to the Kindergarten students of Hollywood Central Elementary School, Hollywood Hills Elementary School, and Orange Brook Elementary School for allowing her to read to them earlier this month. Ms. Murray said she had a lot of fun and the kids reacted to the story, and she enjoyed her conversations with the students. Ms. Murray thanked the teachers of those students and the Principals of those locations for altering their schedules to afford her with this magnificent experience.

Ms. Murray attended the Broward League of Cities program that included a Robert's Rules of Order workshop featuring Patricia McDougle, a professional registered parliamentarian. Remarking that there are different versions and how the district implements it, Ms. Murray requested a workshop and invite Ms. McDougle to make a presentation.

## Approved in Open Board Meeting, April 19, 2011

Ms. Murray informed her colleagues that Hollywood Hills Elementary Women's History Month (March) is honoring Abigail Adams, featuring first person interpreter by Kim Handley as Abigail Adams. "Abigail" will be visiting several schools in Broward County this month in honor of Women's History Month. She will be making presentations to students at Thurgood Marshall, Sheridan Hills and Hollywood Hills elementary schools. "Abigail" is visiting at the request of Teaching America History Grant, the American Tapestry and the 56 Broward County Teachers who are participating in this grant. Abigail will be lunching with Ms. Vered Roberts, Hollywood Hills Principal, and Ms. Murray will be accepting their invitation to join them.

**Mrs. Good** informed her colleagues that she received a tour of Pembroke Pines Elementary by Principal Marc Charpentier, and A.C. Perry Elementary with Principal Ms. Davida Johnson. Ms. Johnson is an inspirational leader and tremendous asset at the school. Perry Elementary has been selected as a Fall 2010 Broward County Public Schools Best Practice Winner for their submission of "Penguin Math Trivia in the Cafeteria." The cafeteria is split into three quadrants – red, white and blue, and they hold math trivia with the students while they are having lunch.

Mrs. Good visited and toured Perry Middle with Principal, Ms. Estella Eckhardt.

Mrs. Good attended the West Broward Innovation Zone Meeting at Chapel Trail Elementary, thanking Principal Teresa Lipkins and Interim Principal Jimmy Arrojo, West Broward High School, for their hospitality and excellent dialogue. Mrs. Good also attended the innovation zone meetings at Miramar High School with Principal Brian Faso, Flanagan High School with Principal Sharon Shaulis, which was hosted by Perry Middle School Principal Ms. Eckhardt. Great information was shared by everyone from all elementary, middle and high schools.

Mrs. Good also attended the Panther Run SAC/SAF Meeting with Principal Elaine Saef. Mr. Steve Frazier, Principal Silver Trail Middle, spoke about transitioning to middle school.

Mrs. Good congratulated all students at the Senior Leaders Banquet at the Signature Grand. Gratitude was extended to Senator Eleanor Sobel for moderating the State of Education Forum at Cooper City High School, and her colleague Mrs. Rupert for her incredible input.

Mrs. Good informed her colleagues that West Broward High held their Dancing with the Staff event, whereby students and staff established a scholarship fund in memory of their Guidance Counselor Connie Hammock who recently passed away.

On behalf of the School Board, Mrs. Good accepted a Water Matters Day proclamation from the County Commission, attended the Water Matters Day at Tree Tops Park on Saturday, March 12, 2011, and announced the Water Matters Day Literacy Contest winners from Broward middle and high Schools.

## Approved in Open Board Meeting, April 19, 2011

Congratulations was extended to New Renaissance student, Mickalia Paisley for winning 2nd Place in the Essay Contest. New Renaissance Teacher, Marlin Robinson also won 2<sup>nd</sup> Place. New Renaissance Principal Ms. Janet Morales also attended the event. South Plantation High was also at the event with their new Solar Car they are taking to Texas. Mrs. Good sponsored them by purchasing a solar cell.

Mrs. Good attended the Town of Southwest Ranches Education Advisory Board.

Mrs. Good extended special thanks to Dr. Joel Herbst, Ms. Leslie Brown, and Ms. Jill Young for presenting "Building Relationships" at the City of Miramar Commission Meeting on March 2, 2011. The city commended staff for sharing the information with them and having the ability to participate in the meeting.

Mrs. Good announced that Silver Lakes Elementary student Melissa Hernandez, 3rd grader, submitted a winning proposal "Energy Forces, Motion, Recycling and Magnetism" and will be awarded a grant from FPL Solared Station Program. The funds will be used to run renewable energy experiments.

Congratulations was extended to Glades Middle School student Dajon Thomas. Dajon took 2nd place in the Miami Herald Broward County Spelling Bee. The competition was held on March 8, 2011, at the Signature Grand in Davie.

**Ms. Dinnen** informed her colleagues that she attended the History Fair at Pompano Beach High School and Awake the State Rally in Downtown Fort Lauderdale (regarding the budget cuts), a well attended event.

Ms. Dinnen visited Seminole Middle School and a tour was provided to new Principal Kathy Marlow, formerly an Assistant Principal at South Plantation High School. Her mission is to recruit students who would ordinarily plan to attend charter schools, and she has recruited 10 students to Seminole.

Ms. Dinnen provided a Legislative report, and answered questions and gave some resume on the Grand Jury Report at the Partners in Education Executive Board and South Plantation High School's PTSO.

Ms. Dinnen attended the Broward Workshop, the State of the County Breakfast and Forum.

Ms. Dinnen attended the swearing-in ceremony of Mayor Diane Veltri-Bendekovic in Plantation, formerly a teacher for the district for 35 years.

Ms. Dinnen attended the St. Patrick's Day Parade in Fort Lauderdale with her colleague, Mrs. Gottlieb and her husband, Judge Ken Gottlieb. The next day she attended the Emerald Society Breakfast.

## Approved in Open Board Meeting, April 19, 2011

Ms. Dinnen announced the following events: Directly speaking with Legislators in Tallahassee, the Fort Lauderdale Centennial event at Fort Lauderdale High School, with world renown artist Charles Fazzino. Stranahan High School will unveil their Dream Catcher project, symbolizing historic buildings and events in Fort Lauderdale's 100<sup>th</sup> year anniversary on Friday, March 25, 2011.

On Saturday, March 26, 2011, the City of Oakland Park will host Youth Day, with the longest-standing consecutive parade in the history of Broward County. Performances will be made by students and awards will be presented to the schools.

Ms. Dinnen announced that Riverfest and Beachfest will be held on March 27, 2011; the local media will run a special edition and/or insert with the history of the Fort Lauderdale area.

**Mrs. Rupert** requested a moment of silence for Japan, following the earthquake and tsunami tragedies. (A moment of silence was observed).

**Mr. Williams** praised the School Board Members for their professionalism during today's meeting; offering the public an opportunity to express their concerns.

### **Speakers**

Frieda Stevens  
Edwin Ward  
Rhonda Ward  
Denise Schroeder  
Jamie Engel  
Hal Krantz  
Elizabeth Aiello  
Gregg Havass  
Debra Davitch  
Marty Gay Chaples

**CONSENT AGENDA** Following identification of those items Board Members and members of the public indicated they would like considered separately, motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve the Consent Agenda for the remaining items (**identified by \***). Mr. Thomas was absent. \*8-0 vote)

CONSENT ITEMS

A. RESOLUTIONS

A-1. Resolution in Support of Autism Awareness Month – April 2011  
(Adopted)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to adopt Resolution #11-89, in support of Autism Awareness Month – April 2011. Mrs. Bartleman was absent for the vote. Mr. Thomas was absent. (7-1 vote)

Mrs. Bartleman stated that Autism Awareness Month will be held in April 2011. She introduced Ms. Stacy Hoagland, Autism Society of America.

Ms. Hoagland thanked the School Board and staff for their ongoing support of kids with Autism Spectrum Disorder. Just recently the Autism Society partnered with the Dan Marino Foundation in the Dan Marino Walkabout for Autism held on January 28, 2011. The money raised here will stay here, raising a little over \$450,000.

Max Minggold (phonetic) Cypress Bay High School student attended the Baudhuin School and Fox Trail Elementary School where he participated in the Autism Cluster program and Tequesta Trace Middle School. Pre-school children from the Baudhuin school, with their director Nancy Lieberman, and Associate Director, Manny Gonzalez-Abreu are going to present their project, Hanging of the Hands, a state initiative where pre-schoolers send their paper hands to the Capitol and they are hung in the rotunda. When the Governor does his presentation on Autism Awareness Day, he identifies Broward County preschoolers and the projects that they do during the presentation.

Ms. Hoagland presented pre-schoolers, and Max read the resolution into the record.

Mrs. Bartleman recognized and expressed gratitude to Ms. Lieberman, Denise Rusnak, Director; Mr. Gary Grigull, Terri Shermett and staff at Exceptional Student Education, who are true advocates for students.

Mrs. Rupert proudly spoke about her nephew Eric who has autism, graduated from the University of Pennsylvania, obtained his master's degree, and went through over 100 interviews to get a job. He is currently living and working in Albuquerque.

**B. BOARD MEMBERS**

- B-1. Establishment of Interim Evaluation of James F. Notter, Superintendent of Schools (Approved as amended)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to approve to (1) conduct an Interim Evaluation of the Superintendent of Schools, James F. Notter, (2) distribute the Interim Evaluation instrument commencing on May 11, 2011, which is thirty (30) days following the scheduled issuance of the Superintendent's comprehensive response to the Final Report of the Nineteenth Statewide Grand Jury, released February 18, 2011; and (3) direct the Superintendent of Schools to place the development of the interim evaluation process, criteria and instrument upon the agenda of a School Board Workshop to be conducted within thirty (30) days of the approval of this item.

Article 9, Section 9.6, of the Employment Agreement between The School Board of Broward County, Florida, and James F. Notter, Superintendent of Schools, provides that in addition to its annual evaluations, SBBC may provide an interim evaluation of the Superintendent any time it deems appropriate. Based upon the Grand Jury Report, The School Board deems an interim evaluation of the Superintendent of Schools is appropriate.

After a discussion of the interim evaluation process, criteria and instrument at a workshop, an interim evaluation instrument and procedure would then be reduced to writing and approved by The School Board at a regular meeting.

There is no financial impact to the district at this time.

Mrs. Good informed that she presented this item to establish an interim evaluation of the Superintendent of Schools and read the Requested Action and Summary Explanation and Background into the record. Pursuant to the Employment Agreement, Mrs. Good stated that should the Board determine through the evaluation process that the Superintendent's performance requires improvement, the Superintendent can be provided a listing of any deficiencies noted in his performance and be allowed to fully and fairly respond to those deficiencies.

Mrs. Good referred to the Job Description, Special Qualifications (excerpts): ability to delegate authority and responsibility and hold subordinates accountable; ability to develop the school board as a team, maintain integrity and credibility.

## Approved in Open Board Meeting, April 19, 2011

Continuing, Mrs. Good stated that the Board needs to provide the Superintendent of Schools clear direction and the need to restore credibility to the district and ensure that we have a school system that is accountable to all stakeholders. Mrs. Good asked her colleagues for their support.

Ms. Dinnen stated that she had no problems with an interim evaluation as a process, as outlined. Ms. Dinnen inquired about the focus of the purview of the interim evaluation, whether it is the Grand Jury recommendations, the Grand Jury comments, or the Superintendent's last recommendation to the current time. Ms. Dinnen stated there needs to be language to establish clearly that any discussions of the process, criteria or the instrument is not decided at a workshop, and that a Board approval item needs to be developed.

Ms. Dinnen further inquired whether the interim evaluation is going to be similar in structure to the annual evaluation, with considerable community input as was the regular evaluation. Ms. Dinnen discussed the current times, the public opinion and different reports regarding the district's issues, and during the Legislative Session. She stated that the district has many ongoing issues, including the arrival of the Inspector General, Department of Education, to interview staff.

Ms. Murray stated that the Board should be cautious to ensure the best interests of the system, and she would not support the item, as there is an evaluation which will bring the Board to the same point in time as an interim evaluation. Ms. Murray informed that staff is ready to bring an outline in April, based on past practices, of how to evaluate the Superintendent.

Remarking that she supports the interim evaluation, Mrs. Rupert stated that there is no specific data-driven measurable goals, and it is a disservice to the Superintendent to not have had that written down. Mrs. Rupert stated she will only support new goals for any superintendent, data-driven measurable goals.

Mrs. Bartleman informed her colleagues that she has read the past Grand Jury Reports which transcends across Superintendents, the School Board, and Superintendent of Facilities. Mrs. Bartleman stated that some of the issues have been repeated, such as stopping the use of Temporary Certificates of Occupancy, as was recommended by the Grand Jury in 2002, and safety inspections date back to 1997. Mrs. Bartleman stated that the bigger issue is what to do about the Facilities Department and their issues. She stated there needs to be conversation as to what other districts are doing to avoid the district's problems and why this district has not corrected these issues.

## Approved in Open Board Meeting, April 19, 2011

Mrs. Rupert stated she is not comfortable in saying it is somebody else's problem. Mrs. Rupert stated that bringing back public trust is to ask the Superintendent to have measurable goals and having an interim evaluation will only prove how good he is or is not doing his job. She stated that she has read all the Grand Jury Reports and has met with Auditing and Facilities departments but their plans were never implemented. Mrs. Rupert further stated that the Board is not suppose to be involved in the day-to-day business of the district.

Mrs. Good stated that her attempt in presenting the item was not to get into the specifics of the evaluation process instrument because the Superintendent's agreement does not speak to that. The Superintendent's evaluation is very detailed but the interim evaluation is not detailed. Mrs. Good stated that that discussion should be held within 30 days at a workshop to ascertain how the Board can proceed in evaluating Mr. Notter's performance.

Mrs. Good said that the Grand Jury Report highlights some inefficiencies in the district and some management issues, and management issues were highlighted in other Grand Jury Reports. Not all the problems stem from poor ethics practices. Mrs. Good stated it is very important to provide the Superintendent the opportunity to conclude his review, which is a fair process, and then evaluate him on his management of those issues or the lack thereof.

Mrs. Good discussed the issues of the Grand Jury Report, some of which was not under Mr. Notter's leadership. She stated when Mr. Notter assumed the role of Superintendent he assumed a lot of the issues, negative and positive, just as Board Members have to take on issues of past boards. Mrs. Good stated that Mr. Notter deserves constructive criticism, clear direction from the current Board as it moves forward, what was done right, what was done wrong, and what needs to be done. Remarking that the Grand Jury Report is a gift to the district, Mrs. Good requested that the Board and the Superintendent move forward in a manner that is credible and transparent.

Mr. Williams stated that Grand Jury Report is very serious and there are some things Mr. Notter will need to put in place. Mr. Williams stated that the report gave direction to the Board and concurred that a workshop discussion is needed. He stated there were issues that were not discussed in the Grand Jury Report that the Board needs to be involved in. Mr. Williams voiced concern that the Interim Evaluation would be the Grand Jury Report.

## Approved in Open Board Meeting, April 19, 2011

Ms. Dinnen inquired whether there is a period of time of the Superintendent's performance that will be covered by the interim evaluation, and what is the focus. Whether it is exclusively or is it more encompassing than the Grand Jury Report. Ms. Dinnen stated that as a teacher she would want to know whether she is being evaluated on performance for a specific period of time.

Concurring, Mrs. Good stated there are issues in the report that need to be addressed and the report does reference issues that occurred prior to Mr. Notter's August 2010 evaluation. It needs to be known how the Superintendent has dealt with some of the references in the report that occurred earlier than August 2010 and how will those issues be addressed as the district moves forward. Remarking that she will look to legal counsel for assistance, Mrs. Good stated there are items in the report that go earlier than last year.

Mrs. Gottlieb inquired whether an employer evaluates an employee when they were not yet an employer.

Mrs. Marilyn Batista-McNamara responded that the person that is evaluated would have to base their evaluation on what they have observed for the time that they have been here and other information that can be gathered from the Superintendent or the process. Counsel indicated that the contract does not cover the period of time of the evaluation.

Mrs. Gottlieb stated that it is a close window between the time of the interim evaluation and the annual evaluation in August. She stated there should be due process and fairness for employees, and those due process rights should be extended to the Superintendent and General Counsel.

Mr. Notter informed that he will provide a final response to the Grand Jury Report by March 31, 2011, per the request of the Commissioner of Education.

The following individuals addressed this item:

Alana Mersinger  
Marilyn Soltanipour  
Mary Gay Chaples  
Charlotte Greenberg  
Jeanne Jusevic  
Mary Fertig  
Jamie Levine

## Approved in Open Board Meeting, April 19, 2011

Ms. Murray, who remarked that there are no special groups on the Board and no undue influence, stated that the Board can have a workshop discussion whether to conduct a regular or an interim evaluation. She stated that this timeframe will provide the Superintendent with the necessary tools to move the district in a positive direction.

Mrs. Rich Levinson stated that the district needs to move in a positive direction and restore the public trust, and change the way the district conducts business. Mrs. Rich Levinson shared the frustration of parents about being in focus groups, having information filtered, and not being able to speak at workshops. Voicing her support for a workshop discussion, Mrs. Rich Levinson stated that the district must not lose sight of curriculum and policy concerns, and ascertain how best to protect the students. She noted that the evaluation should not cost the district any money.

Mrs. Good stated that the interim evaluation will provide the Superintendent guidance on how to move forward and that a vote of confidence would not provide any sort of proactive measure. Mrs. Good noted that Mr. Notter's contract allows for an interim and annual evaluation, but that she did not want to burden staff.

Mrs. Gottlieb said she would prefer working on perfecting a final evaluation, establish criteria for data, and have a workshop discussion on this item. Remarking that accreditation is a big issue, Mrs. Gottlieb stated that the Superintendent needs to be given all the tools and resources needed to provide a response to the Department of Education by March 31, 2011. She also discussed the need for audience input at a Board Workshop on this item.

Mrs. Bartleman requested that audience input should be permitted for all Board Workshops. She stated she will bring forward an agenda item on April 5, 2011 for public input at all workshops. Mrs. Bartleman voiced concern over developing a new evaluation instrument with measurable goals.

Mrs. Bartleman requested an amendment to allow public input at all workshops, and seconded by Ms. Dinnen. Mrs. Bartleman stated that she is adding language to the Requested Action of the item.

Ms. Dinnen inquired whether the participation or non-participation of the public at a workshop is a policy or a practice.

Mr. Notter stated that in the past the Board Chair has permitted public input but it has not been standard operating procedure.

## Approved in Open Board Meeting, April 19, 2011

Mrs. Gottlieb suggested that rather than an amendment, the Chair can agree to have public input at the workshop.

Mr. Williams stated he would be glad to allow public input.

Mrs. Bartleman withdrew her amendment request.

Ms. Dinnen proposed the following amendment:

### Motion to Amend (Withdrawn)

Motion was made by Ms. Dinnen, seconded by Mrs. Good, to conduct an interim evaluation to provide direction for the Superintendent at this point including issues raised by the Grand Jury Report; to schedule a workshop to discuss process, criteria and instrument for this evaluation; and with the final approval of the instrument at a regular Board meeting.

Mr. Notter stated that he was proud of the district and the process during this discussion by the Board. He thanked Mrs. Good for bringing the item forward and thanked all Board Members. Mr. Notter informed that he has engaged his attorney, Russell Peterson, who originally prepared his contract, to engage, if needed, to ensure that all contract responsibilities and obligations are carried out, with assistance by Mrs. Batista-McNamara. The Superintendent said he wants to ensure the integrity and the transparency of the process, including the legality of the process.

Mrs. Rupert requested an amendment by substitution, as she would prefer a timeline of May 30, 2011 for a Board Workshop.

Mrs. Good stated that the workshop was to be conducted within 30 days; whatever instrument tool that would be utilized would be distributed by May 11, 2011.

Mrs. Batista-McNamara advised that this particular issue would not qualify for an emergency meeting because it has to affect health, safety and welfare. She stated that a Special School Board meeting could be held, which requires a 48 hour period for advertisement.

The following individuals further addressed this item:

Mary Fertig  
Charlotte Greenberg

**Approved in Open Board Meeting, April 19, 2011**

Motion to Amend (by Substitution) (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to conduct an interim evaluation to provide direction for the Superintendent at this point including, but not exclusively, issues raised by the 2011 Grand Jury Report; and schedule a workshop by April 30, 2011, to discuss the process, criteria and instrument; with final approval of the instrument at a Regular School Board meeting. Mr. Thomas was absent. (8-0 vote)

A vote was taken on the Motion to Amend.

Ms. Dinnen requested a matrix at the Workshop to include recommendations that apply to the Superintendent from the Grand Jury report. Ms. Dinnen stated that a matrix will illustrate a clear view of what has already been done and what the Superintendent has put into practice.

Mrs. Rupert requested the evaluations and procedures from the top five larger school districts presented at the workshop.

Mrs. Good thanked everyone for coming together to make progress.

**D. OFFICE OF THE CHIEF AUDITOR**

**E. CHIEF OPERATIONS OFFICER**

E-1. Wellness Policy Annual Evaluation 2009 – 2010 (Received)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to receive the Annual Wellness Policy Evaluation 2009 – 2010. Mr. Thomas was absent. Mrs. Gottlieb was absent for the vote. (8-0 vote)

The Child Nutrition Reauthorization Act of 2004, mandates the federally required District Wellness Policy, School Board Policy 5314, be evaluated annually and the results of that evaluation be submitted to the School Board.

This year's evaluation demonstrates progress based on recommendations from the 2008 – 2009 evaluation. The frequency of vegan entrees was increased, efforts were made to increase participation in nutrition education events and information was provided regarding healthy options for classroom events.

The marketing plan to increase the number of students eligible for the Free and Reduced Price Meal Program included advertisements on the exterior of public transportation buses, and the Differentiated Health Staffing model was implemented.

## Approved in Open Board Meeting, April 19, 2011

There is no financial impact to the district upon accepting this report.

Mrs. Rich Levinson praised the well-done evaluation and said it was very informative to read about the Wellness policy.

Mrs. Barbara Leslie, Director, Food and Nutrition, stated that the highlight of the Wellness Policy Committee is to be able to gather input from community partners. Remarking that having a wellness policy is a requirement of the United States Department of Agriculture (USDA), if the school has a national school lunch and breakfast program, that addresses childhood obesity and the need for increased exercise.

Mrs. Rupert requested the implementation of a garden kitchen philosophy with the district's school lunches, which will tie into the Healthy Hungry Kids Act, and that staff review adding an environmental aspect to it. In addition, adding an ESOL Advisory Committee representative as a stakeholder.

Ms. Dinnen requested that the Board be provided with the acquisition of the food services from the Department of Education to the USDA.

Ms. Murray stated that many ethnic groups and parents have issues with the food their children are served.

Ms. Leslie stated that focus groups are held to ascertain what children will eat, and menus are constantly being changed to meet the needs of the district's population groups. More vegan entrees are being offered and more ethnic foods. Ms. Leslie noted that currently the best seller is rice bowls, especially in high school, and salads in elementary school. The district also offers a yogurt breakfast.

Mrs. Bartleman spoke of [www.getsweaty.com](http://www.getsweaty.com), which is an online fitness program for students. She stated this is a great way to incorporate fitness; it is free to the district and teachers get money for school supplies when students log on.

### E-2. Cancel Lease Agreement (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to cancel the lease agreement with Summer International Group issued under RFP 10-030N – Lease of Food and Concession Training Facility at Kathleen C. Wright Administration Center. Mr. Thomas was absent. (8-0 vote)

**Approved in Open Board Meeting, April 19, 2011**

On September 1, 2009, The School Board of Broward County, Florida, awarded RFP 10-030N for the Lease of Food and Concession Training Facility at Kathleen C. Wright Administration Center in order to provide nutritionally balanced meals for the administration center and provide a training program for transition students. Due to the current economic conditions and the lack of capital funds to refurbish this facility, cancellation of this Agreement is necessary. In accordance with General Condition 3.04, the Agreement may be canceled with or without cause by The School Board of Broward County, Florida, during the term hereof upon thirty (30) days written notice to the other party of its desire to terminate this Agreement.

There is no financial impact to the district.

Mrs. Bartleman discussed the Food and Concession café for the administration center, stating that work had begun on the project but due to the district's financial situation the project was cancelled. The district also worked on a partnership with Dan Marino, securing funding for them to pay the students, and the vendor, Work Opportunity from Within, would have worked with students. Gratitude was expressed to Mr. Carter, Mr. Israel Canales and the committee for working hard on this project. She stated it is hopeful to find someone who will commit to the capital improvements and also commit to hiring the students.

- E-3. Default of Compass Home Healthcare, LLC (Withdrawn)
- E-4. Authorization to Release Request for Proposal (RFP) (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to authorize the release of the following RFP: 12-017N. Mr. Thomas was absent. (8-0 vote)

<u>RFP#</u>	<u>Title</u>	<u>Department</u>
12-017N	Advertising/Sponsorship Program	Parents, Business & Community Service Partnerships

The intent of this RFP is to request proposals from qualified firms to provide advertising/sponsorship program services for the School District. The School Broward County School, Florida (SBBC), is seeking proposals from experienced, highly motivated and creative advertising companies that can demonstrate a successful track record of establishing and maintaining revenue-producing advertising programs with similarly sized school districts or companies.

## Approved in Open Board Meeting, April 19, 2011

Therefore, proposers are encouraged to be creative and innovative in utilizing the available space to accomplish the goals as outlined in the RFP and in proposing an advertising program that best meets the needs and objectives of the School District. Advertising space will be determined by the individual site location. The program consists of developing, constructing, installing, operating, maintaining and selling advertising space.

SBBC defines the advertising/ sponsorship program services as including, but not limited to, flat-screen video monitor systems, various mass media communication devices, artwork, free-standing displays, wall-mounted displays, and other similar advertising for the purpose of promoting or displaying the products or services of various industries, manufacturers, companies, agencies or persons. This RFP will generate revenue.

There is no financial impact to the district at this time.

Mr. Robert Waremburg, Director, Supply, Management and Logistics, responded that the five-year contract is customary, which includes termination clauses if, for any reason, staff chooses to separate the agreement early upon a 30-day notice, with or without cause.

Responding to Mrs. Rich Levinson's inquiry about revenue projections, Ms. Merrie Meyers, Director, Parents, Business and Community Partnerships, stated that it is unknown until a vendor can do an honest assessment of the district's assets. She stated that Policy 6300 is a guideline for the standards of advertisers; the Advertising Committee meets on a regular basis that includes parent leaders and staff.

Responding to Mrs. Good's inquiry, Mr. Waremburg stated that the Evaluation Committee is a sub-set of the Advertising Committee.

Ms. Meyers stated that there is not a legal representative on the Evaluation Committee as a standing committee member.

Mrs. Good stated that at a minimum guaranteed amount should be requested from the proposer. She stated before the district allows placement of equipment in schools there should be a guaranteed amount.

Ms. Meyers stated that there are different rate sheets for each of the venues. Ms. Meyers further stated that one of the issues with the market and getting a flat rate is not knowing what the market will bear. Staff works with the vendor to develop a pricing structure based on the research that is done.

**Approved in Open Board Meeting, April 19, 2011**

Ms. Meyers informed that the district follows all the zoning regulations of the cities in which the schools are located, knowing which cities allow signage and, if so, how high it can be.

Mrs. Good stated that the district has to be careful when placing advertising signage outside an elementary school for, as an example, milk, that the community at the school supports such a venture.

Mrs. Bartleman stated that many schools would welcome this if it meant money coming back to their school, given the reality of the economy.

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

**F-1. Grant Applications (Approved)**

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to approve the submission of grant applications to: Mr. Thomas was absent. Mrs. Gottlieb was absent for the vote. (8-0 vote)

- A. Building an Adult Career Pathways System for Transitioning to Postsecondary Education, \$440,473
- B. CVS Community Grant for Public Schools, \$1,200
- C. Equipment Assistance Grant for School Food Authorities, \$400,117
- D. Kohl's Associates in Action Grant Program, \$500
- E. Magnet Schools of America, \$1,000
- F. Target Field Trip Grant, \$1,300
- G. The Wal-Mart Foundation, \$500

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

The positive financial impact is \$845,090 from various sources. There is no additional financial impact to the school district.

Mrs. Rich Levinson reiterated that the district needs to hire more grant writers to go after more grants.

**G. HUMAN RESOURCES**

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

Approved the personnel recommendations for the 2010-2011 appointments and leaves as listed in the Executive Summary and respective lists for Instructional staff.

**Approved in Open Board Meeting, April 19, 2011**

All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. The teacher approvals on this G-1 item are teachers in subject areas for which there is no surplus and/or layoff teacher in that certification area that could be placed in these positions.

The Personnel Recommendations for Instructional Employees include the following items:

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

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

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

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 2010-2011 School Year (Approved)

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

Mr. Thomas was absent. (8-0 vote)

March 21, 2011

Minutes of Regular Meeting  
Page 23 of 56

## Approved in Open Board Meeting, April 19, 2011

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

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

Mrs. Good stated that due to budget reductions it is important that staff indicate on the record the need for this position.

Dr. Phyllis Schiffer-Simon, Director, BECON, informed that there are two positions, Clerical bargaining unit and a Technical Support Professional. The individual currently works for BECON and was in the other bargaining unit; when an employee resigned in January it provided an opportunity to place this employee in the appropriate job description.

Dr. Schiffer-Simon stated that the specialized technical position, a Video Graphic Artist creates the animations and visuals that is shown on all BECON programs. She further stated that the department is down two positions and with the demands in producing educational programming there is a need for the position.

Concurring that a public explanation should be given on new appointments, Ms. Dinnen inquired about the other position.

Ms. Gracie Diaz, Associate Superintendent, Human Resources, informed that the school nurse position is located at Blanche Ely High School; the employee resigned and there is an agreement with the county to provide nurses for full-service schools due to the high needs in the community and the needs of that population.

**Approved in Open Board Meeting, April 19, 2011**

Ms. Diaz stated that the district receives funding for the position in order to fill the position and to be able to provide services to the students at that school.

Mrs. Gottlieb and Mr. Williams recognized and congratulated newly-appointed district personnel.

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

Motion was made by Ms. Dinnen, seconded by Mrs. Gottlieb and carried, to approve the personnel recommendations for separation of employment or discipline as listed on the respective lists for Non-Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. Mr. Thomas was absent. (8-0 vote)

The Personnel Recommendations include the following items:

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

There is no financial impact to the school district.

Mr. Turnquest McKenzie, employee of Westwood Heights Elementary School, informed the Board that he has worked for the school district since 1988. He informed that during the Christmas holidays he was evicted from his house, previously he had been divorced from his wife, and he did not come to work for a few days and did not contact his family or anyone else. Mr. McKenzie stated that he was under a lot of stress. Upon his return to the school the principal informed him of his options, to resign or take it to the Board. Mr. McKenzie asked for his job back and presented a letter from the counselor who he has been seeing.

Ms. Murray inquired whether the employee was offered assistance from the Employee Assistance Program (EAP).

Mrs. Victoria Kaufman, Director, Noninstructional Staffing, responded that Mr. McKenzie did not report to work from December 17, 2010 through January 20, 2011 and the principal made every attempt to speak to family members and the Head Custodian, and went to visit the home to try to locate him before she proceeded with a recommendation for disciplinary action.

## Approved in Open Board Meeting, April 19, 2011

On January 20, 2011 Mr. McKenzie appeared at the school unannounced and she met with him. He has different conflicting reasons for his absence than he has given today. He stated that he would return the next day to return the school keys but they did not see or hear from him again. A recommendation commenced for termination in adherence to Policy 4009.3. The principal offered the employee all the options: to resign and the opportunity for assistance. The employee is using those services at this time.

Mrs. Bartleman inquired whether an employee is terminated even if they are in the EAP program, and whether he has an opportunity to be reassigned.

Ms. Diaz responded that the termination is based on the violation of the policy, that the employee was absent without reporting to his school for over three weeks. The assistance would end upon the termination of his employment.

Ms. Murray stated that during these economic times and hardships the district should extend compassion to their employees.

### Motion to Amend (Withdrawn)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman, to amend by pulling Mr. Turnquest McKenzie from Agenda Item G-4.

Mr. Notter stated that the employee is currently in the EAP program.

Ms. Diaz stated that staff agonized over this situation, having spoken with the principal several times, as many employees are going through similar hardships. Ms. Diaz further stated that staff is following the policy that is expected to be followed; it is not fair to the school, teachers or students to not call in to work. The principal did everything she could for this employee but he did not do his part; the employee is not currently at work and the principal has grave concerns about him returning to work.

Ms. Dinnen withdrew her amendment and Mrs. Bartleman concurred.

Ms. Murray inquired whether a medical leave was offered to the employee.

Mrs. Kaufman stated that according to the principal all options were explained; the leave option, resignation and EAP program. She verbally spoke to the principal on many occasion, and Employee Relations met with the principal regarding her documentation.

## Approved in Open Board Meeting, April 19, 2011

Mrs. Gottlieb stated that the Board is compassionate with employees who appear before the Board and that many employees are in the same situation. Mrs. Gottlieb stated that the main issue is the policy and the Board needs to be cautious if not all of the facts are available. She stated the Board needs to be careful discussing these issues on the dais and the Board needs to have faith that the principal did everything possible.

Mrs. Rupert inquired whether English is the first language for the employee. She wanted assurance that the employee was able to comprehend the issues surrounding his case.

Mr. McKenzie responded affirmatively.

Ms. Dinnen voiced concern about the lack of notification for such a long period of time to be absent. She stated that the Board is very sympathetic with anyone's personal problems, as this is a very difficult time for everyone.

Mrs. Bartleman stated she would feel more comfortable deferring this employee in order to get all the background information, either to the afternoon session of the Board meeting or to the next School Board meeting. Mrs. Bartleman stated that previously two bus drivers appeared before the Board, who were recommended for termination, and thereafter the employees were removed from the termination list because of issues with the process. She requested information regarding whether the employee understands he is a member of the bargaining unit and whether he understands his rights.

Mrs. Good inquired about the role of employee and his role in that position.

Ms. Diaz informed that Mr. McKenzie is an Assistant Head Facilities Services person, a supervisory position at an elementary school in charge of the night crew, has keys to the school and must open and close the school. This has created a hardship on the school, having somebody else assigned to that position.

Mrs. Good inquired whether the employee received information through the due process, that he needs to come to work or his job will be considered abandoned.

Responding affirmatively, Mrs. Kaufman stated that in addition to the letters, there were contacts that the principal attempted to make with family members and the Head Custodian driving to the home. She informed the Board that the employee was informed of his rights; should the Board vote upon the termination she would assist him with that process.

**Approved in Open Board Meeting, April 19, 2011**

Mrs. Good concurred with obtaining additional information from staff and tabling this position to a later time. She stated the decision the Board makes will impact this gentleman's life for the rest of his life. Mrs. Good wants assurance that notifications were given pursuant to policy, whether other measures were taken.

Mrs. Gottlieb stated that it is to the employee's advantage to go through the process, to appeal the process.

Concurring, Mrs. Batista-McNamara informed that Policy 4003.9 calls for immediate termination if someone is absent for more than three work days without calling. Once the Board makes a decision to terminate, the employee has an opportunity to file a grievance, part of the due process and following the steps of the grievance process which ends in binding arbitration, appearing before an arbitrator who will review all the evidence and whether the process was followed.

Mrs. Gottlieb voiced concern going against the policy that is in place and disrupting the employee's due process rights. She stated it is in the best interest of the employee to move forward with a termination.

Mrs. Rupert stated that the employee should be disciplined for his absence, take advantage of the EAP program and should be given another chance.

Motion to Separate/Postpone (Carried)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to separate the employee from the agenda item. Dr. Thomas was absent. (8-0 vote)

A vote was taken on the Motion to Separate.

Motion to Defer (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Gottlieb and carried, to defer this employee's issue and discussed later on in the meeting. Dr. Thomas was absent. (8-0 vote)

A vote was taken on the Motion to Defer.

Mr. Notter concurred that the process be followed appropriately, that the information be put in written form to the Board: Was the policy followed; were all attempts made to contact the employee; did he understand his ability to retire since he has 22 years in the system; his understanding of the EAP program and whether he thought he would have his job back.

**Approved in Open Board Meeting, April 19, 2011**

Mrs. Bartleman opined that the policy does not necessarily need to be changed, as every case should be reviewed individually.

Mrs. Good requested information on when Mr. McKenzie contacted the district, when he came back and the various comments he made as to why he was not at work.

Ms. Diaz stated that she will meet with Mr. McKenzie and prepare an Executive Summary outlining the Board's concerns and discussion during the lunch hour.

A vote was taken on the remaining items under Agenda Item G-4.

Ms. Dinnen informed that there were a number of job refusals under this item.

Mrs. Kaufman stated that job refusals on the agenda for termination are employees who are currently on layoff; clerical employees are offered three positions and facilities employees are offered two positions. If they refuse the positions or they do not respond, per their contract, they are terminated. Mrs. Kaufman stated that those employees on the list have either refused positions or have not responded to district correspondence.

Following the action of Agenda Item JJ-4, the following motion was made:

Motion (Carried)

Motion was made by Mrs. Bartleman, seconded by Mrs. Good and carried, to accept staff's recommendation (Turnquest McKenzie). Mr. Thomas was absent. Mrs. Rupert was absent for the vote. (7-0 vote)

\*G-5. Supplemental Pay Positions – List #15 (Approved)

Approved the recommended supplemental pay positions of employees for the 2010-2011 school/fiscal year.

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

**Approved in Open Board Meeting, April 19, 2011**

The Specific Supplemental Pay Positions include the following type of supplements: Secondary department chairpersons high school; secondary department chairpersons and/or team leaders middle school; elementary grade level chairpersons and/or team leaders; athletic supplements; general supplements; and special supplements for the 2010-2011 school 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 lists all individuals recommended for Non-Specific Supplements.

Non-Specific Supplements are additional task assignments performed beyond the employee's regular day based on the recommendation of the direct supervisor.

Individuals listed meet the requirements for the supplemental positions.

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

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

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

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

School Board processes for disciplinary action. The requested action(s) is listed on the attachment.

There is no financial impact to the school district.

**H. ATTORNEY**

H-1. Broward County School Board vs. Jessica Harrison (Withdrawn)

**Approved in Open Board Meeting, April 19, 2011**

H-2. Settlement Agreement between The School Board of Broward County, Florida, and Architecture, Inc. (Approved)

Motion was made by Ms. Murray, seconded by Mrs. Rich Levinson and carried, the Settlement Agreement between The School Board of Broward County, Florida, and Architecture, Inc. Mr. Thomas was absent. Mrs. Rich Levinson abstained from the vote. (7-0 vote)

The parties have existing between them certain differences arising out of four (4) separate School Board of Broward County, Florida ("SBBC") Projects: South Plantation High School (SBBC Project No: 2351-21-01), Piper High School (SBBC Project No: 1901-99-51), Cooper City High School (SBBC Project No: 1931-22-01) and McNicol Middle School (SBBC Project No: 0481-22-01) (hereinafter collectively referred to as "Projects" unless otherwise referenced). Architecture, Inc., claims the entitlement to approximately Three Hundred and Thirty Five Thousand Dollars (\$335,000.00), in additional fees for services rendered in relation to these Projects. In addition, during construction of the Projects, certain Change Orders were issued to the Projects' contractors, which resulted in additional costs to SBBC; a portion of which SBBC alleges Architecture, Inc., is responsible. As a result, disputes arose regarding both the payment of Architecture, Inc.'s claims for additional fees, and the SBBC's claims for reimbursement of costs associated with the Change Orders.

Through extensive pre-suit negotiations, the parties were able to reach an amicable resolution to avoid litigation and settle all four of the above referenced disputes. Subject to Board approval of the Settlement Agreement, Architecture, Inc., has agreed to accept the total sum of Fifteen Thousand Eight Hundred Forty Nine Dollars (\$15,849.00), from the SBBC in full and final settlement of all of Architecture, Inc.'s claims. In addition, this settlement does not affect nor act as a release or compromise, in any way of any of SBBC's claims against Architecture, Inc., for additional costs it caused arising out of Change Orders on the Broadview Elementary School Project (SBBC Project No.: 0811-21-01, formerly 0811-99-01).

Once the Settlement Agreement has been approved by the SBBC and all documents referenced in the document have been exchanged, the SBBC will pay the settlement sums to Architecture, Inc., in accordance with the Settlement Agreement.

District staff, the School Board Attorney's Office, and The School Board's cadre counsel, Steven B. Lesser, Esq., and Neil H. Levinson Esq., recommend approval of the Settlement Agreement as a fair and reasonable cost-effective resolution of Architecture, Inc.'s claims.

**Approved in Open Board Meeting, April 19, 2011**

The financial impact to the district is \$15,849. The source of funds is the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, Legal and Contingency budget.

For the record, Mrs. Rich Levinson stated: "Agenda Item H-2 is a proposed settlement agreement concerning anticipated litigation between the School Board and another party. My spouse is an attorney employed in the law firm of the cadre counsel assigned by the School Board to represent it in that matter. During the course of the representation my spouse has rendered legal services to the School Board and has recommended approval of the settlement agreement. In accordance with the guidance provided by the Florida Commission on Ethics, I shall abstain from voting upon Agenda Item H-2."

**I. OFFICE OF THE SUPERINTENDENT**

I-1. Renaming Several Athletic Facilities at Blanche Ely High School  
(Approved)

Motion was made by Mrs. Gottlieb, seconded by Ms. Dinnen and carried, to approve the re-naming of the following facilities at Blanche Ely High School: Football stadium, football field, football locker room, athletic complex track and baseball stadium. Mr. Thomas was absent. (8-0 vote)

We are requesting to have the facilities listed above renamed in honor of community members and former Blanche Ely High School employees/coaches. This complies with Board Policy 1401.

There is no financial impact to the district.

Ms. Sharon Airaghi, North Area Superintendent, introduced Mr. Karlton Johnson, Principal, Blanche Ely High School.

Mr. Johnson, on behalf of Blanche Ely High School, thanked the School Board for approving the names selected for the athletic complex. These individuals have made a tremendous impact in the lives of children and the City of Pompano Beach, Florida. The staff at Blanche Ely will continue to provide a quality education to all students, while athletic coaches will stress the importance of sportsmanship.

Ms. Elizabeth Massey, former Chair of Blanche Ely High School Advisory Form, announced the following request from the community to rename facilities to honor the following individuals:

## Approved in Open Board Meeting, April 19, 2011

Football stadium in honor of the late Mr. Robert L. Williams, Football Coach for Blanche Ely 1962-1970 and Broward County School Board Coach of the Year in 1968; Football Weight Room in recognition of the late Mr. Williams H. Johnson, who started a football program and an athletic program which would encompass girls sports, and later becoming coach and supporting the Migrant Education Program of Broward County; Football Locker Room in honor of the late Mr. Purcell Houston, serving as the Voice for Tiger Football, commentator for many games and recruited to teach by the late Blanche General Ely; Athletic Complex Track area to honor the late Mr. Williams Boynton, recruited to teach by Mrs. Ely, serving as Physical Education Coach and teacher; Baseball Stadium to honor the late Mr. Felix "Chin" Evans, serving in the National Negro Baseball League, 1934-1949, and baseball coach and teacher at Blanche Ely.

Attendees at today's meeting were family representatives from the Williams, Boynton, Houston and Evans families.

Mr. Williams stated it is an honor to present the families of the individuals being recognized today. Each family was presented a resolution to honor their relative's contribution to the school system.

Ms. Dinnen informed that she worked with Mr. Houston when she taught at Hollywood Hills High School and when he was the Dean of Boys, and giving so much of his time and effort for the students. She stated that all individuals honored today had the unique quality of going above and beyond.

Mrs. Rupert commended the community, the Principals and staff for the tremendous job in selecting these individuals to honor. She requested that the district honor community members that have ties to the schools and excelling students that graduate from schools. Mrs. Rupert stated that these are individuals that children can look up to; and not naming facilities after board members.

Ms. Murray stated that she also knew Mr. Houston, always thought of children that needed to stay in school and get an education.

The family of Mr. Robert L. Williams thanked the School Board for honoring their father.

Following the presentation, Chair Williams, staff and community members met for a photograph session.

Following the action of Agenda Item I-1, Mr. Robert Vignola, Deputy Counsel, thanked the Board for approving the name of Mr. William Boynton, who was his science teacher and Mr. Felix Evans was his history teacher; both great men.

**Approved in Open Board Meeting, April 19, 2011**

I-2. Agreement with The Town of Davie (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Gottlieb and carried, to approve the Agreement with The Town of Davie to produce a business assistance and economic development television video series. Mr. Thomas was absent. (8-0 vote)

The Town of Davie has requested BECON's technical assistance in producing a television/video series in support of small businesses in their city. The series will address economic development issues and provide resources and recommendations that will be distributed to local businesses and broadcast on BECON-TV.

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

As a sub-recipient of The Town of Davie Community Development Block Grant, BECON-TV will receive the sum of \$100,000.

Dr. Schiffer-Simon introduced Mr. Peter Tokar, Economic Development Director, Town of Davie, and Mr. Mitch Taylor, Grants Coordinator, who have come to BECON to partner to produce a video series.

Mr. Tokar informed the Board that the Town has defined, through the Community Development Block Grant, an economic component for some expenditure of those funds to service micro-business enterprises within the community. Mr. Tokar stated that the Town has been happy with BECON's quality work and a proposal was developed to utilize grant funds to produce a business assistance video series aimed at micro-businesses. The first-of-a-kind program is not being done anywhere else and it will be addressing issues to help businesses grow and to keep struggling businesses in business.

Mrs. Rupert stated this is a great opportunity between the district and the municipalities.

Mrs. Good thanked the Town of Davie for approving this program earlier in the year, as it is a great opportunity to jointly utilize resources to benefit the business communities.

Ms. Dinnen stated that during these economic times it is essential to have partnerships; the economic engine for many communities is partially driven by its educational excellence and the educational excellence is driven by the district's partnerships with cities.

Mrs. Rich Levinson thanked the Town of Davie for their innovation, in stepping forward with this type of program and the unique partnership.

**Approved in Open Board Meeting, April 19, 2011**

I-3. Agreement with Debra Hall-Greene

(Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve the Agreement with Debra Hall-Greene. Mrs. Good voted "no." Mr. Thomas was absent. (7-1 vote)

BECON-TV is a sub-recipient of a Town of Davie Community Development Grant to produce a television series on economic development and proactive solutions for small businesses. In order to produce the series, the professional services of Debra Hall-Greene are needed to research, script, and produce the programs. Mrs. Hall-Greene has successfully completed educational series for BECON before and has demonstrated her ability to deliver a high quality product.

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

BECON will pay Debra Hall-Greene the sum of \$5,000 per program, (not to exceed \$40,000), for the development and production of the series. These dollars will come from the Town of Davie Block Grant referenced in Board Item I-2.

Mrs. Good inquired how this individual was selected from other producers.

Dr. Schiffer-Simon responded that Ms. Hall-Green, an experienced producer, has successfully produced series for the district, including Career Watch, a series on careers. Ms. Hall-Green is skilled at taking a project that requires researching, scripting, writing, editing and accompanying BECON camera staff and going through the editing process. Dr. Schiffer-Simon stated that she also produced a series on grant funds that the district received, Hall Pass.

Dr. Schiffer-Simon further stated that BECON has not worked with any other independent producers over the last ten years. The Town of Davie is also aware of this individual's work and they requested that she be the person selected.

Mr. Tokar informed that due to the grant stipulations for the time the series is to be produced, there was a need to get a producer very quickly.

Mrs. Good stated that she is not disputing the quality of work of this individual and voiced concern over how one individual was selected over other producers. She said she would have preferred the district look at others providing this service. Mrs. Good stated that the district needs to be more transparent and she is uncomfortable in picking an individual because they have worked for the district in the past.

Mrs. Bartleman inquired whether an RFP could have been issued.

Dr. Schiffer-Simon responded that with other grant opportunities staff was able to select someone to work in a consultant-type capacity. She said from time to time resumes are submitted from people who are independent producers. The district was looking for the track record of someone that has previously worked with the district and delivering on time. Dr. Schiffer-Simon stated that the Town is paying the district to produce their video for a grant they received, and the funding is not coming from the district.

Mrs. Bartleman stated that in the future staff reconsider the selection process.

**J. FACILITIES AND CONSTRUCTION MANAGEMENT**

- J-1. Reduction of Retainage – Stiles Construction Company – New Multipurpose Building, Renovation and Site Improvements – Meadowbrook Elementary School, Plantation – Project No. P.000141 (f.k.a 0761-24-01) (Not Approved)

Motion was made by Mrs. Good, seconded by Mrs. Gottlieb, to approve the recommendation to reduce retainage now being held on Meadowbrook Elementary School, New Multipurpose Building, Renovation and Site Improvements, Project No. P.000141, for the contractor, Stiles Construction Company, from \$395,733 to \$158,293. Mr. Thomas was absent. (0-8 vote)

In accordance with School Board Policy 7005, the Facilities and Construction Management Department is recommending that the retainage be reduced from \$395,733 to \$158,293. The amount of \$158,293 is being withheld pending final closeout of the project.

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

The funds being released totaling \$237,440 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015.

Action on Agenda Items J-1, J-2 and J-3 was taken concurrently.

Motion (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Gottlieb and carried, to vote down Agenda Items J-1, J-2 and J-3. Mr. Thomas was absent. (8-0 vote)

**Approved in Open Board Meeting, April 19, 2011**

- J-2. Reduction of Retainage – James A. Cummings, Inc. – 16-Classroom Addition – Harbordale Elementary School, Fort Lauderdale – Project No. P.000093 (f.k.a. 0491-24-01) (Not approved)

Motion was made by Mrs. Good, seconded by Mrs. Gottlieb, to approve the recommendation to reduce retainage now being held on Harbordale Elementary School, 16-Classroom Addition, Project No. P.000093, James A. Cummings, Inc., from \$121,930 to \$24,386. Mr. Thomas was absent. (0-8 vote)

In accordance with School Board Policy 7005, the Facilities and Construction Management Department is recommending that the retainage be reduced from \$121,930 to \$24,386.

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

The funds being released totaling \$97,544 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015.

Action on Agenda Items J-1, J-2 and J-3 was taken concurrently.

- J-3. Final Acceptance and Release of Retainage – Balfour Beatty Construction, Inc. - 24-Classroom Addition – Park Trails Elementary School, Parkland – Project No. P.000652 (f.k.a. 3781-25-46) (Not approved)

Motion was made by Mrs. Good, seconded by Mrs. Gottlieb, to approve the Final Acceptance of the Park Trails Elementary School, 24-Classroom Addition, Project No. P.000652, and release the balance of retainage in the amount of \$10,000. Mr. Thomas was absent. (0-8 vote)

The contractor, Balfour Beatty Construction, Inc., has completed the scope of their contract within the contract limits.

The funds being released totaling \$10,000 are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2010-2011 to 2014-2015.

Action on Agenda Items J-1, J-2 and J-3 was taken concurrently.

- J-4. Pre-Qualification of Contractors – Approval of Application and Issuance of Certification (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the recommendations of the Superintendent indicated in Exhibit 1. Mr. Thomas was absent. (8-0 vote)

**Approved in Open Board Meeting, April 19, 2011**

The Qualification Selection Evaluation Committee (QSEC) convened on March 9, 2011, to review Contractor Pre-Qualification Staff Application Review Executive Summaries received for the following contractors and makes the following recommendations to the Superintendent of Schools:

Edd Helms Air Conditioning, Inc. – Issue Pre-qualification Re-Certification  
Edd Helms Electric, LLC – Issue Recommendation to Not Re-Certify  
Edwards Electric Corp. – Issue Pre-qualification Re-Certification  
\*\*Fastrack Management & Consulting, Inc. – Issue Pre-qualification Re-Certification  
\*\*FXP Corp. (General) – Issue Recommendation to Not Re-Certify  
\*\*FXP Corp. (Mechanical) – Issue Recommendation to Not Re-Certify  
Gulf States Industries, Inc. – Issue Recommendation to Not Re-Certify  
Hill York Service Corporation – Issue Pre-qualification Re-Certification  
\*\*J.R.T. Construction Co. – Issue Pre-qualification Re-Certification  
James B. Pirtle Construction Company, Inc. – Issue Pre-qualification Re-Certification  
\*\*M.V.P. Contractors, Inc. – Issue Pre-qualification Re-Certification  
Mobile Modular Management Corporation – Issue Pre-qualification Re-Certification  
Phillips and Jordan, Incorporated – 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.

*Although the number of construction projects has been reduced in the Capital Plan, there is an appropriation of approximately \$18,500,000 in various categories including Additions (such as Media Centers and Kitchen/Cafeterias), Remodeling & Renovations, Indoor Air Quality, Safety and ADA.*

There is no financial impact. This item is not affecting the overall budget; therefore, it does not require a collaboration form from the Capital Budget Department.

Referring to the QSEC tracking report, Mrs. Rupert stated she would like to add to the report that would present more transparency, such as “Contractor, CEO, lobbyist and contribution to...”

**Approved in Open Board Meeting, April 19, 2011**

Mrs. Rupert inquired why the small companies were not re-certified.

Mr. Lindner responded that it may be another type of reporting mechanism that he would need to discuss with Legal Counsel, to discuss the options. Mr. Linder stated that normally the issue of not re-certifying is due to a paperwork issue, such as a non-valid certificate of insurance or failure to certify the proper number of references.

J-5. Change Orders (Approved)

Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to approve change orders as listed for various school projects. Mr. Thomas was absent. (8-0 vote)

<u>Anderson, Boyd H. High</u>	Change Order 01	\$6,327
Owner Request	\$4,036	
Unforeseen Condition	\$2,291	
<u>Broward Fire Academy</u>	Change Order 02	\$6,549 (CREDIT)
Owner Request	\$6,549 (CREDIT)	
<u>Markham, Robert C. Elementary</u>	Change Order 04	\$0
Consultant Error	\$0	

Financial Impact: All projects have been appropriated in the Adopted District Educational Facilities Plan, (September 7, 2010), and in the District's Capital Budget.

Mrs. Good inquired whether there are measures in place that preclude the splitting of the original project scope into two projects, as was previously done.

Mr. Lindner responded that he would not split a project into two projects unless it was a diverse type of work. He informed that the practice of bundling a lot of projects was also utilized in the past. Mr. Lindner stated that smaller projects will save the district time and money. He opined that in many instances this was done for the sake of expediency and it did not work out, such as in this case.

**K. OFFICE OF CHIEF FINANCIAL OFFICER**

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

Motion was made by Ms. Murray, seconded by Mrs. Gottlieb and carried, to approve the General Fund Amendment I-5 for Fiscal Year 2010-11. Mr. Thomas was absent. Mrs. Rupert was absent for the vote. (7-0 vote)

**Approved in Open Board Meeting, April 19, 2011**

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 1/31/11.

Recognize changes in Revenues and Appropriations through 1/31/11.

Mrs. Rich Levinson inquired about the substantial change to Transportation Services from December 2010 to the end of January 2011.

Mrs. Jane Turner, Director, Budget, responded that the change was due to the increase in fuel costs, which will take the district through the end of this year.

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

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to approve the Special Revenue (Other) Amendment IV-5B for Fiscal Year 2010-11. Mr. Thomas was absent. Mrs. Rupert was absent for the vote. (7-0 vote)

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 1/31/11.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 1/31/11.

No discussion was held on this item.

K-3. Revision to Capital Funds Budget Amendments (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Gottlieb and carried, to approve the Capital Funds Budget Amendments for Fiscal Year 2010-2011. These amendments are as of January, 2011. Mr. Thomas was absent. Mrs. Rupert was absent for the vote. (7-0 vote)

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

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

**Approved in Open Board Meeting, April 19, 2011**

The financial impact of this agenda item is adjusting Revenue and Appropriation as indicated on schedules A and B for Capital Budget activities as of January, 2011.

Referring to Exhibit C, Mrs. Rich Levinson inquired about the Mirror Lake Elementary School change order, \$1.8 million.

Mr. Lindner responded the credit change order was a Construction Management at-Risk project, the buy-out amount.

K-4. Interim Financial Statements for the Period Ended January 31, 2011 (Approved)

Motion was made by Mrs. Good, seconded by Ms. Murray and carried, to approve the Interim Financial Statement for the period ended, January 31, 2011. Mr. Thomas was absent. (8-0 vote)

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

There is no financial impact to the district.

Referring to Expenditures, General administration, page 2, Mrs. Rich Levinson inquired about the increase. She noted that almost everything, other than Instructional Services, had decreased.

Mr. Oleg Gorokhovskiy, Director, Accounting and Financial Reporting, explained that the item can occur in one month and in following months other items will come in, rolling over month-to-month.

K-5. Financial Advisory Committee Bylaws (Amendment) (Approved)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to approve the amended Bylaws of the Financial Advisory Committee. Mr. Thomas was absent. (8-0 vote)

The Bylaws of the Financial Advisory Committee were approved by the School Board on January 15, 2002. There were no bylaws prior to this date. This committee is advisory in nature and reviews proposals through the District's RFP process; providing selection recommendations to the Superintendent and School Board for service providers related to debt issuance and investment management such as underwriters, financial advisors and bond counsel. The committee met on December 8, 2010, to review the bylaws and recommended to the Superintendent the following amendments:

## Approved in Open Board Meeting, April 19, 2011

- Deletion: three school board members from the committee.
- The composition of the committee to be three staff and four members from the business community.
- Delete the section concerning term limits.
- Recommendations to fill vacancies shall be submitted to the Superintendent for consideration for appointment by the committee chair.

There is no financial impact to the district.

Referring to Board Members of the business community, Mrs. Good inquired whether there are any restrictions under the committee structure that no one that does business with the district can be on the committee.

Referring to Conflict of Interest, Mr. I. Benjamin Leong, Comptroller, stated, "No Committee Member or their employers shall compete for financial/debt related school board business while serving on the Committee."

Mr. Leong stated that several years ago staff posed the question of a requirement of financial disclosure forms by individuals serving on the committee to Legal Counsel. Mr. Leong stated that it was not necessary for a committee member to file a financial disclosure.

Mrs. Good voiced concern regarding an individual on this committee making a recommendation or giving advice when there is a financial gain they may have.

Mr. Leong responded that the Conflict of Interest covers this concern.

### OPEN ITEMS

#### **AA. RESOLUTIONS**

#### **BB. BOARD MEMBERS**

#### **CC. BOARD POLICIES**

- CC-1. Revision to Policy 1100A, Rules for the Scheduling of Meetings and Establishment and Disposition of Agendas (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Bartleman and carried, to approve the revisions to Policy 1100A, Rules for the Scheduling of Meetings and Establishment and Disposition of Agendas, at this first reading, to: Mrs. Bartleman voted "no." Mr. Thomas was absent. (7-1 vote)

## Approved in Open Board Meeting, April 19, 2011

- 1) add language that official action by the School Board shall be taken only at Regular and Special School Board Meetings;
- 2) add language that except for added speakers, all items added to an agenda for good cause to be part of the open agenda;
- 3) add the language that all items with a financial impact will be considered in an open agenda;
- 4) add language that items for reduction of retainage and receipt of audits are to be placed on the open agenda;
- 5) add language for public participation that topics are to pertain to the School District and issues presented may not be acted upon by the School Board unless otherwise indicated on the agenda;
- 6) revise language that any member of the public desiring to obtain a public record, (removed, "or a piece of information"), should contact the Communications and Governmental Relations Department;
- 7) add language that communications media technology may be used as long as a quorum of Board Members are "physically" present, as well as several smaller clerical edits.

The above action is requested in order to rebuild public trust and increase transparency in the day-to-day operations of the District.

There is no financial impact for this proposed revision.

Mrs. Bartleman stated, for the record, that the Consent Agenda should be eliminated based on the findings of the last three Grand Jury reports. She concurred with discussing the agenda items with financial impacts, but the whole agenda should be open for discussion.

Mrs. Good thanked the Superintendent and staff for their proposed revisions, as it is the right way to move forward.

Concurring, Mrs. Rich Levinson stated that as a new School Board Member and all Board Members it is the Board's responsibility to read the whole agenda.

Ms. Dinnen stated that the Board did not make a decision at the Workshop and the revisions to Policy 1100A is a result of the new discussion. Ms. Dinnen stated that consent agendas are always used by organizations and the School Board follows Roberts Rules of Order, which recognizes the consent agenda. She stated that the revision is a good compromise, to put some items "front and center" and still retain the structure of meetings as other organizations do.

## Approved in Open Board Meeting, April 19, 2011

Mrs. Bartleman stated she would vote no, as she prefers the Open Agenda. Referring to page 2, Public Information, 19., Mrs. Bartleman stated that this was an important change that will streamline public records requests in one department. She requested that on the district's website there be a clarification on how requests are to be directed, how they are obtained, associated costs and the timeline.

Mr. Notter acknowledged the Board for providing an opportunity to bring this policy forward.

Mrs. Gottlieb inquired whether any of the timelines are statutory, as there are statutory regulations with timelines regarding public records requests.

Mrs. Batista-McNamara responded that depending on the public records request, Chapter 119 indicates that records must be provided as soon as reasonably possible, payments are to be received before the records are copied, and records related to students records are not considered public records.

### CC-2. Policy 1001 – Rule Adoption and Rulemaking (Approved as amended)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to approve revisions to Policy 1001 – Rule Adoption and Rulemaking, at this first reading. This motion was superseded by Motions to Amend (page 45). Mr. Thomas was absent. (8-0 vote)

The proposed changes to Policy 1001, provide an update of the rulemaking processes of the District school board to more fully delineate the steps of the school district's rulemaking process and incorporate opportunities for Board member and public input at various stages of the rulemaking process.

The recommended changes to Policy 1001, were discussed at Board Workshops on March 23, 2010 and January 18, 2011. Subsequent to the January 18<sup>th</sup> Workshop, the District reconvened its Policy Review Committee pending the final approval of the revision to Policy 1001. Additionally, it was determined to utilize Policy 1001, as a case study for the Public Rule Development Workshop as outlined within the new rule-making process, incorporated within this policy revision. The Public Rule Development Workshop for Policy 1001, was conducted on February 18, 2011, and served to garner feedback from the public regarding the proposed policy changes. There were no further recommended revisions resulting from the Public Rule Development Workshop.

There is no financial impact to the district.

**Approved in Open Board Meeting, April 19, 2011**

Mrs. Rich Levinson requested the following amendment:

Motion to Amend (Carried)

Motion was made by Mrs. Rich Levinson, seconded by Mrs. Gottlieb and carried, to amend Summary of the Proposed Rulemaking Process, Policy 1001, Rule Adoption and Rulemaking, add Gifted Advisory Council to third bullet, paragraph beginning Public Rule Development ....

Mr. Thomas was absent. (8-0 vote)

Mrs. Bartleman suggested that the amendment include all Task Force, PTA, unions and other groups.

Mrs. Rich Levinson stated that the policy indicates "and other groups." The request to add Gifted is because ESE and ESOL are listed.

Mrs. Batista-McNamara advised that the policy provides that if the particular policy affects a particular group the group will be sent a policy, which is part of the advertising process.

Mrs. Gottlieb noted that some of the advisory groups have sunset. She is supportive of the amendment.

The following individual addressed this item:

Jeanne Jusevic

A vote was taken on the Motion to Amend.

Ms. Dinnen suggested that other appropriate advisory groups can be indicated or similar language.

Second Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to amend Summary of the Proposed Rulemaking Process, Policy 1001, Rule Adoption and Rulemaking, add appropriate to second sentence, third bullet, to read ...other appropriate groups... Mr. Thomas was absent. (8-0 vote)

A vote was taken on the Second Motion to Amend, followed by a vote on the item as amended.

**Approved in Open Board Meeting, April 19, 2011**

CC-3. Policy 1007 – Ethics Code for School Board Members  
(Approved as amended)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to approve new Policy 1007 – Ethics Code for School Board Members, at this first reading. This motion was superseded by Motions to Amend pages 46 and 47). Mr. Thomas was absent. (8-0 vote)

Policy 1007 sets forth an Ethics code to regulate the conduct of School Board Members in a transparent and honest manner.

There is no financial impact to the district.

Mrs. Good commended legal staff and Mr. Carter for developing the Ethics policy through the various transitions. Remarking that she is very supportive of the Ethics policy, Mrs. Good stated that language referenced in Florida Statutes should be included in the policy, and a variation of the language is included under agenda item CC-4.

Mrs. Batista-McNamara advised that the three amendments would add additional time to the advertisement of the policy. Counsel stated that the language is referenced in Section 112.313, Section 2., Florida Statutes – Solicitation or Acceptance of Gifts. Mrs. Batista-McNamara provided a restatement of the language for the following amendment:

Motion to Amend (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to include the following language to Policy 1007, Ethics Code For School Board Members: (1) No School Board Member shall solicit or accept anything of value to the School Board Member, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the School Board Member would be influenced thereby; and, (2) No School Board Member shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31; (3) A School Board Member may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity. Mr. Thomas was absent. (8-0 vote)

Mrs. Good concurred that the proposed language be included, by way of a motion.

## Approved in Open Board Meeting, April 19, 2011

A vote was taken on the Motion to Amend.

Ms. Murray referenced Section 5.4: Campaign Contributions / Fundraising, and inquired whether additional language should be included, taking contributions from a vendor or lobbyist.

Mrs. Batista-McNamara responded that there is no additional language, as the discussion from the Workshop rendered the policy as it is presented to the Board. She concurred that the Board Members may take a contribution from a vendor or lobbyist, or anyone else.

Mrs. Rupert discussed a board member waiting two years before beginning fundraising, if they are serving a four-year term and if they are not At-Large board members.

The following individual addressed this item:

Charlotte Greenbarg

Ms. Murray requested that the cone of silence period be re-inserted in the policy, the language that was crossed out, as referenced by Ms. Greenbarg.

Mrs. Good suggested that "employees" be taken out since it is unknown who they are, and included in the amendment.

Second Motion to Amend (Carried)

Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to re-insert the crossed out language from page 9, Section 5.4, Campaign Contribution Fundraising: School Board Members shall not accept campaign contributions for their own campaigns or the campaigns of other candidates for political office from a person or an entity, its principals, or their lobbyists during the period in which said person or entity is attempting to sell goods or services to The School Board. This period of limitation upon the acceptance of campaign contributions shall be the "cone of silence" period for any solicitation for a competitive procurement as described in School Board Policy 3320, Part II, Section HH. Mr. Thomas was absent. (8-0 vote)

Mrs. Good requested Legal Counsel to provide the Board with a list of circumstances that would extend a typical Cone of Silence, in the event of litigation.

Mr. Vignola responded that whenever there is a bid protest the Board will be advised, which will be one of those extensions.

## Approved in Open Board Meeting, April 19, 2011

Ms. Dinnen discussed the scenario of two candidates; an internal candidate and an outside candidate, and imposing a set of election rules on the internal candidate that the external candidate does not have. Remarking that the Board is not an election supervisory group,

Mr. Vignola stated that it is not within the scope of the Board to impose rules on someone who is running for office. The Board can adopt a rule that will restrict what the Board is able to receive but the same rule cannot be imposed on the challenger.

Ms. Dinnen said she wants assurance that the Board is not adopting a rule that is beyond the authority of the Board.

A vote was taken on the Second Motion to Amend.

The following individual addressed this item:

Charlotte Greenbarg

A vote was taken on the item as amended.

### CC-4. Policy 5202 – Gifts: Solicitation and Receipt (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve revisions to Policy 5202 – Gifts: Solicitation and Receipt, at this first reading. Mr. Thomas was absent. (8-0 vote)

The proposed changes to Policy 5202, provide an update of the rule governing the circumstances under which a school district employee may receive gifts.

There is no financial impact to the district.

Ms. Murray thanked staff for their efforts on this policy. She stated it is very transparent to the public, vendors and contractors doing business with the district; to make sure it is transparent to the public that there is no undue influence to employees in making decisions, whether purchasing, awarding contracts and other business of the district.

Mrs. Good inquired whether a separate policy would apply to appointees on committees.

Mr. Notter stated there is a section in the Ethics policy that speaks to gifts.

Mrs. Batista-McNamara stated that the Board indicated at a Workshop of their desire for the appointees, which would be a separate policy.

**Approved in Open Board Meeting, April 19, 2011**

Mrs. Bartleman clarified that School Board Member appointees cannot serve on a selection committee and appointees are made by the parental community.

Ms. Dinnen stated it is very effective to have a separate policy so that it stands up by itself, as to what employees can do and what appointees can do.

**DD. OFFICE OF THE CHIEF AUDITOR**

**EE. CHIEF OPERATIONS OFFICER**

EE-1. Bid Recommendation \$1,000,000 or Greater (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Good and carried, to approve the RFP recommendation as stated on the award recommendation. Mr. Thomas was absent. (8-0 vote)

<u>BID</u>	<u>Title – Location – Amount</u>
11-051T	Bleacher Repair Services – Various – Amount: \$1,500,000

Board approval of this Bid recommendation does not mean the amount shown will be spent. This amount represents the estimated contract value and may be spread among the awarded vendors through the term of this contract from available funds already included in various school/department/center budgets.

The financial impact shall not exceed \$1,500,000.

Responding to Mrs. Rupert's inquiry, Mr. Waremburg stated that the three vendors were successful in the bidding process, and Lyle Bleachers, Inc., was the lowest bidder for meeting all specifications. Mr. Waremburg, remarked that their history is not currently available, but it would not be an effective decision criteria. He stated that the QSEC evaluation process allows, for certain qualifications, a point section for whether or not a company has contract history, which is a declining type of incentive.

Mr. Thomas Lindner, Acting Deputy Superintendent, informed that CD Constructors has done business with the district in the past.

Mrs. Good inquired whether there are any sites that need repairs related to safety with the bleachers.

**Approved in Open Board Meeting, April 19, 2011**

Mr. Waremburg responded that the term contract establishes a relationship for five years and replaces an existing contract. As safety concerns occur, the bleachers are repaired. Mr. Waremburg stated if there are any concerns, the safety inspectors have identified they would be covered by the contract. The expenditure is based on previous years and there is not an existing backlog of work.

Responding to Mrs. Rich Levinson's inquiry, Mr. Waremburg stated that the prices are usually locked for a period of three years, depending on the contract, with an escalating clause in the bid that allows an adjustment due to economic circumstances. On this contract the price is firm for the first two years.

Mrs. Rupert stated she would prefer \$750,000 as appropriate spending authority and if more funds are needed, staff can come back to the Board and ask for additional spending authority.

Mr. Waremburg responded that last year the Board changed the purchasing policy to allow the recommendations with estimated spending authority. Mr. Waremburg explained that the spending authority is a contract value, an arbitrary value that is set aside. He stated that the actual budget is controlled by the SAP system that defines how much money can be spent. If there is no money available in the budget it does not matter what was available under the contract; it cannot be spent. Mr. Waremburg further stated that contract terms do allow the district to re-bid or to utilize other contract vehicles if it is an economic advantage.

Mr. Lindner informed that under the SAP system the work cannot be ordered until it is funded and, when it is funded it automatically indicates what is exactly left in the spending authority.

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

**GG. HUMAN RESOURCES**

**HH. ATTORNEY**

**II. OFFICE OF THE SUPERINTENDENT**

**II-1. School Resource Officer (SRO) Program Agreements – BSO – (2010-2011)  
(Approved)**

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to approve the SRO Agreements with the Broward Sheriff's Office for Deputies to serve as School Resource Officers as listed in the Executive Summary. Mr. Thomas was absent. (8-0 vote)

## Approved in Open Board Meeting, April 19, 2011

The Agreements provide for Deputies to serve as School Resource Officers in thirty-one (31) elementary, eleven (11) middle, eight (8) high schools and three (3) centers that are operated by the School Board and located in the Broward Sheriff's Office jurisdiction. The School Resource Officer Program is one of the most effective, proactive safety and security programs in our schools. This cooperative partnership was initiated by the Broward Sheriff's Office dating back to the 1985-86 school year. Now, in its twenty-sixth year, the SROs concentrate on preventative initiatives such as anti-drug and alcohol programs, conflict mediation and anti-violence, crime initiatives and Stranger Danger. In addition, these Deputies provide a positive presence and serve as role models for students of all ages, as well as, liaisons between schools and law enforcement.

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

The financial impact of the SRO Program with the Broward Sheriff's Office is \$1,469,871, an increase of \$113,067 due to an increase of three SROs. The source of funds for the increase is the General Fund Unappropriated Fund Balance. The sources of funds for the balance (\$1,356,804), are the school and center budgets for the 2010-2011 school year.

Mrs. Bartleman informed that previously the Board committed to increasing the share of district funding for SROs by 50 percent.

Mrs. Bartleman discussed the criticism regarding the number of students that have been arrested for criminal charges. Mrs. Bartleman requested that data be researched to ascertain whether the district is reporting information correctly, or if the issue is because the district refers these students to SROs when it could be handled internally.

Mr. David Golt, Executive Director, Professional Standards, Special Investigative Unit, responded that some of the data is currently being researched. He stated one of the issues may be that the district is reporting the information better than other districts.

Mrs. Rich Levinson requested that the Board be provided, in writing, showing what is occurring with the SROs financing over the years and how the district is getting up to the 50 percent cost. She inquired how the allocation of SROs at the locations are established.

Mr. Carter informed that he and staff are in the process of developing an historical report showing the location and number of SROs, costs and how the district is reaching the 50 percent.

**Approved in Open Board Meeting, April 19, 2011**

Mr. Golt informed that the municipality or the Sheriff determines how many SROs will be placed / funded, as they must pay for their portion. They inform the district how many SROs they want in the elementary schools based on how much they are willing to fund. Mr. Golt further stated that every city and the sheriff that has SROs pay a portion depending on the salary structure of each municipality and the sheriff; SROs are dedicated full-time in the school. When school is not in session they return to their police agency to perform other duties.

Discussing her personal contact with a School Resource Officer at her son's elementary school, Mrs. Rupert requested that a review be made of having SROs in all elementary schools.

Mrs. Good requested that staff assure that the data be gathered prior to the SRO agreements being presented to the Board.

Ms. Dinnen discussed the issue of the City of Fort Lauderdale previously taking all the SROs out of their elementary schools.

Mr. Golt responded affirmatively.

Mrs. Bartleman stated that the Management and Efficiency Committee for the county has taken up this issue, spoken with Mr. Notter and the Sheriff, and a report will be completed in June. She requested that district staff obtain this data when completed.

Responding to Ms. Murray's inquiry, Mr. Golt stated that the City of Hollywood has SROs at middle and high schools currently. The SROs can be shifted, as necessary, in exigent situations.

Mrs. Good stated it is important to workshop this item, as it affects the district and the municipalities.

II-2. School Resource Officer (SRO) Program Agreements – (2010-2011)  
(Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the SRO Agreements with designated municipalities for police officers to serve as School Resource Officers as listed in the Executive Summary. Mr. Thomas was absent. (8-0 vote)

The Agreements provide for police officers to serve as School Resource Officers in fifty-two (52) elementary, twenty-two (22) middle and sixteen (16) high schools that are operated by the School Board and located in the designated municipal police jurisdictions. The School Resource Officer Program is one of the most effective, proactive safety and security programs in our schools.

## Approved in Open Board Meeting, April 19, 2011

This cooperative partnership was initiated by the Broward Sheriff's Office dating back to the 1985-86 school year. Now, in its twenty-sixth year, the SROs concentrate on preventative initiatives such as anti-drug and alcohol programs, conflict mediation and anti-violence, crime initiatives and Stranger Danger. In addition, these officers provide a positive presence and serve as role models for students of all ages, as well as, liaisons between schools and law enforcement.

The remaining SRO Agreements for the Cities of Fort Lauderdale and Davie will be submitted to the Board upon receipt.

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

The financial impact of the SRO Program is \$2,902,053. The source of funds is the schools' budgets for the 2010 – 2011 school year.

Mr. Golt informed the Board that all the cities referenced have already provided support; the agreements have been approved by the municipalities and subsequently the district approves the agreements. The City of Fort Lauderdale and the Town of Davie are awaiting approval; once those contracts are approved they will be forwarded to the district and presented on another board item.

### JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

- JJ-1. Reduction of Retainage – Stiles Construction Company – New Multipurpose Building, Renovation and Site Improvements – Meadowbrook Elementary School, Plantation – Project No. P.000141 (f.k.a 0761-24-01) (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to approve the recommendation to reduce retainage now being held on Meadowbrook Elementary School, New Multipurpose Building, Renovation and Site Improvements, Project No. P.000141, for the contractor, Stiles Construction Company, from \$395,733 to \$158,293. Mr. Thomas was absent. Mrs. Rupert was absent for the vote. Mrs. Bartleman voted "no." (6-1 vote)

In accordance with School Board Policy 7005, the Superintendent of Schools is recommending that the retainage be reduced from \$395,733 to \$158,293, which is equivalent to 5% to 2%. The amount being withheld is for the completion of work as listed in Exhibit 4. Upon completion of the remaining work and issuance of the OEF 209 Form, this project will be brought back to the Board for Final Acceptance and Release of Retainage.

**Approved in Open Board Meeting, April 19, 2011**

The funds being released totaling \$237,440, are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 77.

Mr. Lindner informed that the Board needs to vote down agenda items J-1, J-2 and J-3 prior to discussing this item.

Following the action taken on Agenda Items J-1, J-2, and J-3, the following discussion occurred:

Mrs. Bartleman inquired about Exhibit 4, Meadowbrook Elementary, Roof Warranty.

Mr. Lindner responded that the warranty does not yet apply, so the retainage is being held. What the company proposes for the warranty does not meet specifications and they need to re-propose a warranty for the district, which is negotiated between the general contractor and the roofing sub-contractor. Mr. Lindner stated that the contractor has to warranty the roof for the district, and they pay to ensure the roof. The district is holding \$100,000 retainage.

JJ-2. Reduction of Retainage – James A. Cummings, Inc. – 16-Classroom Addition – Harbordale Elementary School, Fort Lauderdale – Project No. P.000093 (f.k.a. 0491-24-01) (Approved)

Motion was made by Mrs. Good, seconded by Ms. Dinnen and carried, to approve the recommendation to reduce retainage now being held on Harbordale Elementary School, 16-Classroom Addition, Project No. P.000093, James A. Cummings, Inc., from \$121,930 to \$24,386.

Mr. Thomas was absent. Mrs. Rupert was absent for the vote. (7-0 vote)

In accordance with School Board Policy 7005, the Superintendent of Schools is recommending that the retainage be reduced from \$121,930 to \$24,386, which is equivalent to 5% to 1.6%. The amount being withheld is for the completion of work as listed in Exhibit 4.

Upon completion of the remaining work and issuance of the OEF 209 Form, this project will be brought back to the Board for Final Acceptance and Release of Retainage.

The funds being released totaling \$97,544, are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015.

Remarking that some estimates were done by staff, Mrs. Good voiced concern in lowering the retainage if there is an ongoing investigation.

**Approved in Open Board Meeting, April 19, 2011**

Mr. Lindner responded that Physical Plant Operations reviewed this item and the amount was withheld in anticipation of Physical Plant Operations clearing up a blockage.

- JJ-3. Final Acceptance and Release of Retainage – Balfour Beatty Construction, Inc. – 24-Classroom Addition – Park Trails Elementary School, Parkland – Project No. P.000652 (f.k.a. 3781-25-46) (Approved)

Motion was made by Mrs. Good, seconded by Ms. Murray and carried, to approve the Final Acceptance of the Park Trails Elementary School, 24-Classroom Addition, Project No. P.000652, and release the balance of retainage in the amount of \$10,000. Mr. Thomas was absent. Mrs. Rupert was absent for the vote. (7-0 vote)

The contractor, Balfour Beatty Construction, Inc., has completed the scope of their contract within the contract limits.

The funds being released totaling \$10,000, are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2010-2011 to 2014-2015.

No discussion was held on this item.

- JJ-4. Authorize Negotiations of Professional Services Contracts for Continuing Contracts for Engineering Services (Approved)

Motion was made by Mrs. Good, seconded by Mrs. Rich Levinson and carried, to approve the selection and authorize negotiations for Professional Services for Continuing Contracts for Engineering Services. Mr. Thomas was absent. Mrs. Rupert was absent for the vote. (7-0 vote)

In accordance with Board Policy 7003 and RFQ No. 2010-33-FC, the Qualification Selection Evaluation Committee shortlisted, interviewed and has selected for Continuing Contracts Engineering Services for approval by the Board as follows:

- **General Civil and Environmental Engineering Services –**
  1. Miller Legg & Associates, Inc.
  2. IBI Group, Inc.
  3. Keith and Associates, Inc.
  
- **M.E.P. Services –**
  1. SGM Engineering, Inc.
  2. Gartek Engineering Corporation
  3. Johnson, Avedano, Lopez, Rodriguez & Walewski Engineering Group, Inc.
  
- **Structural Engineering Services –**
  1. Triangle Associates, Inc.
  2. CES Consultants, Inc.
  3. Nova Engineering and Environmental, LLC

## Approved in Open Board Meeting, April 19, 2011

Although the number of construction projects has been reduced in the Capital Plan, there is an appropriation of approximately \$18,500,000 in various categories including Additions (such as Media Centers and Kitchen/Cafeterias), Remodeling & Renovations, Indoor Air Quality, Safety and ADA. The purpose of requesting authorization to negotiate for these services is to have, in place, Engineers on an as needed basis. The Division will process the Contracts and recommend award for the continuing contracts at a future School Board Meeting. There is no financial cost to this agenda item.

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

There is no financial impact; therefore, a collaboration form is not required from the Capital Budget Department.

Mrs. Good thanked Mr. Notter, Mr. Lindner, and staff for revising the J-agenda items, and incorporating her comments. In addition, language was changed to indicate that the Superintendent has authorized the reduction, and a very detailed Summary Explanation was provided.

Mrs. Rich Levinson thanked staff for a very comprehensive package.

### **KK. OFFICE OF CHIEF FINANCIAL OFFICER**

**Adjournment** This meeting was adjourned at 7:15 p.m.

RT