

**Approved in Open Board Meeting, May 17, 2011**

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

**April 5, 2011  
Tuesday, 9:45 a.m.**

**MINUTES OF REGULAR MEETING**

The School Board of Broward County, Florida, met in regular session at 9:52 a.m., Tuesday, April 5, 2011, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Benjamin J. Williams; Vice Chair Ann Murray; Members, Robin Bartleman, Maureen S. Dinnen, Patricia Good, Jennifer Leonard Gottlieb, Laurie Rich Levinson, Nora Rupert, David Thomas; Superintendent James F. Notter, Thomas C. Cooney, 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.

Mr. Notter announced that Broward County Public Schools and Miami-Dade County Public Schools were named today by the Eli and Edythe Broad Foundation as two of the four large school districts selected as finalists for the 2011 Broad Prize for Urban Education, guaranteeing both districts a minimum of \$150,000 each in college scholarships for students. The other finalists this year are Charlotte-Mecklenburg Schools in North Carolina and the Ysleta Independent School District in El Paso, Texas.

Both school districts have previously been Broad Prize finalists.

The Broad (rhymes with "road") Prize for Urban Education is an annual \$1 million award - the largest education prize in the country - that honors the large school districts that demonstrate the greatest overall performance and improvement in student achievement while reducing achievement gaps among poor and minority students.

Eli Broad, founder of The Eli and Edythe Broad Foundation, said, "Southern Florida can truly be proud of the remarkable progress your students, teachers and school districts have made. For most of the last decade, Broward County and Miami-Dade have consistently shown greater relative student improvement than other large urban districts across the America."

The Superintendent informed that school districts do not apply for this prestigious honor; schools are selected by the Broad Foundation as an independent venture.

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This year's four finalists were selected by a review board of 21 prominent education researchers, policy leaders, practitioners and executives from leading universities, national education associations, think-tanks and foundations. The review board evaluated publicly available academic performance data that were compiled and analyzed by MPR Associates, Inc., a leading national education research-consulting firm.

Noting that Broward returns as a three-time finalist, previously in 2008 and 2009, Mr. Notter stated the reasons that Broward County was chosen as a 2011 Broad Prize finalist. In 2010, Broward outperformed other Florida districts serving students with similar family incomes in math at all school levels (elementary, middle and high school) and in reading at the middle and high school levels. In 2010, achievement gaps between Hispanic and white students in Broward were among the smallest in the state in reading at all levels and in math at the elementary and high school levels.

Between 2007 and 2010, Broward narrowed achievement gaps between Hispanic and white students in math at all school levels and in reading at the elementary and middle school levels. In addition, Broward narrowed achievement gaps between black students and white students in math at the middle and high school levels and in reading at the elementary school level. In 2010, the percentage of Broward's black students performing at the highest achievement levels (levels 4 and 5) on the state assessments ranked in the top 10 percent of district performance statewide in math and in the top 20 percent of district performance statewide in reading when compared with other black students statewide.

Mr. Notter stated this type of news clearly documents by an independent source, not an application for a grant, the greatness of the teachers in the school system, leaders at schools, principals, assistant principals, department chairs, and support divisions. This kind of consistency in the core business of academic achievement and closing achievement gaps, as a major urban school district, does not occur without a quality staff at those schools and support for those schools that has occurred over the last several years. The Superintendent said that even in the face of adversity, Broward County employees stand tall and focus on what is best for children. Mr. Notter stated this was a proud moment as a Superintendent.

Ms. Dinnen congratulated teachers and staff and stated that many people do not understand how prestigious the Broad award is. Ms. Dinnen requested that the Chair write a letter about this announcement and sent to every member of the Legislature and the chairs of various business organizations, such as Broward Workshop or Greater Fort Lauderdale Alliance. Media notification in the past has not been widespread except for problems facing the district. Ms. Dinnen stated that this notification adds to the viability of the county, and the quality of the school district should be made known to potential businesses and people considering moving to the area.

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Mrs. Bartleman congratulated teachers, staff and Mr. Notter. Noting that there are areas that need to make improvement, Mrs. Bartleman stated that the core mission of student achievement is still being achieved and the district is doing a great job. As a parent, Mrs. Bartleman stated it is reassuring that in spite of everything else, students are still achieving well.

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

March 1, 2011 – Regular School Board Meeting  
March 8, 2011 – Special – General Counsel Selection Process  
March 21, 2011 – Special – Student Expulsions

**Added Items** – Two (2) speakers

**Close Agenda** Upon motion by Mrs. Rupert, seconded by Ms. Dinnen and carried, the Agenda was approved and declared closed. (9-0 vote)

### **REPORTS**

**District Advisory Council** – Jeanne Jusevic

Ms. Jusevic reported that March 9, 2011, guest speaker Nancy Weintraub, Diversity and Cultural Outreach Department, provided an overview of the department's programs used at the schools; and Teri Williams and Peter Robinson, Safe to Be Me Coalition, discussed the outreach to the GLBTQ youth in the schools and the resources available to parents.

Ms. Jusevic was supportive of public speakers being allowed at Board workshops, which will bring positive results.

The Subcommittees of Policy 6000.1 were discussed, along with the Life Management Skills/Hope and the exam exemption. The exam exemptions have been discussed and the consensus is to allow these waivers to pass out of existence as End of Course exams become a requirement. DAC believes that having standardized mid-terms for EOC courses will provide teachers, schools and the district a clear idea of what needs to happen in courses such as Algebra I, Biology and Geometry after the midterm in terms of re-teaching and instructional placing.

The next DAC meeting is scheduled for April 13, 2011, at 6:30 p.m.

A comprehensive written report was submitted to the Board.

Mrs. Bartleman stated that mid-terms should be a common sense practice and not go through DAC. Due to the disconnect with what was being taught in the GEM program, demonstrates a need for mid-terms developed at the district that align with the standards that are going to be tested on the end-of-year test.

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Ms. Dinnen stated it is crucial to have teachers involved in the creation of the mid-terms so it is not just something handed down by a district committee. She stated that clear direction needs to come from the state so the district knows what the end-of-course test is going to be like. Ms. Dinnen opined that the state is leading the charge to encourage teachers to teach to the test.

Mr. Thomas stated there should be a voluminous folder on the Algebra mid-term administered this year with input from parents and teachers. The mid-terms serve as a good measuring tool for the district's success.

### ESE Advisory Council – Robert Mayersohn

Mr. Mayersohn reported that ESE met on March 28, 2011, with a presentation from Gwen Lipscomb, FDLRS Coordinator, and Kimberly Diluzio, Child Fund Program Specialist. The presentation provided parents with an understanding of how parent education has been implemented in the district. Parent Education, which is required by federal regulation, helps parents acquire and understand the special needs of their child. This also provides an opportunity for parents to acquire the necessary skills to support the implementation of their child's IEP.

Conversation ensued regarding direction for the 2011-2012 ESE Parent Education Workshop Plan. Discussion focused on key areas, the best way to engage parents, how to provide a diverse mix of educational training that is exceptionally neutral, and how to be financially efficient in expending dollars.

Ms. Denise Rusnak, Director, ESE, shared the first quarter restraint and seclusion data. There were 63 recorded incidents of seclusion involving 29 students and there were 296 recorded incidents of restraint involving 92 students spread over 26 schools. ESE is still advocating that the district adopt written policy with clear and unambiguous language that only district personnel trained in district approved restraint methods must determine, by individual circumstance, whether restraint is appropriate.

Mr. Mayersohn further reported that the advisory discussed a proposed Action Subcommittee which would address 3 to 5 systemic issues annually. The purpose of the subcommittee is to have a comprehensive and in depth dialogue with all stakeholders. A motion was made to move that all Broward County Public Schools websites must provide an ESE tab and or web-page with up-to-date ESE information for parents.

A comprehensive written report was submitted to the Board.

Ms. Dinnen requested a workshop discussion to educate the Board regarding ESE general knowledge and policy, and how the district handles the services it offers.

Mrs. Bartleman suggested that due to budget decisions that need to be made, staff sit down with each Board Member and review the ESE composition and structure.

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

Maria reported that two weeks ago the Broward Chapter of the National Honor Society sponsored the County Dodgeball Championship; as a result, they sent in an excess of \$3,000 to the Special Olympics. The Broward County National Honor Society also held their county convention at which they elected their officers for the 2011-2012 year and competed for awards in various categories.

This past weekend, the Broward County Association of Student Councils sponsored the 10<sup>th</sup> Annual Wacky Olympics. Over 1,000 students participated and raised more than \$4,000 for the Miami Project to Cure Paralysis.

Over 400 young ladies from high schools participated in a Flag Football Jamboree under the bubble at the Dolphin Training Camp.

Maria further reported that last Thursday, William Dandy Middle School won the Boys County Flag Football Championship and Glades Middle School Girls won the girls championship. Glades girls are county champions in soccer, basketball and flag football.

Graham reported that at the March 24, 2011 BCASC meeting a resolution on School Board Ethics policies was adopted, which will be presented to the School Board at this meeting.

Maria and Graham introduced the Student Advisors for the 2011-2012 school year: Spencer Shwiky, Cooper City High School, and Assistant Advisor Laura Munoz, Flanagan High School.

Mr. Notter informed that Maria has been accepted to the following universities and colleges she applied to: Harvard, Princeton, University of Pennsylvania, Dartmouth, Georgetown, Wellesley, Notre Dame, New York University, Brown, University of Miami, and Florida State.

On behalf of the School Board, Mr. Notter stated that he was proud of Maria and her leadership. Mr. Notter said this illustrates that Broward County Schools values student representatives actively engaged in the process of a major public school system.

Mrs. Good extended gratitude to both Student Advisors for their effort in attending many of the events that the School Board attends. She stated that it speaks volumes as to what they have demonstrated.

Concurring, Ms. Dinnen stated that their advice has been invaluable.

Mr. Thomas congratulated the Student Advisors for serving and thanked them for their invaluable service. He noted that Graham also received invitations from “not too shabby” universities. He looked forward to working with the upcoming student advisors.

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Ms. Murray thanked Maria and Graham for their leadership, and welcomed the upcoming student advisors.

### Employee Unions – Lynn Cavall

Ms. Cavall informed that BTU has been approached to organize another community stakeholder's meeting, to discuss the selection, impact and interest of the Superintendent of Schools. This meeting will be held on April 20, 2011.

### Broward Education Foundation – Coco Burns

Ms. Burns invited the Board Members to the Teacher Grant Awards Ceremony, Thursday, April 14, 2011, at the Signature Grand, 5:00 – 7:00 p.m. This year, 320 teachers will receive \$160,000 in grant money. The A. D. Henderson Foundation has given the district \$35,000 for innovative teacher ideas in art and culture for 2012. May 13, 2011 is the BEF Annual Scholarship Celebration at the Signature Grand.

### Diversity Committee – Roland Foulkes

Mr. Foulkes reported that on January 2011 Diversity held their annual elections, with himself being elected as Chair for the fourth consecutive one-year term and Vice Chair Mr. Julian Gazzano. Presentation was made by Mrs. Batista-McNamara, Esq., on the Citizens Concerned for our Children (CCC) case.

At the February meeting a presentation was made on the annual CCC lawsuit update by attorneys who litigated the case, Chris Fertig, Darlene Lidondici, and administrator Mary Fertig. A presentation was also made by Ms. Leslie Brown, Executive Director, Educational Programs, on the U.S. Department of Education's reclassification of race and ethnicity and the requirements of those identified as Hispanic/Latino. A key change was that Broward became an all-white district based on the reclassification.

The March meeting focused on the organization of the committee. The next meeting will be held on April 7, 2011, with the last two hours of the meeting devoted to a community forum at the African American Research Library in Fort Lauderdale. All School Board Members were invited.

A comprehensive written report was submitted to the School Board.

## BOARD MEMBERS

**Mrs. Bartleman** informed that the Autism Speaks Walk will be held this Saturday, at Nova-Southeastern University.

**Ms. Dinnen** requested a moment of silence for student Nick Fullerton who was killed on his motorcycle coming from work at the Fort Lauderdale Yacht Club. Nick had high hopes of joining the Navy. He went to Plantation Park and has many friends from the Class of 2010 who he has been with since kindergarten. His funeral is today. (A moment of silence was observed).

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**Speakers**

Ronald Barish  
Edwin Ward  
Rhonda Ward  
Mary Fertig  
Dr. Lyle Millstein  
Billy Davison  
Roland Foulkes  
James Sparks  
Anthony Purificato  
Larry Jaget  
Christine Jaget

**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. Gottlieb and carried, to approve the Consent Agenda for the remaining items (**identified by \***). (9-0 vote)

**CONSENT ITEMS**

**A. RESOLUTIONS**

- A-1. Resolution in Support of Haitian Heritage Month – May 2011, and Haitian Flag Day – May 18, 2011 (Adopted)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rupert and carried, to adopt Resolution #11-90, in support of Haitian Heritage Month – May 2011, and Haitian Flag Day – May 18, 2011. (9-0 vote)

Mrs. Rupert thanked Dr. Leontine Butler, Deputy Superintendent, Curriculum, and Dr. Mark Quintana, Curriculum Specialist, Curriculum, for taking her suggestion of marrying resolutions, to add them to the BEEP portal and have curriculum tied to it. Mrs. Rupert stated that as a teacher it was a struggle to highlight the resolution for the month and ensuring that the right curriculum was used.

Ms. Dinnen stated that the resolution is timely, since it has been a long time since the Haitian earthquake. She stated it is important to celebrate and recognize the Haitian heritage as there are a number of Haitian students in the district.

The following individual addressed this item:

Ronald Barish

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- \*A-2. Resolution in Support of May 1, 2011, as a Day of Universal Reflection  
(Adopted)

Adopted Resolution #11-91, in support of May 1, 2011, as a Day of Universal Reflection.

- \*A-3. Resolution in Support of Pledge of Civility – May, 2011 (Adopted)

Adopted Resolution #11-92, in support of Pledge of Civility – May 2011.

- A-4. Resolution in Support of Teacher Appreciation Week – May 2 through 6, 2011 and Teachers' Day, May 3, 2011  
(Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to adopt Resolution #11-93, in support of Teacher Appreciation Week – May 2 through 6, 2011, and Teachers' Day, May 3, 2011. (9-0 vote)

Ms. Dinnen stated that the resolution is very timely, as there has been a denigration of the teaching profession. Ms. Dinnen noted that the district being nominated for the Broad award and other accolades is because of teachers in the classroom. Ms. Dinnen discussed the current reform or changes in public education at the state level, difficult issues and troublesome times for teachers to deal with. She relayed her experience teaching a class at Broward College to aspiring teachers, telling them the value of the teaching profession.

Mrs. Levinson commended teachers, stating they spend the most amount of time with students other than parents, and it is very important to recognize them. Remarking that as a parent she was involved in Teacher Appreciation Week, Mrs. Levinson thanked all PTAs and parents who celebrate and appreciate valuable teachers.

Mrs. Rupert congratulated all teachers and support professionals. She recognized Piper High School's Student Government Association (SGA); they coordinate with students to write a personal note to their teachers.

Mrs. Bartleman stated that teachers have the most important job, having an input on children's lives. She thanked teachers for all they do and the sacrifices they make.

Concurring, Mr. Thomas stated that he recently attended a recognition of teachers who have achieved a National Board Certification, Broward County recognition program and teachers of the year events. Mr. Thomas recognized the hard work of staff, cafeteria workers, and bus drivers. He stated that teachers and parents are the key elements in ensuring that children get the quality education they deserve.

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Maria, Student Advisor, informed that it is a common practice at schools to write notes to their teachers; there is a state classification for these types of projects. This is also done for guidance counselors, transportation staff, cafeteria and administration within the school.

Ms. Murray stated that Monarch High School PTA and the charter schools recognized outstanding teachers. Ms. Murray congratulated and thanked all teachers involved in the process and stated they have a long-lasting impact on children.

The following individuals addressed this item:

Rhonda Ward  
Ronald Barish

- \*A-5. Resolution in Support of National Educational Bosses Week – May 16 through 20, 2011 (Adopted)

Adopted Resolution #11-94, in support of National Educational Bosses Week – May 16 through 20, 2011.

- A-6. Resolution in Support of Barrier Awareness Month – May, 2011 (Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt Resolution #11-95, in support of Barrier Awareness Month – May 2011. Mrs. Rupert was absent for the vote. (8-0 vote)

Mr. Thomas stated that prior to the Board meeting he met with Mr. Mayersohn, whose son Garrett is a champion of Barrier Awareness. He encouraged everyone to place themselves in the position of someone in a wheelchair to see what the individual experiences.

- \*A-7. Resolution in Support of April 2011, as Cystic Fibrosis Awareness Month (Adopted)

Adopted Resolution #11-96, in support of April 2011, as Cystic Fibrosis Awareness Month.

- \*A-8. Resolution in Support of April as Child Abuse Prevention Month (Adopted)

Adopted Resolution #11-97, in support of April as Child Abuse Prevention Month.

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- \*A-9. Resolution No. 11-98 – Declare a 0.36 Acre Portion of Broward Fire Academy Private Access Road, Site No. 277.1, Surplus (Adopted)

Adopted Resolution No. 11-98, declaring a 0.36 acre portion of Broward Fire Academy Private Access Road, Site No. 277.1, surplus, in accordance with Section 1013.28, Florida Statutes.

The School Board acquired 1.16 acres of land for an access road to the Broward Fire Academy. In March 2010, the Town of Davie requested the School Board consider the surplus of this parcel for locating one (1) raw water well utilizing the Floridan Aquifer to serve the Town of Davie's Water and Water Reclamation Facility located southeast of this parcel. The area requested by the Town of Davie is approximately 0.36 acres of Broward Fire Academy access road parcel which is currently vacant.

On January 25, 2011, Agenda Item J-14, the Board authorized staff to conduct a spot survey to amend the State Educational Plant Five Year Survey (2009-2014), and secure Florida Department of Education approval of the spot survey.

On March 2, 2011, Florida Department of Education approved Survey 3, Version 10, Spot Survey Surplus Property, Broward Fire Academy.

This action is the second step in the disposal of real property process. Following the adoption of this resolution, the property will be offered for sale to the Town of Davie at the appraised value as contained in Exhibit 2.

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

**B. BOARD MEMBERS**

- B-1. Membership in the Greater Florida Consortium of School Boards for 2010-2011 (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb, to approve the renewal of the School Board's membership in the Greater Florida Consortium of School Boards. This motion was superseded by a Motion to Defer (below). (9-0 vote)

The Consortium consists of representatives from eight Florida School Boards — Broward, Collier, Indian River, Lee, Miami-Dade, Monroe, Palm Beach and St. Lucie. The group is primarily a lobbyist and legislative group that promotes an annual platform to the state lawmakers.

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Some of the priorities listed by the consortium were adopted as part of the larger Florida School Boards Association's legislative platform. Earlier this year, the consortium launched a campaign to increase how much money the state allocates to school districts for education, and to provide our children with the resources they need to obtain a quality education and, thereby be in a position to compete in our 21st Century global economy.

This item is being brought forth by School Board Chair, Benjamin J. Williams.

Impact to the school district is \$3,000. The source of funds is the Board Members' department budget.

Mrs. Good stated that she was provided an outline of the various organizations that the district is a member of. Remarking that although the Consortium membership is a minimal cost, Mrs. Good stated the Board needs to look at this as a whole when the district moves forward in its memberships. She said it would benefit the Board to know the renewal timelines for other memberships and also provide a summary as to the benefits of these organizations. Mrs. Good further stated she had an opportunity to participate with the Greater Florida Consortium.

Ms. Dinnen informed that she requested Ms. Georgia Slack, Lobbyist, to write a summary of the Greater Florida Consortium of School Boards, which began as a tri-county group. Ms. Dinnen stated, in order to get more support the group has reached outside its boundary and has become the southern coastal region. Ms. Dinnen further stated that a position legislatively could not be formulated without the strength of the Florida School Boards Association behind it, but the Consortium can review a regional topic and put the full weight of an organization behind it, rather than just Broward County stating their position.

Ms. Dinnen informed her colleagues that she used to attend the Central Florida Consortium, a very active group that does similar things and has more frequent meetings. Ms. Dinnen opined that South Florida counties need to push their issues harder than they are now, and this group is an avenue that needs to increase. She stated there used to be regional meetings between the tri-county school boards and requested that this be re-instituted in order to explore common goals and progressive ideas.

Remarking that district staff and departments are being asked to make cuts, Mr. Thomas stated that the district should try to focus on one or two organizations, such that will derive the district the greatest benefit for the dues that have to be paid. Mr. Thomas stated that a cost analysis is needed to justify the fee to the public.

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Mrs. Bartleman suggested a deferral of the item in order to review the district's whole package, review what groups the Board wants to keep or not keep.

### Motion to Defer (No vote taken)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb, to defer the agenda item.

Ms. Murray stated that the Board should not be tied to numbers and the Board should not step back and lose momentum that is apparent with some groups.

Ms. Rich Levinson stated that from a budgetary view it is very important to look at all the organizations and have a comprehensive discussion about which group the Board wants to continue being a member. Mrs. Rich Levinson called the question.

A vote was taken on calling the question. Mrs. Rich Levinson voted "yes." (1-8 vote).

Mrs. Gottlieb inquired whether there is an impact if the Board does not pay the membership dues. She concurred with a review of all organizations the Board belongs to.

Mrs. Rupert requested that the review include any magazines or periodicals the Board receives.

### Motion to Table (Carried)

Motion was made by Mrs. Gottlieb, seconded by Ms. Dinnen and carried, to table the item. (9-0 vote)

Following the action of Agenda Item B-4, Mr. Notter stated that the membership dues are for this year and it would be appropriate to pass the agenda item today. Information for next year's budget year will be gathered for the Board.

Mrs. Gottlieb stated that not being part of the Consortium will leave the district unprotected during the Legislative Session. Mrs. Gottlieb stated that she went twice during session this year at her own expense, but does not plan to go back. She said as a Board Member she needs to know that the school district is represented.

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Ms. Dinnen stated that the district has been part of the Consortium for many years and there has been an assumption that membership would continue. Ms. Dinnen further stated that the Board represented themselves as being part of the Consortium with recent activities and the Board needs to approve the item for the remainder of this year. She requested a listing of all organizations the Board belongs to or wants to belong to, with the dates of the renewals.

B-2. Request to Allow Public Input/Public Speakers at Future School  
(Approved as amended)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rich Levinson and carried, to permit public input and public speakers at all future School to be effective immediately. This motion was superseded by a Motion to Amend (page 14). (9-0 vote)

In the past, members of the public were permitted to attend and listen to all School, but public input was not permitted unless the Chair made an exception. This request is to permit members of the public to speak and provide input on any topic scheduled for that Workshop. All speakers will be permitted three (3) minutes.

There is no financial impact.

Mrs. Bartleman stated that the Board has had numerous discussions to allow public input at workshops and many Board Members have supported allowing public speakers. She stated the item is the Board's opportunity to make a change in the communication process with the community. Mrs. Bartleman stated that allowing public input shows that the School Board values their input and it should be implemented immediately. She suggested that the same format be followed as in Regular Board meetings, with a three (3) minute time allotted.

Concurring, Ms. Murray stated that it is important to do everything possible to reach people and the Board needs to let the public know that their input is needed.

Remarking that she has supported this policy for the past five years, Mrs. Rich Levinson stated that as a new Board Member she is pleased that the district is offering to the public to have their voices heard as the Board discusses issues.

Mrs. Good stated she has felt the same frustrations as a community activist, as it is very important that the public be allowed to voice their concerns during the workshop forums because it is the time where most dialogue is offered.

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Ms. Dinnen stated she supports the item and would like to have the workshops televised. Ms. Dinnen requested another cost estimation on televising the workshops. She stated that the Board has a lot of substantive conversation, debate and discussion on issues during workshops that the Board is unable to do on the dais because the business needs to proceed in an orderly fashion. Ms. Dinnen concurred with having immediate input established.

Mrs. Rupert informed that Miami-Dade school district broadcasts their workshops via radio and requested that this be researched. Mrs. Rupert stated that all stakeholders need to be a part of the system and have their voice heard.

Mrs. Gottlieb stated she supports this item and has been requesting that this be implemented in this district, as everyone on the Board values and supports public input.

Mr. Thomas stated that the public needs to have their own voice.

The following individuals addressed this item:

Ronald Barish  
Rhonda Ward  
Charlotte Greenberg  
Alana Mersinger  
Marilyn Soltanipour  
Michael Marchetti  
Mary Fertig  
Robert Mayersohn  
Jeanne Jusevic  
Karen Cormack  
Roland Foulkes  
Ronald Barish  
James Sparks  
Billy Davidson

Ms. Dinnen requested that a report be provided to the Board regarding Ms. Cormack's issues regarding her ESE daughter and due process.

Motion to Amend (Carried)

To direct the Chair to permit public input and public speakers at all future School Board workshops, following the same format as Board meetings; and request that the Superintendent bring to a workshop a policy addressing public input and rules of conduct for the public at the School Board workshops. (9-0 vote)

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

B-3. Proposed Separation of Facilities & Construction Departments from the School Board (Approved as amended)

Motion was made by Mrs. Gottlieb, seconded by Ms. Dinnen and carried, to approved exploration of methods to reorganize the School Board's Facilities & Construction departments. This item was superseded by a Motion to Amend (page 17). (9-0 vote)

The purpose of this item is to direct the Superintendent to research and recommend possible organizational structures and scenarios to separate the Facilities and Construction Management division, and the Chief Building Official and Building Inspections Department ~~for complete independence from the School Board.~~

There will be no financial impact to the district.

Mrs. Gottlieb stated that the item is not a privatization issue and is only a discussion to ascertain how other school districts statewide and nationwide manage their departments. Mrs. Gottlieb stated there is the potential to have financial savings for this district and the dialogue should begin with how the district can make improvements.

Remarking that he is in favor of efficiency and cost effectiveness, Mr. Thomas stated he is open to pursuing any avenue to help the Board achieve that goal.

Mrs. Bartleman stated that the Superintendent needs to work closely with the Facilities Task Force, meet with the individuals who have been studying the Facilities department for many years, and look at issues that have been brought by employees. Mrs. Bartleman stated that the Board could prohibit Board Members from contacting inspectors, be clear as to what the Board can or cannot do. She said it is important that the Board not move back into old behaviors once changes are made.

Referring to the 1996 Grand Jury Report, Ms. Murray voiced concern that when changes are made regarding negative issues they are not sustainable. Ms. Murray stated there is a definite flaw in the process and the Board has to make sustained changes.

Ms. Dinnen stated that the process should be open; look at what the district has and what structurally does the Board need to do, and what direction can the Board give the incoming Superintendent of how the structure should look. Ms. Dinnen stated that the Board should not back off because there has been criticism. The Board is responsible for curriculum and the buildings that children are in.

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Ms. Dinnen requested a “laundry list” of what was criticized in the 1996, 2002 Grand Jury reports, what is the district experiencing today, and what kind of structure can be put in place to remedy these situations. Ms. Dinnen stated if the discussion is to separate the department at this point she would not support it.

Mrs. Gottlieb stated that the spirit of the item is to have a discussion of other options that the Board could use to make the department better.

Ms. Dinnen offered an amendment to the item, to remove the word “separate and explore other options.”

Motion to Amend (Withdrawn)

Motion was made by Ms. Dinnen, seconded by Mrs. Gottlieb, to amend Summary Explanation and Background: to insert after ...to separate, and to explore other options.

Mr. Notter stated that the Requested Action is the action that the Board will approve.

Ms. Dinnen suggested that the title be revised, to include options, explore separation and other items.

Mrs. Rupert suggested that the title become the Requested Action: Exploration of Methods to Reorganize the School Board’s Facilities and Construction Departments.

Second Motion to Amend (No vote taken)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert, to amend to have the Title conform to the Requested Action.

Mrs. Good opined that an item is not needed to explore and reorganize the department. It is totally under the purview of the Superintendent and he can restructure his staff as needed. Mrs. Good stated that there are concerns by the Grand Jury, Facilities Task Force and the public with regards to this department and the associated problems. It is not the role of the Board to tell the Superintendent to restructure Facilities or the Building Department. Mrs. Good further stated there is no other way to separate Facilities from the district and the Board’s purview. Separating the department is not the answer and it is not going to provide any oversight. Mrs. Good said that the Facilities Task Force provides great input to the Board and to the Superintendent and may be the most appropriate mechanism the Superintendent should utilize in getting some additional input. Mrs. Good stated that staff needs to be held accountable and procedures need to be followed.

## Approved in Open Board Meeting, May 17, 2011

Mrs. Rich Levinson stated there are two paths the Board can take; whether it is of interest for the Board to look at other possibilities for the Facilities department, which the item refers to, and analyzing the department to ascertain whether there are better ways to do it.

Ms. Dinnen stated that the Organizational Chart is the structure of various departments and it is within the purview of the Board to take an approval of that item. She stated that the verbiage Summary Explanation is beyond what the Board is asking for, a recommendation, a study, analysis.

Ms. Murray stated that the question is how the business of the School Board is organized and how it is run.

Mrs. Good stated there has been year after year of issues and mismanagement, and the problems continue to be allowed to happen. She assured that this Board would not allow this type of mismanagement to continue to happen.

Mrs. Bartleman reiterated that the Superintendent work with the Facilities Task Force and review the complaints that were given to the Commission of Ethics by employees, to work with Mr. Tom Lindner, Acting Deputy Superintendent, Facilities and Construction Management, and the auditors; review the punch list of what can be changed; what are some of the limitations within the departments. Mrs. Bartleman further stated that whoever is selected as the new Superintendent needs to be part of the discussion on this issue. She stated she is looking for data gathering; what are the deficiencies, what are some ideas.

Mr. Thomas requested that a policy be added; where does the policy need to be strengthened and where does it need to be enforced when it is not being enforced.

Following extensive discussion, the following motion was made:

### Third Motion to Amend (Carried)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Rupert and carried, to (1) amend Title, to read: Exploration of Methods to Reorganize the School Board's Facilities and Construction Departments; (2) amend Summary Explanation and Background, insert language, with the possibility of separation, and strike ...~~for complete independence from the School Board.~~

**Approved in Open Board Meeting, May 17, 2011**

Summary Explanation and Background to read: The purpose of this item is to direct the Superintendent to research and recommend possible organizational structures and scenarios with the possibility of separation of the Facilities and Construction Management division, and the Chief Building Official and Building Inspections Department.

A vote was taken on the Third Motion to Amend.

The following individuals addressed this item:

Ronald Barish  
Rhonda Ward  
Michael Marchetti  
Charlotte Greenbarg  
Billy Davison  
Marilyn Soltanipour  
Alana Mersinger  
Anthony Pierpocatto

Mrs. Gottlieb stated there could be other methods and mechanisms that the Board needs to look at. She reiterated that part of the intent is to explore Best Practices internally and see what other districts have done, nationally and statewide.

Mrs. Rich Levinson stated she is in favor of a hybrid item that is best for this district.

A vote was taken on the item as amended.

**B-4. Superintendent of Schools' Search Process (Approved as amended)**

Motion was made by Mr. Thomas, seconded by Mrs. Rupert and carried, to authorize a national search for the position of the Superintendent of Schools' for The School Board of Broward County, Florida by utilizing District staff to facilitate the process. This motion was superseded by Motions to Amend (pages 19 and 21). (9-0 vote)

To schedule a Special School Board meeting to discuss the search process, including but not limited to the development of a timeline and process for obtaining community input.

On March 29, 2011, the Superintendent of Schools announced his intent to retire effective July 1, 2011. Subsequently, on March 31, 2011, the Superintendent submitted his 90-day retirement notice letter to the School Board. As such, the School Board needs to establish a process for the search and selection of a new Superintendent of Schools.

There is no financial impact to the district.

## Approved in Open Board Meeting, May 17, 2011

Outlining the reasons for submittal of the agenda item, Mrs. Good stated that the item is the first step in the process of selecting a new superintendent, for the Board to move forward.

Ms. Dinnen requested that in addition to developing a timeline and a process for receiving community input is a cost analysis. She stated that there are several options to follow when conducting a national search; hiring a firm, the Florida School Boards Association, or utilizing district staff.

### Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to develop a timeline, cost analysis, and process for obtaining community input. (9-0 vote)

Mrs. Good stated that due to the district's budget shortfall there is a way to move forward, to conduct a national search and be cost effective in this manner, which she has discussed with Ms. Gracie Diaz, Associate Superintendent, Human Resources. Mrs. Good said that a mechanism is needed for allowing community input, within the screening process. This outline can be elaborated further when a special meeting is held to discuss the time frame and costs.

Mrs. Bartleman inquired whether the Florida School Boards Association offers a free service to school districts.

Ms. Diaz responded that they will come to the district and present a two-hour session to explain the Board's option, at no cost, and they will assist the Board in the search for \$8,000, not including advertising. An expense will incur when running national ads, which will be approximately \$25,000 for a complete search, including the community input session. Ms. Diaz suggested that Dr. Wayne Blanton, Florida School Boards Association (FSBA), be invited to share with the Board all the options.

Mrs. Rich Levinson stated her preference for a workshop discussion in order to be educated about hiring a superintendent. She concurred with the two-hour presentation by the FSBA, stating that the discussion would enable the Board to build consensus about what they want in the next superintendent.

A vote was taken on the motion.

## Approved in Open Board Meeting, May 17, 2011

Mrs. Gottlieb stated that the process for selecting the next Superintendent should be discussed at a Board workshop at the earliest convenience. Mrs. Gottlieb inquired about the cost for the statewide General Counsel search.

Ms. Diaz responded that the advertising portion was just under \$11,000.

Mrs. Gottlieb stated that parameters need to be placed on the cost effectiveness, as there is a cost in finding a quality superintendent. She concurred with scheduling a workshop and having Dr. Blanton to attend.

Mrs. Bartleman requested that a workshop be scheduled as soon as possible in order to avoid having to select an Interim Superintendent. Mrs. Bartleman stated that the community has contacted her about having district staff conduct this process. Remarking that this is the most important job in the system, Mrs. Bartleman stated she wants this as a priority.

Mr. Thomas cautioned his colleagues that the process done too quickly can result in mistakes, as the Board has to determine the cost effectiveness and have community input.

Concurring, Mrs. Bartleman stated that the process is already in place.

Mrs. Rupert requested that staff follow up with Dr. Blanton to determine when he can meet with the Board.

Ms. Diaz informed that she spoke with him and indicated that April 18, 2011 was his first available date.

Ms. Murray requested that this issue be the only scheduled topic for discussion at the workshop and that the session be held in the evening.

Mrs. Good informed her colleagues that without an agenda item the Board could not discuss this issue. A Special Meeting could be scheduled in order to provide clear direction to staff.

Ms. Dinnen stated that the Requested Action needs to include a workshop or meeting. She stated that a Board item is needed to authorize a national search.

Mrs. Rich Levinson stated that the presentation is needed at a workshop and, thereafter, a Board meeting be scheduled to take action.

Mr. Thomas stated that one item could be scheduled at a Special Board meeting for Board discussion and community input.

**Approved in Open Board Meeting, May 17, 2011**

Mr. Notter suggested scheduling a Special School Board meeting with the FSBA representatives at the earliest possible date. In addition, he could schedule a workshop, immediately followed by a special meeting.

Ms. Diaz informed the Board that a crucial piece of an advertisement is the salary range, which needs to be decided by the Board at the Special School Board meeting.

Ms. Murray requested that the job description be "tweaked" as the salary scale will be an issue.

Ms. Dinnen requested that information be provided on the usual cost for a superintendent search for a district the size of Broward County.

Following discussion, the following motion was made:

Second Motion to Amend (Carried)

Motion was made by Mrs. Rich Levinson, seconded by Mrs. Bartleman and carried, to amend Requested Action, ~~strike by utilizing District staff to facilitate the process;~~ and add verbiage and to schedule required meetings to discuss the search process...

Paragraph to read: To authorize a national search for the position of the Superintendent of Schools for The School Board of Broward County, Florida. To schedule required meetings to discuss the search process; develop a timeline, cost analysis, and process for obtaining community input. (9-0 vote)

A vote was taken on the motion.

The following individuals addressed this item:

Ronald Barish  
Rhonda Ward  
Billy Davison  
Alana Mersinger  
Marilyn Soltanipour

Mrs. Bartleman stated that the workshop will demonstrate to the public the different models and the cost of a superintendent search.

Mrs. Rich Levinson called the question.

A vote was taken on the item as amended.

**D. OFFICE OF THE CHIEF AUDITOR**

E. CHIEF OPERATIONS OFFICER

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

F-1. New Agreement between The School Board of Broward County, Florida, and The Children's Services Council of Broward County (Approved)

Motion was made by Mr. Thomas, seconded by Ms. Dinnen and carried, to approve the proposed agreement between The School Board of Broward County, Florida, and The Children's Services Council of Broward County. Mrs. Rupert was absent for the vote. (9-0 vote)

The School Board of Broward County, Florida, Career, Technical, Adult and Community Education (CTACE) Department, in partnership with The Children's Services Council of Broward County (CSC), is providing support services to help sustain the four high schools previously funded by the Florida Department of Education 21st Century Community Learning Center (CCLC) Grant. The four schools are Coconut Creek, Dillard, Hallandale and Stranahan High Schools. The academic and enrichment services address the following areas: increasing student learning gains, decreasing bullying behaviors, and /or increasing FCAT scores for 100 students at each school. The CSC is funding the after-school program in the 2010-11 school year and the summer program component.

The CTACE Department will provide funding for transportation for the summer program and will coordinate free snacks provided by the United States Department of Agriculture (USDA), for all students in the program. The summer program will operate Monday through Thursday, June 20 through July 21, 2011, at Coconut Creek, Dillard and Stranahan High Schools. The summer program at Hallandale High School will operate Monday through Thursday, June 13 through July 14, 2011. The length of the summer component varies at the schools based upon the allocated budget and grant funding for the summer program.

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

The positive financial impact to the district is \$540,547. The source of the funds is The Children's Services Council. There is an additional financial impact of \$15,200. The source of these funds is the Carl D. Perkins Secondary Grant. There is no other additional financial impact to the district.

Ms. Dinnen stated that she pulled the item because of the positive financial impact. She stated that the Council does great work and a partnership with them is very worthwhile.

**Approved in Open Board Meeting, May 17, 2011**

Ms. Murray stated that the support of the Council went to four high schools: Coconut Creek, Stranahan, Dillard and Hallandale. The big impact was to FCAT tutoring, which has raised test scores and graduation rates at these high schools, especially among minority students.

F-2. Grant Applications (Approved)

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

- A. FPL Group Foundation, \$1,000
- B. Kids in Need Teacher Grants, \$800
- C. Recyclebank Green Schools Program, \$4,300

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 \$6,100 from various sources. There is no additional financial impact to the school district.

Ms. Dinnen stated that she pulled the item because of the positive financial impact.

\*F-3. Continuation Agreements with Various Health Care Facilities (Approved)

Approved the continuation agreements between The School Board of Broward County, Florida, Westside Regional Medical Center, and Northwest Medical Center.

Health Science Education Programs provide secondary and postsecondary career and technical students with clinical learning experiences through contractual agreements with hospitals, nursing homes, and other facilities.

The continuation agreements with Westside Regional Medical Center and Northwest Medical Center will provide clinical experiences to Broward County Schools Health Science Education students. On-site clinical experiences are necessary to meet curriculum frameworks, student performance standards, and requirements of regulatory agencies for students to qualify for certification/licensure examinations upon program completion.

The Health Science Education Programs that are located at 24 high schools are: Allied Health Assisting, First Responder, Nursing Assistant, and Practical Nursing.

**Approved in Open Board Meeting, May 17, 2011**

The Health Science Education Programs that are located at the technical centers are: Central Service Technology, Dental Assisting, Medical Coder/Biller, Electrocardiograph (Cardiovascular) Technology, Health Unit Coordinator, Hemodialysis Technician, Massage Therapy, Medical Assistant, Medical Records Transcribing, Medical Lab Technology, Optometric Technician, Patient Care Technician, Pharmacy Technician, Practical Nursing, Emergency Medical Technician, and Surgical Technology. Currently, The School Board of Broward County, Florida, has 46 School Board approved agreements with various health care facilities.

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

There is no financial impact to the district.

**G. HUMAN RESOURCES**

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

Approved the personnel recommendations for the 2010-2011 appointments and leaves as listed in the Executive Summary and respective lists for Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. The teacher approvals on this G-1 item are teachers in subject areas for which there is no surplus and/or layoff teacher in that certification area that could be placed in these positions.

The Personnel Recommendations for Instructional Employees include the following items:

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

**Approved in Open Board Meeting, May 17, 2011**

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

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve the personnel recommendations for separation of employment or discipline as listed in the respective lists for instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. **This item was amended to reflect one name Instructional Suspensions/Terminations.** (9-0 vote)

The Personnel Recommendations for Instructional Employees include the following items:

1. Instructional Resignations/Retirements/Layoffs

There will be no financial impact to the school district.

Mr. Notter informed that through the Human Resources department he conducted a review of the screening and interview process, including Human Resources and Area Superintendent; indicating that five (5) candidates were reviewed and that other candidates could have been interviewed. Mr. Notter stated that the name has been separated and at the beginning of the new school year the process will resume to fill the position.

Mrs. Batista-McNamara informed the Board that for any employee termination for just cause is normally necessary; the exception being, the law allows the School Board to release an employee who is on an initial annual contract during the first 97 work days, known as the probationary period. The employee is also able to resign during the 97-day probationary period without breaching the contract.

Mrs. Batista-McNamara cautioned the Board that the only issue that can be discussed at this time is the district's selection process. Mrs. Oliphant is being released during the 97-day probationary period therefore, there is no just cause necessary for the release of the employment.

Ms. Karen C. Amlong, Esq., spoke on behalf of Mrs. Oliphant, addressing the selection process and Mrs. Oliphant's qualifications. She stated that Mrs. Oliphant is a good fit for the school and should remain.

## Approved in Open Board Meeting, May 17, 2011

Mrs. Oliphant addressed the Board, stating what has occurred is a disgrace, as she has been targeted by the media unjustly and unfairly, including defamation of character and institutional racism. She spoke of her experience in the criminal court system for over 20 years, working with victims and witnesses in the criminal justice system.

Mrs. Oliphant stated she spearheaded many organizations in the community to make a difference so that children are safe and has held voluntary positions. Mrs. Oliphant requested that she not be terminated because she is a qualified, certified counselor and has met all the requirements of the state of Florida for the position. Remarking that she has not "pulled" any strings to get her job, Mrs. Oliphant stated she has worked very hard and offered a salary adjustment in lieu of termination.

Ms. Dinnen's inquired about the options that are available to the Board.

Mrs. Batista-McNamara responded that the Board can pass the item as stated, separate Mrs. Oliphant's name from the item and make another determination regarding her employment. She concurred that by approving this item today there is no intention or indication that Mrs. Oliphant can be banned from future employment under the new regulations or salary amounts. The issue is not about performance, as it is a release under the 97-day probationary period.

Mr. Thomas inquired whether in the review process the Superintendent determined that there were candidates equal to, or more qualified, than Ms. Oliphant and that they were not given an opportunity to interview at all.

Mr. Notter responded that in his review of the process and of the other applicants, there were other applicants that could have been interviewed for this position that were not interviewed. The Superintendent stated he is proposing that the position be vacated to allow a greater pool of candidates. He stated the process could have been better handled. Mr. Notter reiterated that as the new school opens the position will be re-advertised and all eligible candidates will be able to apply.

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

Approved 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.

**Approved in Open Board Meeting, May 17, 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.

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

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. **This item was amended to include additional name to Section 3.** (9-0 vote)

The Personnel Recommendations include the following items:

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

There is no financial impact to the school district.

Remarking that the Superintendent's name is included in the agenda item, Ms. Dinnen stated she valued Mr. Notter's integrity and placing children first. She thanked Mr. Notter for his hard work as a taskmaster, and for his service and guidance to the Board through the toughest times the district has ever faced.

**Approved in Open Board Meeting, May 17, 2011**

The following individual addressed this item:

Rhonda Ward

G-5. Supplemental Pay Positions – List #16 (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the recommended supplemental pay positions of employees for the 2010-2011 school/ fiscal year. (9-0 vote)

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

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

Mrs. Bartleman discussed the recent audit report on Non-Specific Supplements and ways to save money; identifying \$437,000. She stated that the suggestions in the report should be reviewed by the Board. She requested that staff make decisions on the audits feedback, such as providing Supervisors proper guidance before the start of the school year and payroll duties at the school level.

Mrs. Rupert discussed the multiple supplements that employees are receiving.

## Approved in Open Board Meeting, May 17, 2011

Ms. Diaz responded that staff will review job descriptions and gather input from supervisors, to give supervisors guidance before the start of the school year. She noted that some employees receive National Boards as a supplement, which is part of their contract and should not be counted against the person. Ms. Diaz stated that recommendations will be made to the Board.

Mr. Thomas requested a review of the policy and the process. Stating that employees close to retirement are getting extra supplements regarding the waivers, Mr. Thomas inquired who authorizes the waivers and who has accountability.

Concurring, Mrs. Rupert discussed the multiple supplements that employees are receiving.

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

Motion was made by Ms. Murray, seconded by Mrs. Gottlieb and carried, to approve the recommendation(s) for discipline as listed on the Instructional/ Noninstructional staff list. All recommendation(s) are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. This motion was superseded by a Motion to Defer (page 31).

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.

Ms. Tammy Forest, Esq., addressed the Board regarding her client Mr. Antonio Santiago, Head Custodian, Pioneer Middle School, who is being terminated because he met with a student without the permission of the parent. She spoke of his duties and his mentoring of students, stating that his punishment is too severe and he has no prior incidents on his record.

Ms. Diaz informed the Board that the due process rights include the employee having the right to file a grievance and if the termination is not substantiated, he will be placed back to work. If it is not in his favor he has a right to request an arbitration through an outside arbitrator, and it is binding.

**Approved in Open Board Meeting, May 17, 2011**

Mr. David Golt, Executive Director, Professional Standards and Special Investigation Unit, provided the Board with a timeline of events beginning in July 8, 2010, for an investigation into the allegations. Subsequently, the employee went to the Professional Standards Committee who recommended termination and the Superintendent of Schools recommended that he also be terminated.

Mrs. Good stated that the information is vague and there is a lack of back-up data.

Mrs. Batista-McNamara advised that when the case is presented to the Committee it is an internal due process. A third party arbitrator will be presented facts of the case, the employee will have an opportunity to testify, including district employees, and the arbitrator will make a recommendation.

Ms. Diaz, in response to Mrs. Rupert's inquiry, stated that the Code of Ethics pertains to instructional and certified employees. There are logical behaviors that should not be done with students. Ms. Diaz stated, if there was a child in distress it would not be one individual meeting with the child, especially a child of the opposite sex or underage child.

Mrs. Batista-McNamara advised that this is not the proper forum to bring forth all the information that an arbitrator would be able to receive.

Mrs. Gottlieb stated that the Board is not here to try the facts of the case and the way to move forward would provide the employee an opportunity to present the facts before an independent third party that will make the recommendation to the Board.

Responding to Mr. Thomas' inquiry, Mr. Notter stated that there is progressive discipline.

Ms. Dinnen inquired whether the committee could have recommended another discipline other than termination.

Mrs. Batista-McNamara responded that the committee could have chosen a different standard of discipline.

Ms. Dinnen stated there will be an ample place for due process.

Mrs. Batista-McNamara and Mr. Golt stated that the process takes between four and six months.

**Approved in Open Board Meeting, May 17, 2011**

The following individual addressed this item:

Murvin Wright  
Ray Henderson  
Elvin Mathis (sic)

Mrs. Bartleman voiced concerns that Mr. Wright's immediate supervisor came forward and indicated he has issues with the investigation.

Motion to Separate (Carried)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to separate Murvin Wright from the agenda item. (9-0 vote)

Mrs. Bartleman requested that staff meet with her to review this particular case.

A vote was taken on the Motion to Separate.

Ms. Diaz informed that the Board is not going through the entire file, which is reviewed by the committee and makes a recommendation to the Superintendent. Ms. Diaz stated that these types of cases have the potential to become a hearing process before the Board.

Remarking that "meddling" refers back to the Grand Jury Report, Mr. Thomas stated there is a process set up to provide employees their due process under the administrative code.

Mrs. Good stated it is important to ensure the process was followed.

Ms. Murray stated there should be a policy provided in regards to the responsibility of any fundraising made on School Board property, whether it is a facility, school or district level.

Ms. Dinnen inquired whether the process was followed properly by both the Professional Services Committee and the Superintendent.

Following additional Board discussion, the following motion was made:

Motion to Defer (Carried)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to postpone the item (Murvin Wright) to the next Board meeting. (9-0 vote)

A vote was taken on the Motion to Defer, followed by a vote on the G-6 agenda item.

H. ATTORNEY

H-1. Broward County School Board vs. Alexandra Kralik (Approved)

Motion was made by Mr. Thomas, seconded by Ms. Dinnen and carried, to consider (1) the Recommended Order, rendered on December 6, 2011, by Eleanor M. Hunter, Administrative Law Judge, in the matter of Broward County School Board vs. Alexandra Kralik, Case No. 10-0629, before the State of Florida Division of Administrative Hearings; (2) Petitioner's Exceptions to Recommended Order; (3) Respondent's Response to Petitioner's Exceptions; and (4) render a Final Order in this cause. (9-0 vote)

On February 2, 2010, The School Board approved the recommendation from the Superintendent of Schools for the suspension and termination of Ms. Alexandra Kralik, a teacher at A.C. Perry Elementary School. Subsequently, Ms. Kralik challenged The School Board's action and requested an administrative hearing before the State of Florida Division of Administrative Hearings.

Following the administrative hearing, the Administrative Law Judge issued a Recommended Order, recommending that The School Board enter a final order dismissing the charges brought against Ms. Kralik in the proceeding. The Petitioner, (The School Board, by and through the Superintendent and its cadre counsel), filed Exceptions to the Recommended Order. The Respondent, Ms. Kralik, filed a Response to Petitioner's Exceptions.

The School Board of Broward County, Florida, must take final agency action after considering the Recommended Order, Petitioner's Exceptions to the Recommended Order, and the Respondent's Response to Petitioner's Exceptions; and enter a Final Order.

The financial impact to the district is unknown at this time.

Mrs. Batista-McNamara informed the Board that the item relates to an employee termination containing the Recommended Order by the Administrative Law Judge (ALJ), which includes the Findings of Fact, Conclusions of Law, and the recommended penalty. There are three different standards of review for each of the sections. As to the Findings of Fact, Mrs. Batista-McNamara stated there has to be competent, substantial evidence in the record to adopt exceptions or reject exceptions. As to Conclusions of Law, the Board has to state, with particularity, the reasons for rejecting or modifying the conclusion of law and the conclusion has to be reasonable or more reasonable than the one made by the ALJ.

## Approved in Open Board Meeting, May 17, 2011

As to the recommended penalty, the Board will have to state on the record that there was a review of the complete record, and state with particularity the reasons for reducing or increasing the recommended penalty.

Mrs. Batista-McNamara stated that there has been a concession by the attorney for the employee that the findings of fact should be in the Conclusions of Law; and there is an exception to the recommendation of the penalty by the ALJ.

Mr. Mark Emanuele, Esq., Cadre Attorney representing the School district, outlined the evidence presented at the hearing before the ALJ. Mr. Emanuele stated the first exception addresses paragraph 30 of the Recommended Order and paragraph 29. The ALJ found there was a record of prior disciplinary proceedings for improper physical interaction taken against Mrs. Kralik that was introduced into evidence under the theory of progressive discipline. There is undisputed evidence that Ms. Kralik had inappropriate and un-permitted physical contact with the student. The un-contradicted testimony establishes that there is evidence of touching that constituted a physical force that was hard, rough or inappropriate because there is no explanation given. Mr. Emanuele stated that the record does not support a finding of insufficiency of the evidence or inappropriateness.

Mr. Emanuele stated that the Board should reject paragraph 30 of the Recommended Order as not being supported by competent and substantial evidence.

Mr. Steve Rossi, Esq. informed the Board that he and his colleague, Mr. Travis Stock, Esq., represent Ms. Kralik, who is present. Mr. Rossi stated there was not any clear established evidence presented and the judge found there was insufficient evidence to substantiate termination. The ALJ indicated that whether Ms. Kralik should be terminated depends on the specific allegations and, after hearing all the evidence found that there was insufficient evidence and found Ms. Kralik not guilty of any of the allegations brought forward against her by the district. Mr. Rossi stated if the evidence was clearly established the ALJ would have ruled in a contrary fashion, and asked the Board to reject the exception.

Mr. Rossi requested that School Board Member Gottlieb abstain from any voting on this matter; she was questioned by the media concerning the incident prior to the investigation taking place.

Mrs. Gottlieb stated that she did work with Ms. Kralik when she was a teacher and knows her in that capacity. Mrs. Gottlieb acknowledged that she did make comments during her tenure as the Chair of the Board and did not know it was a conflict.

## Approved in Open Board Meeting, May 17, 2011

Mrs. Marylin Batista-McNamara advised that under Florida law every Board Member has a duty to vote on every item before them unless it would be a conflict of interest because it would inure to their benefit. She stated there was nothing involving this case that would inure to Mrs. Gottlieb, as she is not related to her family.

Mrs. Gottlieb concurred that she is not related.

Mrs. Bartleman stated that she also commented on this issue during an interview, as the Chair.

Mrs. Batista-McNamara advised that Mrs. Gottlieb and Mrs. Bartleman do not have a conflict by voting on the item and must vote on the item. The vote that the Board takes today is based on the record that is before the Board. She stated that the Board is precluded to entertain issues that are not before the Board on this record, that includes prior issues of discipline with this teacher. Mrs. Batista-McNamara stated that based on the record in its totality and based on the standards of review as has been stated by herself and Mr. Rossi, the issue is whether the record evidence, paragraph 30, is supported by substantial, competent evidence in the record. Even if the Board disagrees with the ALJ's recommendation, the Board would have to adopt her recommendation. If the Board opines that the ALJ's finding of fact for paragraph 30 is not supported by the evidence in the record, the Board will adopt the exception and strike paragraph 30.

Mr. Rossi voiced his concern of a conflict that could be perceived as a bias or prejudice, one way or against his client.

Mrs. Batista-McNamara stated that her opinion and advice remains the same.

Mrs. Batista-McNamara defined substantial and competent evidence, at the request of Mr. Thomas. She stated if there is any evidence in the record that is substantial and competent, the Board must accept the finding of fact of the judge. Mrs. Batista-McNamara further stated if the Board determines from reading the entire evidence that the judge ignored some testimony of a witness, nothing that would substantiate the judge's position, the Board would vote to adopt or reject the exception.

Mr. Thomas stated that he reviewed the evidence, including the children's testimony; the testimony of the attorneys' exception went to the heart of the matter with those students. Mr. Thomas opined that the ALJ ignored the children's testimony.

## Approved in Open Board Meeting, May 17, 2011

Mrs. Batista-McNamara responded that the judge reviewed the testimony of the minor children and the recommended order indicates the testimony was not sufficient. The judge did not find the testimony of the teacher credible either, but felt there had been some touching. She could not conclude from the testimony of the children whether the touching was inappropriate force.

Mrs. Rich Levinson stated there is an explanation of when physical force is permitted, only when there is a medical emergency or if students have placed themselves or others in imminent danger. Mrs. Rich Levinson stated this is not the case. She inquired how this comes into play with the remaining evidence.

Mr. Emanuele responded that it is not just a matter of weighing the testimony of the children. There is a plethora of evidence; the Assistant Principal who interviews the children after the handwritten notes are submitted, the investigators' handwritten statements and notes. In addition, there is testimony by the Principal as to what kind of touching is allowed and specific discussions with Ms. Kralik about that and instruction not to do that. Mr. Emanuele stated that Ms. Kralik did not offer any excuse, saying she never touched the child at all, to support her case. The judge determined this testimony is not credible. He stated that the substantial and competent evidence supports the opposite of the finding. Legally, the Board can reject the finding of fact because there is nothing that would support it.

Mr. Rossi responded that the judge heard all the evidence, assessed the witnesses credibility and competency. There has to be shown that there was contact and it was inappropriate. Mr. Rossi stated that the specific charge brought against Ms. Kralik was not proven.

Mrs. Bartleman stated that Ms. Kralik's testimony does contradict the testimony of others.

Mr. Emanuele stated that there was testimony offered for the purpose of showing progressive discipline; there were a series of events. Regardless of how the Board would view this event, the Board must consider whether it justifies the progressive discipline given the steps that were taken. Mr. Emanuele further stated that someone might look at this case as a minor incident that does not justify termination. The reason why the judge permitted the testimony from progressive discipline was to show a pattern.

Mr. Rossi responded that the judge did not make a finding of fact that this showed a pattern. The issue before the Board is what was presented before the judge.

## Approved in Open Board Meeting, May 17, 2011

Concurring, Mrs. Batista-McNamara can only consider what is in the record and not what was reported in the press.

### Motion (Carried)

Motion was made by Mrs. Rich Levinson, seconded by Mrs. Rupert and carried, to reject the Finding of Fact number 30, striking the portion of paragraph 30 of the Findings of Fact, as contained in the Recommended Order dated December 6, 2010; that the evidence is insufficient to determine what Ms. Kralik did to Q.P. or to prove that Ms. Kralik constituted physical force that was rough, hard, or inappropriate; and further finding that there is competent and substantial evidence in the record to establish the extent of the physical contact and that the physical contact was inappropriate, that it hurt Q.P. and was neither authorized nor excused under the facts, and that Kralik's denial of the physical contact is not credible given the testimony of Q.P. and D.L. (The transcript pages are 62, 63, 90, 121-122). (9-0 vote)

A vote was taken on the motion.

Mrs. Batista-McNamara stated that counsel will address Exception to Paragraph 31, under Findings of Fact. Mrs. Batista-McNamara stated that the employee has conceded that it is not a finding of fact but it is a conclusion of law.

Mr. Emanuele stated both sides are in agreement that paragraph 31 is not stating a finding of fact and it is a conclusion of law. Counsel takes exception based on the failure of the School Board's proof to establish the truth of the mother's allegation; it's determined that she is not guilty of the offense. Having found that the allegations were true, there was an inappropriate touching, the correct conclusion would be that the School Board had met its burden in that case. The Board would adopt the original decision of the Board, which was to terminate and reject the ALJ's dismissal of the proceedings.

Mr. Rossi voiced his opposition based upon the record and findings of the fact. He stated there is no objection to Paragraph 31 being a conclusion of law as opposed to a finding of fact.

**Approved in Open Board Meeting, May 17, 2011**

Second Motion (Carried)

Motion was made by Mrs. Rupert, seconded by Mrs. Rich Levinson and carried, that the Finding of Fact as set forth in paragraph 31 is in fact a conclusion of law; and as a conclusion of law, a more reasonable and appropriate interpretation of the facts based on the Board's rejection of paragraph 30, that the School Board has met its burden of establishing an inappropriate touching or misconduct in office, as the charges outlined in the petition: Ms. Kralik is guilty of misconduct in office, immorality and incapacity as charged in the administrative complaint. (9-0 vote)

A vote was taken on the motion.

Mrs. Batista-McNamara stated that counsel will make a motion regarding the recommended penalty.

Mr. Emanuele stated that given the record of progressive discipline as established in the case, the recommended penalty, based on the findings of fact and the conclusions of law, the exceptions as accepted, is that termination would be appropriate.

Third Motion (Carried)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rich Levinson and carried, that given the record of progressive discipline as established in the case, the recommended penalty, based on the findings of fact and the conclusions of law, the exceptions as accepted, is that termination would be appropriate. (9-0 vote)

A vote was taken on the motion.

Mrs. Batista-McNamara offered the following motion:

Fourth Motion (Carried)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to move to adopt the Recommended Order, as amended. (9-0 vote)

A vote was taken on the motion.

**Approved in Open Board Meeting, May 17, 2011**

- H-2. Completion Agreement between The School Board of Broward County, Florida, and Di Pompeo Construction Corp. (Approved)

Motion was made by Mrs. Gottlieb, seconded by Ms. Dinnen and carried, to approve the Completion Agreement between The School Board of Broward County, Florida, and Di Pompeo Construction Corp. (9-0 vote)

The School Board of Broward County, Florida, (the "SBBC"), entered into a Contract, dated September 23 2008, with Di Pompeo Construction Corp., ("DI POMPEO), for the construction of a New Swimming Facility located at Nova High School, (Project No. P.00245, f.k.a. 1281-22-02), (the "Project").

During construction of the Project, DI POMPEO performed extra work at the request of SBBC and for which DI POMPEO is entitled to an increase in both the Contract Sum and Contract Time. In addition, DI POMPEO performed work pursuant to allowances specified in the Contract; however, the actual resulting cost of such work entitles the SBBC to receive a decrease in the Contract Sum.

Although the Project is complete, there remains a dispute between the Parties concerning DI POMPEO's entitlement to additional time and monetary compensation for delay, which is prohibited under the "no damages for delay" provisions of the Contract. This proposed Completion Agreement resolves the *undisputed* portions of DI POMPEO's claims, provides for payment of such undisputed sums, provides for a credit to the contract amount for unused allowances, provides for the right of DI POMPEO to pursue the disputed portions of its claims through litigation, and requires such litigation to be filed and served within 90 days of approval of this Agreement and rejection of all or a portion of a final time-impact analysis ("Final TIA"), to be submitted by DI POMPEO.

The Project was issued a Certificate of Occupancy (OEF 110B), signed by the Building Official on September 3, 2010, and more recently, the Project was determined to be finally complete and received a Certificate of Final Inspection (OEF 209), signed by the Building Official on March 7, 2011.

The recommendation for Final Acceptance of the Project and release of retainage by the SBBC will be placed upon a future Board Meeting agenda.

District staff and the School Board Attorney's Office recommend approval of the Completion Agreement as a fair, reasonable and cost-effective resolution of the undisputed portions of DI POMPEO's claims.

**Approved in Open Board Meeting, May 17, 2011**

The financial impact to the district is a CREDIT in the amount of \$105,148.

Ms. Dinnen noted that the item was pulled because it has a financial impact; both positive and negative financial impacts are pulled for discussion.

Mrs. Gottlieb thanked Mr. Tom Cooney, Assistant General Counsel, for a well-written agenda item, as this is the format that the Board has been seeking.

**I. OFFICE OF THE SUPERINTENDENT**

**J. FACILITIES AND CONSTRUCTION MANAGEMENT**

- \*J-1. Grant of Utility Easement to the Florida Power & Light Company for Service to the Replacement of the Regional Stadium at Blanche Ely High School (Approved)

Approved the Grant of Utility Easement to Florida Power & Light for service to the replacement of the Regional Stadium at Blanche Ely High School.

The proposed Utility Easement is required by Florida Power & Light to provide service to stadium lighting and two (2) concession stands at the replacement Regional Stadium at Blanche Ely High School.

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

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

- \*J-2. Pre-Qualification of Contractors – Approval of Application and Issuance of Certification (Approved)

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on March 23, 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:

**Approved in Open Board Meeting, May 17, 2011**

\*\*BDI Construction Company – Issue Pre-qualification Re-Certification  
DeAngelis Diamond Construction, Inc. – Issue Recommendation to Not Re-Certify  
Electrical Contracting Service, Inc. – Issue Recommendation to Not Re-Certify  
Hedrick Brothers Construction Co., Inc. – Issue Pre-qualification Re-Certification  
\*Hypower, Inc. – Issue Pre-qualification Certification  
Jag Air Mechanical, Inc. (Mechanical) – Issue Recommendation to Declare Delinquent  
and Revoke Certification  
Jcon Group Corp. – Issue Recommendation to Not Certify  
Kaufman Lynn Construction, Inc. – Issue Pre-qualification Re-Certification  
Skanska USA Building Inc. – Issue Pre-qualification Re-Certification  
Team Contracting, Inc. – Approve Appeal to Recommend Re-Certification  
\*\*Temptrol Air Conditioning, Inc. – Issue Pre-qualification Re-Certification

\*New Certification \*\*Certified M/WBE and/or SBE

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

Contractor Pre-Qualification Staff Application Review Executive Summaries are available for review at the Design & Construction Contracts Department. 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 for fiscal year 2010-11. Budgeted for fiscal year 2011-12 is \$9,893,000, and for fiscal year 2012-13 is \$14,000,000.

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.

Following the action of Agenda Item J-6 (6:45 p.m.), Mr. Larry Jaget and Ms. Christine Jaget stated they wish to address their concerns regarding an appeal to the Qualification Selection Evaluation Committee (QSEC).

Mr. Lindner informed that the issue was discussed at QSEC and a unanimous vote was made. He stated that the company can appeal, and staff will meet with them to discuss the appeal process with them.

## Approved in Open Board Meeting, May 17, 2011

Ms. Dinnen explained the process of the Consent Agenda.

Mrs. Gottlieb inquired whether it is appropriate to make a Motion to Reconsider.

Mrs. Bartleman stated she is not comfortable overturning a recommendation by QSEC and requested that the appeals process be followed.

Mr. Thomas stated that the speakers are looking for redress and it is out of the hands of the Board. He stated that they were misinformed on how to be heard on their issue.

Mrs. Gottlieb stated that they did not understand the process, having been here since this morning, and they should be allowed to make their comments.

Mr. Williams stated that even if the Board gives someone the opportunity to address their concerns does not mean the Board would vote differently.

Mrs. Good inquired whether the item can be reconsidered.

Ms. Batista-McNamara advised that the Board has the option to reconsider the item, but the individuals needed to learn the process prior to coming to a public meeting. She stated that the recommendation from staff will be that there is a process pursuant to Policy 7003 that requires the company to appeal. Mrs. Batista-McNamara stated that this is not the forum to readdress what occurred at QSEC, as that information is not before the Board.

Mrs. Rupert stated that she made notes to ask staff regarding the QSEC appeal. She apologized for the misunderstanding and recommended that they follow the appeals process.

Remarking that there is a process to be followed, Mrs. Bartleman stated that the Board is not allowed to overturn a decision by QSEC.

Mrs. Gottlieb thanked the Chair for allowing the individuals to make their comments, and apologized for the misunderstanding. She stated that she would not overturn a recommendation by QSEC.

Mrs. Bartleman stated that the Board is not allowed to overturn a decision by QSEC.

**Approved in Open Board Meeting, May 17, 2011**

- \*J-3. Change Orders (Approved)

Approved change orders as listed for various school projects.

<u>Plantation Park Elementary</u>		Change Order 04	\$0
Unforeseen Condition	\$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.

- J-4. 2011 High School Graduation Rental Agreement with Broward College for Omni Auditorium (Approved)

Motion was made by Mrs. Rupert, seconded by Ms. Dinnen and carried, to approve the 2011 High School Graduation Rental Agreement with Broward College for Omni Auditorium. (9-0 vote)

Atlantic Vo-Tech and High School in Broward County will hold their graduation rehearsal and graduation exercise on June 6, 2011.

It is the policy of this venue, that the licensee executes the agreement first.

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

The estimated financial impact to the school district is approximately \$3,540, which includes \$1,750 for leasing the venue, plus an estimated \$1,790 in additional charges for other services as incurred. The costs will be paid from the Student Activity Department's budget. This item does not require a collaboration form from the Capital Budget Department.

Ms. Dinnen informed that the size of the school's graduating class and the amount of people they want from their family to attend dictates the types of venues that the district can have.

Mr. Notter stated that a medium to small high school, with four tickets each, equates to 2,400 attendees. He stated the Omni fits 1,800 people. Mr. Notter stated he will provide two venues to the Board for comparison.

Mrs. Rupert requested staff to provide a cost analysis of all the venues and see if next year graduations can be held at possibly a School Board owned facility.

**Approved in Open Board Meeting, May 17, 2011**

Remarking that several reviews have been made in the past on this issue, Ms. Murray stated there have been suggestions to hold outside graduations, but the weather would be unpredictable.

Mrs. Gottlieb stated that graduation ceremonies is an important event for students and their families, and the venues used are necessary. She stated that none of the district's facilities could handle the parking issue. Mrs. Gottlieb requested that staff attempt to renegotiate those contracts to provide the best deal.

J-5. Reciprocal Use Agreement between the City of Fort Lauderdale and The School Board of Broward County, Florida (Approved)

Motion was made by Mrs. Good, seconded by Ms. Murray and carried, to approve the Reciprocal Use Agreement between the City of Fort Lauderdale and The School Board of Broward County, Florida.  
(9-0 vote)

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

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

The City of Fort Lauderdale will execute this Agreement after School Board approval.

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

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

Ms. Dinnen stated there was a question raised about what kinds of facilities does the district partner with the City of Fort Lauderdale. She requested a listing of this information.

**Approved in Open Board Meeting, May 17, 2011**

J-6. 2011 High School Graduation Rental Agreement with The Faith Center at Sunrise (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the 2011 High School Graduation Rental Agreement with The Faith Center at Sunrise. (9-0 vote)

Certain high schools in Broward County will hold their graduation rehearsals and graduation exercises from June 2, through June 9, 2011, for the following schools: Coral Glades High School, Deerfield Beach High School, Coral Springs High School, Cooper City High School, South Broward High School, Northeast High School, and McArthur High School.

It is the policy of this venue, that the licensee executes the agreement first.

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

The estimated financial impact to the school district is approximately \$115,313, which includes \$31,500 for leasing the venue, plus an estimated \$83,813 in additional charges for other services as incurred. The costs will be paid from the Student Activity Department's budget. This item does not require a collaboration form from the Capital Budget Department.

Remarking that she has done her own cost analysis, Mrs. Rich Levinson voiced concern over the financial impact, as the staffing costs are very high.

Mr. Damian Huttenhoff, Director, Athletics and Student Support, responded that one facility is a private venue and the other is a public venue which has a partnership with Atlantic Vocational. These are turnkey operation costs and this is the second largest venue that is used in Broward County, and compares with the cost of Nova-Southeastern's costs.

Comparing the costs for the venue under Agenda Item J-4, Mrs. Rich Levinson inquired why the staffing costs are exorbitant.

Mr. Michael Roland, Student Activities Liaison and Student Support, informed that the costs at the Faith Center, NSU, FAU, and the Broward Center for the Performing Arts are almost identical costs, running between \$12,500 per graduation (total cost) up to \$17,000 at the Performing Arts Center, which is standard for the larger venues that the district has to use.

## Approved in Open Board Meeting, May 17, 2011

Mr. Roland stated that the smaller venues charge much less, and BCC Omni is less costly due to their being a public institution. Atlantic Technical is the only school that graduates there and it is the only one that has a partnership with Omni, which runs \$3,500. War Memorial runs approximately \$5,600 but not all 28 schools will fit there. As many graduations are scheduled at War Memorial (accommodating a graduation class of approximately 350 - 400).

Mr. Roland further stated that the venues have indicated this is the best deal they can offer the district. Mr. Roland informed that the total cost for the seven (7) graduations is \$115,313, which includes the venue providing staff.

Mr. Lindner informed that there may be a liability issue for a private facility which may be one of the reasons to have their staff.

Dr. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services, stated that the Board will be presented information on other venues, including ceremonies at schools and field graduations, and the costs. Dr. Harrison stated that staff will always continue to consider every option to save and reduce dollars. Once venues become limited the district is forced to use other venues.

Mr. Huttenhoff stated that when looking at all the venues, the district has a reasonable price for the cost of the graduation ceremony based on a per person basis.

Dr. Harrison stated that the district has offered using staff for their staffing purposes, such as ushering, but it could be a union issue and their staffing is included in the contract agreement for renting their facility.

Remarking that she has attended graduation ceremonies at the Faith Center, Mrs. Gottlieb stated that the only staff she has seen has been in the parking lot. Mrs. Gottlieb requested that the district ensure that they are paying for what they are getting, such as ensuring staff is present in the facility and not only in the parking lot. Also, ensure that the roof has been fixed.

Mr. Thomas requested that staff ensure that the air conditioning is in working condition.

Mrs. Bartleman stated that a thorough discussion needs to be held on this issue, as there may be little extras that may not be necessary.

Mrs. Rupert requested that staff reach out to the district's business partners.

K. OFFICE OF CHIEF FINANCIAL OFFICER

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

CC. BOARD POLICIES

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. Rupert, seconded by Mrs. Rich Levinson and carried, to approve this Bid recommendation as stated on the award recommendation. (9-0 vote)

<u>BID</u>	<u>Title – Location – Amount</u>
11-045N	Plasticware and Flatware Cutlery for Cafeterias – Material Logistics – Amount: \$2,500,000

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 of \$2,500,000 represents estimated contract value through the term of the Bid.

Responding to Mrs. Rupert's inquiry, Mr. Robert Waremburg, Director, Supply Management and Logistics, stated that All Florida Paper is the primary awardee and they are not an M/WBE firm. The alternate awardee is EMF Enterprises and they are a certified M/WBE firm. Both firms are being awarded the bid; the primary will receive conditional business for all the district's needs. In case they are not able to perform, the alternate will be available to continue supplying product.

For the record, Mrs. Good informed that her cousin is affiliated with the firm EMF Enterprises and inquired whether there is a conflict of interest.

**Approved in Open Board Meeting, May 17, 2011**

Mrs. Batista-McNamara informed that in the legal department's opinion provided to Mrs. Good it was concluded that this would not be a conflict of interest, given that Chapter 112 of the Ethics Code does not include cousins as one of the familial relationships that would preclude Mrs. Good voting on the item.

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

**GG. HUMAN RESOURCES**

**HH. ATTORNEY**

**II. OFFICE OF THE SUPERINTENDENT**

**JJ. FACILITIES AND CONSTRUCTION MANAGEMENT**

**KK. OFFICE OF CHIEF FINANCIAL OFFICER**

Following the action of Agenda Item G-6, the following Attorney-Client Sessions commenced at 11:50 a.m.

**Announcement by Chair**

**FIRST SESSION**

"The School Board of Broward County, Florida, will meet in an Attorney-Client Private Session (First Session) in accordance with Florida Statutes, Section 286.011(8), today April 5, 2011, 11:15 a.m. The Attorney-Client Session will be held in the Board Room of the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

"The purpose of this Attorney-Client Session is for the School Board and Counsel to discuss pending litigation relative to the following case: The School Board of Broward County, Florida vs. Mateu, Rizo, Carreno & Partners, Case No. 07-24141(04), before the Circuit Court of the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida. A Certified Court Reporter will record the entire session.

"The following persons will attend the Attorney-Client Session: Chair Benjamin J. Williams; Vice Chair Ann Murray; Members, Robin Bartleman, Maureen S. Dinnen, Patricia Good, Jennifer Leonard Gottlieb, Laurie Rich Levinson, Nora Rupert, David Thomas; Superintendent James F. Notter; Oscar E. Soto, Esq.; Felena R. Talbot, Esq.; Thomas C. Cooney, Esq.; Robert P. Vignola, Esq.; and Marylin Batista-McNamara, Esq.

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

**Approved in Open Board Meeting, May 17, 2011**

**SECOND SESSION**

"The School Board of Broward County, Florida, will meet in an Attorney-Client Private Session (Second Session) in accordance with Florida Statutes, Section 286.011(8), today April 5, 2011, at the conclusion of the First Session. The Attorney-Client Session will be held in the Board Room of the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

"The purpose of this Attorney-Client Session is for the School Board and Counsel to discuss pending litigation relative to the following case: The School Board of Broward County, Florida vs. Jane Doe, by and through Jane Doe's mother and father as parents and natural guardians, and Jane Doe's mother and father individually v. The School Board of Broward County, Florida and Dr. Sam Scavella, Case No.: 07-21367-CIV, before the United States District Court, Southern District of Florida. A Certified Court Reporter will record the entire session.

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

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

The Attorney-Client Session recessed at 1:15 p.m. The Regular School Board meeting reconvened at 1:24 p.m.

**Adjournment**

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

RT