

Approved in Open Board Meeting, May 18, 2010

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

April 20, 2010
Tuesday, 9:45 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 9:46 a.m., Tuesday, April 20, 2010, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Jennifer Leonard Gottlieb; Vice Chair Benjamin J. Williams; Members, Robin Bartleman, Maureen S. Dinnen, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, Dr. Robert D. Parks, Kevin P. Tynan, Esq., Superintendent James F. Notter, and Edward J. Marko, Esq.

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

Minutes for Approval Motion was made by Mrs. Hope, seconded by Mr. Williams and carried, to approve the official minutes for the following Board Meetings, as amended: Dr. Parks had not yet assumed his seat on the dais. (8-0 vote)

March 2, 2010 – Regular School Board Meeting
March 16, 2010 – Special – Student Expulsions
March 16, 2010 – Regular School Board Meeting
March 23, 2010 – Special – School Board Meeting

Mrs. Hope requested a correction to her report under Board Members, page 4, to correct spelling of “Layton” to Leighton; and page 5, correct spelling of Stevenson to Stephenson.

Close Agenda Upon motion by Mrs. Bartleman, seconded by Ms. Dinnen and carried, the Agenda was approved and declared closed. Dr. Parks had not yet assumed his seat on the dais. (8-0 vote)

SPECIAL PRESENTATIONS

Dillard High School Girls Basketball Team

Via teleconferencing, Mr. Williams introduced the Dillard High School Girls Basketball Team and recognized the team for winning the 5A Girls’ State Championship in Lakeland, Florida.

The Dillard Girls Panthers also won titles in 1980, 1982, 2004, and in 2005 became the third program in the state's history to win at least five girls basketball championships. Gratitude was extended to Ms. Marcia Pinder, Coach, for a job well done, her 33rd year at the school.

Ms. Pinder introduced the girls team members and coaching staff. Student Dawnn Maye was noted to have received the first Gatorade State Athlete of the Year award and she is now in contention for the Gatorade National Player of the Year award. She thanked the School Board for the recognition of the team.

Mr. Williams and the Board congratulated the team.

Presentation to Victoria Stanford - National Playground Safety Week – April 26-30, 2010

Mrs. Bartleman announced that Mr. Gerry Graziose, Director, Safety, and Ms. Stanford were unable to accept the resolution on National Playground Safety Week at the prior Board meeting. She expressed gratitude to Mr. Graziose for his efforts in keeping students safe. Mrs. Bartleman informed that Ms. Sanford has worked for the school district for 12 years and she is the only playground inspector in the district; conducts and presents safety training classes locally and outside the county, and is a member of the Broward County Fire Inspectors Association. Victoria was also recognized with an award from this association for setting up their website.

Mrs. Bartleman stated that Victoria's vast experience and nationally certified status has contributed significantly to one of the district's major goals – safety for students on playgrounds.

Ms. Stanford stated that the safety of children on playgrounds is a priority and it takes every staff member to ensure that the district's 300 playgrounds are safe. She thanked the Board for their recognition.

Broward Education Foundation

Janet DelPinal presented a \$19,760 check to Dr. Parks for the Broward Teacher Fellowship, which is housed at the Broward Education Foundation, for funds raised through the Teacher of the Year Event. She stated these funds will be used for scholarships for students who want to become teachers.

Dr. Parks stated that the check will provide scholarship funds to 143 college students who will receive a four-year degree and hopefully come back to the school district and teach in high-need schools. In addition, the students will be mentored, coached for four years by university instructors and they will be first in line to get a teaching position.

Sara Rogers, Coordinator, Urban Academies, and Mrs. Malease Berg, Urban Teacher Academy Program, thanked Dr. Parks and the Board for their support.

SPECIAL PRESENTATIONS (Continued)

Free the Children

Mrs. Hope announced that Broward County students from District 6 and District 3 raised money with the help of teachers and area offices and participated in the Free the Children organization, an initiative that gave students a wonderful experience by helping to build schools in Kenya. Mrs. Hope stated that Mr. Reed Cowan, Channel 7 News Correspondent, joined the Free the Children organization to help build schools in Africa following the accidental death of his son Wesley.

Following the video presentations, Mr. Art Rose, Assistant Director, Central Area Superintendent, introduced the students who traveled to Africa: FaraAnn Gonzalez, 18; Oludare Nelson, 15; Michael Range, 17; and Benny Taveras, 17, who attended Northeast High School, and introduced the students' parents.

Mr. Rose thanked Dr. Leontine Butler, Central Area Superintendent, for her support. Over \$93,000 was raised; Supreme Master Television in Taiwan, who capitalize on positive news, interviewed the children and contributed \$15,000, and Northeast raised over \$11,000. These funds were used to build 11 schools in Kenya.

Dr. Butler stated she has an excellent team and voiced her appreciation to the Central Area, especially Northeast because it went way beyond the other schools. She said that is the reason these students were selected; it is all about building character.

Students relayed their experiences in Africa.

REPORTS

ESE Advisory Council – Robert Mayersohn

Mr. Mayersohn reported that at the March 22, 2010 meeting, Ms. My-Hang Nguyen, Director of ESE Financial Management, presented information on how the district funds ESE students at the school level. She demonstrated how the "Budget Tool" is used to calculate schools' ESE FTE revenue and categorical funding. Mrs. Leah Kelly, Executive Director, Student Support Services and ESE, expressed to parents concerned that support services are being streamlined, that IEP should drive the support services the student needs and not funding that drive the services.

Mr. Mayersohn reported that ESE met last evening and held their general elections. He will remain as Chair; Ann Siegel, Vice-Chair; Jennifer Landress, Recording Secretary; Samantha Montealegree, Corresponding Secretary; and Ivan Baratz, Nancy Harris and Karen Cormack as Executive Board Members.

A Deaf and Hard of Hearing (DHH) parent sub-committee has been formulated to support and address areas of concern for those families. A request has been made of Denise Rusnak, Director, ESE, that the district DHH Curriculum Specialist become actively involved as the sub-committee liaison.

A further request is being made that through the Discipline Matrix committee staff evaluate the data to determine why there has been an increasing number and a disproportionate number of suspension of ESE students versus non-ESE students, as well as the increased number of batteries reported on School Board employees by ESE/ASD students.

Student Garrett Mayersohn made a motion that was approved that today the Board consider adopting verbiage to Policy 6000.1, that Disability History and Awareness "shall" be instead of "may" be taught during the first two weeks of October.

Mr. Mayersohn further reported that on April 9 he attended a workshop at Lynn University, Transitions 2010: High School to Higher Education-College Options for Students with Learning Differences." He attended the Autism Walk and his Powerhouse Team was the number one fundraising team, raising over \$32,000, and attended the Disability Awareness Day on March 16, 2010 at the state Capitol.

A comprehensive written report was submitted to the Board, including a copy of a letter from the Governor commending Garrett Mayersohn for his advocacy for students with disabilities.

Mrs. Bartleman discussed the disproportionate amount of ESE students that are being charged with battery on School Board staff and the data recently submitted to the Discipline Matrix Committee. She requested Special Investigative Unit staff to desegregate the data as to how many students from centers are being criminally charged. Mrs. Bartleman requested an analysis of this issue; if it is a manifestation of a student's disability, the action, a functional assessment of behavior needs to be done, handled by the IEP, and not go through the Discipline Matrix.

Broward Education Foundation - Jorene Jameson

Ms. Jameson praised the Board Members and Superintendent for hosting the informative budget town hall meetings via technology.

The BEF recently presented the Teacher Grant Awards ceremony on April 8, 2010. Gratitude was expressed to Ms. Dinnen, Mrs. Gottlieb and Mr. Notter for attending this event. Over \$160,000 in grant money was awarded to 320 teachers, with the average amount being \$500. These grants are all for innovative curriculum ideas. Ms. Jameson informed that she is compiling a list by school district of every grant that was awarded, to see how the grants impacted the school district. All these funds are privately supported by companies such as Wachovia, Ford Motor Company, BankAtlantic Foundation and contributions by School Board employees.

Ms. Jameson stated that a grant is a form of compensation for teachers and they feel "energized" which enhances the classroom learning experience. She stated her goal is to raise more money for this program. She thanked everyone for their support.

Broward County Association of Student Councils and Student Advisors to the Board – Sara Saxner

Sara introduced the new assistant Student Advisor to the School Board for the 2010-2011 school year, Graham Rabinowitz, McFatter Technical High School. Maria Rincon, Pompano Beach High School, the new Student Advisor was unable to attend this meeting and will meet the Board at the May 4, 2010 meeting.

The BCASC last met at Boyd Anderson High School with several students meeting with Dr. Mark Quintana to discuss their concerns over the new scheduling process, indicating that they do not want to take the personalization out of schools.

The Stars on Parade event was held on April 15, 2010, a successful event that resulted in many seniors being awarded scholarships. She said this is a great testament to the importance of the arts to Broward County students.

Sara further reported that the Florida Association of Student Councils held their convention this past weekend held at Marjory Stoneman Douglas High School, with Mr. Notter and Parkland Mayor as speakers. Over 700 student leaders from the state of Florida were in attendance. New officers were elected at this event.

District Advisory Council – Jeanne Jusevic

Ms. Jusevic reported that DAC met on April 14, 2010, with Board Member Mrs. Hope and Mr. David Wallace, United Way, appearing as guests. Mr. Wallace rolled out the United Way Worldwide Initiative funded by the Gates Foundation, a teacher empowerment initiative regarding effective teaching.

DAC launched its fan page on Facebook and the fan page assisted DAC in marshalling parents' action into working with the Florida PTA, Fund Education Now, Worst to First and other fan pages to help defeat Senate Bill 6. This tool will help get information to the public and raise visibility of the advisory.

Ms. Jusevic further reported that next month DAC will hold its annual elections and nominations are currently being forwarded via e-mail, website and Facebook. DAC will hold its first annual Advisory Appreciation Pot Luck Dinner held at the South Area Office on May 12, 2010, 6:30 p.m.

Gratitude was expressed to Superintendent Notter and Area Superintendents for a timely investigation into the rumors of widespread suspensions associated with the school walkout.

The final DAC meeting for the 2009-2010 school year will be on May 12, 2010.

Employee Unions – Bernie Schultz

Ms. Schultz reported that she attended the district's Budget Hearing at Plantation High School with Board Members Ms. Dinnen and Mrs. Hope. She stated there is conflicting information on what positions and programs will be cut from the budget, and the union is committed with the district in finding common ground in the process for the sake of the students. Ms. Schultz further stated that the BTU remains committed to making sure that parents and taxpayers hear the rest of the story.

BOARD MEMBERS

Dr. Parks informed his colleagues that Wells High School, Chicago City School System, is going to replicate Broward County School District's Urban Teacher Academy at the University of Chicago. **(Dr. Parks provided this information following the action of Agenda Item K-4).**

Ms. Murray informed that Apollo Middle School will hold its first-ever Going Green Expo to educate students on green initiatives. The departments of public works and public utilities will provide experts on several green topics on Friday, April 30, 2010 at Apollo Middle School, 9:30 a.m. to 3:00 p.m. The school will also be holding their annual Rocket Fair on May 20, 2010, 6:30 p.m., welcoming 6th graders and other students who will be new to the school.

Gulfstream Middle School has raised \$2,245 so far, the second highest amount of money, for the City of Hallandale Beach's Relay for Life.

McNicol Middle School has been exploring different ways to increase community and business partnerships in its effort to make school and career more meaningful. In March, they were awarded a grant for \$1,300 from the City of Hollywood to launch their parent resource center. Auto Nation contributed \$1,000 that will be used to assist with technology at the school.

Ms. Murray further reported that Stirling Elementary sent over 300 shoeboxes filled with school and health supplies to Haiti and students made 286 house pins for the American Red Cross International program, Haiti Houses. The students raised \$1,432.

On April 13, 2010, Attucks Middle School News Team has produced a DVD telling a story about an incredible program, Pay4Grades. (The DVD was presented live at this meeting).

Ms. Dinnen informed her colleagues that Sunset School, for severely challenged students, received \$2,000 for their Industrial Arts department. Sunrise Middle School received a grant, a projector, to perform PowerPoint presentations.

The Fort Lauderdale Educational Advisory Board discussed the Interlocal Agreement following her presentation of this agreement. They unanimously approved it and it will go to the City Council in May. Ms. Dinnen stated she will speak before the Oakland Park City Council to speak about the ILA.

Ms. Dinnen visited Broward College and spoke to young teachers following Senate Bill 6 issue, and they were still enthusiastic.

Ms. Dinnen provided a legislative report at the North Area Advisory.

Ms. Dinnen supported the Resolution for the Pledge of Civility.

Ms. Dinnen praised Mr. Williams and former Deputy Superintendent, Facilities and Construction Management, Michael Garrison, who helped promote the donation of portable to Haiti, (as described under J-20. Authorization for Superintendent of Schools to Transfer or Donate Surplus Portable Classrooms To Section 501(c) Organizations for Export and Use in Haiti for Humanitarian Purposes Including Earthquake Relief and Recovery.)

Ms. Dinnen informed that the budget cuts are being discussed by the Legislature. She noted there was a public meeting of Legislators and they would not allow the press or lobbyists to attend the meeting. She stated there is discrepancy over whether the transportation can be used or money from Medicaid, and it is unclear whether social services will be affected.

Ms. Dinnen thanked Mrs. Bartleman for bringing up the issue about the Children's Services Council. Ms. Dinnen said she testified against the bill which passed through the committee but in the House it was stopped. They were grateful that Broward County School Board put their support in stopping that bill. She urged everyone to contact the Speaker and President of the Senate.

Mrs. Bartleman congratulated Mrs. Marla Armstrong, Art Curriculum Specialist, who has been asked by the Florida Department of Education to chair the next generation Sunshine State Standards and write the curriculum for art.

Mrs. Bartleman referred to the speaker's remarks, that the district would lose its accreditation without having certified media specialists. She requested that a response be provided regarding any impact to the district due to the budget decisions.

Mrs. Bartleman inquired how much the Paula Johnson case cost the district.

Mrs. Bartleman discussed the Holocaust curriculum and said she went to a moving presentation at Everglades Elementary. The Principal, Assistant Principal and Art Teacher all had parents who were Holocaust survivors, each sharing their stories about their experiences.

The Autism Walk was a huge success, with over 55 schools participating and raising awareness. Students will be working side-by-side with autism individuals in the future. She thanked district staff and everyone who attended and registered for the walk.

Mrs. Bartleman stated that the discussion on whether or not to consolidate schools and reviewing different configurations will be in August. She requested that enough time is made for these tough discussions.

Mrs. Bartleman requested that Workshops be broadcast on the radio, especially with the budget discussions.

A future presentation will be held regarding Collins Elementary and Feeding South Florida.

Mrs. Kraft stated that she will provide her Board Report at the next School Board meeting and she will showcase two video presentations.

Mrs. Hope stated that she will not present a Board Report today due to the lateness of the hour. She highlighted this meeting's missing child, Marceliene Adelphin. Anyone with information please contact the local police or the National Center for Missing and Exploited Children.

Speakers

Virginia Engestrom
Eric Richards
Billy Davison
Mary Fertig
Debra Divich

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

CONSENT ITEMS

A. RESOLUTIONS

- A-1. Resolution in Support of School Nutrition Employee Appreciation Week – May 3-7, 2010 (Adopted)

Adopted Resolution #10-79, in support of School Nutrition Employee Appreciation Week – May 3-7, 2010.

- A-2. Resolution in Support of Asthma Awareness Day – May 6, 2010 (Adopted)

Adopted Resolution #10-80, in support of Asthma Awareness Day – May 6, 2010.

A-3. Resolution in Support of Arthritis Awareness Month – May 2010
(Adopted)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to adopt Resolution #10-81, in support of Arthritis Awareness Month – May 2010.

Mrs. Kraft informed that arthritis affects nearly 46 million Americans and 3.3 million adults in Florida, with two thirds of people with arthritis younger than 65 years old and an estimated 300,000 children under the age of 18 have some form of arthritis. Mrs. Kraft stated the resolution extends the district' support for the concept and the intent of Arthritis Awareness Month to be celebrated in May.

Mrs. Kraft introduced Ingrid Liliana Velarde, Community Developmental Director, Broward / Miami Region of the Arthritis Foundation, Florida Chapter.

Ms. Velarde thanked the School Board for their support of over 6 million adults and over 300,000 children. She stated that every time awareness is brought to arthritis it is another step in moving forward. She thanked Mrs. Kraft for her dedication and support. Ms. Velarde informed that the Arthritis Walk and Arthritis Walk (dogs) will be held on May 1, 2010 at Markham Park, beginning at 8:00 a.m. with registration. More information can be obtained at www.browardwalk.kintera.org

Ms. Velarde expressed gratitude to the School Board for their ESOL program which she utilized for her children and family when they moved many years ago from Guatemala.

Ms. Dinnen spoke of her personal issues with arthritis and reminded that many Broward children suffer from arthritis.

A-4. Resolution in Support of National School Nurses' Week – May 10-14, 2010
(Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt Resolution #10-82, in support of National School Nurses' Week – May 10-14, 2010.

Mrs. Bartleman discussed the resolution in support of nurses during National School Nurses' Week, May 10-14, 2010. She recognized her daughter's school nurse and her mother-in-law is a school nurse.

- A-5. Resolution in Support of Math and Science Day – May 1, 2010
(Adopted)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to adopt Resolution #10-83, in support of Math and Science Day – May 1, 2010.

Mrs. Hope reminded everyone that Math and Science Day is May 1, 2010 and urged all schools, departments and centers to support this observance and theme.

- A-6. Resolution in Support of Haitian Heritage Month – May 2010, and Haitian Flag Day – May 18, 2010
(Adopted)

Adopted Resolution #10-84, in support of Haitian Heritage Month – May 2010, and Haitian Flag Day – May 18, 2010.

- A-7. Resolution in Support of Pledge of Civility – May, 2010 (Adopted)

Adopted Resolution #10-85, in support of Pledge of Civility – May 2010.

- A-8. Resolution in Support of Teacher Appreciation Week – May 3-7, 2010, and Teachers’ Day – May 4, 2010
(Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to adopt Resolution #10-86, in support of Teacher Appreciation Week – May 3 through 7, 2010, and Teachers’ Day – May 4, 2010.

Mrs. Bartleman expressed gratitude to all teachers for everything they do every day.

Ms. Dinnen discussed the bad publicity over incompetent teachers. She stated that the state of Florida has a lot of teachers who have worked under difficult situations over their careers and have done remarkably well when funding has not been provided. She expressed gratitude for the many roles today’s teachers perform.

Board Members and Mr. Notter concurred.

- A-9. Resolution in Support of National Educational Bosses Week – May 16-22, 2010
(Adopted)

Adopted Resolution #10-87, in support of National Educational Bosses Week – May 16 through 22, 2010.

- A-10. Resolution in Support of Barrier Awareness Month – May, 2010
(Adopted)

Adopted Resolution #10-88, in support of Barrier Awareness Month – May, 2010.

- A-11. Resolution in Support of May as Teen Pregnancy Prevention Month
(Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to adopt Resolution #10-89, in support of May as Teen Pregnancy Prevention Month.

Responding to Mrs. Kraft's inquiry, Mrs. Kelly stated she will provide the statistical information on the decrease in teen pregnancy, broken down by age groups.

Mrs. Kraft recommended that everyone concerned with teen pregnancy to watch the MTV series 16 and Pregnant and the follow-up series Teen Parents.

Mrs. Kraft further requested that the Board be provided information in terms of what is provided educationally for teens.

Mrs. Gottlieb informed that the Student Advisor has indicated at several Student Government meetings that there is not sufficient education for students on this issue and how to protect themselves. She stated that female and male teens need to be taught how to protect themselves from sexually transmitted diseases and unwanted teen pregnancy.

- A-12. Resolution No. 10-90 – Declare North Side Elementary School Parking Lot Site No. 004.1, Surplus
(Adopted)

Adopted Resolution No. 10-90, declaring North Side Elementary School Parking Lot Site No. 004.1, surplus, in accordance with Section 1013.28, Florida Statutes.

The School Board acquired the 1.48-acre parcel in 1991 and 1992, for the Central Area Resource Center. North Side Elementary School is on a 2.5-acre site and does not contain sufficient parking facilities. In 2001, the site was converted to a parking lot for the North Side Elementary School staff. The site was not used for several reasons, such as distance from the school, staff safety (walking to the parking lot after dark), drainage problems after a rainfall, the street would flood making it difficult to get to the parking lot.

This agenda item is submitted in conjunction with Agenda Items J-12, which must be approved first.

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

A-13. Resolution No. 10-91 – Declare South Federal Highway Administration Site No. 214.1, Surplus (Adopted)

Motion was made by Mrs. Bartleman, seconded by Mrs. Hope and carried, to adopt Resolution No. 10-91, declaring South Federal Highway Administration Site No. 214.1, surplus, in accordance with Section 1013.28, Florida Statutes.

The School Board acquired a 1.25 acre parcel together with a two (2) story building on South Federal Highway between SE 14th Court and SE 15th Avenue from the Conner Brown Cadillac Company on February 12, 1967. Previously the building was occupied by the Multilingual Evaluation and Training Center.

This agenda item is submitted in conjunction with Agenda Items J-12, which must be approved first.

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

Mrs. Hope stated that this facility houses the district's clothing bank, the only one in the state by a School Board, and the Broward Education Foundation (BEF) may keep their supplies at the site. She inquired whether there is back-up plan for this site.

Mr. Tom Lindner, Acting Deputy Superintendent, Facilities and Construction Management, responded that staff is actively pursuing a storefront site that will allow the district to move out individuals located in this building prior to the sale. He stated that a site has been located for BEF to move into in addition to the clothing bank.

A-14. Resolution No. 10-92 – Declare Davie Elementary School Excess Land Site No. 280.1, Surplus (Adopted)

Adopted Resolution No. 10-92, declaring Davie Elementary School Excess Land Site No. 280.1, surplus, in accordance with Section 1013.28, Florida Statutes.

The School Board acquired the land area from the U.S. Government Department of Health, Education and Welfare on September 13, 1962, as a portion of the 308-acre Forman Field property. Approximately 5-acres of Davie Elementary School recreational area is proposed for declaration as surplus. In August 1975, the School Board granted a 40-year Master Lease Agreement to the Town of Davie for recreational purposes.

Davie constructed improvements to the grounds and named the area Bill Gessner Sports Complex. On May 6, 2009, the Town of Davie submitted a letter requesting the termination of the Master Lease Agreement due to a decline in use of the baseball fields and as a cost reduction measure of the Town's operating expenses.

The Town requested compensation for their improvements, however the agreement does not contain a provision to allow the Town to cancel nor receive any compensation for improvements. Staff contacted the Principal as to the school's use of the area. The only time the school uses the fields is on activity field days, maybe three (3) times a year. Nova Southeastern University (NSU) approached the Town about subleasing the property for their intramural sports program. An attorney for NSU approached staff regarding a Tri-Party Agreement for use and expressed interest in possibly purchasing the property.

This agenda item is submitted in conjunction with Agenda Items J-12, which must be approved first.

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

A-15. Resolution No. 10-93 – Declare Elementary School D-1 Site No. 352.1, Surplus (Adopted)

Adopted Resolution No. 10-93, declaring Elementary D-1 School Site No. 352.1, surplus, in accordance with Section 1013.28, Florida Statutes.

The School Board purchased the 12-acre enclave – J-91 Site No. 352.1, on March 13, 1997, for \$1,993,500. The site is currently used by Physical Plant Operations, Grounds Department to stockpile fill materials.

In the years past, local developers have expressed interest in acquiring the property. At one time Broward County Property Appraisers office was interested in the property for a remote location of the Broward County Property Appraisers office. Recently, Bergeron Land Development has contacted staff regarding leasing the property to store materials needed for the I-595 expansion project.

This agenda item is submitted in conjunction with Agenda Items J-12, which must be approved first.

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

- A-16. Resolution No. 10-94 – Declare Rock Island Acreage Site No. 370.3, Surplus (Adopted)

Adopted Resolution No. 10-94, declaring Rock Island Acreage Site No. 370.3, surplus, in accordance with Section 1013.28, Florida Statutes.

The School Board acquired a 40-acre parcel on February 4, 2000 for the construction of Elementary "N-91"/Middle "GG", currently known as Rock Island Elementary School and Robert Arthur Ashe Jr. Middle School respectively. The 7.29-acre vacant parcel is located on the south side of the access road (NW 17th Street) to the middle school and is not required for the school's purpose.

This agenda item is submitted in conjunction with Agenda Items J-12, which must be approved first.

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

B. BOARD MEMBERS

- B-1. Deferral of the Selection Process for a New General Counsel until March, 2011, and Extension of the Employment of Existing General Counsel through December 31, 2011 by Approval of Second Amendment to Employment Agreement for General Counsel – Edward J. Marko (Not approved)

Motion was made by Dr. Parks, seconded by Mrs. Bartleman, to approve to defer the selection process for a new General Counsel until the re-issuance in March, 2011 of a Request for Letter of Interest (RLI) for General Counsel Services and to approve the Second Amendment to Employment Agreement for General Counsel with Edward J. Marko extending his employment in that position through December 31, 2011. A roll-call vote was taken: Ms. Dinnen and Dr. Parks voted "yes." Mrs. Bartleman, Mrs. Gottlieb, Mrs. Hope, Mrs. Kraft, Ms. Murray, Mr. Tynan and Mr. Williams voted "no." (2-8 vote)

On November 10, 2009, The School Board of Broward County, Florida approved the First Amendment to the Employment Agreement for General Counsel by which the employment of Edward J. Marko as General Counsel was extended through December 31, 2010 (Agenda Item H-4 – 11/10/09 RSBM).

On February 2, 2010, The School Board of Broward County, Florida, approved the release of the Request for Letter of Interest (RLI) for In-house General Counsel seeking the employment of a full-time employee or retention of a full-time specified attorney or a law firm (Agenda Item I-9 – 02/10/10 RSBM).

In accordance with the discussion at the February 2, 2010 School Board Meeting, publication of the RLI has been completed with a response submittal due date of May 15, 2010.

This item is submitted to consider the postponement of the selection process for a candidate for the position of General Counsel and to extend the term of employment for Edward J. Marko as General Counsel through December 31, 2011.

(See e-Agenda for continuation of Rationale of Summary Explanation and Background.)

There is no financial impact. Deferral of the RLI would result in annual savings to the District in the range of \$180,000 to \$216,000, plus benefits, if the RLI was awarded to an individual respondent and in the range of \$234,000 to \$270,000 if the RLI was awarded to a law firm.

Dr. Parks stated that he is presenting this item due to the cost factor of moving forward in the process for a new General Counsel. He stated that to date the district has spent approximately \$9,000 on advertisement and potential costs are from \$200,000 to \$270,000, depending on hiring one attorney or a law firm. Dr. Parks stated the major items need to be addressed for the 2010-2011 school year and it is not the right time to spend these funds due to the current district's budget issues.

Dr. Parks discussed the need for staff to run the operations side of the district, stating that any transition the district has will overlap which results in a duplication of compensation and cost more money. Noting the recent changes in administration, Dr. Parks stated that a deferral of the RLI will give the Board Attorney more time and attention to training and working with the new person. Remarking that six Board Members will be up for re-election, Dr. Parks stated that the composition of the Board could significantly change and an experienced legal counsel needs to be in this position. The district requires stability and continuity in the delivery of its legal services and the Board needs to have the cooperation with ongoing state and federal investigations. Dr. Parks further stated that there are potential labor issues with expected layoffs and there is a declaration of impasse which necessitates the advice of an experienced General Counsel.

Mrs. Kraft stated that the Board has held discussion on this issue for several years and the district has gone through an extensive process, having already spent money and an advertisement has already been placed.

Mrs. Kraft said that Mr. Marko had entered into a contract two years ago indicating he would be leaving at the end of December 2009 which was agreed to mutually. The district was to seek a new attorney as of June 2009. Due to circumstances beyond the Board's control, the realization was that a new attorney would not be in place and provided a one-year extension to Mr. Marko.

Mrs. Kraft further stated she is not in favor of stopping the process because the district has already spent \$6,128.80, staff has projected spending \$9,676.54 by the end of the process. Noting that the ad has been published in the Florida Bar Journal and the Florida Bar News, Mrs. Kraft stated it is not appropriate to stop the process at this point. The ad runs through May 15, 2010. The deadline for accepting applications; after the process a review can be made of the caliber of applicants and if the quality is not to the Board's liking, at that point it would be appropriate to have another discussion to decide whether to hire any of the applicants, extend Mr. Marko's contract for an additional year, or to conduct another search. Mrs. Kraft said to stop the process now does a disservice to the School Board and to the potential applicants.

Mrs. Kraft, who addressed the nine new positions, stated that a number of these positions have been filled and Mr. Marko can provide training by December 2010. She stated there will constantly be turnover of employees in the district and stability and continuity will be in place, as all the current attorneys are working for Mr. Marko, including cadre attorneys that are very qualified to handle Exceptional Student Education cases. Additionally, Mr. Marko will remain as Emeritus Counsel.

Discussing the potential of the Board comprising of six new Board Members, Mrs. Kraft stated that the sitting Board is in a much better position to evaluate the applications and decide on the credentials for a new attorney. The current Board having worked with Mr. Marko and the General Counsel's office. She said it would not be appropriate for six new Board Members to be in a position to evaluate and consider applications for a new attorney.

Concurring, Mr. Tyson stated the motion before the Board is premature as resumes are still being collected and there is time to deal with the issue, as Mr. Marko's extension is through December 2010. He said the issue has been debated numerous times and the process should move forward.

Mrs. Hope stated that the district has lost the experience and caliber of employees and the legal replacement of Mr. Marko's caliber should not easily be dismissed, as he deserves all the respect he garners by his knowledge. She concurred it would be a mistake to stop the process and not throw away \$9,000 spent during this process, especially in these hard economic times.

Responding to Mrs. Hope's inquiry, Mrs. Gracie Diaz, Acting Associate Superintendent, Human Resources, stated that five resumes have been received to date.

Mrs. Hope stated if the caliber of applicants is not close to the caliber of Mr. Marko this issue needs to be revisited.

Ms. Dinnen stated she could not in good conscience hire a new attorney with a yearly salary of over \$200,000 and tell people they need to make cuts. The economic situation is less certain and the funding cliff is more visible than it was a year ago, and that money should be conserved and not spent. Remarking that experience and stability is important, Ms. Dinnen stated that in conjunction with having an economic crisis of enormous magnitude, it is also a crisis of stability, as there are a lot of replacements in the district. She noted the loss of three Deputy Superintendents in recent times.

Ms. Dinnen further stated she would support the deferral of the issue, a delay for financial reasons and stability reasons. She said it is judicious for the Board to proceed in this manner, as it does not mean the process will stop.

Mrs. Bartleman concurred that the process should continue. She stated stability will remain in place, as there are three Deputy General Counsel that will remain under the leadership of the replacement Board Attorney, one attorney handling all ESE cases, including several cadre attorneys. Mrs. Bartleman noted a great deal of money has been spent on cadre attorneys on high profile cases and the Board needs to have a conversation on being efficient in this area. She said that stability is not an issue for her. Mrs. Bartleman further stated that \$6,000 has already been spent on the search and the search should be completed. The process should not stop and the process should be completed; if the applicants are not to the liking of the Board, a conversation can be held and Mr. Marko's contract can be extended.

Citing the expertise and knowledge that Mr. Marko holds in this district and throughout the state, Mrs. Bartleman discussed the need for a transition model in the district, stating that a process of institutional knowledge should be passed down.

Mr. Williams stated that after the process is completed recommendations will be made; the May 15, 2010 deadline is approaching and the process should not be delayed and must be continued. At that time the Board will decide how to proceed, whether to accept an applicant or change the process in handling the selection of legal counsel. Mr. Williams stated he will make recommendations after the process is completed to review the Broward School District's legal department with the legal departments of Miami-Dade and Palm Beach school districts.

Ms. Murray stated that the process should move forward and any changes in the process should be made after the deadline, May 15, 2010.

The following individuals addressed this item:

Roy Rogers
Mary Fertig

In conclusion, Dr. Parks stated that \$200,000 could hire five classroom teachers.

A roll-call vote was taken at the request of Mrs. Kraft (above).

D. OFFICE OF THE CHIEF AUDITOR

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

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

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

*Challenger Elementary School, *Country Hills Elementary School, *Quiet Waters Elementary School, *Sanders Park Elementary School, *Silver Lakes Middle School, *Attucks Middle School, *Coconut Palm Elementary School, *Dolphin Bay Elementary School, *Hollywood Park Elementary School, *Lake Forest Elementary School, *Lakeside Elementary School, *Miramar High School, *Nova Eisenhower School, Nova High School, *Palm Cove Elementary School, *Sea Castle Elementary School, *Silver Trail Middle School, *Sunset Lakes Elementary School, *West Hollywood Elementary School, *Walter C. Young Middle School, *Banyan Elementary School, *Endeavour Primary Learning Center, Oriole Elementary School, *Village Elementary School

*Denotes Schools With No Audit Exceptions

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's March 18, 2010 meeting.

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

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

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

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

The Audit report represents 24 locations in which a total of 15 locations had no exceptions and 9 locations had exceptions.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's March 18, 2010 meeting.

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

D-3. Operational Audit of the Facilities and Construction Management Division – March 2010 (Received)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to receive Operational Audit of the Facilities and Construction Management Division – March 2010.

In accordance with the 2009-2010 Audit Plan, and at the request of the Superintendent of Schools, the Office of the Chief Auditor has performed an Operational Audit of the Facilities & Construction Management (F&CM) Division. The objective of this audit was to: determine and document operational budgets for the six departments contained within the F&CM Division; review and analyze policies and procedures regarding payroll, overtime, sick and vacation leave and travel reimbursement of F&CM staff; review, analyze and explain activities and processes utilized in day to day operations, as well as administration of design and construction contracts and moreover, to compare those activities to School Board policies and the terms and conditions of contracts associated with sampled projects as applicable;

identify and track scope and budget changes, if present, to analyze and explain the rationale as it relates to procurement policies and laws in order to determine the design and effectiveness of internal controls intended to safeguard the District's assets; and report recommendations to the administration, if needed.

In our opinion, the F&CM Division has several areas of concern which should be addressed immediately, and in some cases already have been addressed by the Acting Deputy Superintendent, in order to design, strengthen and/or re-establish the necessary internal controls to protect the District's assets during daily operations and administration of construction related activities. Attention is also required to ensure compliance with terms and conditions in construction related agreements, as well as School Board policies and procedures. Payroll and Timekeeping processes should be reviewed and strengthened to ensure detection of any potential errors or abuses during the course of standard operating procedures. Also, a standardized process for determining mileage and associated preparation of reimbursement forms should be strengthened to ensure that the District is not overpaying for mileage, while ensuring compliance with policies and procedures.

As a result of erroneous payments, identified by the Acting Deputy Superintendent and the Office of the Chief Auditor, the District should seek reimbursement in the total amount of \$290,683, from Pavarini Construction Co., (SE), and reimbursement of overpayments for unauthorized services in the amounts of \$22,225 and \$79,025, from James A. Cummings, Inc. The seven detailed audit observations, recommendations were presented to F&CM Division staff which were responded to and required no follow-up responses from the Office of the Chief Auditor.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's March 18, 2010 meeting.

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

Mr. Tynan inquired whether internal progress has been made in these findings and whether findings of erroneous payments have been confirmed.

Mr. Patrick Reilly, Chief Auditor, Office of the Chief Auditor, responded that there were seven audit recommendations in the report, a couple related to procedural issues relating to payroll and travel, mileage reimbursement, and procedures following the four corners of the contract.

He stated that Mr. Lindner has taken action on all items. There were purchase orders made in excess of the amount of services that were already set as a fee for those items. A recommendation was made that the portion of the purchase orders that was overpaid and the portion that remained to be closed. Additionally, the request for reimbursement for one of the projects, a school in the Parkland area.

Mrs. Kraft thanked Mr. Reilly and his staff, Mr. Dave Rhodes, Auditor, and Mr. Lindner for their cooperation in this review, as a lot of Board Members have wanted a detailed analysis of this department. She stated it is important to ensure that a lot of the recommendations are followed through. Mrs. Kraft inquired where is the district moving to ensure that the items that were identified will not continue to be done as they have been in the past.

Mr. Notter responded that Mr. Lindner has put in place the appropriate checks and balances and processes in place so they do not occur again. Also, the responses went back to the Chief Auditor who reviewed them. Mr. Notter felt assured that those practices and processes are being followed to prevent the findings from occurring again.

Mrs. Kraft requested that matrices be prepared by the Audit Department for a workshop presentation that illustrates the recommendations and the current status of those recommendations. She requested that this be monitored when the position has a permanent Deputy Superintendent.

Mr. Lindner responded that he has prepared the matrices and they were presented to Mr. Rhodes during the April audit. He said they will be kept updated and maintained in his office as an internal tool to ensure that some of the procedures are put into effect and maintained on the payment process, as well as Notice to Proceed items and legal documents to manage the construction process.

Responding to Mrs. Kraft's inquiry, Mr. Lindner stated that he has met with Pavarini and Cummings contractors and a request has been made to provide documentation regarding expenditures. He said he has sent the Pavarini deliverable for an independent review to determine its worth. An estimate will be made on this issue in order to close out this issue. Mr. Lindner stated the this issue is discussed at weekly staff meetings; if resolution is not provided in a timely manner the issue will be submitted to the legal department.

Dr. Parks stated he had previously requested an operational audit of the Facilities and Construction Management department. He was informed that the procedures were already in place but they were not being followed. Dr. Parks said that with the checks and balances currently in place this will ensure that these issues do not reoccur.

Mrs. Bartleman said she was pleased with staff's comprehensive audit of overtime payments. She inquired whether the audits occurred simultaneously or whether they were done in close proximity.

Mr. Reilly responded that audits crossed over the same time period. He explained that additional overtime hours was being paid at their primary position but not time and one half. Their information is being paid overtime premium (OTP); overtime was not being included in overtime reports. Mr. Reilly stated the procedure to follow is to have all overtime pre-approved, using a form to isolate what was done and when those hours were approved. Remarking that those hours are no longer being approved, Mr. Reilly stated when overtime does occur there are procedures that must be followed, what the overtime work was and that it was approved and substantiated.

Mr. Lindner, who informed that the overtime in this case was not really overtime, stated that the overtime was approved by an ELT member and the pay was paid as additional hours to compensate people for jobs that they had been task assigned to or temporarily appointed to, and used to raise their salary.

Mrs. Bartleman stated that she sent an e-mail requesting that a review be made of supplements and stipends. She requested that staff continue to look at every possible area to ensure that there are no issues with overtime or unnecessary stipends or supplements.

Mr. Notter informed that the School Board requested and authorized staff to conduct an in-depth audit as the management was changed in the Facilities department.

Mr. Reilly stated that three more audits will be conducted on particular areas to ensure the checks and balances are working; ADA projects, roofing projects, and kitchen/cafeteria projects.

Mrs. Kraft referred to pages 15 and 39, finding 4, Administrative Response, and inquired when existing internal controls are ignored how can there be assurance that the procedures are being followed.

Mrs. Lindner responded that the Board should have reasonable expectation regarding the level of leadership management, that they will be following the standard protocols and best practices of the industry. He stated there is now in place a secondary check in the Budget office that prevents paying someone who is not the general contractor, or the person who is issued the Notice to Proceed. This must be checked before release of payment.

Mr. Rhodes informed that the delivery method for the project in finding 4 was an open-end contract and the contractor would have been awarded the contract as much as three years earlier. He explained there is some discretion on the part of the project manager to look at the project estimates and indicate that they believe a certain contractor is the best contractor for a job. Mr. Rhoades indicated that an effective internal control is one that in daily business would be caught and the steps taken subsequently will ensure that the open-end process will be more transparent.

Responding to Mrs. Kraft's inquiry, Mr. Rhodes stated that any time an open-end contract is utilized it may be for a project of \$20,000 or \$600,000. Generally, if there was a collaboration to be signed that would be at the time the Board would be approving the award of that open-end agreement.

D-4. Audit of the Family Counseling Behavioral Health Program Grant for the Period Ended September 30, 2009 (Received)

Received Audit of the Family Counseling Behavioral Health Program Grant for the period ended September 30, 2009.

As requested by the Agreement with Broward County, we audited the Statement of Grant Assistance for The School Board of Broward County, Florida, Family Counseling Behavioral Health Program Grant for the period ended September 30, 2009. The Audit included a review of the District's accounting procedures and internal controls relating to the grant. In our opinion, the Statement of Grant Assistance presents fairly, in all material respects, the cash receipts and disbursements of the grant for the year then ended. Additionally, no funds including interest earned on such funds are due back to Broward County.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's March 18, 2010 meeting.

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

E. CHIEF OPERATIONS OFFICER

E-1. Security Identification Systems Corporation (SISCO) Agreement (Approved)

Approved the Agreement for Security Identification Systems Corporation (SISCO).

On June 7, 2005, The School Board of Broward County, Florida (SBBC), approved the awarded RFP 25-076N for a Security Identification Management System, known throughout the district as "STAR System". The "STAR System" verifies clearance of all visitors with the Florida Sex Offender database and prints a photo identification badge of all people who enter School Board property. This Agreement is to continue the maintenance and support functions of the equipment and software, which runs the security system and will include technical support and services, software updates and optional hardware warranty coverage.

The term of this Agreement will be for three years with the option to extend the contract for two additional one-year periods.

This aligns with the Strategic Plan Goal 3 – Provide a safe and secure physical and technological environment for all students and employees. Objective 3.1: To develop a comprehensive safety and security strategic plan for students and employees to reduce critical incidents in at-risk school sites.

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

The financial impact will be approximately \$450,000. The funding source for this item is Educational Technology Services (ETS) Department's Operating Budget.

E-2. Transportation Agreements for City and Non-Profit Organization Recreational Programs (Approved)

Approved renewal of agreements between The School Board of Broward County, Florida, and the cities of Coral Springs, Deerfield Beach, Plantation, and Pompano Beach, and New Horizon Community Development Corporation, Inc., a non-profit organization, to provide school bus transportation for recreational programs for the period of one year.

The transportation agreements allow the cities and non-profit organizations to utilize district school buses for city/organization sponsored recreation programs and events that are dependent on transportation. The city/organization recreation programs provide activities and supervision for many district students during the summer and other days when school is not in session. City/organization sponsored recreation programs provide a valuable service to their respective communities.

The transportation service will be provided during the times school buses are not being utilized for service to Broward County Public Schools. The cities of Coral Springs, Deerfield Beach, Plantation, Pompano Beach, and New Horizon Community Development Corporation, Inc., will reimburse the district for the cost of this service.

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

The cities and non-profit organization will reimburse the district for the cost of this service as invoiced.

E-3. Authorization to Release RFP 11-025N – Educational Services for Private School Students for Title I (Approved)

Authorized the release of the following RFP: 11-025N

<u>RFP#</u>	<u>Title</u>	<u>Department</u>
11-025N	Educational Services for Private School Students for Title I (Second Release)	Title I, Migrant & Special Programs

The School Board of Broward County, Florida (SBBC), desires to receive proposals from firms qualified to provide educational services for private school students under Title I. Services will provide instruction in areas of reading, writing, mathematics and science to students enrolled in private schools who are failing or at risk of failing in these instructional areas and who generate Title I funding. There will be an estimated twenty-four (24) Catholic private schools with up to 2,000 students who will be served with Title I funds.

In addition, there will be potentially twenty-two (22) non-public schools and 500 students with the option of selecting an awarded vendor from this RFP. Grade levels serviced will be from kindergarten through grade twelve. The amount of classes that are needed will be determined by the needs of each school. The recommended class time will be from 45 to 60 minutes per session.

On May 22, 2007, The School Board of Broward County, Florida, awarded RFP 27-143N – Title I Educational Services for Private School Students to Catapult Learning, LLC. The use of additional vendors is needed by Title I in order to increase the pool of qualified educational providers to service Title I requirements.

This aligns with the Strategic Plan Goals and Objectives for 2008-2011. Goal #1: Raise achievement of all students to ensure graduation from high school and readiness for post-secondary education.

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

E-4. Authorization to Release RFP 11-014V – Group Medical Benefits for School Board Employees (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen, and carried, to authorize the release of the following RFP: 11-014V. Dr. Parks was absent for the vote. (8-0 vote)

<u>RFP#</u>	<u>Title</u>	<u>Department</u>
11-014V	Group Medical Benefits for School Board Employees	Benefits Department

The School Board of Broward County, Florida (SBBC), desires to receive proposals for Group Medical Benefits for School Board Employees as described within. The RFP listed above seeks proposals from qualified firms as described herein. The RFP addresses HMO models, Open Access models, PPO models, High Deductible models and a Kids Health Plan. SBBC is soliciting proposals for both fully-insured and self-funded group medical with pharmacy benefits included. SBBC will contract directly with insurance companies and Health Maintenance Organization providers. SBBC will not contract with independent third parties, independent agents or independent third parties acting as agent or broker. All proposers must comply with all applicable Florida Statutes.

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

Mrs. Kraft informed that she has reviewed transcripts and provided an overview of the RFP process that resulted in the selection of Vista as the district's health carrier. Remarking that there is an indication that the Teachers Union is not happy with the current contract and that they were not in agreement with selecting a single carrier, Mrs. Kraft stated that she reviewed a Memorandum of Understanding from the June 25, 2008 Special Meeting, whereby they signed an agreement that would support having one vendor and allowed the RFP to go out with a single vendor. Subsequently, the Insurance Committee reviewed the responses to the RFP and during the scoring process on October 8, 2008, the BTU, the Federation of Public Employees (FOPE), and the Technical Support Professional unit (TSP) were present and did score unanimously to select Vista as a single carrier.

Mrs. Kraft further stated that in 2009 the renewal was discussed, part of the Kids Plan would be more expensive than the other, and the recommendation was unanimous to renew Vista at the same rate. The BTU, the FOPE, and the TSP were not present at that meeting even though it was a unanimous vote to review.

Mrs. Kraft, who stated she was not able to attend the workshop discussion on this item, inquired why a new RFP is being issued and what was the conversation on this issue.

Mr. Marko advised that the Board voted today to change the Purchasing policy which the Legislature had passed that allows the district to use multiple vendors, which was not allowed in the past.

Mrs. Dildra Martin-Ogburn, Executive Director, Benefits/Compliance, informed that the RFP before the Board gives the Board the flexibility to have more than one carrier. Mrs. Martin-Ogburn stated there has been input from Meet and Confer groups and unions that they are dissatisfied with what previously occurred. A collaborative meeting was held in July 27, 2009 when the renewals for the 2010 year were held and the votes were unanimous. She stated there is currently an increase in premiums to the district and to employees and a review is being made to ascertain whether there is a provider that can continue to provide employees with the types of benefits they are currently receiving at a reduced price.

Mrs. Kraft inquired whether there was a discussion at the meeting about the disruption that occurred in three years regarding insurance and whether an RFP could select a third vendor that will not change three times in three years; what impact that has on the disruption to employees.

Mrs. Martin-Ogburn responded she could not recall whether or not there was substantial discussion on this issue but there was discussion about going out for an RFP close together in time. She said there will always be disruption but Vista met and exceeded the requirement in the contract of limited disruption.

Mrs. Kraft discussed the importance of having the Passport Plan, whereby employees have coverage for their dependent children that are enrolled in college outside the immediate area.

Mrs. Martin-Ogburn responded that the RFP includes the current plan design that is currently in place and the option that the committee recommended as a second option.

Mr. Jeff Angelo, Consultant, Gallagher & Bassett, informed that the district is looking for out-of-area coverage, which they provide. The last RFP included a contract period of three years and all the fixed costs for that three-year period which at the time was reasonable. He discussed the increase of health care inflation and costs and the value-added, open access items, such as the gym membership, which are costly.

He stated at this time there is no flexibility to change the plan with the incumbent provider; the RFP process may result with the same provider but with an alteration in benefits and services they are delivering to mitigate the cost to the Board and employees. Mr. Angelo further stated this RFP process provides the Board an opportunity, even with the incumbent provider, to look at the slate of benefits, make some changes, and negotiate a better collect advancer with or without some of these value-added services. He stated it is very much dollar driven.

Mrs. Kraft inquired whether the RFP allows an open-access feature even if the employee has to pay for it. She inquired if going out for an RFP will cost the district more money rather than with a renewal.

Mr. Angelo responded that it has been requested as a benefit and the cost will be provided in order to give the Board the ability to determine whether the value equation makes sense. He stated there is a risk to open the process, for the incumbent offers to consider where they are. Mr. Angelo stated that a review of the current vendor data does not indicate that would happen. He noted that whatever the proposals are, there will be more opportunity to mitigate the costs through plan design and benefit offering than there is with the current contract.

Mrs. Martin-Ogburn informed that the RFP will go out tomorrow and the vendors need to submit their responses by May 27, 2010. The committee will meet again in June to begin the evaluation process, three meetings.

Responding to Mrs. Bartleman's inquiry, Mr. Angelo stated the RFP is composed of several key sections and items such as Open Access are scored and completely separate from costs. The service level issues and scoring is separate and the composite costs are scored together to determine who is the top of the list.

Mrs. Bartleman stated she wants to provide good health care and there are a lot of negotiable benefits, any savings could be used for the classroom. She voiced concern about the level of medical service and the lack of money.

Mrs. Martin-Ogburn informed that a different model was used and the unions and Meet and Confer groups met several times; the committee had to review each plan and each item to determine what is the best service and also to reduce the cost to the Board and employees. She stated the committee had to make tough decisions that could possibly be voted on once the proposals come in.

Mrs. Bartleman discussed the gym membership and inquired how the third-party membership would fit in the plan to make it less expensive. She informed that there will be a disruption of gym membership if this is not carved out, similar to Walgreens prescriptions being carved out because it did not work.

Mr. Angelo responded that it has been included as a request for benefits, asking for costs, with the intention to ask for gyms as part of the RFP. If there is a determination that the manner or the cost they are providing gyms is inefficient, the committee will look for an independent source from that. He said he did not know how much it would cost to replicate the program in the market today.

Mrs. Bartleman stated if the gym membership is too expensive another RFP would need to go out and see if anyone wants to have a gym membership.

Mr. Angelo said he sees no harm in asking whether the companies want to quote a gym membership on a stand-alone basis.

Ms. Dinnen stated the workshop discussion did not include direction to staff that they were to find a third party as well as included as part of the insurance package.

Mrs. Bartleman offered a motion and seconded by Mrs. Gottlieb (subsequently withdrawn), that this be included as a safeguard to find a cheaper gym, so that gym memberships are not interrupted.

Mr. Angelo stated that an addendum will be sent out with the gym membership request.

Mr. Marko advised that the committee members could not be polled as to this issue.

Mrs. Bartleman stated that she will withdraw her motion.

E-5. 2010-2013 District Education Technology Plan (Approved)

Motion was made by Mrs. Bartleman, seconded by Dr. Parks and carried, to approve the 2010-2013 District Education Technology Plan.

Broward Schools' District Education Technology Plan (DETP) for 2010-2013, has been developed to ensure that Broward's technology initiatives continue to support student achievement and operational efficiency. This plan continues and expands on the progress made on the Strategic Plan for Technology 2007-2010, and is aligned with the district's mission, vision, and goals. It will become the basis for all new and continuing technology projects in the district over the next three years.

The three-year plan outlines the district's technology goals and objectives for instructional and information technology programs.

There is no financial impact to the district.

Dr. Parks praised staff for their great presentation of this item at a workshop.

Mrs. Kraft stated, for the record, that the technology plan will not result in additional funds.

Ms. Angela Coluzzi, Director, Network Integration, responded that the plan regards the goals and strategies to go forward, to submit a plan to the state that is mandated every three years. There is no funding put toward the plan; no projects to do. Part of the plan is to find alternative funds such as applying for federal grants, using E-rate funds to keep the district's infrastructure maintained, and also using internal resources for staff development, leadership training and courses.

Mrs. Hope stated, for the record, that she has requested that the Technology department look into the Melinda and Bill Gates Foundation as far as applying for grants.

Ms. Coluzzi responded that the request has been forward to the Grants department for review.

Dr. Park noted that the Grants department is aware of and can identify available grants and opportunities for this source.

Ms. Murray thanked Mrs. Kraft for clarifying this process that can benefit the district and that she can inform her constituents.

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

F-1. Agreement with Desoto Independent School District for High School Football Game (Approved)

Approved agreement with Desoto Independent School District, C & B National Sports Marketing Group and The School Board of Broward County, Florida, to play a football game in the City of Desoto, Texas between Desoto High and Miramar High on Saturday, September 11, 2010.

Desoto High School is located in Desoto, Texas a suburb of Dallas and is assigned to the Desoto Independent School District.

The district has 12 schools, 7 elementary, 3 middle and a high school and freshman campus and serves approximately 8,000 students. Desoto Independent School District in cooperation with C & B National Sports Marketing Group has invited Class 6A, Florida State Champion Miramar Patriots to play Desoto High School on September 11, 2010.

(See e-Agenda for continuation of Summary Explanation and Background.)

This agreement has been reviewed and approved as to form and legal content by the School Board Attorney. The Superintendent of Schools for Desoto Independent School District has approved and signed the contract.

There is no financial impact to the district.

F-2. Continuation Agreement with Nationwide Laboratory Services, Inc.
(Approved)

Approved the continuation agreement between The School Board of Broward County, Florida, and Nationwide Laboratory Services, Inc.

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 agreement with Nationwide Laboratory Services, Inc., 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 following Health Science Education programs are located at 21 high schools: Allied Health Assisting, Patient Care Assistant and Practical Nursing.

The following Health Science Education programs are located at the technical centers: Central Service Technology, 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, First Responder, Nursing Assistant, Emergency Medical Technician and Surgical Technology. Currently, The School Board of Broward County, Florida, has 38 School Board approved agreements with various health care facilities.

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 district.

F-3. Agreement between The School Board of Broward County, Florida, and Carlton Palms Educational Center Incorporated (Approved)

Approved the Agreement between The School Board of Broward County, Florida, and Carlton Palms Educational Center Incorporated.

R.M., is a middle school student with Intellectual Disabilities, Emotional Behavioral Disorder, and who receives Occupational Therapy. The student is a client of the Agency for Persons with Disabilities (APD). APD has independently agreed to place this student in a residential facility (Carlton Palms). The District has determined that this student does not need residential placement for educational purposes. Rather, the District has developed an Individualized Education Program (IEP) that provides an appropriate program at one of the center schools.

While the student's IEP reflects that a residential placement is not required in order for the student to benefit from special education that can otherwise be provided by the District through the day, 6A-6.0361 FAC Contractual Agreements with Non Public Schools allows the District to contract with a residential facility for educational purposes when another public agency has placed the student for non-educational purposes.

This agreement outlines the costs associated with the provision of special education for the student at the residential facility where APD has recommended placement for non-educational reasons. The source of the funding for the education of the student is from the Florida Education Finance Program (FEFP). Invoicing for payment will begin on the enrollment date of R.M. at Carlton Palms. The agreement limits the District's financial responsibility solely to those funds generated by the student for a twelve-month period to end on June 30, 2010.

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

The financial impact is \$6,550, paid in monthly installments from the date of enrollment to June 30, 2010. The source of funding is the student's allocation from the Florida Education Finance Program (FEFP).

F-4. Proposed Agreement for the Broward County Juvenile Assessment Center (formerly Juvenile Intervention Facility) (Approved)

Approved the proposed collaborative agreement to establish the Broward County Juvenile Assessment Center with the following partners: Florida Department of Juvenile Justice, Children's Services Council of Broward, Florida Department of Children and Families, Office of the State Attorney, Childnet, The School Board of Broward County, Florida, Broward County Chief's of Police Association, Fort Lauderdale Police Department, United Way Commission on Substance Abuse, Broward County Clerk of the Court, and The Sheriff of Broward County, Florida.

In June, 1995, the School Board entered into an agreement with multiple community agencies to establish a central point of processing for all youth who are arrested by law enforcement in Broward County. The program's goal is to consolidate and standardize procedures and practices for dealing with delinquent youth. The implementation and practices have changed over the years, but the intent has remained the same.

The last agreement was signed in the 2004-2005 school year.

The new agreement requests that The School Board of Broward County, Florida, provide a representative to the JAC Advisory Board. This function will be assumed by the Delinquency Court Liaison, Office of Student Support Department.

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

There is no financial impact to the school district.

F-5. Amendments to Cooperative Agreements with Two Community Preschool ESE Agencies (Approved)

Approved two cooperative agreement amendments, between The School Board of Broward County, Florida, and community preschool Exceptional Student Education agencies.

The School Board and two community agencies, Baby Boomers International Preschool, Inc., and Prodigy Center for Youth Development and Academic Excellence, Inc., have entered into contracts for the purpose of providing special education to preschool ESE children.

The current contracts, dated June 1, 2009 to July 31, 2010, are amended to reflect the following:

- that the agencies must provide meals, as the district is prohibited by state statute,
- to eliminate the need for vehicle insurance since the School Board provides transportation.

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

There is no additional financial impact to the district. Original financial impact was \$236,630, approved by the Board on April 21, 2009.

F-6. First Amendment to Contract with the Early Learning Coalition of Broward County, Inc. (Approved)

Approved amendment #001, to the existing contract with the Early Learning Coalition of Broward County, Inc.

The contract amendment from the Early Learning Coalition of Broward County, Inc., will decrease the total contracted amount by \$13,900 from \$525,926 to \$512,026, due to a salary adjustment in the personnel line item. The original contract (SBBC-FFS-10-ELC6) was approved by the School Board on June 16, 2009.

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

The Early Learning Coalition of Broward County, Inc., will sign this contract amendment following School Board approval.

The financial impact to the district is \$13,900. The source of funds is the Early Learning Coalition of Broward County, Inc.

F-7. Grant Applications (Approved)

Approved the submission of grant applications to:

- A. 2009 Equipment Assistance Grants for School Food Authorities, \$178,847
- B. City of Coral Springs, \$2,500
- C. K-12 Access Control Grant, \$155,100
- D. Lowe's Charitable and Educational Foundation, \$8,405
- E. Lowe's Toolbox for Education, \$123,246
- F. Motorola Foundation – Innovation Generation Grant, \$49,608
- G. Muzak Heart and Soul Foundation, \$4,000
- H. Science Teacher Tools Grant, \$4,351
- I. Target Community Giving Grants Program, \$2,000

- J. Target Field Trips, \$4,614
- K. Title X, Part C – Education of Homeless Children and Youth Programs – 2010 Haitian Earthquake Disaster Relief Project, \$75,000
- L. Toyota Tapestry Grant Program, \$2,387
- M. Wachovia Bank, \$500

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

The positive financial impact is \$610,558 from various sources. There is no additional financial impact to the district.

F-8. Continuation of Three Agreements for Psychiatric Services (Approved)

Approved three Agreements for Psychiatric Services.

Psychiatric services are provided to students at the three centers that serve students with Emotional Behavioral Disabilities (E/BD) as part of the therapeutic program identified on their individual educational plans (IEPs). These students are identified as needing extensive therapeutic support. This support includes, but is not limited to, individual and group therapy, family therapy, specialized groups, crisis management and intervention, on-going situational support and medication management. Through the services of licensed child psychiatrists, these services can be provided at the E/BD centers, rather than through more costly residential or private school placements.

These agreements reflect an hourly rate of \$138.01, which is aligned to rates of public agencies in the community. Funds for these services are provided through the Individuals with Disabilities Education Act (IDEA) grant.

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

The financial impact will not exceed \$200,000 per contract, per year for the three-year period.

The source of funds is the IDEA Grant. There is no additional financial impact to the school district.

G. HUMAN RESOURCES

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

Approved the personnel recommendations for the 2009-2010 appointments and leaves as listed on the Executive Summary and respective lists for Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. The teacher approvals on this G-1 item are teachers in subject areas for which there is no surplus and/or layoff teacher in that certification area that could be placed in these positions.

The Personnel Recommendations for Instructional Employees include the following items:

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

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

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

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

The Personnel Recommendations for Instructional Employees include the following items:

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

There will be no financial impact to the school district.

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

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.

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

1. Non-Instructional Approval(s)
2. Non-Instructional Reassignment(s) – Promotion(s)
3. Non-Instructional Reassignment(s) – Demotion(s)
4. Non-Instructional Substitutes/Temporaries
5. Non-Instructional Leave(s)-Layoff(s)
6. District Managerial/Professional/Technical
7. Reassignment of Current School-Based/District Managerial/Professional Technical Personnel
8. School-Based Managerial
9. School-Based/District Managerial Acting/Special/Task Assignment(s)
10. School-Based/District Managerial/Professional/Technical Leave(s)
11. Salary Adjustment

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

On behalf of the School Board, Mrs. Gottlieb and Mrs. Kraft recognized and congratulated newly-appointed district personnel.

Mrs. Bartleman extended congratulations to Dr. Earlean Smiley, Deputy Superintendent, Curriculum, on her appointment as Superintendent of Schools in McCormick, South Carolina, and thanked her for her years of service to the Broward School District.

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

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

The Personnel Recommendations include the following items:

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

There is no financial impact to the school district.

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

Approved the recommended supplemental pay positions of employees for the 2009-2010 & 2010-2011 school/ fiscal years.

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

The Specific Supplemental Pay Positions include the following type of supplements: Secondary department chairpersons high school; secondary department chairpersons and/or team leaders middle school; elementary grade level chairpersons and/or team leaders; athletic supplements; general supplements; and special supplements for the 2009-2010 & 2010-2011 school years.

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

Individuals listed meet the requirements for the supplemental positions. Supplements listed for the 2009-2010 school/ fiscal year are 115. The total number of Supplements recommended in this item is 118.

Funding has been budgeted in 2009-2010 and 2010-2011 school/ fiscal years for all supplements.

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

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

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

There is no financial impact to the school district.

H. ATTORNEY

I. OFFICE OF THE SUPERINTENDENT

I-1. Agreement with Broward County Government, Department of Environmental Protection and Growth Management Department (Approved)

Approved this Agreement with the Broward County Government Department of Environmental Protection and Growth Management. The School Board of Broward County, Florida, has partnered with the Broward County Department of Environmental Protection for more than 15 years, working on a variety of energy efficiency and environmental education programs. These programs support Goal Seven of the School Board's Strategic Plan, addressing the District's operational and academic efforts.

This Agreement has been approved by School Board Attorneys for legal form and content.

The Broward County Government will sign after School Board approval.

There is no financial impact to the district.

I-2. Agreement with University of St. Thomas (Approved)

Approved this Agreement with the University of St. Thomas.

The University of St. Thomas is a University located in Minneapolis, Minnesota, that offers degrees in Education. The University would like to make arrangements for its Education majors to have an opportunity to complete their pre-service training in Broward County. This Agreement is similar to other agreements the School Board already has in place with Universities throughout the State of Florida and the nation.

This Agreement has been approved by the School Board Attorney's office for legal form and content.

There is no financial impact to the district.

I-3. Change Name of the Charter School Task Force to the Charter School Advisory Committee (Not approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft, to approve the name change from Charter School Task Force to Charter School Advisory Committee. (0-9 vote)

The Charter School Advisory Committee shall make recommendations to The School Board of Broward County, Florida, on matters associated with the ever-increasing number of charter schools in Broward County. The responsibility of the Charter School Advisory Committee is to advise the Board on programmatic, operational, legislative and financial matters specific to charter school issues.

The Charter School Advisory Committee will make recommendations to The School Board of Broward County, Florida, that will promote excellence in the Broward County charter schools. The Charter School Advisory Committee is comprised of School Board member appointees, community members and District-level staff.

There is no financial impact to the district.

Motion to Re-Open Agenda (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to reopen the agenda to consider Agenda Item I-3.

A vote was taken on the Motion.

Motion was made by Mrs. Kraft to pull the item and seconded by Mrs. Hope.

Motion to Close Agenda (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to close the agenda.

A vote was taken to close the agenda.

Ms. Dinnen stated there was not a consensus of the committee to change the name and some members were very opposed to the name change. She stated it is in order that the Board not change the name as long as the committee does not want to change the name.

Mrs. Gottlieb informed that during Ms. Dinnen's absence from a prior Board meeting the Chair of the Charter School Task Force came forward and requested consideration to change the committee name. She noted there is a recommendation to vote the item down.

Mrs. Bartleman informed that more than one committee person presented a report to the Board and a Board item was presented at the following Board meeting. She stated that several members voiced their concern once the item was moving forward as a Board item. The issue by the Chair was that she wanted a quorum to conduct meetings and conduct business.

Concurring that the issue of the quorum was the main issue, Ms. Dinnen stated that the committee needs to work out the issue before an item is presented to the Board.

Mr. Williams inquired how the process was followed on this issue.

Mrs. Gottlieb responded that the Chair of the Charter Task Force requested that an item be placed on the agenda at the last public Board meeting.

Mr. Williams requested that the process be completed on agenda items.

Responding to Ms. Dinnen's inquiry, Mr. Notter stated that a task force should be by a defined time and in a defined subject, creating a task force to review "A, B, C." A committee can meet in perpetuity.

Mrs. Bartleman stated there are other advisories with other duties and the name can change without defining a role. Remarking that several advisory groups have motions presented to the Board and want them placed on the agenda, Mrs. Bartleman requested that a process is in place whereby staff is vetting all items through ELT meetings. She said even though the item was placed on the agenda the discussion needed to occur by the Board before the issue became an agenda item.

Charter School staff informed Mr. Tynan that the quorum problem has gotten better on this committee.

I-4. Naming of New School "C" (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Hope and carried, to approve the official name for school "C" as BEACHSIDE MONTESSORI VILLAGE.

On March 16, 2010, a community meeting was conducted to provide all interested stakeholders the opportunity to suggest names for School C.

At this meeting, SBBC policy 1401 (NAMING OF SCHOOL BOARD-OWNED FACILITIES) was reviewed with all attendees and 152 names were suggested. On March 18, 2010, a volunteer committee comprised of 4 parents, 1 community member, 1 business partner, 2 students, 2 staff members and 2 district administrators, met to review the suggested names for School C.

Through a facilitative leadership model, the committee created a short list from the 152 suggestions and voted to select three proposed names to be included on the official ballot. On March 23, 2010, the final vote for the school name took place. 132 votes were cast. The naming committee members counted and verified the votes for each of the three choices. The school name with the most votes was BEACHSIDE MONTESSORI VILLAGE.

Marketing for these public forums consisted of the following: 2 Parent Link phone messages to all schools south of 595 in addition to Virginia Shuman Young Elementary and Sunrise Middle, a flier sent to all schools south of 595 in addition to Virginia Shuman Young Elementary and Sunrise Middle, postings on the South Area web site and the School C website and postings at 11 Wal-Mart, Target and Publix stores south of 595.

There is no financial impact to the district.

Mrs. Kraft voiced concern about that process that the district goes through when naming a school. She requested the next time that the district expands and builds more schools, staff needs to go back and review the criteria for naming a school. Mrs. Kraft stated the school is not located anywhere near a beach, nor is it a village. She inquired how the naming selection process was advertised.

Dr. Valerie Wanza, Area Director, School Improvement, South Area Superintendent's Office, responded that the flyer was developed and sent to every school located south of I-95, within the Board established boundary for the school; three parent links were called out to all the schools in the homes south of I-95 and Virginia Shuman-Young Elementary and Sunrise Middle School. Flyers were also posted in six Publix stores, one Wal-Mart, four Winn Dixie stores, and Target posted the flyer in the employee lounge. Additionally, the flyer was posted on the Area website, school website, Innovative Programs and supplying a copy to the city to post on their website.

Dr. Wanza further stated that the meeting was held on March 16, 2010, 6:30 p.m., at South Broward High School, and 97 people attended. She concurred that the naming criteria as outlined in the naming policy was used; the names must be names of deceased persons. Dr. Wanza said that an in-depth PowerPoint presentation was made, completely outlining the intent of School Board Policy 1401. A total of 152 names were submitted.

Mr. Joe Balchunas, Principal, informed that the naming committee was comprised of parent representatives, north of I-595, Sunrise Middle and Virginia Shuman-Young communities, schools south of 595, which is the boundary; a business partner from the City of Hollywood, and a community member from Barry University. Barry University has the Montessori program that the district is contracting with Innovative Programs to train teachers once they are hired. Additionally, an elementary school teacher, middle school representative and middle school representative, and Dr. Wanza and himself taking part in the process.

Mr. Balchunas said that parents south of 595 were solicited through an e-mail to the principals to seek volunteers; the community representatives were selected by himself, as previously indicated, and a parent north of 595 volunteered her services.

Responding to Mrs. Kraft's inquiry, Dr. Wanza stated that out of 152 names several of the names were immediately omitted because they did not follow policy guidelines. Once the names were reviewed, the committee narrowed the names to nine names, working through a facilitative process to narrow it down to three names in order for the ballot to be generated for the final meeting. Dr. Wanza said that the individuals who submitted the three final names were a part of the committee. The committee felt that Montessori should be included in the name and in addition to the word Village because the school is the first Pre-K through 8 in the district and has the Montessori philosophy concept.

Dr. Wanza further described the final voting process and 132 ballots were counted in open session. She stated the Mayor and one City Commissioner attended the nominating meeting and the voting meeting. She stated that Beachside Montessori Village is the name that was the consensus of the opinion and represents what the community has wanted.

Mrs. Kraft requested that when the building of district schools commences in the future, that the naming policy be revisited. She stated there are concerns by Board Members that a lot of the schools do not reflect the area or the wishes of what the Board would prefer.

Responding to Mrs. Bartleman’s inquiry, Mr. Balchunas stated that at elementary schools the mascot and the colors are chosen by the school.

J. FACILITIES AND CONSTRUCTION MANAGEMENT

J-1. Change Orders (Approved)

Approved change orders as listed for various school projects, and approve an increase of \$312,273 to the Capital Projects Reserve.

<u>Country Hills Elementary</u> Owner Request	Change Order 05 \$676	\$676
<u>Deerfield Beach Elementary</u> Unforeseen Condition	Change Order 01 \$22,253	\$22,253
<u>Deerfield Beach Middle</u> Unforeseen Condition	Change Order 07 \$0	\$0
<u>Flamingo Elementary</u> Owner Request	Change Order 01 \$347,798 (CREDIT)	\$347,798 (CREDIT)
<u>Liberty Elementary</u> Consultant Error	Change Order 01 \$49,218	\$49,218
<u>Miramar High</u> Owner Request	Change Order 08 \$16,000 (CREDIT)	\$16,000 (CREDIT)
<u>Pines Lakes Elementary</u> Consultant Omission Owner Request Unforeseen Condition	Change Order 01 \$3,352 \$5,573 \$904	\$9,829
<u>Southwest Bus Parking Facility – New Complex</u> Owner Request	Change Order 25 \$4,378	\$4,378

Financial Impact: Country Hills Elementary – Project No.: P.000566 \$676; Deerfield Beach Elementary – Project No.: P.000703 \$12,253; Flamingo Elementary – Project No.: P.001003 \$347,798 CREDIT; Liberty Elementary – Project No.: P.001094 \$34,218; Miramar High – Project No.: P.000339 \$16,000 CREDIT; Southwest Bus Parking Facility – New Complex – Project No.: P.000673 \$4,378. The resulting positive financial impact will increase the Capital Projects Reserve by \$312,273. There is no additional financial impact to the district for the remaining projects.

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 17, 2010, to review Contractor Pre-Qualification Staff Application Review Executive Summaries received for the following contractors and makes the following recommendations to the Superintendent of Schools:

- Boran Craig Barber Engel Construction Co., Inc. – Issue Recommendation to Not Re-Certify
- ** Brang Construction Incorporated – Issue Pre-qualification Re-Certification
- ** Brasfield & Gorrie, L.L.C – Issue Recommendation to Not Re-Certify
- Cedars Electro-Mechanical, Inc. – Issue Pre-qualification Re-Certification
- Cross Environmental Services, Inc. – Issue Recommendation to Not Re-Certify
- Edd Helms Air Conditioning, Inc. – Issue Pre-qualification Re-Certification
- ** Fastrack Management & Consulting, Inc. – Issue Pre-qualification Re-Certification
- ** Florida Electric Contracting Service, Inc. – Issue Pre-qualification Re-Certification
- ** FXP Corp. (Mechanical) – Issue Pre-qualification Re-Certification
- ** FXP Corp. (General) – Issue Pre-qualification Re-Certification
- Gulf Building Corp. – Issue Recommendation to Not Re-Certify
- Gulf States Industries, Inc. – Issue Pre-qualification Re-Certification
- * Hart Mechanical Contractors, Inc. – Issue Pre-qualification Certification
- ** J.R.T. Construction Co. – Issue Pre-qualification Re-Certification
- Kast Construction III LLC – Issue Pre-qualification Re-Certification
- KM/Plaza – Issue Recommendation to Not Re-Certify
- ** Lebolo Construction Management, Inc. – Issue Pre-qualification Re-Certification
- ** LMK Pipe Renewal, LLC – Issue Pre-qualification Re-Certification
- M. Gay Constructors, Inc. – Issue Recommendation to Not Re-Certify
- Mobile Modular Management Corporation – Issue Recommendation to Not Re-Certify

NDR Corporation – Issue Pre-qualification Re-Certification
Project Development Group, Inc. (General) – Issue Recommendation
to Not Re-Certify
Project Development Group, Inc. (Asbestos) – Issue Recommendation to
Not Re-Certify
Roepnack Corporation – Issue Pre-qualification Re-Certification
** Team Contracting, Inc. – Issue Pre-qualification Re-Certification
Weekley Asphalt Paving, Inc. – Approve Appeal and Issue Pre-
qualification Re-Certification
W.G. Mills, Inc. – Issue Pre-qualification Re-Certification
WPCS International-Sarasota, Inc. – Deny Appeal and Issue
Recommendation to Not Re-Certify

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

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

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

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

- J-3. Final Acceptance and Release of Retainage – Padula & Wadsworth
Construction Company – New Kitchen/Cafeteria/Multi-Purpose
Building – Margate Elementary School, Margate – Project No. P.000213
(f.k.a. 1161-23-01) (Approved)

Approved the Final Acceptance of the Margate Elementary School, New
Kitchen/ Cafeteria/Multi-Purpose Building, Project No. P.000213, and
release the balance of retainage in the amount of \$30,000.

The contractor, Padula & Wadsworth Construction Company, has
completed the project within the contract limits.

The funds being released totaling \$30,000 are included in the Adopted
District Educational Facilities Plan, Fiscal Year 2008-2009 to 2012-2013,
page 81.

- J-4. Authorize Rejection of Responses – Architectural & Engineering
Consulting Services – McArthur High School, Hollywood – Project
No.P.000044 (f.k.a. 0241-98-01) (Approved)

Approved the rejection of all responses received for McArthur High
School Project No. P.000044 (f.k.a. 0241-98-01).

Article V.A of the RFQ, authorizes the Board to reject all proposals at any time prior to Board approval of the negotiated agreement. The reason for rejecting the proposals is due to lack of funding.

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

There is no financial impact to the district.

- J-5. Authorize Rejection of Responses – Construction Management at Risk Services – Hollywood Hills High School, Hollywood – Project No. P.000300 (f.k.a. 1661-23-01) – McArthur High School, Hollywood – Project No. P.000044 (f.k.a. 0241-98-01) – Oakridge Elementary School, Hollywood – Project No. P.001084 (f.k.a. 0461-27-01) (Approved)

Approved the rejection of all responses received for Hollywood Hills High School, Project No. P.000300, McArthur High School, Project No. P.000044, and Oakridge Elementary School, Project No. P.001084.

Article VII.A of the RFQ, authorizes the Board to reject all proposals at any time prior to Board approval of the negotiated agreement. The reason for rejecting the proposals is due to the lack of funding.

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

There is no financial impact to the district.

- J-6. License Agreement between Greater Fort Lauderdale/Broward County Convention Center and The School Board of Broward County, Florida, to Hold the 2010 Broward National College Fair (Approved)

Approved the License Agreement between Greater Fort Lauderdale/Broward County Convention Center and The School Board of Broward County, Florida, to hold the 2010 Broward National College Fair.

The School Board of Broward County, Florida, in conjunction with the National Association of College Admission Counseling (NACAC), will hold the 2010 Broward National College Fair at the Greater Fort Lauderdale/Broward County Convention Center November 3 and 4, 2010.

It is the policy of the Convention Center for the licensee to execute the agreement first.

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. All costs will be paid by the National Association for College Admission Counseling (NACAC).

J-7. 2010 High School Graduation Rental Agreement with The Faith Center at Sunrise (Approved)

Approved the 2010 High School Graduation Rental Agreement with The Faith Center at Sunrise.

The high schools in Broward County will hold their graduation rehearsals and graduation exercises from June 3, through June 9, 2010.

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

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

There is an estimated financial impact to the school district of approximately \$34,000, which will be paid from the Student Activity Department's budget. This amount will cover the cost of leasing the venue. Other services will incur additional charges. This item does not require a collaboration form from the Capital Budget Department.

J-8. Facility Rental Contract between The School Board of Broward County, Florida, and IGFA Fishing Hall of Fame & Museum for the Annual Marine Science Fair (Approved)

Approved the license agreement between The School Board of Broward County, Florida, and IGFA Fishing Hall of Fame & Museum for the Annual Marine Science Fair.

The School Board's Department of Science Education is holding their annual Marine Science Fair at IGFA Fishing Hall of Fame & Museum beginning April 28 through May 2, 2010. The IGFA has requested the School Board execute this agreement first.

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

There is no financial impact to the district; therefore, this item does not require a collaboration form from the Capital Budget Department. The IGFA allows the School Board to utilize their facility at no cost for the annual Marine Science Fair.

J-9. Second Amendment to Lease and Funding Agreement for Lease of Recreational Facilities at Coconut Creek High (Approved)

Approved the Second Amendment to Lease and Funding Agreement for Lease of Recreational Facilities between The School Board of Broward County, Florida, and the City of Coconut Creek and approve an additional appropriation of capital funds in the amount of \$314,195.

On May 16, 2006, The School Board of Broward County, Florida, approved a master Lease and Funding Agreement with the City of Coconut Creek for renovation of an athletic stadium located at Coconut Creek High.

On December 11, 2007, The School Board of Broward County, Florida, approved the first amendment to the agreement authorizing funding for the athletic stadium in the amount of \$4,252,632. The additional funding requested through the second amendment is \$314,195, which brings the total amount of funds to \$4,566,827. The project includes an eight lane polyurethane track with field events, new bleacher system for 3,000 spectators, new irrigation and drainage system for stadium field, new Bermuda sod and covered field, new scoreboard, press box, public announcing system, and concession stand/ticket booth/restroom facility and ancillary sidewalks and fencing around the stadium.

The second amendment includes additional funding in the amount of \$314,195 to address ADA compliance with the press box. The press box by code must be accessible to all individuals, regardless of handicap. The original plan was to design and install an elevator to the press box.

In lieu of the elevator, staff has found an alternative lift that is less expensive than an elevator and ensures accessibility to the press box. Approval of this agenda item will allow the school to utilize the press box for athletic, school and community events.

To facilitate the renovation of the stadium, the City of Coconut Creek is serving as the construction manager for the project.

The School Board of Broward County, Florida, retains the authority under the Master Agreement to review and approve stadium work plans.

The City of Coconut Creek approved the second amendment at their February 25, 2010, commission meeting. The agreement has been reviewed and approved as to form and legal content by the School Board Attorney.

The financial impact of the second amendment is \$314,195. The Adopted District Educational Facilities Plan 2009-2014 appropriates \$4,252,632 for the renovation stadium project. The balance of funds in the amount of \$314,195 shall come from the Capital Projects Reserve.

J-10. First Amendment to Lease and Funding Agreement for Lease of Recreational Facilities at Deerfield Beach High (Approved)

Approved the First Amendment to Lease and Funding Agreement for Lease of Recreational Facilities between The School Board of Broward County, Florida, and the City of Deerfield Beach, and approve an additional appropriation of capital funds in the amount of \$312,137.

On August 7, 2007, The School Board of Broward County, Florida, approved a master Lease and Funding Agreement with the City of Deerfield Beach for renovation of an athletic stadium located at Deerfield Beach High. The master agreement established a preliminary budget of \$4,252,632. The additional funding requested through the first amendment is \$312,137, which brings the total amount of funds to \$4,564,769. The project includes an eight lane polyurethane track with field events, new bleacher system for 5,000 spectators, new irrigation and drainage system for stadium field, new Bermuda sod and covered field, new scoreboard, press box, public announcing system, and concession stand/ticket booth/restroom facility and ancillary sidewalks and fencing around the stadium.

The first amendment includes additional funding in the amount of \$312,137 to address ADA compliance with the press box. The press box by code must be accessible to all individuals, regardless of handicap. The original plan was to design and install an elevator to the press box. In lieu of the elevator, staff has found an alternative lift that is less expensive than an elevator and ensures accessibility to the press box. Approval of this agenda item will allow the school to utilize the press box for athletic, school and community events.

To facilitate the renovation of the stadium, the City of Deerfield Beach is serving as the construction manager for the project. The School Board of Broward County, Florida retains the authority under the Master Agreement to review and approve stadium work plans.

The City of Deerfield Beach approved the first amendment at their February 16, 2010, commission meeting. The agreement has been reviewed and approved as to form and legal content by the School Board Attorney.

The financial impact of the first amendment is \$312,137. The Adopted District Educational Facilities Plan 2009-2014 appropriates \$4,252,632 for the renovation stadium project. The balance of funds in the amount of \$312,137 shall come from the Capital Projects Reserve.

- J-11. License Agreement between The School Board of Broward County, Florida and the City of Coral Springs for Hurricane Staging Areas at Coral Springs Middle, Coral Springs High and Taravella High Schools
(Approved)

Approved the License Agreement between The School Board of Broward County, Florida, and the City of Coral Springs for Hurricane Staging Areas at Coral Springs Middle, Coral Springs High and Taravella High Schools.

The City of Coral Springs has requested the use of Building 10 at Coral Springs High School, Building 4 at Coral Springs Middle School and Building 10 at Taravella High School along with the use of parking facilities at each school.

These facilities will be used by City First Responder employees for staging purposes during periods of hurricanes and other natural disasters. The City will pay the School Board for any out-of-pocket expenses and any costs incurred to accommodate the City's requirements.

The term of the lease is from the date of execution through December 31, 2014.

The City of Coral Springs will sign the agreement after School Board approval.

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

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

- J-12. Amendment to the State Educational Plant Survey 2009-2014
(Approved)

Approved the Superintendent's recommendation and authorize staff to amend the State Educational Plant Survey 2009-2014.

On March 23, 2010, staff presented an Assessment of Proposed Surplus Sites to the School Board Workshop analyzing twenty-one (21) underutilized properties. Staff identified twelve (12) properties that have a potential for surplus.

The Superintendent recommended staff take necessary actions to declare the following properties as surplus: Elementary D-1 School Site (fka ES "J-91" Enclave), Rock Island Acreage, North Side Parking Lot, South Federal Highway Administration Site (fka Multilingual Evaluation and Training Center), and Davie Elementary School Excess Land.

This agenda item is submitted in conjunction with Agenda Items A-12 to A-16, and must be approved first.

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

- J-13. Final Acceptance and Release of Retainage – Thermal Concepts, Inc. – HVAC Additions and Alterations – Collins Elementary School, North Lauderdale – Project No P.000869 (f.k.a.0331-99-05) (Approved)

Approved the Final Acceptance for Collins Elementary School, HVAC Additions and Alterations, Project No. P.000869, and release the balance of retainage in the amount of \$50,590.

The contractor, Thermal Concepts, Inc., has completed the project within the contract limits.

The funds being released totaling \$50,590 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2008-2009 to 2012 to 2013 Indoor Air Quality, Appendix E, page 71.

- J-14. Transfer of Contingency Funds to Owner Savings – Hewett-Kier Construction, Inc. – New Multipurpose Building – Deerfield Beach Elementary, Deerfield Beach – Project No. P.000002 (f.k.a. 0011-23-01) (Approved)

Approved the transfer of \$282,019 of unused contingency funds to the Owner's Savings line of the Project Funds Allocation Budget. Approve Change Order Item No. 14, resulting in a credit of \$282,019.

In accordance with the CM@Risk Agreement, dated June 5, 2007, between The School Board of Broward County, Florida, and Hewett-Kier Construction, Inc., per Article 6.1.2., the unused funds from the construction contingency are transferred to the Owner's Savings line of the project budget.

There is a positive financial impact of \$282,019, which will be moved to the Capital Projects Reserve.

- J-15. Partial Transfer of Contingency Funds to Owner Savings – New Food Service, Multipurpose Building – Moss & Associates, LLC – Peters Elementary School, Plantation – Project No. P.000173 (f.k.a. 0931-22-01)
(Approved)

Approved a partial transfer of \$ 318,908 of unused contingency funds to Owner's Savings line of the Project Funds Allocation Budget. Approve Change Order Item No. 11, resulting in a credit of \$318,908.

In accordance with CM@Risk Agreement, dated December 11, 2007, between The School Board of Broward County, Florida, and Moss & Associates, LLC, per Article 6.1.2., the unused funds from the construction contingency are transferred to the Owner's Savings Line of the project budget. This is a partial transfer of the remaining unused contingency funds. Upon approval of this item the total transferred amount to date will be \$1,018,908. An outside construction consultant is currently working on determining the final remaining unused contingency amount. This transfer will be recommended and the project brought back to the Board for final acceptance as soon as the contract parties reach an agreement.

There is positive financial impact of \$318,908, which will be moved to the Capital Projects Reserve.

- J-16. Transfer of Tax Savings and Contingency Funds to Owner Savings – Skanska USA Building, Inc. – New School – Heron Heights Elementary School, Parkland – Project No. P.000847 (f.k.a. 3961-25-02) (Approved)

Approved the transfer of \$407,055 of tax savings and unused construction funds to the Owner's savings line of the Project Funds Allocation Budget. Approve Change Order Item No. 22, resulting in a credit of \$407,055.

In accordance with the CM@Risk Agreement, dated October 2, 2007, between The School Board of Broward County, Florida, and Skanska USA Building, Inc., this change order does the following:

Return the balance of unused construction funds by reducing the contract \$3,165,852 for Direct Purchase made by the school district, resulting in a tax savings of \$189,951.

Return of the balance of unused contingency / buyout savings in the amount of \$217,104.

After paying the Direct Purchase of \$3,165,852, there is a positive financial impact of \$407,05, which will be placed in the Capital Projects Reserve.

- J-17. Contingency Use Directive No. 3 – Stiles Construction Co. – Phase Replacement III of III – Norcrest Elementary School, Pompano Beach – Project No. P.000105 (f.k.a. 0561-24-01) (Approved)

Approved a decrease in the Contingency account in the amount of \$53,176 as provided for in the agreement with Stiles Construction Co. and The School Board of Broward County, Florida, for Norcrest Elementary School.

This amount is required to cover the additional cost due to the unforeseen conditions found during selected demolition of the media center expansion.

This Contingency Use Directive represents the cost to cover the additional items needed because during demolition the contractor noticed the existing conditions did not match the as-builts drawings that were provided. The areas affected were the ceilings, walls, partial roof and floors.

The existing conditions could not have been known during the site visits at the time of the design without allowing the Architect and Engineer to do destructive demolition. The total amount necessary to accomplish this is a decrease to the contract contingency account of \$53,176 from the current contract contingency of \$106,186. This leaves the contract contingency balance at \$53,010.

The funds being released totaling \$53,176 are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2009-2010 to 2013-2014, page 81. This amount will come from the contingency line of the CM contract. Since this item adjusts the contract allocations and does not affect the project budget, a collaboration is not required from the Capital Budget Department.

- J-18. Approve Contract Extension – Concrete Walkway and Aluminum Canopy Systems – Bid No. 2007-10-FC (Approved)

Approved the contract extension for Concrete Walkway and Aluminum Canopy Systems, Bid No. 2007-10-FC for one additional year.

The School Board of Broward County, Florida, approved the award of contracts for Concrete Walkway and Aluminum Canopy Systems on May 6, 2008, with a contract period of one (1) year from the date of execution, and may, by mutual agreement between The School Board of Broward County, Florida, and the Contractor, upon final School Board approval, be extended for two additional one-year periods, at the sole discretion of The School Board of Broward County, Florida, as per the Invitation to Bid – Section 4, Special Conditions – Contract Extension.

The School Board of Broward County, Florida, approved the Contract Extension for one additional one-year period on May 5, 2009. This item will approve the contract extension for an additional one-year period.

Contractor: Walker Design & Construction Co.
Scope of Work: The purpose of this Bid is to establish term contracts for the furnishing and installing of concrete walkways and aluminum canopy systems at various locations as needed.

The sources of funds for these projects are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. There is no financial impact; therefore this item does not require a collaboration form from the Capital Budget Department.

J-19. Authorization to Advertise for Bids – Construction Services Emergency Projects V – Bid No. 2010-02-FC (Approved)

Approved Authorization to Advertise for Bids for Open-End Construction Services Emergency Projects, Bid No. 2010-02-FC.

Scope of Work: Provide open-end construction services and other related services, as needed, in response to declared emergencies for the services in Exhibit 1.

Currently the District has 56 contractors under contract to respond to declared emergencies and 5 of those contractors will expire by July 23, 2010.

Staff recommends this action in order to maximize available resources in the event of future declared emergencies. The subject bids are being advertised and open-end contracts will be recommended for award to pre-qualified Contractors in order to pre-position the procedures, contracts, and resources necessary to support the District's operations.

The open-end contract amounts range from \$500,000 to \$10,000,000, and are for a three-year term.

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

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In the event of a declared emergency, funds for projects requiring use of these contracts would come from District reserves and then staff would seek reimbursement from appropriate Federal, State, and local agencies and/or from the District's excess insurance carriers. This item is not affecting the overall budget; therefore it does not require a collaboration form from the Capital Budget Department.

- J-20. Authorization for Superintendent of Schools to Transfer or Donate Surplus Portable Classrooms To Section 501(c) Organizations for Export and Use in Haiti for Humanitarian Purposes Including Earthquake Relief and Recovery (Approved)

Authorized the Superintendent of Schools to take such actions and execute such documents as are in the best interests of The School Board of Broward County, Florida, to transfer, donate or otherwise dispose of any portable classroom units that have previously been declared surplus by The School Board of Broward County, Florida, including, without limitation, their transfer or donation to Section 501(c) private nonprofit organizations for export and use in the Republic of Haiti for humanitarian purposes including earthquake relief and recovery so long as the cost of transferring any such surplus property shall be paid by the private nonprofit agency.

The School Board of Broward County, Florida, has previously declared a number of portable classroom units to be surplus property. In order to serve the best interests of the school district, The School Board is requested to authorize the Superintendent of Schools to take such actions and execute such documents as may be necessary to expeditiously dispose of any or all of such surplus portable classroom units or to transfer or donate such surplus property to Section 501(c) private nonprofit organizations for export and use in the Republic of Haiti for humanitarian purposes including earthquake relief and recovery so long as all costs of transferring the surplus property are paid by the private nonprofit organizations. Section 274.05, Florida Statutes, permits governmental units to offer surplus property to private nonprofit agencies that are tax-exempt under Section 501 of the Internal Revenue Code of 1954.

There is no financial impact; therefore, a Collaboration Form is not required for this item.

K. OFFICE OF CHIEF FINANCIAL OFFICER

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

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

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

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

The financial impact of this agenda item is adjusting Revenue and Appropriation as indicated on schedules A and B for Capital Budget activities as of February, 2010.

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

Approved the General Fund Amendment I-6 for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 2/28/10.

Recognize changes in Revenues and Appropriations through 2/28/10.

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

Approved the Special Revenue (Other) Amendment IV-6B for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 2/28/10.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 2/28/10.

K-4. Interim Financial Statements for the Period Ended January 31, 2010
(Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve the Interim Financial Statement for the period ended January 31, 2010.

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

There is no financial impact to the district.

Mr. Tynan inquired about the current status of the district's funds.

Mr. Benjamin Leong, Chief Financial Officer, informed that the Fund Balance is within the state guidelines and at the end of January 2010 it was at 3.3 percent. It is hopeful that this percentage will be maintained throughout the year until the end of the year. Mr. Leong opined that the district will meet its budget this year.

Ms. Dinnen inquired what the impact would be to the district if the percentage falls below 3.3 percent.

Mr. Leong responded that the Superintendent will need to notify the School and the State Commissioner of Education. The Commissioner would not require any action, but if it falls below 2 percent the Superintendent would again need to notify the parties and the Commissioner would have the authority to appoint an oversight committee.

Ms. Dinnen noted that the Budget Committees of the House and Senate are currently meeting to discuss the budget and there is the possibility of a "hold back."

Mr. Notter informed that the recession has been ongoing for over two years and there has been \$136 million in less funding from the state over this time period. He stated that one-time money has to eventually be replaced; the district has always maintained close to 4 percent reserves so that consistency is maintained through the end of the year. Mr. Notter stated that some of the one-time money that has been used has been from the reserves.

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

CC. BOARD POLICIES

CC-1. Revision of Purchasing Policy 3320 (Adopted)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to adopt Revision of Purchasing Policy 3320, at the final reading. Dr. Parks had not yet assumed her seat on the dais. (8-0 vote)

The following recommended changes are requested to more closely align The School Board of Broward County, Florida (SBBC), Purchasing Policies with the Florida Administrative Code 6A-1.012(F.A.C.). The changes to the Florida Administrative Code were revised in 2009, based on a proposal submitted for consideration by SBBC's legal department with assistance from the Director of Supply Management & Logistics. The revision provides corrections to issues experienced as a result of a bid specification protest in 2006. The revised policy provides clarification by adopting definitions and more clearly defines various procurement options. The previous rule did not take into account some of the modern best practices in use to achieve maximum value in public procurement. The rule changes allow for awarding to multiple suppliers on bids as primary and alternate awardees, allowing for multiple awardees for RFPs, increases the competitive solicitation threshold from \$25,000 to \$50,000, grants authority to use contracts issued by governmental agencies such as cities, counties, and school boards from any state, and federal agencies, and more clearly defines commodities and services that are exempt from competitive purchases.

(See e-Agenda for continuation of Summary Explanation and Background.)

There is no financial impact to the district.

Mr. Moquin provided an explanation of the item, stating that the item is the final version of the revisions to Policy 3320, the Purchasing Policy. The changes aligned to the policy, modifications that were made to the state purchasing rules that allow the district to award to multiple vendors and to piggy-back off of other contracts. There was an issue relative to raising the post-approval authority, consistent with the Board's desire to maintain them at \$500,000 for competitively procured and \$1 million for bids.

CC-2. Delete Purchasing Policy 2081 – Contracts By Individual Schools
(Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to adopt deletion of School Board Policy 2081, at the final reading. Dr. Parks had not yet assumed his seat on the dais. (8-0 vote)

The revision to Policy 3320 renders Policy 2081 redundant, and the deletion of Policy 2081 will allow for a consistent application of purchasing policy. Individual schools will no longer be required to evaluate their own RFPs. Instead, one RFP will be issued to meet the needs of the schools for each classification previously covered by Policy 2081.

There is no financial impact to the district.

Mr. Moquin informed that the item is a deletion of individual contracts and the policy is now redundant with the changes in Policy 3320 because the district is allowed to award to multiple vendors. The policy was providing flexibility to schools to pick their own vendors, enter into individual contracts for the purchase of diplomas and class-ring type items.

CC-3. Delete School Board Policy 6302 – Use of Consultants (Adopted)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to adopt the deletion of School Board Policy 6302, at the final reading. Dr. Parks had not yet assumed his seat on the dais. (8-0 vote)

The revision of Policy 3320 renders Policy 6302 redundant, and the deletion of Policy 6302 will allow for a consistent application of the purchasing policy. These services will be incorporated in the professional services section of the revised purchasing policy, which will include consultant services. Professional services, including consultant agreements, which are exempt from bidding and over \$50,000, will require School Board approval.

There is no additional financial impact to the district.

No discussion was held on this item.

CC-4. Revisions to Policy 1002.1 – Office of the Chief Auditor (Adopted)

Motion was made by Mrs. Kraft, seconded by Mr. Williams and carried, to adopt Revisions to Policy 1002.1 – Office of the Chief Auditor, at this final reading. Dr. Parks had not yet assumed his seat on the dais. (8-0 vote)

These revisions are requested in order to update and clarify the Policy that relates to the operations of the Office of the Chief Auditor.

There is no financial impact to the school district.

Mr. Tynan inquired whether the Office of the Chief Auditor is comfortable with the changes.

Responding affirmatively, Mr. Notter stated that the item has been presented to the Executive Leadership Team on numerous occasions.

CC-5. Revisions to Policy 5.9: Anti-Bullying (Approved as amended)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to adopt revisions to Policy 5.9: Anti-Bullying, at this final reading. This motion was superseded by Motions to Amend (pages 62, 63 and 64).

The School Board of Broward County, Florida approved the Anti-Bullying Policy on July 22, 2008. An update was provided at a School Board workshop on January 19, 2010. Based on the direction from the Board at that time, the revisions provided here were made. These revisions are intended to clarify definitions and policy requirements.

There is no financial impact to the district.

Mrs. Bartleman requested that information on bullying be posted on the school website and to provide an alternative method for individuals to report a bullying incident. She stated that individuals providing information, especially the victim, find it hard to come forward and place the information in the bullying box.

Concurring, Mrs. Leah Kelly, Executive Director, Student Support Services and ESE, stated that with the Silence Hurts campaign there has been an integration of this information in the district's website and school websites.

Mrs. Hope inquired whether students know the direct contact person at their school to report a bullying incident.

Mrs. Kelly stated there is not a single person but anyone can and should report to whomever they feel comfortable with. Teachers are encouraged to make personal contacts with students so that they do feel comfortable.

Mrs. Hope requested that this information be placed on the website, that every employee is a contact person that the student is comfortable with.

Mrs. Gottlieb voiced concern by students regarding the bully and the victim being assigned to the same school. (She provided verbiage to amend the policy in this regard).

Mrs. Kelly informed that in Agenda Item CC-7, Policy 5006 – Discipline Policy: Suspension and Expulsion, language was inserted regarding reassigning students based on minimizing victimization but there was not specific language in the bullying policy. The amendment proposed by Mrs. Gottlieb is similar language but it applies to this policy, specifically allowing reassignment when there has been a confirmed bullying case.

Mrs. Gottlieb recommended an amendment to the policy.

Motion to Amend (Carried)

Motion was made by Mrs. Hope, seconded by Ms. Dinnen and carried, to amend page 6, Section V: **Disciplinary sanctions (consequences) and due process for a person who commits an act of bullying under this policy.** Add 1a. All steps necessary to protect the victim from further violations of this policy by a perpetrator will be taken, and may include, but are not limited to, assignment to a different school from that where the offense occurred. Only the Superintendent or designee may make such an assignment. In such cases of reassignment, the district will provide transportation.

Mrs. Kraft stated she supports the motion and coming back for a third reading.

Mrs. Gottlieb recommended that the transportation portion be aligned with statutory language.

Mrs. Kelly informed that Policy 5006, and Policy 5.8, the Code of Student Conduct, would need to be aligned with the anti-bullying policy. 5.9.

Mrs. Kelly informed the Board that Senate Bill 1540 talks about protecting the victim from further victimization and it does not indicate that anyone is removed from any place. The Board and Ms. Maria Schneider, State Attorney, have requested that clarification be made that it could include removing a student from a school and reassigning them. Mrs. Kelly stated if a court issues a no-contact order for a student or a teacher the district will need to comply; if the order specifies that the student needs to attend a different school the district will need to provide a different school. She said the policy needs to communicate to parents and students what may happen if certain things occur. It will require documentation showing due process was followed and the Superintendent would have the final decision.

Following discussion by the Board on this amendment, Mrs. Bartleman requested a friendly amendment that transportation be provided so that parents do not have to pay to transport their child who has been reassigned to another school outside their home boundary.

Mr. Marko advised that a substantive change would require another reading of the policy. He stated he would research the legal question.

A vote was taken on the Motion to Amend.

Mrs. Kraft requested that staff indicate the changes made to the policy following the Board workshop.

Mrs. Kelly referred the Board to the Summary of Substantive Changes, and stated that the clarity language is on page 2, B. Harassment, 4 ... and/or school district work environment. Same page, D. Cyberbullying, an addition was made: texting on cell phones, sexting, or video voyeurism. Other additions included on page 3, added definition, I. Victim; page 4, number 6., added language addressing off campus incidents that might lead into the school, and impact on school environment; page 7, added clarifying language regarding the reporting process and language to clarify who initiates the bullying report, and that anyone can file a bullying report through the Silence Hurts initiatives or through the bullying box; page 7, added language to include guardians and parents; pages 7 and 8, information language to designate the school's single point of entry for the Anonymous Reporting Box and Silence Hurts portion; page 8, added language to include investigative designee as a party who processes the complaint, and language to further define the school and the path they should take if they find they need to refer to outside agencies or law enforcement; pages 8 and 9, added language to clearly delineate the procedures for informal resolution to make sure that interviews are held separately and not with all parties in one room.

Page 9, added language to include alleged victims as parties who can submit a written complaint and added language to include written notice to parents of a bullying incident. Page 9, deleted language to ensure that the prevention liaison at the school, often a classroom teacher or support personnel, is not the person assigned to investigate the bullying complaint; and added language to ensure the bullying investigation would be conducted by the investigator designee, an administrator, who can follow through on the disciplinary actions needed and the assistance and support needed. Pages 9 and 10, clarifying language about complainants versus victims; page 10, added language to ensure that the determination of a bullying complaint and notifications are done in a timely manner. Page 13, added language for proper citation of the policy from the Board Attorney's office.

Following discussion between Mrs. Kraft and Mrs. Kelly, the following motion was offered:

Second Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to amend page 4, Section II. **Expectations**, add to paragraph V.: However, if a student's ability to receive an education or a school's ability to provide an education is significantly impaired, as determined by the school district administration, disciplinary sanctions may be issued. (See Section 5 1.a on page 6).

A vote was taken on the Second Motion to Amend.

Mrs. Hope reiterated the assurance of parents and students that there be points of contact to report a bullying incident.

Mrs. Bartleman stated that if all employees are to be contacts the training must be extended and that provisions and funds be in place to train every person at the school.

Third Motion to Amend (Carried)

Motion was made by Mrs. Hope, seconded by Ms. Dinnen and carried, to amend page 6, B., add a first sentence, to read: Students may report incidents or suspected incidents of bullying to any employee of the school system.

A vote was taken on the Third Motion to Amend and on the item as amended.

CC-6. Policy 5.5: Attendance (Approved)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to approve the proposed revision to Policy 5.5: Attendance at this first reading, for 2010-11 implementation.

Policy 5.5 was revised by the District Attendance Committee. The Legal Department provided direction on the shaping of the language for the proposed changes. Changes include: efforts to request current demographic information from parents; and as directed by the Board, the issue of 18 year olds independently signing in and out of school. The revised section of the policy was presented at the School Board Workshop on March 9, 2010, as a part of the Code of Student Conduct presentation.

There is no financial impact to the district.

Responding to Mrs. Kraft's inquiry, Mrs. Kelly confirmed that the only change to the policy is on page 6, the contact information and the emancipation of the student of majority.

Mrs. Kraft inquired whether e-mail addresses are being requested in the emergency contact portion.

Responding affirmatively, Mrs. Kelly stated that e-mail addresses have been requested, in the emergency contact section and on the registration form. She stated staff is reviewing the process of a sign-up for e-mail, as used currently by the ESE department for parents to get on their mailing list.

CC-7. Policy 5006 – Discipline Policy: Suspension and Expulsion
(Approved as amended)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to approve revisions to Policy 5006 – Discipline Policy: Suspension and Expulsion, at this first reading. This motion was superseded by Motions to Amend (page 66 and 68). Ms. Dinnen was absent for the vote. (8-0 vote)

At the Board Workshop on March 9, 2010, staff provided Board members with recommended changes from the Policy 5006 workgroup and additional staff work. At the direction of the Board, those changes are reflected in these policy revisions.

The revisions align this policy with the Zero Tolerance Legislation (SB 1540) and address consequences for different drug infractions based on Board direction. The definition section has major revisions to provide clarifications and more information for all stakeholders in understanding and implementing the policy. These changes are reflected in the Code of Student Conduct (Policy 5.8) revisions for 2010-11 and 2011-12.

The Chart of Substantive Changes addresses the major changes made. There is no financial impact.

Remarking that the Discipline Matrix meeting was held on March 24, 2010, Mrs. Bartleman informed that there is a 500 percent increase in battery reports to the state largely because of ESE/autistic students hitting employees. Voicing concern over the growing numbers, Mrs. Bartleman stated it goes back to behavior intervention plans and staff training. She stated there is concern over autistic children being arraigned in court for a behavior that is a part of their disability. Mrs. Bartleman requested that a plan be presented to address this issue and to bring forward the number of ESE students that are in alternative to suspension centers.

Mrs. Kelly informed the Board that she discussed with Mr. Marko mirroring the language in the anti-bullying policy.

Motion to Amend (Carried)

Motion was made by Mr. Tynan, seconded by Mr. Williams and carried, to amend page 1 of 14, add and strike language to last paragraph, fifth sentence: ~~In these instances~~ Only the Superintendent/Designee may..... Should the district make such a reassignment, transportation shall will be provided by the district. ~~the responsibility of the parent, unless there is transportation available at no additional cost to the district.~~

In addition, second line ... With infractions that require mandatory expulsion (See Section V) or involve serious, repeated acts of bullying, such actions may include ... (to list Policy 5.9: Anti-Bullying).

Discussing the violent acts against teachers by some students, Dr. Parks stated there needs to be a fine balance between students' rights and the teachers' rights.

A vote was taken on the Motion to Amend.

Mrs. Kraft, who referred to page 2, Section I, inquired whether the section regarding Offenses/Unacceptable Behavior, every reasonable effort is being made to correct student misbehavior, was moved to another section.

Mrs. Kelly responded that the section was moved to page 1, fourth paragraph.

Mrs. Kraft referred to Section 1 A., 6., petty acts of misconduct, and inquired whether this is being cross-referenced with regard to the subjection of discipline if someone makes a false statement.

Mrs. Kelly responded that a student will still be disciplined and there will be a follow-up as whether it was cross-referenced.

Mrs. Kraft referred to Section 1 A. 7., which was stricken through. She inquired why this sentence was deleted.

Mrs. Kelly responded that this is not an all-inclusive list and the offenses listed in the Code of Student Conduct, the general feeling was to list them all out or to leave it out of the list with the understanding that there are other petty acts of misconduct. Mrs. Kelly said staff was attempting to keep the list as specific as possible, but it is not all inclusive.

Mrs. Kraft, who referred to page 3, 2., inquired why "distribution" was deleted.

Mrs. Kelly concurred that distribution was duplicative of "transmittal."

Referring to page 4, Section III: Drug and Substance Abuse Offenses Leading to Suspension and Possible Expulsion, Mrs. Kraft discussed the definition of authorized. She inquired whether there is a distinction between a student who takes his personal prescription to school, is authorized to own that prescription versus the student who takes their mother's diet pills to school which is not authorized.

Mrs. Kelly responded that authorized is defined on page 12/14, P., any medication not authorized as part of Policy 6305 which is the Administration of Medication and Treatments policy. She stated if a student is in possession of their own medication they are in violation of Policy 6305, but is not considered unauthorized under this definition that would cause an expulsion.

Responding to Mrs. Bartleman's inquiry, Mrs. Kelly stated that the Workback is included but it is not included on the list. She stated that students in possession of their own medication, the first possession where they are found with their own medication, a conversation is held with the student and the parent about Policy 6305. There is no disciplinary action taken at that time. Mrs. Kelly further stated that Policy 6305 is included in the Code of Student Conduct. She noted that in the Code of Student Conduct there is additional information that goes into the booklet that is not a part of the policy and this issue can be specified.

Ms. Murray discussed the vagueness of the guidelines regarding medications taken by students. She stated the guidelines should indicate if a student is carrying medication to school they are to turn it in and go to the dispensary to get it. The guidelines should be a little more liberal for someone who forgets.

Concurring, Mrs. Kelly stated if a student has their own prescription medication and they are giving it to somebody else, that falls within a different part of the policy.

Mrs. Kraft stated that if the student either inadvertently, carelessly or deliberately gives their medication to someone else that changes everything.

Mrs. Kelly informed that the video will contain an explanation of the final policy changes.

Mrs. Hope indicated that page 12 of 14, 10., Over the Counter Medications has been deleted. She stated there have been numerous incidents of students passing out from taking these medications, such as cough syrup.

Mrs. Kelly responded if the over the counter medications are mood altering, they are listed in the other categories such as narcotics.

Dr. Parks stated that at a recent event Sheriff Al Lamberti stated the medicine cabinet will be the next drug center. He inquired whether there is an informational program in place. Dr. Parks stated that cyber-bullying and mood-altering drugs are the two biggest issues.

Mrs. Kelly stated there are programs in place on substance abuse, different programs in the schools, and the district works closely with Joel Kaufman, Starting Place, who is knowledgeable about substance abuse. Mrs. Kelly noted that Mr. Kaufman suggested the inclusion of some of the most rampant mood-altering substances that are seen in schools, the examples that were added.

Referring to page 12 of 14, Section I., Mood Altering Substance, Mrs. Kraft inquired whether aspirin or Tylenol falls under this section.

Mrs. Kelly stated that aspirin type medications would fall under a first offense for Policy 6305, and Section II in this policy covers over the counter medications, stressing that Policy 6305 is the guiding point on these issues.

Mrs. Bartleman requested that data on herbal medications be collected and that training be provided as to whether or not these supplements will become an issue, such as energy drinks.

Responding to Mr. Tynan's inquiry, Mr. Marko advised that Florida Statutes allow the Board to promulgate rules or policies under 120.54 which says unless the power is expressly authorized by statute a policy cannot be retroactive.

Mrs. Kelly requested an amendment to further align this policy with the anti-bullying policy, to page 6/14, Section IV. She said there is nothing in this policy that refers to bullying.

Second Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to amend page 6/14, Section IV: A.1., add language" Willful disobedience and/or open defiance of authority or violations of Policy 5.9: Anti-Bullying.

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

CC-8. Policy 5.8: Code of Student Conduct (Approved as amended)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to approve revisions to Policy 5.8: Code of Student Conduct 2010-11 and 2011-12, at this first reading. This motion was superseded by Motions to Amend (pages 70 and 71).

At the Board Workshop on March 9, 2010, staff provided Board members with recommended changes based on Board direction at the September 10, 2009, Board Workshop and the Code of Student Conduct workgroup. Policy 5006 (Discipline Policy: Suspension and Expulsion) was also shared at the March 9th Workshop, with revisions that align with SB 1540 (Zero Tolerance legislation). Revisions to Policy 5.8 (Code of Student Conduct) include those directed by the Board at the March 9th workshop, and align with Policy 5006 revisions as well.

These changes are being proposed for the 2010-11 and the 2011-12 school years. No further changes will be brought forward for these years unless there are mandated legislative changes or the Board requests further revisions.

The Chart of Substantive Changes addresses the major changes made.

There is no financial impact.

Mrs. Bartleman requested that all policy information be included in the instructional video and the sexting definition. She discussed the recent attack at Deerfield Middle which began by someone texting through their phone, similar to a stranger-danger situation.

Mrs. Kelly informed that the Superintendent has requested staff to organize a "think-tank" on appropriate technology usage which will include the conversation that needs to occur with the group that will include students, parents and teachers.

The Student Advisor informed that Student Government held a workshop to discuss this issue and a general consensus indicated that during non-instructional time there should be no reason why students could not be able to communicate using personal technology.

Mrs. Kelly responded that staff needs to define how to provide information to students, parents and staff on what is and what is not appropriate, and whether there should be a consequence for some of those things currently deemed appropriate.

Mrs. Hope stated the potential of a device being used in a harmful way to students should be evaluated when crafting this policy.

Concurring, Mr. Notter stated that best practices need to be reviewed, including a review with principals. He stated the result of improper use will not be known until after an event has occurred.

Mrs. Bartleman stated that additional data gathering should be conducted.

Remarking that the reality of being in a classroom setting is unknown to the Board, Ms. Dinnen stated you cannot control how someone will use a device. She stated that advice and viewpoints from staff in a classroom setting would be essential before she would make a change.

Mrs. Kraft inquired whether a caveat can be included that indicates if a student is using their cell phone for communication purposes to warn of an incident, to report a bullying incident, that would exempt them from any discipline.

Following discussion regarding personal technology use, Mrs. Kraft offered a substitute amendment:

Motion to Amend (Failed)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman, to amend page 8, third bullet, add to sentence: No cell phone or other personal technology may be used for communication purposes during instructional time except under the direction of a teacher or administrator for instructional purposes. Using personal technology including as a communication device during all non-instructional or non-class time activities will not be subject to discipline under this policy. A roll-call vote was taken: Mrs. Bartleman, Mrs. Gottlieb, Mrs. Kraft, and Mr. Tynan voted "yes." Ms. Dinnen, Mrs. Hope, Ms. Murray, Dr. Parks and Mr. Williams voted "no." (4-5 vote)

Ms. Murray stated this is a safety net for students, and all stakeholders need to be present to discuss this issue.

Motion to Defer (Withdrawn)

Motion was made by Mr. Tynan, seconded by Mrs. Hope, to defer the agenda item.

Following discussion on the deferral, Mr. Marko advised that the amendment be voted on prior to the deferral.

Mr. Tynan withdrew the deferral.

Following discussion and a vote on the Motion to Amend, Mrs. Kraft offered a Motion to Amend.

Second Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to amend by adding language: Students will be allowed to use their cell phones or other personal technology for communication purposes to report a potentially dangerous situation.

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

Mrs. Kelly requested an amendment to further align the policy, on page 34.

Third Motion to Amend (Carried)

Motion was made by Mr. Tynan, seconded by Ms. Dinnen and carried, to amend page 34, **Other Offenses (Non-Drug and Non-Substance Abuse Offenses) Leading to Suspension and Possible Expulsion**, first bullet, sentence to end with ... authority or violations of Policy 5.9: Anti-Bullying.

Following a unanimous vote on the Third Motion to Amend, Mrs. Kelly requested an amendment to further align the policy, on page 36.

Fourth Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Murray and carried, to amend page 36/37, **Expulsion/Expulsion Abeyance**, 6., add to second sentence ... With infractions that require mandatory expulsion (See Section V) or involve serious repeated acts of bullying, such actions may include ...

Strike and add to sentence: ~~In these instances,~~ Only the superintendent/ designee may assign a student to another school. After completion of the mandatory requirements for expulsion abeyance or after compliance with the bullying complaint procedures.

Strike and add to sentence: Should the district make such a reassignment, transportation ~~shall be the responsibility of the parent, unless there is transportation available at no additional cost to~~ will be provided by the District.

A vote was taken on the Fourth Motion to Amend.

Mrs. Kelly confirmed that the issue of the possible student protest next year will be re-addressed, with memos submitted to principals directing them on how they need to operate. She stated that statute provides that each student must be given a copy of the Code of Conduct and it should be a hard copy. There is information from other districts and staff is exploring how they are handling it; providing the Code of Conduct online with a sheet to sign off.

A vote was taken on the item as amended.

CC-9. Policy 6000.1: Student Progression Plan (Approved)

Motion was made by Mrs. Hope, seconded by Mrs. Bartleman and carried, to approve revisions to Policy 6000.1: Student Progression Plan, at this first reading.

At the Board Workshop on February 9, 2010, staff provided Board members with recommended changes from the Policy 6000.1 workgroup. At the direction of the Board, those changes are reflected in these policy revisions except for the recommendation regarding exam exemptions/waivers for student taking high school courses.

A workgroup has been convened to address exam exemptions and will include teachers, students and parents as the Board directed. Recommendations from this workgroup will be brought forward to a Board workshop, as directed.

The Chart of Substantive Changes addresses the major changes made.

There is no financial impact.

The Student Advisor discussed a progression plan whereby a computer decides what class a student can be placed into and they are locked into that class until a form is filled out and signed by the guidance counselor and their parents. Itai indicated the difficulty in seeing a counselor due to the long lines. He stated that the recommendations should remain as recommendations and not as lock-in courses.

Concurring, Mrs. Bartleman voiced concern over locking students into a class. She stated there is an override system used at her daughter's middle school which should be implemented system-wide. Mrs. Bartleman stated that parents should have discretion.

Ms. Dinnen inquired whether the policy has implemented this language.

Mrs. Kelly responded that the Master Scheduling Project discussed by the Student Advisor is not reflected in this policy. The procedures are outlined in a standard operating guideline.

Ms. Dinnen requested that the Superintendent consider the comments under this agenda item in reviewing the procedures that are affected by this policy. She stated it is not germane for the Board to consider this now because the Board is considering to approve or not approve this agenda item.

Ms. Murray stated that there needs to be a clearer message, a guideline that goes out prior to the schedules being finalized.

Mrs. Hope voiced concern over adding an additional piece of software and another layer of work for students. She concurred with a review of the policy.

Mrs. Kraft inquired about the timeline for resolving the exam exemptions and waivers, and a workshop being convened, whether this will be resolved prior to the start of the next school year.

Mrs. Kelly responded that staff is attempting to work on this quickly, but Senate Bill 4, new high school graduation requirements, is a significant issue that may apply to this portion of the policy. She stated that all waivers are being reviewed to ensure there is no conflict with Senate Bill 4. The intent is to bring a recommendation for next year but it is doubtful that recommendations in policy form will be made before the start of the school year.

CC-10. Proposed Revised Job Description and Minimum Qualifications for the General Counsel position for The School Board of Broward County, Florida 2009-2010 Organizational Chart (Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to adopt the proposed revised job description and minimum qualifications for the General Counsel position for The School Board of Broward County, Florida 2009-2010 Organizational Chart. This is the final reading.

The job description for the position of General Counsel was originally developed and adopted in 1996. The Legal Services Committee recommends that the revised job description be adopted by The School Board to be in concert with the Request for Letter of Interest (RLI) for General Counsel Services, which was approved by The School Board on February 2, 2010. See the Executive Summary for more detail.

Funding for this position is included on the 2009-2010 Organizational Chart. There is no additional financial impact to the district budget.

No discussion was held on this item.

CC-11. Proposed New Job Description and Minimum Qualifications for the On-Line Course Designer Positions for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to adopt the proposed new job description and minimum qualifications for the On-Line Course Designer positions for The School Board of Broward County, Florida. This is the final reading.

The job description for On-Line Course Designer has been created to complete a job study of TSA positions and to formally establish this as a permanent, full-time position which designs staff development material which is delivered online through Broward Virtual University. See Executive Summary.

There is no additional financial impact to the district budget.

Mrs. Kraft requested clarification regarding the advertisement of job descriptions for previous TSA positions.

Mr. Marko responded that the creation of a new position would require an advertisement of the position. The TSA positions are in existence and have been in existence for some time, assigned duties and responsibilities which were not codified as such. Mr. Marko stated the desire is to eliminate the TSA assignment, using the same person doing the same job but creating a job description. Policy 4011 talks about filling vacancies versus filling a brand new position. He stated there is no change other than the designation; the individual has been doing a specific job and there is no change in pay grade.

Mr. Notter stated that the job description is being created around the functionality of what the person is performing on a day-to-day basis. Subsequently a determination is made whether the position will become a bargaining unit position or non-bargaining unit position.

Mrs. Norma Segal, Compensation Manager, informed that the two TSA job descriptions are on the teacher salary schedule and their calendar is also consistent with a teacher calendar, so there is no change in pay. The work being performed does not necessarily require teacher certification and the nature of the work is year round rather than consistent with the school year. Their pay would have been extended for the longer year.

Responding to Mrs. Bartleman inquiry, Mrs. Gracie Diaz, Acting Associate Superintendent, Human Resources, stated that the employees are still in the teacher bargaining group and they would be protected.

(Mrs. Kraft requested a cross-reference of this discussion to be incorporated under Agenda Item CC-12).

CC-12. Proposed New Job Description and Minimum Qualifications for the Instructional Facilitator – Innovative Programs Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Mrs. Hope, seconded by Ms. Dinnen and carried, to adopt the proposed new job description and minimum qualifications for the Instructional Facilitator – Innovative Programs position for The School Board of Broward County, Florida. This is the final reading.

The job description, for Instructional Facilitator – Innovative Programs, has been created to complete a job study of TSA positions. This action will formally establish this as a permanent, full-time position which serves as the curriculum and program facilitator for all magnet and innovative programs. See Executive Summary.

There is no additional financial impact to the district budget.

Mrs. Kraft requested that the discussion on the TSA issue held under Agenda Item CC-11 (page 74) be cross-referenced with this item, CC-12.

CC-13. Revision to Policy 4.9, Employee Disciplinary Guidelines (Deferred)

Motion was made by Ms. Murray, seconded by Mrs. Hope, to approve the revisions to Policy 4.9, Employee Disciplinary Guidelines, at this first reading. This motion was superseded by a Motion to Defer (below).

As a result of employee and public feedback on the consistency and fidelity of the employee investigatory process, revisions to Policy 4.9, Employee Disciplinary Guidelines are being recommended to enhance the process.

This item is being brought forth by School Board Member, Robin Bartleman.

There is no financial impact to the district.

Mrs. Gottlieb referenced a memorandum requesting a deferral of the item.

Motion to Defer (Carried)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to defer the agenda item until a Board Workshop.

Mr. Notter informed that he will meet with Mr. Marko, Mr. David Golt, Executive Director, Professional Standards, Special Investigative Unit, and Ms. Diaz. He stated that ultimately the policy will be brought back for the full committee (Employee Unions, Meet and Confer groups, and community members) to review and debate. Mr. Notter stated if there is agreement with the committee there will be no need for a workshop; if there is no agreement he will present the policy for a workshop.

Ms. Dinnen stated that her concerns and questions for the committee, illustrating the mechanism, will be forwarded to Mr. Notter to present to the committee.

Mr. Williams recommended that a 30 minute workshop on this issue would be essential, with the committee present to discuss the issue with the Board.

Mrs. Bartleman concurred with a deferral because of the process and it is an important issue to present at a meeting rather than a workshop so that the public can speak.

Mrs. Gottlieb stated it was her recommendation to not workshop the item and it would be appropriate to discuss on the dais with public opinion. She stated that legal counsel has indicated there are legal issues to consider.

Ms. Dinnen stated the policy deals with work conditions and discipline could result in a person being removed from their position, a contractual element that should be explored and see how it links to Policy 4.7.

Mrs. Kraft stated that this policy has bypassed the Board and collectively the Board has not had an opportunity to discuss it. She said she appreciates the work of the committee as they are the ultimate stakeholders that will be affected. Mrs. Kraft further stated the Board has not had the initial workshop to discuss the product that was being worked on. Remarking that it has not come through the normal process, Mrs. Kraft said she would rather "dissect" the policy without the pressure of other pressing items on the workshop agenda.

For the record, Ms. Dinnen stated that it is a bargaining item and this should be investigated.

Mr. Notter informed that the item could be deferred until after a workshop, the next available workshop.

Mrs. Bartleman stated, for the record, that the policy has been "stuck" in a workshop for a long time.

A vote was taken on the Motion to Defer.

DD. OFFICE OF THE CHIEF AUDITOR

EE. CHIEF OPERATIONS OFFICER

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

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

BID/RFP Title – Location – Amount

10-081N Automated Messaging Solution – ETS – Amount:
\$1,650,000

RFP #10-081N for Automated Message Solution was issued to replace the previous contract for automated messaging which expired. The three primary uses for the system are: (1) truancy notification, (2) the dissemination of school announcements, (3) delivering District informational announcements and emergency messaging. The RFP clearly articulated the need for the proposed solution to integrate with Terms and the District's grade-book program as part of its automated messaging. ETS had previously integrated the system to include messaging services for the Food and Nutrition Service's point of sale accounting system, the library circulation system, and the Edulog bus routing system. Upon issuance of a competitive solicitation and subsequent evaluation, the currently used solution, Parent Link, offered by Parlant Technologies was selected as the top ranked proposer.

Award of this RFP recommendation does not mean the amount shown will be spent. This amount represents the estimated spending authority, which may be spread through the term of this contract from available funds already included in various school/ department/ center budgets.

This recommendation aligns with the Strategic Plan for Technology Goal TI-1: Achieve Standardization of educational specifications for technology, infrastructure, training, use and support throughout the District, and OP-4: Increase organizational effectiveness through alignment of resources and transition of customer-focused organization.

The financial impact of this RFP Recommendation is \$1,650,000.

Responding to Mrs. Kraft's inquiry, Mr. Moquin stated that the company is Parlant and the solution is Parent Link. He stated there were several other companies with solutions that had approached the district and management felt it was appropriate to seek another competitive procurement. Mr. Moquin informed that two companies submitted proposals and the current vendor was chosen as the highest rated proposer.

FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

GG. HUMAN RESOURCES

HH. ATTORNEY

II. OFFICE OF THE SUPERINTENDENT

JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

KK. OFFICE OF CHIEF FINANCIAL OFFICER

Adjournment This meeting was adjourned at 7:00 p.m.

RT