

Approved in Open Board Meeting, June 16, 2009

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

May 19, 2009
Tuesday, 10:15 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:18 a.m., Tuesday, May 19, 2009, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Maureen S. Dinnen; Vice Chair Jennifer Leonard Gottlieb; Members, Robin Bartleman, Beverly A. Gallagher, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, (Dr. Robert D. Parks was absent), Benjamin J. Williams, Superintendent James F. Notter, and Edward J. Marko, Esq.

Call to Order Ms. Dinnen, 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. Gottlieb, seconded by Mrs. Hope and carried, to approve the official minutes for the following Board Meetings: Dr. Parks was absent. Ms. Gallagher had not yet assumed her seat on the dais. (7-0 vote)

April 21, 2009 – Regular School Board Meeting
May 5, 2009 – Special – Student Expulsions
May 5, 2009 – Special – The Broward School Board Leasing Corporation

Added Items G-7, I-1

Close Agenda Upon motion by Mrs. Gottlieb, seconded by Mrs. Kraft and carried, the Agenda was approved and declared closed. Dr. Parks was absent. Ms. Gallagher had not yet assumed her seat on the dais. (7-0 vote)

SPECIAL PRESENTATION

Princeton Review Event

Board Member Mr. Williams informed that for the past few years the Fort Lauderdale NAACP has held a national event that benefits Broward County students, to provide opportunity to high school seniors to take the initiative of improving their SAT and ACT test scores, with over 500 students and over 400 parents taking part in this initiative.

Mr. Williams introduced Mrs. Gwen Watson, Youth Council Advisor, NAACP, who took the initiative to bring this event to the Broward County school system, with great appreciation for her support over the years.

Mrs. Watson stated one person cannot be as great as they can be without the support of a lot of people behind them. Mrs. Watson informed that the event was a collaboration between several entities – Take Stock in Children, School Board Members. She thanked Mrs. Hope for her outstanding first year participation, with one school having over 102 students who showed up for testing. Mrs. Watson presented the School Board with a plaque for their support and participation.

Mr. Sam Jordan, Interim President/Chief Administrative Officer, Broward County Boys and Girls Club, stated if a difference is to be made for children in the community it takes a community working together as a team, as together everyone achieves more. Mr. Jordan stated that a plaque indicates it is from the “NAACP and the Boys and Girls Club and presented to Keith Bromery, Phyllis C. Hope, James F. Notter and Benjamin Williams on the 19th day of May, 2009, in appreciation for your participation in the Annual National Day of College Prep.”

Mrs. Watson further stated that Princeton Review has agreed to come to the district to help students who have a problem with FCAT and not being able to graduate. They are going to be conducting special tutoring on the SAT which through the Legislative Session has become an option, to be able to graduate if a student passes FCAT or SAT. Mrs. Watson urged anyone to call Mr. Jordan if they have children ages 7 to 17, so they can be sponsored for one year free membership to the Boys and Girls Club of Broward County.

In addition to the School Board, Mr. Williams acknowledged DeVry University and Nova-Southeastern University as sponsors of this program.

Acceptance of the plaque by Board Members was photographed, alongside Mrs. Watson and Mr. Jordan.

Prevention Schools of Excellence

Ms. Gallagher acknowledged Project Bridge, a program that creates and implements comprehensive plans to provide students, schools and families with a network of effective services, supports, and activities that promote positive behaviors, development of emotional resilience skills, positive mental health and social actions, while limiting and/or preventing violent behavior and drug use. Project Bridge is funded by a federal Safe Schools/Healthy Students grant and is a collaborative effort among the following organizations: Broward County Public Schools, Department of Children and Families, Department of Juvenile Justice, United Way of Broward County Commission on Substance Abuse, Children’s Services Council, Broward Sheriff’s Office, and the Children’s Services Board.

The following Broward County schools are being recognized as Prevention Schools of Excellence for their outstanding efforts this school year in providing effective services, supports and activities that promote positive behaviors, development of resilience skills, positive mental health and pro-social actions, while limiting and/or preventing violent behavior and drug use: Lauderdale Lakes Middle School, Nova Middle, Nova Blanche Forman Elementary, Lifeskills Center, Pinewood Elementary, Nob Hill Elementary, Piper High, Rickards Middle and Lauderhill Middle.

Via video conferencing, the Prevention Liaisons and principals from each school introduced themselves.

District staff addressed the School Board. Mr. Amalio Nieves, Director, Project Bridge, praised the principals and Prevention Liaisons for their leadership and support of the Board's initiative.

Ms. Pat Cramer, Director, Substance Abuse/Mental Health Office, Department of Children and Families, commended the School Board for its participation and receiving the grant. Ms. Cramer stated that working as partners in the community will make the difference for all children.

Mr. Joel Kaufman, Vice-President, Executive Director, United Way on Substance Abuse, stated there is excitement about the partnership which will do great things for children. He acknowledged United Way staff Pat Castillo for working on this collaborative grant.

Ms. Karen Schwarzbaugh, Chief Program Officer, Children's Services Council, stated the Council is very glad to share its prevention focus with the School Board.

Mr. Scott Silverman, Section Manager, Broward County Children's Services Administration, thanked the School Board for their support and work with Project Bridge.

Ms. Gallagher thanked everyone for the partnership, as this is truly an important step in the anti-bullying and safe schools process.

REPORTS

District Advisory Council – Jennifer Martin

Vice-Chair Ms. Martin informed the Board that the Chair, Jeanne Jusevic is not in attendance today as she is attending the district Discipline Matrix Committee this morning.

The DAC held its last general meeting of the school year on Wednesday, May 13, 2009. She stated the presentation of the proposed bylaws changes was made before the district decided to move from four to three Area offices. Because many of the DAC seats are positions elected from four areas, the bylaws must be reviewed again and make changes that accommodate the district change to three areas. An approved copy of the new bylaws revision will be brought to the School Board in October 2009.

Ms. Martin reported that the North Central Area presented a motion to DAC regarding the discussions on merging SAC and SAF. A position paper in draft form was prepared and presented to the membership in lieu of a motion which provides, in part, that SAF provide open access to all parents regardless of their ability to pay and makes it easier for under-represented parents and minorities to be involved in an organization that is run by parents.

The Chair of the Strategic Plan Committee reported on survey results and will be available on the district's website until the end of the school year. The survey comments indicate that training and encouraging staff at schools are the most common themes among participants, and good communication was indicated as a good aspect of the advisory.

Ms. Martin further reported that a majority of the membership agreed to bringing everyone together for the DAC breakfast at the start of the next school year in spite of the cost to schools during these financial times. She stated this would send a strong message to parents and schools about DAC's goals. The discussion included whether the breakfast should emphasize training programs or whether training should be done separately. A Breakfast Subcommittee and a Training Committee was formed and they will meet over the summer to implement a training plan by the fall. The plan will attempt to find sponsors for the breakfast so that the cost can be reduced for schools.

Newly-elected ESE Chair, ESOL Chair, and Title I Chair attended the meetings. Questions were presented regarding unfunded mandates, pending amounts shown in the matrix of Board Workshop items. It appears that the change in the Organization Chart line item and in the reduced employee's calendar line item actually cost the district money.

Election results for the 2009-2010 school year were held: Chair, Jeanne Jusevic; Vice-Chair, Vacant; Recording Secretary, Donna Mattes; Corresponding Secretary, Maria Trotto-Marks; Communication Secretary, Bob Goldfarb. The membership will hold another election after summer break for Vice-Chair, as no one chose to run. Mrs. Martin informed the Board that she will not have a child in the district's school system next year, and as per policy she is not eligible for the position. She explained that due to circumstances in her family situation a decision was made that their child attend a non-public high school as it is in his best interest.

Ms. Martin stated she will continue to support public education and thanked the School Board for their support and wisdom.

Ms. Dinnen thanked Mrs. Martin for her years of service and her hard work.

Concurring, Mrs. Kraft stated that Mrs. Martin was also an instrumental leader in the Gifted Advisory Council.

Responding to Mrs. Kraft's inquiry, Mrs. Martin informed that a motion was made to form a Bylaws Committee in August 2009 so that the bylaws can be presented in October.

Mrs. Kraft requested that the Board schedule a workshop to address the DAC bylaws in August or September as there were many issues regarding parent involvement that the Board did not have an opportunity to discuss. She said Board Members felt very strongly that some improvement can be made to DAC through its bylaws. Discussing the training breakfast, Mrs. Kraft stated that a lot of people leave after the program and do not stay for the training. She requested that the subcommittee address this issue when they meet during the summer, that training take place earlier in the school year. Mrs. Kraft further requested that the Superintendent and the committee address the schools' budget and the expenditure for certain events, and whether the involvement of the principals in these events should continue.

Mrs. Martin responded that one of the concerns is that principals need to understand what the process is.

Mrs. Bartleman thanked Ms. Martin for advocating for students, including the Gifted students. She requested that everything be done to get the breakfast event underwritten or change the format or the menu so that people do not have to pay a lot of money.

Mrs. Martin responded that the current Vice Chair of Gifted Advisory is a businessman and he feels he can help in this arena.

Ms. Dinnen announced that Jeannette Thompson Erwin, Office Manager, Pompano Beach Middle School, has been chosen the School Related Employee of the Year for the state of Florida.

ESE Advisory Council – Robert Mayersohn

Mr. Mayersohn informed the Board that he was elected ESE Chair in April, including Melody Zamir, Vice-Chair; Jennifer Landress, Recording Secretary; Cathy Bilal, Corresponding Secretary; and Dennis Bailey, Joanne McKay and Ingrid Pinto will serve as part of the ESE Executive Committee.

A meeting was held to install the new board, and certificates of appreciation were presented to Mr. Bailey and his board in recognition of their valuable contribution for their outstanding service, leadership and dedication to ESE Advisory Council. Ms. Denise Rusnak, Director, Exceptional Student Education, was also recognized for her support, advocacy and guidance to parents and students. At the meeting, Ms. Rusnak made a brief presentation and answered questions in reference to the IDEA stimulus funds.

Mr. Mayersohn reported that the membership engaged in a dialogue of how to best implement an awareness campaign to encourage and facilitate a greater interest and support from parents. Ms. Billie Morgan, Special Needs Program Manager of Broward 211, presented her April report.

Gratitude was extended to the School Board, Superintendent Notter, Mr. Donnie Carter, Chief Operations Officer; Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support; Dr. Earlean Smiley, Deputy Superintendent, Curriculum; Mr. Michael Garretson, Deputy Superintendent, Facilities and Construction Management; and Area Superintendents for their support during the 2008-2009 school year.

A comprehensive written report was submitted to the Board.

Broward County Association of Student Councils and Student Advisor to the Board – Eti Raz and Sara Saxner

Eti reported that on Friday, May 15, 2009, the annual county convention of the BCASC was held at Pompano Beach High School. Superintendent Notter spoke to over 400 students about the current state of the School Board and about the importance of student input.

Students and adult lead workshops were held, with topics varying from ice-breakers, life at college, and FTEs. These workshops taught students to learn new ways to conduct service projects and to help students.

Elections were held to choose 2009-2010 BCASC officers: Parliamentarian, Everglades High School; Treasurer, Coral Springs High School; Secretary, Plantation High School; Middle School Vice-President, Gulfstream Middle School; High School Vice-President, Coral Glades High School; and County President, Marjory Stoneman Douglas High School.

Sara presented the School Board with a platter of fudge brownies, to launch the initial meeting and to start the 2009-2010 school year with something “sweet” to continue the past tradition of student advisors.

Facilities Task Force – Nick Sakhnovsky

Mr. Sakhnovsky reported that the Task Force met with the Diversity Committee on May 7, 2009, and on May 14, 2009 to review the meeting with the Diversity Committee. Following the May 14, 2009 meeting, the committee considered the three facilities categories, fully funded but not under construction, partially funded and not under construction, and neither funded nor under construction. Other aspects include the consent agree that the Diversity Committee has been involved with, the limitations that various Certificates of Participation provide, schools (11) under differentiated accountability (the Board is making an investment in for performance reasons).

Other priorities include health and safety, Americans with Disabilities Act, heating and air conditioning, indoor air quality issues, roof replacements, and the appropriate level of asset preservation or maintenance. Discussing the Board workshop scheduled for May 26, 2009, Mr. Sakhnovsky stated that a complete list of items will be presented to the Board for review, with a vote by the Board until the June Board meeting. He stated that additional recommendations will be made to the Board.

Mr. Sakhnovsky further reported that two resolutions were presented: That no discretionary funds be spent during the first quarter of the budget year, to permit for the accumulation of reserves in the event of a storm or hurricane.

An issue was brought up regarding relocatables, and portables are sometimes designed with a single entrance and the emergency exit is through a window, and some of the windows may not be accessible to young children. Mr. Sakhnovsky stated that a review will be made of this issue and get a report back on egress and exits of these windows.

Mr. Sakhnovsky discussed the potential in-sourcing of work, such as the printing program at McFatter which may provide services to the district.

Mr. Notter responded that there are some technical difficulties associated with the utilization of some of the technical programs, such that jobs are not taken away, such as the printing industry. The Superintendent stated there is a fine line between having students practice their trade and having jobs that would normally outsource to the community. Mr. Notter stated that he would work with staff on this issue.

Ms. Dinnen noted that last year and this year the state Legislature has significantly decreased the capital budget, the budget that is responsible for building new schools, even though there is declining enrollment, and it is responsible for holding the money that is used to replace schools and repair schools, and to add safety measures for schools and pay for hardware in technology, and purchase new buses. Ms. Dinnen stated the Board must look at these for the next five years and prioritize them; a lot of them will need to be taken off the plan at least on a temporary basis.

Mrs. Hope inquired whether there is a priority for ADA bathrooms that are not funded and not under construction.

Mr. Sakhnovsky responded there is a special category of funding for ADA. At one time the federal government increased the regulations, but contracts had already been issued by the Board approximately 7 or 8 years ago. Staff is now working to ensure that those gap years are brought up to level which is still allocated to be fully funded.

BOARD MEMBERS

Mrs. Bartleman introduced and acknowledged Mr. Peter Kennedy, who was acknowledged as a Volunteer of the Year, his wife Mrs. Kennedy, and Mr. Elliott Tillinger, Principal, Everglades Elementary School. Mr. Kennedy was unable to attend the recognition of volunteers at the May 5, 2009 School Board meeting.

Mr. Kennedy is the Senior Volunteer of the Year, who brings his love of science to students at Everglades Elementary School. Mr. Kennedy retired from the field of electrical and bio-medical engineering and has assisted students with science fair projects. Mrs. Bartleman stated that Mr. Kennedy is a great role model for everyone to become involved with school volunteers, especially retirees.

Principal Tillinger stated that Mr. Kennedy is a unique gentleman who is absolutely well schooled in the field of science and he brings to the school community of Everglades Elementary an amazing array of hands-on scientific examples. Mr. Tillinger stated that the children benefit from learning with him and in their minds it is strictly fun and games, as he makes learning exciting. Mr. Tillinger stated this school year Mr. Kennedy has dedicated over 300 hours to the students. Principal Tillinger presented a clock to Mr. Kennedy on behalf of Everglades staff and student body for his time at Everglades, that states: "Peter Kennedy in appreciation of your dedication and support, Everglades Elementary, Weston, Florida 2009."

Mr. Kennedy responded that he has been very successful in his career and thanked Mr. Tillinger for giving him the opportunity to pay back his debt, continuing to work with the students at Everglades. He stated it is very rewarding for him to volunteer, and his wife has been his mentor, encouraging him to volunteer. Mr. Kennedy thanked the School Board for their recognition. He noted that he is a product of the public school system in Dade County.

Mrs. Bartleman thanked Mr. Tillinger for the school's writing scores, one of the top scores in the county.

Mr. Tillinger thanked Mrs. Bartleman and Mrs. Hope for their time, dedication and support.

Mrs. Bartleman acknowledged Guidance Counselors for all they do.

On Mother's Day, Big Mama held a walk in Fort Lauderdale, Mothers for a Change, and Mrs. Bartleman acknowledged her hard work in the community.

Ms. Dinnen informed that she visited Pine Ridge Center for one hour, and requested the Superintendent to have a workshop and discuss what the centers do. Ms. Dinnen expressed gratitude to Angela Brown, Principal, for doing a great job.

Ms. Dinnen attended the National Board Teachers Recognition event, along with the head of the National Board Association, approximately 1,000 individuals.

Ms. Dinnen stated she was appointed to the Broward County Historical Commission. She said they have completely restored the old West Side School and the Historical Commission will be housed at this site, along with a community center.

Ms. Dinnen reported that the National Education Association began the campaign for a National Teacher Day, and Congressman Ron Klein is pushing legislation for a declaration of a National Teacher Day.

Ms. Dinnen congratulated Ms. Shamika Joseph, Seagull School, who wrote a winning essay at Nova-Southeastern University. A \$1,000 scholarship and \$3,000 was awarded to her.

Ms. Dinnen stated that Northeast High School students: Benny Tavares, Lena Mensal and Santiago Gomez won the Gates Millennium Scholars program, financial aid. Students are guaranteed a full scholarship from undergraduate through a doctoral degree by the Gates Foundation.

Ms. Dinnen informed that Speaker Greg Huddlestone was the President of the Broward Classroom Teachers Association years ago.

Ms. Dinnen stated that the vast majority of principals have discussed with their teachers who are put on surplus and have found out that they can no longer extend their DROP. She voiced concern that a teacher of 37 years found out through e-mail that she is no longer needed next year. Ms. Dinnen urged all principals to have this personal conversation with their teachers.

Mr. Williams informed that among the 25 graduating seniors in the Science/Pre-Engineering magnet students at Stranahan High School, six have received acceptance into "Top Ten" Colleges of Engineering. Bryan Amador has been accepted at both the University of Illinois and Columbia University; Christopher Foy, Eric Fructer, Rita Garrido, Juan Medina, and Kenneth Saelee have all been accepted at Georgia Tech. Student Medina was also accepted at Carnegie Mellon University. Each of the students have benefited from the Science/Pre-Engineering magnet program at Stranahan High, which offers a four-year accelerated college preparatory program for students who plan to continue their education in the fields of engineering, science, mathematics, architecture or technology.

Mr. Williams announced that Blanche Ely High School has fourteen recipients of the FAU/ SECME scholarship. Each scholarship is worth over \$12,000 over a four year period, and may be worth more if the child majors in engineering and is enrolled a fifth year. This year's tally also brings the eight-year tally for Blanche Ely High School and the FAU/ SECME scholarships to over one million dollars. The FAU/ SECME scholarship is awarded to exceptional students in SECME classes and clubs who choose to major in mathematics, science and engineering at Florida Atlantic University. In total, over \$170,000 in scholarships have been received for this year's 2009 seniors at Blanche Ely High School.

Mr. Williams reported that 112 graduating seniors at Dillard High School will receive scholarships in excess of \$100,000 from high tech programs and other supportive programs.

Congratulations was extended to all these students and principals of these high schools.

Mrs. Murray announced that Bethune Elementary 3rd grade student Carlos Sandy was awarded 1st place in the District Magnet Schools of America Poster Contest.

Driftwood Middle School has been certified as the site that provides resources that increase the world's population of butterflies by the North American Butterfly Association.

Ms. Murray reported that Fran Merenstein, after 45 years of service at Hollywood Central is retiring from the school system. She was given a celebration party at Orange Brook Country Club where over 150 people came to wish her well.

Hallandale Elementary School's 9 percent of the 4th grade students received a 6.0 on the FCAT writing test and 15 percent received a 5.5 percent. Students also raised money for diabetes and raised over \$600.

Sheridan Technical is on an adventure with WURTH USA, Inc. and they are partners to restore a 1969 Ford Mustang to celebrate WURTH's 40th anniversary in the United States. The auto body repair students at Sheridan will perform the restoration of this American classic using as many WURTH USA products as possible. Upon completion of the restoration, the Mustang will be auctioned by WURTH and the proceeds donated to Sheridan to support their scholarship program for automotive education.

Ms. Murray informed that Ms. Jean Dougherty, McArthur High School, previously named Florida's Students Against Destructive Decisions (SADD) Sponsor of the Year, has now been named as finalist for the National SADD Sponsor of the Year.

Orange Brook Elementary Relief Team for Life raised \$2,028 for the American Cancer Society. Congratulations to the students and Principal Joanne Nitti.

Oakridge Elementary Math Online Program Team ranked very high in the state and national level, ranking 1st and 2nd and between 5th and 7th nationwide. Congratulations to students and Principal Alan Gatzke.

Ms. Gallagher congratulated Cooper City High School Girls Softball Team on their state championship.

Mrs. Hope requested a moment of silence to honor Ms. Linda Gould, Piper High School employee for many years, who passed away. (A moment of silence was observed).

Mrs. Hope, who attended the City of Sunrise Education Advisory meeting, stated there were many questions about the district's budget and proposals.

Mrs. Hope informed that she brought the Shape program to Piper High, and they raised more money than any other Shape program in the district. This provided substantial funds to three clubs and Kids in Distress.

The Safety Forum at Western High School was held on May 7, 2009 and was a great success. Mrs. Hope thanked Mr. Notter, staff and everyone that was involved in this informative forum.

Mrs. Hope attended the Volunteer Appreciation Breakfast at Eagle Point Elementary School. She thanked all volunteers for coming out and supporting the school.

Village Elementary held their fundraiser, Family Fun Fair, which was well attended.

Mrs. Hope informed that Discovery Elementary is the new name for Elementary School "A" and will come to a vote at the next Board meeting.

Missing child showcased is Stephanie Benhayoun, white female, age 16, brown hair and eyes, 240 pounds, and missing from Southwest Ranches. Anyone having seen this child, please call the local police or the National Center for Missing and Exploited Children.

Mrs. Gottlieb informed that the Broward Education Foundation (BEF) held the groundbreaking of the Kids in Need Resource Center in participation with Leadership Broward. She thanked everyone for their participation in this event that will help Broward students.

Mrs. Gottlieb congratulated Ms. Gallagher on a successful community Blood Center luncheon which was attended by all students, and the senior student participation. Mrs. Bartleman was congratulated for being honored by the Deerfield Democrats.

Mrs. Gottlieb thanked everyone at the Art and Culture Center in Hollywood. She participated along with Mrs. Bartleman and Mrs. Murray in their Cuisine for Art, a main fundraiser for the Center. She congratulated the Board and BEF for this successful event.

Speakers

Mary Fertig
Abraham Thomas
Paul Karasow
Barbara Cobb
Robert Villanueva
Joel Wein
Gregg Huddleston

Responding to Mrs. Fertig's concerns about the district's practice of special investigations of employees, Ms. Gallagher stated there was some information as a part of the audit report, as to how much is spent on employee related issues, including narrowing down the costs of attorneys' costs and magistrates' costs.

Mrs. Kraft stated that due to the conflict of interest between the department presenting information about their own department, there may be another department that could be assigned to lead a Board Workshop discussion. She suggested the Board receive copies of a 1999 report and the recommendation, with a matrix, and whether they were implemented. Mrs. Kraft stated it might be helpful to review several Board meeting discussions on this issue; a thorough history, including minutes, a complete background since many Board Members were not on the Board at the time.

Mrs. Hope stated that the Board recently held a workshop on hiring practices, guidelines, and who will be hired by the School Board. Mrs. Hope requested that more in-depth information be provided, with a cost analysis. She stated that some of these cases are costing the district a lot of money and they should be settled. In addition, that an outside committee be implemented to be the liaison between the employee and the School Board.

Responding to Mr. Huddleston's concerns on the DROP extension for teachers, Ms. Dinnen stated that she will look into this issue. She stated one of the considerations that may happen is when a DROP teacher does end their employment, if there is employment beyond that date sometimes the DROP status is placed in jeopardy.

Addressing Ms. Cobb's concerns about the band director at Pioneer Middle School, Ms. Gallagher stated that the new Pioneer Middle School principal, Michael Consaul, will be approved at today's meeting and he will speak to anyone about the type of band director that he will hire and bring into Cooper City.

CONSENT AGENDA Following identification of those items Board Members and members of the public indicated they would like considered separately, motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to approve the Consent Agenda for the remaining items. Dr. Parks was absent. (8-0 vote)

A. RESOLUTIONS

A-1. Resolution Recognizing the Ehlers-Danlos Syndrome (EDS) (Adopted)

Motion was made by Mrs. Bartleman, seconded by Mrs. Kraft and carried, to adopt Resolution #09-109, recognizing the Ehlers-Danlos Syndrome (EDS). Dr. Parks was absent. (8-0 vote)

Mrs. Bartleman reminded her colleagues that Lisa, Cooper City student who attended a School Board meeting last year, currently is being home schooled because she is too debilitated to attend school.

Mrs. Bartleman read the resolution into the record, stating that the resolution will help to promote a better understanding of the needs of students with EDS.

B. BOARD MEMBERS

B-1. Membership in the Council of the Great City Schools (Approved)

Approved the renewal of the School Board's membership in the Council of the Great City Schools.

The Council of the Great City Schools represents over 50 large urban school districts, and is recognized as one of the most effective advocacy organizations in Washington, D.C., voicing the concerns of urban public education. Over the past year, the Council has:

- garnered the membership millions of dollars in targeted federal aid at a time when state and local budgets were being cut.
- initiated and secured the ability for school districts to transfer funds from one federal program to another, giving additional flexibility in the use of funding
- achieved streamlined evaluation procedures, pre-referral intervention services, restrained costly litigation and other important strides in the reauthorization of the Individuals with Disabilities Education Act
- held numerous briefing sessions and meetings to help with implementing No Child Left Behind and continues to press for greater funding and flexibility and led those on Capitol Hill in protecting the E-Rate program.

Impact to the school district is \$49,206 as compared to 2007-08 dues of \$46,673.

The source of funds is the School Board Members' department budget.

B-2. Request to Change September 15, 2009 Special and Regular School Board Meetings to September 10, 2009 (Approved)

Approved the request to move the September 15, 2009, Special School Board Meeting for Expulsions and Regular School Board Meeting to September 10, 2009, at the regularly scheduled times.

The School Board of Broward County, Florida, is one of the top five finalists to receive the Broad Prize for Urban Education Award, which, will be held in Washington, D. C., on September 16th. Changing the dates for the Board Meetings will allow the necessary time for travel to this event.

There is no financial impact to the district.

D. OFFICE OF THE CHIEF AUDITOR

E. CHIEF OPERATIONS OFFICER

E-1. Vending Machine Agreement(s) (Approved)

Approved the following Vending Machine Agreement(s) for the school(s) listed.

On August 1, 2006, The School Board of Broward County, Florida, approved Bid 27-002B: *Furnish, Install, Stock and Maintain Campus Vending Machines.*

The bid provides a pool of approved vendors with whom agreements could be negotiated for services at individual schools and centers. The agreement(s) includes any income fees/ commission rates that were obtained through the bid proposals or negotiated pursuant to Section 19 of the Bid's general specifications.

Agreement(s) for the following school(s) are: **Pompano Beach MS**

The agreement(s) have been approved as to form and legal content by the School Board Attorney.

There is no financial impact to the district. Agreements provide revenue to schools to support programs and activities for students and staff.

E-2. Authorization to Release Request for Proposal (RFP) 10-030N
(Approved)

Motion was made by Ms. Gallagher, seconded by Mrs. Hope and carried, to authorize the release of the following RFP: 10-030N: Dr. Parks was absent. (7-0 vote)

| <u>RFP#</u> | <u>Title</u> | <u>Department</u> |
|-------------|---|--|
| 10-030N | Lease of Food and Concession Training Facility at Kathleen C. Wright Center | Communications & Media Relations, Facility Management, Planning & Site Acquisition, and Facilities & Construction Management |

The RFP listed above seeks proposals from qualified firms for one of the following procurement criteria: 1) technology; 2) financial services; 3) health and safety; or 4) other procurements anticipated to be in excess of \$500,000. A copy of the RFP is for the School Board's consideration. The following is a brief synopsis of the intent and purpose of the RFP:

10-030N – Lease of Food and Concession Training Facility at Kathleen C. Wright Center

The intent of this RFP is to request proposals from qualified firms to lease available space at the Kathleen C. Wright Administration Center (KCW) to install a food concession that will align with the district's existing philosophy and policy with federal laws regarding nutrition. In addition, the food concession would provide mentally and physically challenged students (transition students) and others, with work experience which can be translated into employment upon graduation.

The awarded proposer will provide a nutritionally-based menu available for purchase; provide supplies necessary to deliver a balanced food menu at KCW; develop a food preparation and service training program for transition students through employment; provide job placement and continued employment at other commercial sites for transition students. Further, the food concession will provide a percentage of revenue to the district.

There is no financial impact to the district.

Mrs. Hope inquired about the type of food that will be provided and whether there will be a financial impact.

Mr. Robert Waremburg, Director, Supply Management and Logistics, responded that the intent of the item is to release an RFP to allow a competitive process for the selection process. Mr. Waremburg stated the district is looking for a revenue-sharing program that provides many advantages, one of which is to support the district's healthy nutrition program for employees, convenience, and to have employment opportunities for ESE transition students, allow them a real-world training service so they can serve and learn life skills.

Mrs. Bartleman stated this will maximize the students' potential so they can transfer into the real world and become employed.

Responding to Mrs. Kraft's inquiry, Mr. Donnie Carter, Chief Operations Officer, stated there will be a good cross section of healthy items and conventional items, including "chocolate" items.

E-3. 2009-2010 Opening and Closing School Times (Regular Term)
(Approved)

Motion was made by Mrs. Hope, seconded by Mrs. Murray and carried, to approve the opening and closing school times for 2009-2010. Dr. Parks was absent. (8-0 vote)

Schools are scheduled to open and close at times that will best utilize existing resources to provide required pupil transportation services and compensate for student and program growth.

There is an operational cost savings to the district.

Ms. Dinnen stated that she and several Board Members have received a number of e-mails form throughout the county expressing the lack of warning that was provided to them regarding the school times.

Mr. Carter stated the purpose of the time changes were strictly financially based, to reduce the Transportation expenses by \$3 million through a combination of time changes in conjunction with removing up to 100 buses from the road. Mr. Carter further stated that the district is not fully funded from the state for the transportation program, with the district funding 60 percent of the total Transportation budget versus 40 percent that comes from the state.

Responding that it has not been a past practice to review opening and closing times with the community, Mr. Carter stated there were concerns by Lyons Creek, Pompano and Driftwood middle schools. Pompano Beach was concerned about the lack of advanced notice to the community and the track patterns along Dixie Highway, 10th Avenue, 6th Avenue, Hammondville Road and Atlantic Avenue. He stated that Mr. Jerry Grazioplene, Director, Safety and Mr. Ruben Parker, Director, Transportation, will meet with the communities to review and discuss the sites of concern with the Sheriff's Office to look at any other possibilities to mitigate any potential safety hazards in those areas based on the time changes.

Ms. Dinnen stated there were concerns by parents who assigned their child to a magnet program without realizing the times would be changed, and they are now faced with pulling the child out of the magnet program because it conflicts with their work schedule. She requested that staff consider these concerns in the future, especially during these times when jobs are in jeopardy.

Concurring, Mrs. Gottlieb added it is also too late for parents to apply for reassignments. She stated the information could have been shared so that parents were aware the changes would be coming. Mrs. Gottlieb further stated, in the future that the process be explained in a more timely manner.

Ms. Dinnen requested that the Board be provided a one-page bullet sheet indicating the district's financial burden and the state's funding on transportation issues.

Mrs. Kraft stated there was confusion at a community informational meeting regarding Elementary School "Z," whereby the principal indicated to the group that the school times are not a certainty and the time is 8:10 and is subject to change. She stated the information on the e-agenda indicated the time was 8:00 and Park Trails was 8:15, and she sent this information out. Mrs. Kraft stated upon her review of the agenda back-up, the information had different start times and parents are getting conflicting information, which adds to confusion.

Mr. Parker responded that the times listed on the agenda are the correct times.

Mrs. Kraft further stated she has received e-mails regarding magnet schools. She inquired whether a deferral of the item would be appropriate, pending further investigation from the Transportation department, taking into account some of the concerns that were raised.

Mrs. Murray stated she has received e-mails and calls regarding Driftwood and she has resolved some concerns of the parents. She said a big concern was the two-hour difference which is a big transition, because in the past the times were changed in increments of 15 or 20 minutes. Mrs. Murray suggested that the times be rolled back, earlier than 9:30 or 9:00. She discussed her conversation with Chief Wagner of Hollywood who indicated that students being in school late, in the afternoon would keep them off the street and eliminate problems in the Driftwood area. Remarking that adjustments need to be made, Mrs. Murray stated the Board needs to make hard decisions on finances and this is a way to save money.

Concurring, Mrs. Bartleman requested that parents be notified on time rather than the manner in which it was handled. She noted that most of the middle schools are the 9:00 to 4:00 model, but the changes being made will save the district approximately \$1 million. Mrs. Bartleman further requested that staff explain to the community the schools providing before care for parents as a choice, After Care programs, Children's Services Council Scholarships, and breakfast programs.

Remarking that the Driftwood school community is family-oriented and working class, Ms. Gallagher stated they depend on their older and younger siblings to travel to school together. She stated that having Driftwood Elementary, Driftwood Middle and Hollywood Hills High School start within the same time frame is very family-friendly. Ms. Gallagher voiced concern that now middle schoolers will have to wait for their siblings in the afternoon two hours to take them home.

Mrs. Gottlieb requested that Lyons Creek also be added to the list for review.

Remarking that she is also familiar with the neighborhood, Ms. Dinnen stated the changes are an economic necessity because funding has been cut to the district. Ms. Dinnen stated that staff will try to "tweak" the times rather than defer the item.

- E-4. Agreement with Cornerstone Wireless Communications, L.L.C.
(Approved)

Approved the renewal contract with Mr. Scott Ritchie of the engineering firm, Cornerstone Wireless Communications, L.L.C.

Mr. Ritchie has provided specialized engineering services related to BECON's Educational Broadband Service (EBS) system and Channel 63 since 1998. Under this agreement, Mr. Ritchie will continue to perform specialized service on all engineering related studies and analyses for required Federal Communication Commission (FCC) filings, interference issues and digital conversion. This will ensure that all FCC regulations are met in a timely manner.

This item is exempt from bidding per Policy 3320, Part I, Paragraph i, as a professional service.

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

Services will be billed at the hourly rate up to \$500 per day and not to exceed \$65,000 per year through March 31, 2011. The source of funding is the BECON budget.

E-5. 2009 Opening and Closing School Times (Summer Term) (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Hope and carried, to approve 2009 Opening and Closing Times (Summer Term). Dr. Parks was absent. Mrs. Kraft was absent for the vote. (7-0 vote)

Schools are scheduled to open and close at times that will best utilize existing resources to provide required pupil transportation services and compensate for student and program growth.

There is no financial impact to the district.

Mrs. Hope inquired whether the municipalities are having an issue with this issue, the fifth day of the work week they are having to pay for due to the summer programs.

Mr. Carter responded that the item regards the summer school opening and closing times. Agenda Item G-7 regards the district's 4-day summer work week.

Mrs. Bartleman thanked Mrs. Strong, Mr. Notter and staff for working with the Children's Services Council, center schools for Exceptional Education students, and other entities on this issue.

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

- F-1. Continuation Contracts with Barry University and Summit Montessori Teacher Training Institute, L.L.C. (Approved)

Approved the continuation contracts with Barry University (BU) and Summit Montessori Teacher Training Institute, L.L.C., (SM) for Montessori training at Virginia Shuman Young Elementary School.

Participating teachers from Virginia Shuman Young Elementary School will receive rigorous Montessori training to be certified in Montessori education. Training includes Montessori philosophy, materials and child development theory. The teachers participate in academic instruction and practice laboratories under the supervision of instructors from BU or SM. All coursework at BU is at the graduate level and may be used for re-certification or toward an advanced degree. SM has been certified as a Montessori training institute by the Montessori Accreditation Council for Teacher Education and is an affiliate of the American Montessori Society.

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

The financial impact to the district shall not exceed \$60,000. The source of these funds is the school's Magnet budget for 2009-2010. There is no additional financial impact to the district.

- F-2. Renewal Agreement with Florida Virtual School (Approved)

Motion was made by Mrs. Kraft, seconded by Mrs. Gottlieb and carried, to approve the Renewal Agreement with Florida Virtual School. Dr. Parks was absent. Mrs. Kraft was absent for the vote. (7-0 vote)

Broward Virtual School was established in 2001 to accommodate students in need of taking courses online. Broward Virtual School provides full-time enrollment to students in grades 6-12 as a school of choice. Florida Virtual School provides their nationally recognized courses to the district as a franchise. Florida Virtual School also provides professional development and technical support for Broward Virtual School teachers. This agreement has been approved as to form and legal content by the School Board Attorney.

The financial impact to the district is estimated to be \$150,000 for the 2009/2010 school year. The source of funding is the ETS Technology Licensing Fund.

Mrs. Kraft informed that her concerns have been addressed and was assured that cuts are not being made to the Virtual schools.

Remarking that the law changed with FTE to the Virtual schools, Ms. Gallagher stated the Board needs to be aware of the way the FTE is being distributed. Ms. Gallagher requested when the Legislative update is available, that the Board be provided with the actual update on how it will change.

Concurring, Mr. Notter stated he was concerned with the unfunded mandate because discussion is being held regarding the Virtual School for the elementary level.

Ms. Dinnen informed that Mrs. Kraft left the meeting due to her daughter being nominated for two Cappie awards.

F-3. Full Services School Funding Agreement for 2009-2010 (Approved)

Approved the Full Service School Funding Agreement with the Broward County Health Department.

The Full Services School (FSS) funds are allocated to the Broward County Health Department (BCHD) by the state legislature each year to provide basic health services to students and families. Funds will be focused on direct services to schools in the areas of health services provided by nurses, trained health support personnel and counseling to students and families by family counselor.

Schools receiving services are identified by priority of need, based on a needs assessment and utilizing the SBBC's Research & Evaluation Indicators of Need for School Health Services report.

The Full Services allocation to Broward County Public Schools (BCPS) for 2008-2009 is \$244,029. Funding amount will decrease to \$154,029 in 2009-2010. This is a reduction of \$90,000. The reduction in funds will be used by BCHD to provide staffing of two full time On-Call Registered nurses to support health services to schools without an on-site trained health personnel.

The FSS dollars (\$154,029) allocated to BCPS for 2009-2010, will provide .75 funding towards a family counselor, and a full time licensed nurse at Lauderhill Middle school; licensed registered nurse at Blanche Ely High school and a licensed nurse at Hallandale Adult & Community Center.

Through remaining FSS dollars to BCHD, the funds will be used to support the Differentiated Staffing School Health Model (DSSHM) to improve the utilization of funding and continuity of health care services for students.

The following schools will receive health services with funds allocated through BCHD: Cypress Elementary, Markham Elementary, Thurgood Marshall Elementary, Northside Elementary, Walker Elementary, Colbert Elementary, Hollywood Central Elementary and Silver Palms Elementary.

The Broward County Health Department's policy is to execute an agreement only after the other party signs therefore, the BCHD will execute this agreement after the School board approves.

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

The positive financial impact to the district is \$154,029. The source of funding is the Full Service School Grant from the Broward County Health Department through funding by the state. There is no additional financial impact to the district.

F-4. Grant Applications (Approved)

Approved the submission of grant applications to:

- A. Captain Planet Foundation, \$11,091
- B. HP Innovations in Education, \$270,000
- C. Jordan Fundamentals Grant Program, \$20,000
- D. League for the Educational Awareness of the Holocaust (LEAH), \$844
- E. Readiness and Emergency Management for Schools, \$497,664
- F. The Unicorn Children's Foundation, \$128,200
- G. University of Florida IFAS Extension School Garden Competition, \$500
- H. Workforce One – Employed Worker Training Program, \$101,587

Copies of the full grant applications are available at the public stand in the lobby of the KC Wright Building and at the Board Members' Office on the 14th Floor of the KC Wright Building.

The positive financial impact is \$1,029,886 from various sources. There is no additional financial impact to the school district.

F-5. Charter Application Approval – The National Ben Gamla Charter School Foundation, Inc., for Ben Gamla Charter School South Broward

(Approved)

Approved the application for The National Ben Gamla Charter School Foundation, Inc., for Ben Gamla Charter School South Broward, to open a charter school serving grades K–8 for the 2009-2010 school year. Subsequent School Board approval shall be required prior to the signing of a written charter school agreement (contract) establishing the operation of the charter school.

Section 1002.33, Florida authorizes the establishment of charter schools in Florida. The National Ben Gamla Charter School Foundation, Inc., (“Ben Gamla”) submitted a formal application to start a public charter school for the 2009-2010 school year. A district school board may sponsor a charter school in the county over which the board has jurisdiction. The district school board shall receive and review all applications for a charter school.

The Superintendent of Schools appointed a Charter School Review Committee (“Committee”) to review and analyze the application from Ben Gamla. The Committee is comprised of representatives from curriculum, budget, facilities, district administration, transportation, Exceptional Student Education, ESOL and other areas of the organization. Utilizing the Model Florida Charter School application format, the committee reviewed the application in detail.

Based on the review, the Committee has recommended the application for approval. The mission and academic design of the application meets the minimum requirements of state law and state standards. The school shall open as a public charter school serving a total of 900 students, grades K-8. The maximum capacity of the school will be 900 students. The school will be organized as a private employer. As a private employer, the schools employees will not participate in the Florida Retirement System. The final updated budget and insurance documents will be required prior to approval of the charter school agreement. The charter agreement shall address any issues identified by district staff, which require revision or further explanation.

The charter school has adopted the same 180-day student calendar in place for the Broward County Public School System. The Superintendent has accepted the Committee’s recommendation and recommends that The School Board of Broward County, Florida, approve Ben Gamla’s application.

Copy of the full application is available at the public stand in the lobby of the KC Wright building and at the Board Members’ Office on the 14th Floor of KC Wright building.

There is no financial impact to the district.

F-6. Continuation of the College Board SpringBoard Contract (Approved)

Approved the continuation of the College Board SpringBoard contract.

SpringBoard is a comprehensive curricular support program built upon national standards necessary for success in college. The program provides in-depth training for all Math and English teachers, on-line support and assessment, curriculum, and ongoing mentorship through The College Board. The goal of the program is to prepare students for the rigor of high school advanced/honors course work. This contract covers SpringBoard implementation in the following 21 middle schools and 1 high school: Apollo Middle, Arthur Ashe Middle, Attucks Middle, Deerfield Middle, Bair Middle, Driftwood Middle, Crystal Lakes Middle, Margate Middle, McNicol Middle, Parkway Middle, Pompano Beach Middle, Silver Lakes Middle, Lauderhill Middle, New River Middle, Perry Middle, Rickards Middle, Sunrise Middle, Lauderdale Lakes Middle, Gulfstream Middle, Millennium Middle, Plantation Middle, and Hallandale High.

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

There is a financial impact of \$380,209 to the district. The source of these funds is Title I (for SpringBoard middle schools) and differentiated accountability funds (for Hallandale high school). There is no additional financial impact to the district.

G. HUMAN RESOURCES

G-1. Personnel Recommendations for Instructional Appointments and Leaves for 2008-2009 School Year (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Gottlieb and carried, to approve the personnel recommendations for the 2008-2009 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. Dr. Parks was absent. Mrs. Kraft was absent for the vote. (7-0 vote)

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. Teacher Extension of Calendar
6. 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.

Ms. Dinnen stated that she received a response to her question, that an individual was hired previous to the surplusing. She inquired, if someone is hired in March and other individuals are surplus, whether the new hire is placed on a surplus list for next year.

Mrs. Strong responded at this time no, because they can be released under their probationary clause. She stated if there comes a point where all surplus individuals are not placed, then Article 25 is moved to Article 26 which includes a reduction force, a district-wide layoff, and the individual in question would more than likely be the lowest in seniority and the individual would go if there if there is a certification match to that. Mrs. Strong further stated, for example, if there is a lack of vacant math positions and there is a surplus of math individuals that staff does not feel will be placed, a reduction in force would be declared that would be effective for the math-certified personnel. If there are surplus people who are science based and there will be vacancies for them, a reduction in force would not be declared in that certification area.

G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 2008-2009 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 2008-2009 & 2009-2010 School Years
(Approved as amended)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Hope and carried, to approve the personnel recommendations for appointments and reassignments as listed on the Executive Summary, respective lists and individual appointments for Non-Instructional Employees.

All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. This item was amended to add page 11 to Section 6; add page 12 to Section 7; add pages 13-28 to Section 8. Dr. Parks was absent. (8-0 vote)

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

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

Funding has been budgeted in 08-09 fiscal year for all appointments through June 30, 2009. Funding must be budgeted in 09-10 fiscal year for appointments and new hires.

Mrs. Kraft inquired whether the Superintendent was satisfied with the Principal and Assistant Principal appointments and whether community input was considered, whether the positions correlate with the needs of the particular schools.

Mr. Notter responded that he was satisfied with the selection process, and said that some schools were more challenging than others, but those needs have been identified so that the requisite support is provided.

Newly-appointed district personnel were announced by Board Members.

G-4. Personnel Recommendations for Non-Instructional Separation of Employment or Discipline(s) for the 2008-2009 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 #18 (Approved)

Approved the recommended supplemental pay positions of employees for the 2008-2009 school/ fiscal year.

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

The Specific Supplemental Pay Positions include the following type of supplements: Secondary department chairpersons high school; secondary department chairpersons and/or team leaders middle school; elementary grade level chairpersons and/or team leaders; athletic supplements; general supplements; and special supplements for the 2008-2009 school year.

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

Individuals listed meet the requirements for the supplemental positions. The total number of Supplements recommended in this item is 32.

Funding has been budgeted in 08-09 fiscal year for all supplements through June 30, 2009.

G-6. Recommendation(s) for Instructional/ Noninstructional Discipline for the 2008-2009 School Year (Approved)

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

This disciplinary action recommendation is a result of an investigation by the Office of Professional Standards & Special Investigative Unit.

The individual(s) involved have been provided the opportunity to appear and participate, with representation, before the Professional Standards Committee and in a pre-disciplinary hearing prior to submission of this recommendation. We have followed the School Board processes for disciplinary action. The requested action(s) is listed.

There is no financial impact to the school district.

G-7. The 2009 Summer 4-Day Work Week (S4-DWW) (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Hope and carried, to approve the 2009 Summer 4-Day Work Week (S4-DWW) for the period of June 7, 2009 through August 15, 2009 (excluding June 28 through July 4). Dr. Parks was absent. Mrs. Kraft was absent for the vote. (7-0 vote)

The School Board of Broward County, Florida currently operates on a traditional Monday through Friday 5-Day Work Week. A potential cost savings to the District of approximately one million dollars warrants modification of the 5-Day Work Week schedule in light of the current economic shortfall.

The S4-DWW Recommended Schedule Options contained in the Guidelines for Implementation - 2009 Summer 4-Day Work Week will govern the Summer 4-Day Work Week for all District employees. Once the S4-DWW has been approved, the Guidelines for Implementation will be distributed to District personnel.

Based upon anticipated costs savings of fuel, water, and electrical costs to the District, it is recommended that the School Board approve a Summer 4-Day Work Week of Monday through Thursday for the period of June 7, 2009, through August 15, 2009 (excluding June 28-July 4).

The Summer 4-Day Work Week is expected to have a positive Financial Impact on the District.

Responding to Mrs. Hope's inquiry about guidelines for implementation, Mr. Jeffrey Moquin, Executive Director, Support Operations, stated that the guideline was intended for leases that may have been approved and executed by individual schools, for example, Riverside Elementary, a summer camp program that will be held this Friday, whereby the lease was executed six months ago for that period of time and must be honored.

Regarding the issue with the Reciprocal Use Agreement, Mr. Moquin stated that when the Board authorized the 4-day work week, notification was sent out to municipalities. Even though the Reciprocal Use Agreement is on file, it is based on mutually agreeable times between the Superintendent and/or his designee and the City Manager and/or their designees. Mr. Moquin further stated with certain municipalities the district entered into direct negotiations to try to work out a mutually agreeable solution.

Mrs. Hope stated if the Board had originally agreed to a 5-day work week with the city, would the Interlocal Agreement still be in existence until a new agreement is formed with the partnership.

Mr. Moquin responded that the agreement with the city in question has expired and has not been renewed yet. Mr. Moquin stated the agreement does not permit the municipalities to indicate they want a facility on certain days and it will be granted; it is based on mutually agreeable days. He further stated if the district has provided authorization for use of their facility it must be honored. The district has never provided authorization to any municipality for Friday operation.

Ms. Murray stated that the Board workshop discussion indicated that some municipalities that use district facilities and opt for the Friday would have to pay for it.

Mr. Carter informed the Board that an attempt has been made to bring all programs under a summer operational procedure which has not occurred in the past, and there has not been any data on past practice. Mr. Carter stated that beginning this year, data will be gathered as to who is operating, the times of the programs, the cost to the municipalities and to the district, so that operational data to govern those programs for future summers will be collected. He stated that certain things occurred without the full data to support those occurrences, and the district is now in a position going forward to provide better and quicker information to the municipalities so they will have an opportunity to plan in advance and coincide their budgets accordingly, with the knowledge of the district's options and expectations, so that future problems will be eliminated.

Mr. Carter further stated at this time the district is allowing the municipalities to run their programs while at the same time reducing those facilities enough to give the district the savings it is seeking.

Referring to the Summary Explanation and Background, last line, of the Agenda Request Form, Mr. Carter requested a scrivener's error to indicate (excluding June 28 – ~~June~~ July 4).

H. ATTORNEY

H-1. Broward County School Board vs. Clinton Black (Adopted)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to consider (1) the Recommended Order, rendered on March 3, 2009, by Claude B. Arrington, Administrative Law Judge, in the matter of Broward County School Board, Petitioner vs. Clinton Black, Respondent, Case No. 08-4490, before the State of Florida Division of Administrative Hearings; (2) Respondent's Exceptions to Recommended Order; (3) Petitioner's Response to Respondent's Exceptions to Recommended Order; and (4) render a Final Order in this cause. Motions to Reject Exceptions (page 32). Dr. Parks was absent. (8-0 vote)

On June 21, 2005, The School Board voted to terminate Clinton Black from his position as a teacher under Policy 4004-[Fit for Duty]. Mr. Black requested an administrative hearing before the State of Florida Division of Administrative Hearings.

The Administrative Law Judge issued a Recommended Order to which the Respondent filed Exceptions. The Petitioner, The School Board, by and through the Superintendent and its special counsel, filed a Response to the Respondent's Exceptions.

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

There is no financial impact to the district.

Mr. Marko informed that the Board has been provided a copy of the transcript of the administrative hearing, exhibits, the recommended order of the Administrative Law Judge, a copy of the exceptions filed by the teacher and a copy of the responses to the exceptions. Mr. Marko indicated that the Board's role is not to re-hear the case but to review the facts of the case. If there is a dispute among the facts, the Board is to determine whether there is substantial competent evidence to support the recommendation of the Hearing Officer.

Mr. Marko further stated that Mr. Eugene Pettis, Esq., School Board Cadre Attorney, will present the criteria that the Board is to consider in the issue. He noted that the exceptions will be addressed individually by Mr. Mark Herdman, Esq., and Mr. Pettis will respond and recommend the appropriate motion for the Board to consider.

Mr. Herdman informed the Board that there are no objections to the Findings of Fact made by the Administrative Law Judge. He stated that regarding the Conclusions of Law, the School Board can substitute its judgment for a conclusion of law by stating with particularity as reasons and make a finding that its substitute conclusion of law is as reasonable or more reasonable than the one reached by the Administrative Law Judge.

Mr. Herdman, who discussed Exception 1, paragraph 51, stated that the Administrative Law Judge concluded that the district followed its procedures appropriately in relying on Dr. Forman's re-evaluation as the basis for determining Mr. Black unfit for duty. Mr. Robert Mijon referred Mr. Black to be re-evaluated by Dr. Forman, under threat of insubordination. Mr. Herdman indicated that Dr. Melita testified that if an employee has a problem with the treating physician it does not make sense to send him back to that physician 90 days later. Mr. Herdman said that policy should be decided by the Board, and to settle the dispute between Mr. Mijon and Dr. Melita as to whether or not the district is going to compel its employees to go back to see the same treating physician when that relationship is clearly broken down.

Mr. Herdman urged the Board to substitute a reasonable conclusion of law by stating with particularity, relying on Dr. Melita's testimony as the basis that Mr. Black should not have been sent back to see Dr. Forman and, in doing so, created a situation that Mr. Black and future employees are impacted negatively.

Mr. Pettis responded that the district does not terminate any employee based on what one person testifies. Policy 4004 provides an employee one to four evaluations prior to the Board making a final decision. The attorney provided a brief history of the case. Mr. Pettis stated that School Board policy provides that an employee must go back to the initial doctor. In addition, the policy provides that Mr. Black had available to him, after the re-evaluation, the right for a second opinion and it was not exercised. There was insufficient evidence to establish that Dr. Forman should have been disqualified from providing the re-evaluation.

The Administrative Law Judge found that Dr. Forman's testimony was clear, professional and persuasive, and there was insufficient evidence to establish that the complaints Respondent lodged against Dr. Forman to Mr. Mijon had any bearing on Dr. Forman's re-evaluation. Mr. Pettis further stated that the Administrative Law Judge found that the district followed its process and the recommendation that the Petitioner be terminated and a final order be submitted on that basis.

Mr. Herdman responded that the Administrative Law Judge said that Mr. Mijon indicated he did not have the flexibility to go outside the policy, and that the Board has the authority to go outside the policy.

Mr. Pettis responded that Mr. Black agreed, under protest, to be re-evaluated by Dr. Forman but only on the condition that Dr. Forman would allow him to record the session. The doctor agreed on the condition that the Respondent would provide the Petitioner with a copy of the taped session. Mr. Pettis stated it is a clear that the Board should reject Mr. Black's exception, adopt the Recommended Order in its entirety, and to enter a Final Order terminating Mr. Black from his employment, for being found not fit for duty.

Remarking that the disputed issue is regarding one particular provider, Mrs. Kraft inquired whether more than one provider made the same recommendation.

Mr. Pettis responded that everyone, other than the one provider paid for by Mr. Black, found him to be unfit at one time or another.

Mr. Herdman stated that the only decision-maker was Dr. Forman, who was the initial doctor and the last doctor, which is required.

Mr. Pettis stated the doctor is not the decision-maker; the doctor evaluates and gives an opinion. Several doctors found him to be unfit for duty and the last doctor, based on process, happened to be Dr. Forman.

Mrs. Kraft stated it is undisputed that all the doctors who examined the Petitioner came to the same conclusion.

Mr. Pettis responded, except for one doctor that Mr. Black went to and paid for himself.

Mrs. Hope stated that the tape that was destroyed would have been valuable to the School Board, and everything was done by the district to accommodate Mr. Black.

Mrs. Bartleman inquired whether Mr. Herdman recommended that he use the provision to see another psychologist for a second opinion that he is entitled to under district policy.

Responding that he was not representing Mr. Black at that time, Mr. Herdman stated that the recommendation came back from Dr. Forman and he was almost immediately terminated. The ability to get a second opinion, which he would have to pay at his own expense, was not within the process.

Mr. Pettis added that the process and the timing of the process is well established in the record. When the employee was told about Dr. Forman's report that he was unfit, just as previously he had been told, he had a right to a second opinion which he elected not to exercise.

Motion to Reject Exception (Carried)

Motion was made by Mrs. Hope, seconded by Mrs. Kraft and carried, to reject the exception filed and to adopt the Recommended Order in its entirety. Dr. Parks was absent. (8-0 vote)

Mr. Marko stated that the motion disposes of the agenda item.

H-2. Broward County School Board vs. Stanace Maddox (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Hope and carried, to consider (1) the Motion to Strike Petitioner's Response to Respondent's Exceptions filed by the Employee; (2) Petitioner's Response to Motion to Strike; (3) the Recommended Order, rendered on February 19, 2009, by Claude B. Arrington, Administrative Law Judge, in the matter of Broward County School Board, Petitioner vs. Stanace Maddox, Respondent, Case No. 08-2651, before the State of Florida Division of Administrative Hearings; (4) Respondent's Exceptions to Recommended Order; (5) Petitioner's Response to Respondent's Exceptions to Recommended Order; and (6) render a Final Order in this cause. This motion was superseded by Motions to Reject Exceptions (pages 34-38).

On May 20, 2008, The School Board voted to terminate Stanace Maddox, a nurse at Whispering Pines Elementary School on the basis of misconduct, immorality, moral turpitude, and (lack of) professional competency. Subsequently, Ms. Maddox requested an administrative hearing before the State of Florida Division of Administrative Hearings.

The Administrative Law Judge issued a Recommended Order to which the Respondent filed Exceptions. The Petitioner, The School Board, by and through the Superintendent and its special counsel, filed a Response to the Respondent's Exceptions. The Respondent filed a Motion to Strike Response to Respondent's Exceptions filed by the Employee and the Petitioner filed a Response to Respondent's Motion to Strike.

After considering the Motion to Strike and the response thereto, The School Board of Broward County, Florida, must take final agency action after considering the Recommended Order, the Respondent's Exceptions to the Recommended Order, and the Petitioner's Response to the Exceptions, and enter a final order.

There is no financial impact to the district.

Mr. Pettis and Ms. Melissa Mihok, Esq. addressed the criteria of each exception.

Ms. Mihok discussed the employment of Stanace Maddox at the School Board as a school nurse, working at Whispering Pines Elementary School in the 2007-2008 school year. Ms. Mihok discussed the allegation of lack of training and failure to follow some of the Board policies while at Whispering Pines. The employee did not formally dispute these charges and was given a re-orientation, to remove her from the school, placed in administrative offices and given policy and procedural manuals to read. Subsequently, she was placed at Nova Eisenhower Middle School in November 2007, was given a brief description of her duties, was not provided any training by anyone with any medical training and was not provided any information by the principal.

Ms. Mihok further stated that subsequent deficiencies were noted by office staff, beginning on the fourth day of employment, various errors on students' records, and she was not informed of any of these deficiencies until she was brought before a pre-disciplinary meeting a month later. Following the meeting, the Superintendent moved forward with termination proceedings based on charges of misconduct, immorality, moral turpitude and lack of professional competence. The Board terminated her employment in May 2008 and the employee filed for a hearing before an Administrative Law Judge. The judge found that the employee did not violate the Code of Ethics or the Principals of Professional Conduct, and that the Petitioner did not establish that Ms. Maddox's conduct brought the education profession into public disgrace or disrespect, or that her service had been impaired in the community as a result of her action.

The Administrative Law Judge found that Ms. Maddox lacked professional confidence, which she believes was an error due to lack of training and was not given any time to rectify the purported deficiencies because she was only there for a few days. In addition, the office clerk and an agency nurse engaged in the almost-identical activity with student records within a week of Ms. Maddox's actions. Ms. Mihok stated it would be contrary to School Board policy and past practice to terminate Ms. Maddox's employment, as those two employees have not been disciplined for their actions.

Mr. Pettis stated the record will indicate that unprecedented orientation was given to the employee; the employees are hired as experienced nurses and they have clinical experience and training. The employee had specific orientation for three days and she was sent to separate schools for hands-on mentorship, with trained nurses on how to perform nursing activities under district policies. Ms. Maddox had the same problem in Nova as she had in Whispering Pines, not keeping accurate records to the potential detriment of the student population. Mr. Pettis stated that despite her training, on the fourth day she was demonstrating a pattern of violating the policies and changing records, and getting caught; some records had been received, copied and faxed downtown before she changed them.

Mr. Marko informed that Exceptions 1 through 10 are Findings of Fact and Exception 11 is a Conclusion of Law.

Mr. Pettis stated that the Board may not reject a Finding of Fact unless they determine from a review of the complete record that the Findings of Fact were not based on competent substantial evidence. The School Board can modify a Conclusion of Law recommended by the Administrative Law Judge only if the School Board states with particularity its reasons and makes a finding that its substituted conclusion is as or more reasonable than the one reached by the Administrative Law Judge.

Mr. Pettis responded to Exception 1, stated if no action has been taken, unless Ms. Maddox has exercised her right with DOAH, it does not change the issues of the case.

Ms. Mihok stated she would withdraw Exception 1.

Referring to Exception 7, Ms. Mihok stated that Ms. Maddox was specifically trained in many topics, but the testimony at the hearing established that she was not provided specific training with respect to each of those topics. Ms. Mihok further stated there is not competent or substantial evidence to support the fact that she received specific training.

Mr. Pettis responded that Ms. Maddox reviewed School Board manuals for those topics, and she initialed each and every one of these subject areas. In addition, the clinical nurse supervisor testified that while Ms. Maddox was given manuals to read, she also went over various sections of those manuals in detail and also completed an online training module. Mr. Pettis requested the Board reject the exception because there is competent substantial evidence in the record to substantiate the finding.

Motion to Reject Exception 2 (Carried)

Motion was made by Mrs. Hope, seconded by Mrs. Bartleman and carried, to reject Exception 2 based on Finding of Fact 7, that there was competent substantial evidence in the record to support the finding of fact. Dr. Parks was absent. (8-0 vote)

Referring to Exception 3, Finding of Fact 12, Ms. Mihok stated that the Administrative Law Judge found that the office clerk, Ms. Whitsett tended the clinic for three days when Ms. Maddox was absent, her 4th, 5th, and 6th days of employment at Nova. The evidence indicates that Ms. Phillips was the individual initialing the student records as opposed to Ms. Whitsett.

Mr. Pettis responded, there was competent substantial evidence to support this finding, that Ms. Whitsett did tend to the clinic on November 13, 14 and 15, and the record on these days indicate that Ms. Whitsett made entries on November 13. She also indicated that she was working in the clinic while Ms. Maddox was absent, which is when she noticed Ms. Maddox's failure to properly document. Mr. Pettis stated there is evidence to support the conclusions by the Administrative Law Judge and recommends the Board to reject this exception.

Ms. Mihok confirmed that Ms. Maddox did not get blamed for the mistakes of the two employees who did the same thing in their procedures. She said that past practice is relevant, as discipline should be consistent.

Motion to Reject Exception 3 (Carried)

Motion was made by Mrs. Hope, seconded by Mrs. Bartleman and carried, to reject Exception 3 based on Finding of Fact 12, that there is competent substantial evidence in the record to support the finding of fact. Dr. Parks was absent. (8-0 vote)

Referring to Exception 4, Finding of Fact 16, Ms. Mihok indicated that the Administrative Law Judge found that Ms. Maddox made no entry on the medical log on November 8 and 9, 2007. She testified at the hearing that she made entries and she later went back and made changes at the end of her shift on November 9, 2007, to more accurately depict the circumstances. Ms. Mihok stated she put a line through the entry and made the change, though she does not dispute that she did not put her initials indicating that she made the change.

Mr. Pettis responded this is an indication where she got caught changing a record inappropriately. He stated that the office clerk testified there was no entry on the record for November 8 and 9, 2007 dates; when Ms. Maddox returned on November 16, 2009, the office clerk asked her about the missing entries and Ms. Maddox wrote that the student refused medication on those dates. Subsequently she changed the entry from refused to "other." Mr. Pettis stated that nurses are governed by the Nurse Practice Act of the state of Florida and how to change medical records is not unique to the School District, it is required in their practice. Mr. Pettis further stated there is clear evidence there is competent substantial evidence.

Motion to Reject Exception 4 (Carried)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to reject Exception 4 based on Finding of Fact 16, based on competent substantial evidence in the record to support the finding of fact. Dr. Parks was absent. (8-0 vote)

Ms. Mihok indicated she would withdraw Exception 5, Finding of Fact 17, which is directly related to Finding of Fact 16.

Referring to Exception 6, Finding of Fact 19, Ms. Mihok stated the Administrative Law Judge found that the doctor's instruction that the medication is to be administered in a certain manner, and that Ms. Maddox should have questioned what the doctor intended before she withheld the medication during the first week of its administration.

Mr. Pettis responded that Ms. Maddox called the doctor after the fact and not in advance; she discontinued the medication without advising the mother at that point, which was a part of the complaint. Mr. Pettis stated there is competent substantial evidence that proves that the doctor's instruction was not clear.

Motion to Reject Exception 6 (Carried)

Motion was made by Mrs. Hope, seconded by Mrs. Kraft and carried, to reject Exception 6 based on Finding of Fact 19, based on competent substantial evidence in the record to support the finding of fact. Dr. Parks was absent. (8-0 vote)

Ms. Mihok stated she would withdraw Exception 7, Finding of Fact 21.

Referring to Exception 8, Finding of Fact 27, Ms. Mihok stated that the Administrative Law Judge indicated Ms. Maddox did not note on the medical record that she contacted the student's parent to receive permission to administer the medication after the 1:30 p.m. deadline. Testimony by Ms. Maddox indicated she did contact the parent, which was confirmed by the Office Clerk. Ms. Mihok stated there is not competent substantial evidence to support that fact.

Mr. Pettis responded there is competent substantial evidence that Ms. Maddox added a portion of the note, that the mother was called to inform her that the medication was not given at 1:00 p.m. and the mother indicated it was okay to administer the medicine "now." He stated that the log faxed to administration did not have the entry on the record, and staff indicated it was added as a late entry and must be noted that it was a late entry. Mr. Pettis stated there is competent substantial evidence to support the finding of the Administrative Law Judge.

Responding to Mrs. Hope's inquiry, Mr. Pettis stated that the medical record cannot reflect times and activities that did not occur. The testimony indicates that Ms. Maddox added an entry in the chart without notating that it is a late entry.

Motion to Reject Exception 8 (Carried)

Motion was made by Mrs. Hope, seconded by Mrs. Kraft and carried, to reject Exception 8 based on Finding of Fact 27, based on competent substantial evidence in the record to support the finding of fact. Dr. Parks was absent. (8-0 vote)

Ms. Mihok argued against Exception 9, Finding of Fact 28 by the Administrative Law Judge regarding the lack of an entry on a student's medication log.

Mr. Pettis responded there is competent substantial evidence to support the finding of the Administrative Law Judge.

Motion to Reject Exception 9 (Carried)

Motion was made by Mrs. Hope, seconded by Mrs. Kraft and carried, to reject Exception 9 based on Finding of Fact 28, based on competent substantial evidence in the record to support the finding of fact. Dr. Parks was absent. (8-0 vote)

Ms. Mihok withdrew Exception 10, Finding of Fact 29.

Ms. Mihok argued against Exception 11, Conclusion of Law 45, stating that the Administrative Law Judge found the conduct of Ms. Maddox resulted in a violation of School Board policies and the Nurse Practices Act.

Mr. Pettis informed that the School Board can modify the Conclusion of Law recommended by the Administrative Law Judge only if the School Board states with particularity its reasons, and makes a finding that its substantiated conclusion is as or more reasonable than the one reached by the Administrative Law Judge. Mr. Pettis stated there is competent substantial evidence to support the finding of the Administrative Law Judge.

Motion to Reject Exception 11 (Carried)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to reject Exception 11 based on Conclusion of Law 45, based on competent substantial evidence in the record to support the finding of fact. Dr. Parks was absent. (8-0 vote)

Referring to Exception 12, Ms. Mihok stated there is an exception to the Administrative Law Judge's penalty of termination because the Judge found Ms. Maddox was not guilty of misconduct, immorality, and moral turpitude, the three more serious charges. Ms. Mihok further stated there were other employees who engaged in a similar conduct.

Mr. Pettis responded there is a pattern of incompetence to be as significant as moral turpitude, immorality and misconduct as relates to termination. He stated there is a requisite foundation for the termination, and recommended that the School Board reject the exception and uphold the Administrative Law Judge's conclusion and recommendation in its entirety.

Responding to Mrs. Hope's inquiry about her past experience, Mr. Pettis stated that Ms. Maddox was previously employed at Nova Eisenhower, she had issues, and they removed her and placed into reorientation specifically on these same issues, and placed back in the position. He stated there is only so much practice that is allowed when dealing with the health, welfare and safety of children.

Motion to Reject Exception 12 (Carried)

Motion was made by Mrs. Hope, seconded by Mrs. Kraft and carried, to reject Exception 12, Recommended Penalty. Dr. Parks was absent. (8-0 vote)

Motion to Accept Recommended Order (Carried)

Motion was made by Mrs. Hope, seconded by Ms. Gallagher and carried, to accept the Recommended Order in its entirety, including the findings of fact, conclusions of law, and penalties. Dr. Parks was absent. Mrs. Murray was absent for the vote. (7-0 vote)

H-3. Settlement Agreement between The School Board of Broward County, Florida, and A.B., and K.B., Parents and Guardians of K.B., Student
(Approved)

Approved the Settlement Agreement between The School Board of Broward County, Florida, and A.B., and K.B., Parents and Guardians of K.B., student.

The parent (K.B.) filed a request for a due process hearing on January 19, 2007 on behalf of her son, a student with Autism. The parties reached a Joint Stipulation for Compensatory Education on April 10, 2007. The student participated in transition and job coaching services from September 2007 through August 2008, and the District believes continued services for transition and job coaching are necessary until the student reaches his 22nd birthday on May 24, 2010.

The parties have participated in negotiation and have agreed to the terms and conditions contained in the Settlement Agreement pending School Board approval. The Settlement Agreement is in the best interest of both parties, which eliminates additional financial expense associated with the possibility of protracted and complex litigation.

The proposed Settlement Agreement provides for a onetime payment of \$17,500 to A.B., and K.B., as parents and guardians of the student for transition and job coaching services through May 24, 2010.

The School Board Attorney and ESE Department recommend approval of the Settlement Agreement as an appropriate and cost-effective resolution of this matter.

There is a financial impact of \$17,500 to the district. The source of these funds is the unappropriated general fund balance. There is no additional financial impact to the district.

H-4. Agreement between The School Board of Broward County, Florida and Malibu Bay at Chapel Trail Homeowners Association, Inc., regarding West Broward High School (Approved)

Approved the Agreement between The School Board of Broward County, Florida, and Malibu Bay at Chapel Trail Homeowners Association, Inc.

Issues arose before the City Commission of the City of Pembroke Pines regarding the traffic patterns involving buses and other vehicles traveling to and from West Broward High School and whether such traffic patterns were consistent with City of Pembroke Pines Ordinance No. 2006-18 Revision #1 which addressed, in part, the school's traffic patterns, and whether the traffic patterns impacted by the school's use of an exit road on to Johnson Street adversely impacted the residents of the Malibu Bay at Chapel Trail Homeowners Association Inc., ("HOA").

In an effort to resolve these issues without the necessity of further revisions to current City Ordinances, the parties participated in numerous negotiation discussions. With the assistance of district staff; the staff and attorneys for the City of Pembroke Pines; the HOA's attorney; and the School Board Attorney, the parties developed the proposed agreement between The School Board of Broward County, Florida, and Malibu Bay at Chapel Trail Homeowners Association, Inc.

District staff and the School Board Attorney recommend approval of the Agreement as a fair and appropriate resolution to this matter.

There is no financial impact to the district.

I. OFFICE OF THE SUPERINTENDENT

I-1. The School Board of Broward County, Florida, 2009-2010 Organizational Chart (Approved)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to approve The School Board of Broward County, Florida 2009-2010 Organizational Chart designed to show General, Capital and Grant/Special Funded Administrative Positions. Dr. Parks was absent. Ms. Gallagher and Mrs. Hope voted "no." (6-2 vote)

The proposed 2009-2010 Organizational Chart has been developed addressing the School Board's Major System Goals in the most effective, cost-efficient, and accountable manner possible.

The proposed chart includes deletions, additions, position title changes, and administrative reporting relationship changes. Additional job qualifications and job descriptions for affected jobs will be presented for Board Action at future meetings.

The estimated financial impact of the 2009-2010 Organizational Chart will be a net savings to The School Board of Broward County, Florida, of approximately, \$9,755,034.

Board Members requested Mr. Notter to take a look at the contracts with our lobbyists that represent the School Board in Tallahassee.

Ms. Gallagher voiced concern over combining the Public Relations and Governmental Affairs departments at this time, though she understands it will save the district money. Ms. Gallagher stated if the position is a total change, the district will have to go outside to fill the job description. She said the district needs someone who knows the district's issues and legislation and it would be hard for someone to know what the district has been dealing with.

Concurring, Mrs. Hope stated that the communications and media departments should not be mingled with Government Relations. She stated that current staff has been established and they are the contact individuals with the newspaper and news media to discuss district issues. Mrs. Hope further stated that Ms. Georgia Slack, Lobbyist, needs more help in Tallahassee at this time, not less, and it would be a detriment to the district at this time.

Remarking that the School Board is faced with tough choices, Mrs. Gottlieb requested that the lobbying contracts in Tallahassee be reviewed and discussed at a workshop. Mrs. Gottlieb further stated that the Board is making a financial decision and is not personally against an employee; it is doing what is in the best interests of the organization.

Mrs. Kraft, who expressed gratitude to Mr. Notter for making the changes, stated it was a hard decision and the Board has discussed in the past moving more into the public relations/marketing aspect of the district. She stated the Board has been criticized unfairly for being too "top heavy" and there is the perception that there are a lot of district employees, which is a small percentage as compared to other districts. Mrs. Kraft further stated that the positions are streamlined in an economically efficient manner; Communications Relations, Governmental Relations, and Parent Involvement. Mrs. Kraft further stated that combining the departments makes sense because a lot of what they do overlaps and eliminates duplication.

Mrs. Bartleman stated that the district has a public relations challenge, as the spokesperson is someone who knows the facts and, when there is an emergency or crisis, will be the calm voice. She stated the two departments work together in promoting the school district and there is a need for a neutral spokesperson.

Ms. Gallagher stated she has been requesting an audit on the Community Involvement department, and would like staff to consider that request.

Mr. Williams stated the district needs to do a better job in the areas of public relations, government and community relations. He requested that the Board to project where the district needs to go with the chart, improve in these three areas.

Ms. Dinnen, who remarked that the discussion centers on process and function, stated there is not a real communication system or mechanism in place, and the structure does not lend itself to government relations, community partnerships and the communications department getting together on issues. Ms. Dinnen voiced concern over staff not attending events where the district is receiving an award, and there have been many city functions that has implications to the legislature and no connection is drawn.

Remarking that there are four contracts with different lobbyists that need to be evaluated, Ms. Dinnen requested information on what kind of jobs they are doing, what do those firms do, and take a look at the function of these lobbyists. Ms. Dinnen stated that the positions should be in tandem and a united front should be presented. She opined that the communications individual is suppose to give accurate information and be a champion for the district.

Ms. Gallagher concurred that a review is needed of the functions of the district's lobbyists, what is being performed and how effective they can be. She urged her colleagues to not rush into merging the departments at this time, as a lot of the public relations and issues fall under the Community Relations department, public outreach and advertising for partnerships. Ms. Gallagher further stated that she has requested an audit of the partnerships department for the past three or four years; it is unknown where leftover funds are placed. She stated this falls under Community Relations/Government Relations/Informational Officer, similar to Miami-Dade County school district, where there is one Informational Officer who functions in these areas. Ms. Gallagher said it is a bad business decision to rush into this, especially in this atmosphere, as the Board has done everything transparently.

Mrs. Hope added that the Board has not had a chance to address the elimination of positions, and the Board needs to tell both departments what is expected, monitor them, and then a progression of discipline can be applied to ensure that the right procedure is followed.

Mr. Notter responded that his decision was not made in haste, and stated that the chart was presented to the Board in a workshop, page by page and staff listened carefully. Mr. Notter stated it is a tough decision to eliminate 59 positions, 17 or 18 positions run by individuals, more than 2 directors; there were clear alignments that he felt needed to be done when there was a decrease in student enrollment by almost 42,000. He said when reviewing the kind of needs of the district, the chart presented today will run the district at \$9.7 million less, over a 10 percent reduction in administrative overhead.

Acknowledging that the two departments have individuals in them, Mr. Notter stated they must be aligned to get to the next level and they cannot be aligned with three separate departments going into the future; it is not a good business decision. Mr. Notter said the timing piece is for today, to take it to the next level.

Mr. Notter explained that there is not a loss in government affairs or communications. Those positions have been left intact and Community Relations has been moved as a direct report to the Superintendent as the new aligned department, so that the responsibility is with him as a direct report and work through that. Mr. Notter stated it is the right decision to organize the district in this manner for the 2009-2010 school year.

Mrs. Murray expressed concern with the elimination of the vacant audit position from page 5 of the Organizational Chart. She stated, as we move through this year and see a need for this position, as this is a crucial part of the district's success, what is done with money and how to keep track of valuables in the system.

Concurring, Mrs. Hope stated the Board needs to consider filling this position and not decrease the position for the following year. She said that at a time when economics are difficult, it is more important than ever to have a handle on finances.

Ms. Gallagher stated the more departments that are audited the more money will be discovered, that could be collected; the money that the district has saved using audits, especially the inventory audits, changing procedures. Ms. Gallagher further stated this is a time to look for money and maybe spend a little money on filling positions that will save money in the long run.

Mr. Notter responded that as we move through this school year and there is a need, he would be more than willing to address it for the following year. Mr. Notter voiced concern over what the district will be facing this year.

Remarking that the district has open-ended contracts with outside auditors that handle the accounting for the School Board, Mrs. Bartleman stated she would personally like to see if this is cost effective. She requested that staff provide the information, and to look at the way the ESE department was reconstructed, to look at the solid lines, with the positions. Mrs. Bartleman commended the Superintendent for saving the district \$9.7 million on the Organizational Chart.

Ms. Gallagher stated she would be voting “no” on the two pages of concern, as indicated in the record.

Motion (Carried)

Motion was made by Mrs. Kraft, seconded by Mrs. Gottlieb and carried, to move the Organizational Chart for approval. Dr. Parks was absent. Ms. Gallagher and Mrs. Hope voted “no.” (6-2 vote)

J. FACILITIES AND CONSTRUCTION MANAGEMENT

J-1. Change Orders (Approved)

Approved change orders as listed for various school projects, and approve additional appropriations of \$152,951 from the Capital Projects Reserve, \$66,949 from the District Wide IAQ Reserve and \$86,250 from the District Wide Roofing Reserve.

| | | |
|---|-----------------|----------|
| Anderson, Boyd H. High (Bus Drive) | Change Order 01 | \$76,229 |
| Consultant Error | \$2,912 | |
| Owner Request | \$72,423 | |
| Unforeseen Condition | \$894 | |

| | | | |
|--|---------------------|-----------------|---------------------|
| <u>Anderson, Boyd H. High</u> | | Change Order 10 | \$2,898 |
| Consultant Error | \$1,560 | | |
| Owner Request | \$1,338 | | |
| <u>Bennett Elementary</u> | | Change Order 03 | \$-340,966 (CREDIT) |
| Owner Request | \$-340,966 (CREDIT) | | |
| <u>Crystal Lake Middle (CREDIT)</u> | | Change Order 07 | \$-3,020 |
| Owner Request | \$-3,020 (CREDIT) | | |
| <u>ECIA Title 1</u> | | Change Order 02 | \$86,250 |
| Unforeseen Condition | \$86,250 | | |
| <u>Hunt, James S. Elementary</u> | | Change Order 04 | \$66,949 |
| Consultant Error | \$66,949 | | |
| <u>Larkdale Elementary</u> | | Change Order 05 | \$0 |
| Unforeseen Condition | \$0 | | |
| <u>Pompano Beach Middle</u> | | Change Order 02 | \$2,571 |
| Owner Request | \$2,571 | | |
| <u>Southwest Area Bus Facility</u> | | Change Order 21 | \$73,824 |
| Consultant Error | \$6,067 | | |
| Owner Request | \$67,757 | | |
| <u>Village Elementary</u> | | Change Order 09 | \$3,074 |
| Consultant Error | \$3,074 | | |

Financial Impact: Anderson, Boyd H. High – Project No.: P.000327 \$76,229; Anderson, Boyd H. High – Project No.: P.000326 \$2,898; ECIA Title 1 – Project No.: P.000738 \$86,250; Hunt, James S. Elementary – Project No.: P.000871 \$66,949; Southwest Area Bus Facility – Project No.: P.000673 \$73,824.

An additional financial impact of \$152,951 will come from the Capital Projects Reserve. An additional financial impact of \$66,949 will come from the District Wide IAQ Reserve. An additional financial impact of \$86,250 will come from the District Wide Roofing Reserve. 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 Certificates (Approved)

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on April 29, 2009, 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:

Amco America, Inc. – Issue Recommendation to Reject Application
 ** *Amoa Construction & Development Corporation – Issue Pre-qualification Certification
 Ampco Electric, Inc. – Issue Recommendation to Revise
 *Brasfield & Gorrie, LLC – Issue Pre-qualification Certification
 C & F Electric of Fort Lauderdale, Inc. – Issue Pre-qualification Re-Certification
 **Coral-Tech Associates, Inc. – Issue Pre-qualification Re-Certification
 *Corestates Construction Services, Inc. – Issue Pre-qualification Certification
 Cross Environmental Services, Inc. – Issue Pre-qualification Re-Certification
 *Edd Helms Air Conditioning, Inc. – Issue Pre-qualification Certification
 **Euro Design Experts, LLC – Issue Pre-qualification Certification
 **G.T. McDonald Enterprises, Inc. – Issue Recommendation to Revise
 GC Works, Inc. – Issue Pre-qualification Re-Certification
 *Kast Construction III LLC – Issue Pre-qualification Certification
 **Lebolo Construction Management, Inc. – Issue Pre-qualification Certification
 **Link Construction Group, Inc. – Issue Pre-qualification Re-Certification
 **LMK Pipe Renewal, LLC – Issue Pre-qualification Re-Certification
 ** *Maxon Groupe, LLC – Issue Pre-qualification Certification
 *Megawattage LLC – Issue Pre-qualification Certification
 ** *Onel Associates, LLC – Issue Pre-qualification Certification
 *Roepnack Corporation – Issue Pre-qualification Certification
 ** *Sealtec Construction Group, Inc. – Issue Pre-qualification Certification
 ** *Stacy Bomar Construction LLC – Issue Pre-qualification Certification (Roofing)
 ** *Stacy Bomar Construction LLC – Issue Pre-qualification Certification (General)
 ** Thornton Construction Company, Inc. – Issue Recommendation to Revise
 ** Tropic Fence, Inc. – Issue Pre-qualification Re-Certification
 W.G. Mills, Inc. – Issue Pre-qualification Re-Certification
 *New Certification **Certified M/WBE and/or SBE

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

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

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

- J-3. Increase Supplemental/Reimbursable Fees for Services/Professional Services Agreement – Tercilla Courtemanche Architects, Inc. – Classroom Addition, Remodeling ADA, HSS, Maintenance – Apollo Middle School, Hollywood – Project No. P.000350 (f.k.a. 1791-99-01)
(Approved)

Approved the increase to the Supplemental/Reimbursable Fees from \$220,000 to \$249,751 for the Professional Services Agreement dated October 16, 2007, between The School Board of Broward County, Florida, and Tercilla Courtemanche Architects, Inc.

This increase of \$29,751 is required to cover expenses related to updating the construction documents after the award of the construction contract for changes made by the City of Hollywood and design modification of the retention area due to underground utilities not identified on the “as-built.” Modifications include relocation of an existing offsite water line and the installation of a new line for the backflow preventer. Also included is the relocation of the existing sanitary sewer tie-in to a different manhole than was previously agreed to by the City.

Funds for this increase of \$29,751 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2008-2009 to 2012-2013, page 139.

- J-4. Rejection of All Bids – Carwash Pavilion – South Plantation High School – Project No. P.000425 (f.k.a.2351-22-02)
(Approved)

Approved the rejection of all bids received for South Plantation High School, Carwash Pavilion, Project No. P.000425.

Staff recommends rejecting all bids and canceling the project because there is no long-term need for the facility.

Consultant: Design Services
Scope of Work: New Car Wash Canopy (980 Square Feet) and Storage Building (258 Square Feet).

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

- J-5. Final Acceptance and Release of Retainage – Padula and Wadsworth Construction, Inc. – 12-Classroom Addition – Annabel C. Perry Elementary School, Miramar – Project No. P.000295 (f.k.a. 1631-99-01)
(Approved)

Approved the Final Acceptance of the Annabel C. Perry Elementary School, 12-Classroom Addition, Project No. P.000295, and release the balance of retainage in the amount of \$58,765.

The contractor, Padula and Wadsworth Construction, Inc., substantially completed the project August 2, 2006. The delay did not impact the occupancy of the classrooms. The classrooms were ready before the first day of the school year.

The funds being released totaling \$58,765 are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2008-2009 to 2012-2013, page 104.

- J-6. Contingency Use Directive No. 3 – James A. Cummings, Inc. – Multipurpose/ Cafeteria Building & 8-Classroom Addition – Pompano Beach Middle School, Pompano Beach – Project No. P.000005 (f.k.a. 0021-21-01) (Approved)

Approved a decrease in the Contingency account in the amount of \$259,022, as provided for in the agreement with James A. Cummings, Inc., and The School Board of Broward County, Florida, for Pompano Beach Middle School. This amount is required to re-route the sanitary and water mains to the perimeter of the site and to be located in the existing city easement.

This Contingency Use Directive represents the cost to re-route the sanitary and water mains to the City's easement. The existing easement is to be vacated upon completion of new sanitary installation. Existing sanitary lines to be abandoned, left in place and filled with grout. The City of Pompano Beach rejected the approved drawings for the sanitary and water mains. In order to proceed with the scope of work, The City of Pompano Beach requested the relocation of the mains. The total amount necessary to accomplish this required action is a reduction to the contract contingency account of \$259,022 from the remaining contract contingency of \$354,416 with a remaining contingency balance of \$95,394.

The funds being released totaling \$259,022, are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2008-2009 to 2012-2013, page 158. 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-7. Award of Contract and Rejection of Bids – T&G Constructors, Inc. – ADA Restroom Renovations – Plantation Park Elementary School – Project No. P.000235 (f.k.a.1251-99-04) (Approved)

Approved award of a construction contract for Plantation Park Elementary School, ADA Restroom Renovations Project No. P.000235 (f.k.a.1251-99-04) to T&G Constructors, Inc., in the amount of \$175,951 and rejection of bids received from Valcom Design & Construction, Inc., and Dimitri Construction Services.

Consultant: Crain Atlantis Engineering, Inc.

Reject the bids from:

Valcom Design & Construction, Inc. for failure to comply with Document 00200, Article 1.02M, and Article 5.03C, as a result of the Bidder including material deviations outlined on the Bid Review for Valcom Design & Construction, Inc., dated April 21, 2009;

Dimitri Construction Services for its failure to comply with 1013.46 F.S., State Requirements for Educational Facilities Ch. 4.1 (8), Board Policy 7003, Document 00008 Pre-Qualification of Contractor's Notice, and Document 00101 Advertisement for Bids

Contractor to be awarded:

T & G Constructors, Inc. The amount of the Contract shall be the sum of **\$175,951** which includes the **Base Bid**.

Scope of Work: Remodel Restrooms 101E, 101F, 101P, 101V, 123B, 145A, 146B, 149B, 505B, 518B and 519B.

The amount of the contract shall be \$175,951. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2008-2009 to 2012-2013, page 108.

- J-8. Funding and Use Agreement between The School Board of Broward County, Florida and the City of Hallandale Beach for the Use of Recreational Fields at Hallandale Elementary School (Approved)

Approved the funding and use agreement between The School Board of Broward County, Florida, and the City of Hallandale Beach, for the use of recreational fields at Hallandale Elementary School.

The Adopted District Educational Facilities Plan, Fiscal Years 2008-09 to 2012-13 contains a project to relocate the existing fields and play courts.

The project includes removing the existing softball field, land redevelopment, rerouting existing drainage, and construction of a new softball field and two multipurpose fields with an irrigation system and landscaping. The City desires to remove the existing sports field lighting and install lighting on the renovated sports fields.

The City has offered to take responsibility for funding the lighting portion of the project and will determine the amount of lighting which is implemented based on the bid results up to an amount not to exceed \$500,000. The City will also contribute in-kind services by providing project management in an effort to help the project proceed as scheduled. In exchange, the City desires use of the recreational fields for the community for a period of 25 years.

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

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

J-9. Renewal of Lease Agreement between The School Board of Broward County, Florida, and BrightStar Credit Union (Approved)

Approved the renewal of the lease agreement between The School Board of Broward County, Florida, and BrightStar Credit Union, a tenant at 600 SE Third Avenue, Fort Lauderdale, Florida.

BrightStar Credit Union has been a tenant at 600 SE Third Avenue, Fort Lauderdale, Florida since 2003. The initial term of the lease has expired and this renewal is a new lease for a term of five years terminating on April 30, 2013. The lease includes one five-year renewal option. The rent has been increased to reflect current market conditions.

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

There is a positive financial impact to the School District totaling \$107,837 in rental income (assuming 3% annual CPI increases), received yearly as follows: Year 1 – \$28,630, Year 2 – \$33,292, Year 3 – \$34,783, Year 4 – \$36,297, Year 5 – \$37,835.

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. These amendments are as of March, 2009.

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 March, 2009.

K-2. Interim Financial Statements for the Period Ended February 28, 2009 (Approved)

Approved the Interim Financial Statement for the period ended February 28, 2009.

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.

K-3. Revision to General Fund Amendment (Approved)

Approved the General Fund Amendment I-7, for Fiscal Year 2008-09.

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 3/31/09.

Financial Impact: Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 3/31/09.

K-4. Revision to Special Revenue (Other) Amendment (Approved)

Approved the Special Revenue (Other) Amendment IV-7B, for Fiscal Year 2008-09.

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 3/31/09.

Financial Impact: Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 3/31/09.

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

CC. BOARD POLICIES

- CC-1. Revisions to School Board Policy 5000 – Adequate Educational Facilities, Designation of Schools and Attendance Areas, Development of Positive Alternatives to Accommodate Growth, to Keep Schools Open, and to Eliminate, Consolidate and Re-purpose Schools (Adopted)

Motion was made by Mrs. Hope, seconded by Mrs. Bartleman and carried, to adopt revisions to School Board Policy 5000, at this third reading. Dr. Parks was absent. (8-0 vote)

A review of Policy 5000 has been completed. Recommendations have been reviewed and approved by Executive Leadership, District legal counsel, and the School Board. The proposed changes in standards for overcrowded schools and their implications have been presented at the January 27, 2009 School Board Workshop and approved as amended at the April 21, 2009 Regular School Board Meeting.

The recommendations include changes to allow consistency with School Board Policy 1161.

There is no additional financial impact to the school district.

Responding to Mrs. Kraft's inquiry, Mr. Marko stated that the changes recommended by the Board were included and advertised; these changes are non-abridged changes after the second reading.

Ms. Gallagher stated that the Oversight Committee meeting will be held in July and it is hopeful that all the interpretations will be completed. She said the Legislative Oversight Sub-committee has not been scheduled at this time.

- CC-2. Proposed New Job Description and Minimum Qualifications for the Instructional Facilitator Positions for The School Board of Broward County, Florida (Approved)

Motion was made by Mrs. Hope, seconded by Mr. Williams and carried, to approve the proposed new job description and minimum qualifications for the Instructional Facilitator positions for The School Board of Broward County, Florida. Approval is requested to advertise after the first reading. This is the first reading. Dr. Parks was absent. (8-0 vote)

The job description for Instructional Facilitator has been created to address the State requirements for progress monitoring and support under the Florida Differentiated Accountability Plan. This job description delineates clear requirements and job accountabilities, aligned to the Department of Education Standards, that are necessary for personnel who will monitor progress and provide support to Differentiated Accountability schools. See Executive Summary.

The total cost of salary and benefits is \$3,064,392; there is no additional financial impact to the District budget. The source of funding is as follows: ~~\$453,984, General Funds and \$2,610,408 to be funded through~~ a combination of Title IIA, Title I, and IDEA grant funds.

Responding to Ms. Gallagher's inquiry, Mr. Notter stated that the positions will be advertised and surplus employees will be considered first, and any qualified teacher may apply, along with any outside applicants. The Superintendent stated it is a brand new position with a new job description so that there will be less people that will ultimately go to the reduction in force phase. Mr. Notter further stated it is his intent to create more jobs without stimulus dollars; using additional Title I and IDEA dollars to maximize the number of positions.

Responding to Mrs. Hope's inquiry, Mrs. Strong stated it will be noted in the job advertisement posting that the position is grant funded, with an indication that the position will no longer be funded after the grant fund runs out.

Mrs. Hope voiced concern that individuals will be misled, as there is grant funding positions that last for years. She stated the applicant must be told straight as to when the grant runs out.

Mrs. Strong stated that staff will work with legal counsel as to the appropriate wording of the advertisement. She stated the assumption is to take from schools, as a classroom position, so the position will be back-filled.

Mr. Williams stated there are approximately 54 positions available in his district. He inquired whether the positions will be advertised immediately and considering the surplus list so that some teachers can come back on board.

Mr. Notter responded that this will be a simultaneous selection process.

Mrs. Bartleman requested a clarification of the funding.

Mr. Notter informed that the State of Florida Stabilization Funds, which is part of the President's overall package, include 100 percent flexibility in using those dollars to pay salaries. The state of Florida used these dollars to replace dollars that normally would have been placed into the education budget.

Ms. Dinnen inquired when the new position is filled how many surplus positions will be used. She stated it is important to employees to show accountability, to use the talent within the district and not go to the outside.

Mrs. Bartleman stated the district is not supplanting the dollars, and is obeying the Title I policy.

- CC-3. Proposed Revised Job Description and Minimum Qualifications for the Educational Interpreter for Deaf/Hard of Hearing Positions for The School Board of Broward County, Florida (Approved)

Motion was made by Mrs. Hope, seconded by Mrs. Gottlieb and carried, to approve the proposed revised job description and minimum qualifications for the Educational Interpreter for Deaf/Hard of Hearing I, II, III, & IV Positions for The School Board of Broward County, Florida. This is the first reading. Dr. Parks was absent. (8-0 vote)

The job description for Educational Interpreter for Deaf/Hard of Hearing I, II, III, & IV is being revised to update and clarify the communication skills evaluation requirements of the job, at various levels of education and skills proficiency, to facilitate advancing the interpreters' ability to provide highly competent interpreting/transliterating services to deaf and hard of hearing students in Broward County School District. See Executive Summary.

There is no additional financial impact to the district budget.

No discussion was held on this item.

- CC-4. Proposed Revised Job Description and Minimum Qualifications for the TV Production Crew Chief Position for The School Board of Broward County, Florida (Approved)

Motion was made by Mrs. Hope, seconded by Mrs. Murray and carried, to approve the proposed revised job description and minimum qualifications for the TV Production Crew Chief position for The School Board of Broward County, Florida. This is the first reading. Dr. Parks was absent. (8-0 vote)

The job description has been updated to more accurately reflect that this position has the responsibility for transporting equipment and performing the location briefing for the crew on the production requirements for the assignment. Therefore, an added minimum requirement is to hold or obtain a valid Class B Florida Commercial Driver's License. See Executive Summary.

There is no additional financial impact to the district budget.

No discussion was held on this item.

DD. OFFICE OF THE CHIEF AUDITOR

EE. CHIEF OPERATIONS OFFICER

**EE-1. Additional Recommendations on Existing Contracts \$500,000 or Greater
(Approved)**

Motion was made by Mrs. Hope, seconded by Ms. Gallagher and carried, to approve additional expenditures on previously approved term contracts as shown below. The recommendations are requests for additional expenditures only and do not require any changes to the district budget. Dr. Parks was absent. (8-0 vote)

A. APPROVAL FOR RENEWAL AND AN ADDITIONAL EXPENDITURE ON THE FOLLOWING CONTRACT:

1. 27-007B – Speech-Language Therapy Services (additional expenditure of \$600,000 requested; \$3,600,000 originally approved on 6/20/06)

The original spending authority, based on historical usage, would have been \$1,200,000. However, during this period of budget reductions, the requested spending authority has been reduced to \$600,000. Additional spending authority will be requested in smaller increments as required to provide closer controls on spending.

It is recommended that the contracts with Audrey Greenwald d/b/a/Boca Speech Center; ABC Speech & Language Therapy; Bilingual Therapies, Inc.; Cobb Pediatric Speech Services, Inc., d/b/a/ Cobb Pediatric Therapy Services; Community Rehab Associates; Cumberland Therapy Services LLC; Eastside Speech LLC; Kids R Kids Therapy Services, Inc.; Invo Healthcare Associates, Inc.; MTX of Southwest Florida, Inc.; Progressus Therapy Inc.; and Soliant Health, Inc., be renewed for an additional year from July 1, 2009 through June 30, 2010 in accordance with Special Condition 2.4 which states "The purpose of this RFP is to establish a contract beginning July 1, 2006, and continuing through June 30, 2009. The term of the contract may, by mutual agreement between SBBC and the awardee, upon final School Board approval, be extended for two additional one-year periods and, if needed, 90 days beyond the expiration date of the final renewal period.

The Board, through its Supply Management and Logistics Department, will, if considering to renew, request a letter of intent to renew from each awardee, prior to the end of the current contract period. The awardee will be notified when the recommendation has been acted upon by SBBC. All costs shall be firm for the term of the contract. The proposer agrees to this condition by signing its proposal. Since the date of award, the Consumer Price Index (CPI) reflects an increase of 4.3%.

The contracts with Bilinguals, Inc., and Procure Therapy will not be renewed, as these awardees did not respond to the request to renew letters. Furthermore, it is recommended that the School Board authorize an additional expenditure of \$600,000 to the subject contract. The amount of the recommended spending authority is available from funds already included in the District budget. This recommendation will allow schools, departments and centers to continue purchasing speech and language services as required through June 30, 2010, and will provide for an approximate total expenditure of \$4,200,000 for the award period.

Items submitted for renewal approval have been evaluated by user departments and schools. It has been determined satisfactory service is being provided and the contract prices are currently the best value based on current vendor prices, comparable prices from other agencies and/or the Consumer Price Index (CPI) data. Recommendations are being made for additional expenditures on previously approved term contracts. These recommendations are requests for additional expenditures only, and the amount is available from funds already included in the District's budget.

These recommendations authorize additional expenditures until the expiration date of each contract. At that time the contract will be re-bid according to Board Policy, unless the contract is renewed per the terms and conditions of the bidding documents.

These recommendations for additional spending authority will be funded from available funds already included in various school/department/center budgets or as described in the Summary Explanation and Background. This does not increase the existing budget.

No discussion was held on this item.

FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

GG. HUMAN RESOURCES

HH. ATTORNEY

II. OFFICE OF THE SUPERINTENDENT

JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

- JJ-1. Award of Contract – Lemartec Engineering and Construction Corporation – New Replacement Facility – Lanier-James Educational Center, Hallandale – Project No. P.000077 (f.k.a.0405-99-01) (Approved)

Motion was made by Ms. Gallagher, seconded by Mrs. Hope and carried, to approve award of a Construction Contract for Lanier-James Educational Center, New Replacement Facility, Project No. P.000077 to the low bidder meeting the bid specifications, Lemartec Engineering and Construction Corporation in the amount of \$7,832,004. Dr. Parks was absent. (8-0 vote)

Contractor: Lemartec Engineering and Construction Corporation
Consultant: Zyscovich, Inc.
Scope of Work: This is a reuse based on Pine Ridge Education Center, Project No. 0693-99-01, approved by the Board on May 17, 2004, and Cypress Run Education Center, Project No. 3891-22-01, approved by the Board on October 11, 2005. Replacement of existing buildings with a new prototype building.

The amount of the contract shall be \$7,832,004. The sources of funds are identified in Adopted District Educational Facilities Plan, Fiscal Years 2008-2009 to 2012-2013, Pg. 210. The budget for the project is \$23,000,000. Based on the PFA, the project budget may be reduced by \$8,133,291. These funds will be placed in the Capital Projects Reserve.

No discussion was held on this item.

- JJ-2. Award of Contract and Rejection of Bids – Hyvac, Inc. – HVAC Additions & Alterations – Hallandale High School – Project No. P.000896 (f.k.a. 0403-99-05) (Approved)

Motion was made by Ms. Gallagher, seconded by Mrs. Hope and carried, to approve award of a construction contract for Hallandale High School, HVAC Additions & Alterations, Project No. P.000896 to the low bidder meeting bid specification, Hyvac, Inc., in the amount of \$1,813,997 and rejection of bid received from Edd Helms Group. Dr. Parks was absent. (8-0 vote)

Consultant: Dyanki, Inc.

Reject the bids from:

- Edd Helms Group for failure to comply with the Contractor Pre-Qualification Requirements in 1013.46 F.S., State Requirements for Educational Facilities Ch. 4.1 (8), Board Policy 7003, Document 00008 Pre-Qualification of Contractor's Notice, and Document 00101 Advertisement for Bids.

Contractor to be awarded:

- Hyvac, Inc.

Scope of Work: Replace 18 air-handling units, 1 new cafeteria air handler, 2 new 300-ton chiller with associated cooling tower and pumps, new media center rooftop unit, upgrade direct digital controls throughout the campus, perform test and balance for air and chilled water systems.

The amount of the contract shall be \$1,813,997. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2008-2009 to 2012-2013, page 183.

No discussion was held on this item.

JJ-3. Award of Contract and Rejection of Bids – T&G Constructors – Media Center Addition and School Renovation – Seagull School Center, Fort Lauderdale – Project No. P.000114 (f.k.a.0601-24-01) (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to approve award of a construction contract for Seagull School Center, Media Center Addition and School Renovation, Project No. P.000114 to T&G Constructors in the amount of \$1,420,000 and rejection of bid received from Gates Butz Institutional Construction, LLC. Dr. Parks was absent. (8-0 vote)

Consultant: Harvard Jolly, Inc.

Reject the bids from:

- Gates Butz Institutional Construction, LLC
For failure to deliver the bid prior to the time and date for receipt of bids, in accordance with Document 00200, Instructions to Bidders, 4.03 B.

Contractor to be awarded:

- T & G Constructors

Scope of Work: Construct new media center and related spaces, ADA restrooms, ADA restrooms at clinic, visual alarms at restrooms, fire sprinklers and site drainage improvements.

The amount of the contract shall be \$1,420,000. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2008-2009 to 2012-2013, page 212. This project is financed by the Certificates of Participation.

The budget for this project is \$4,619,864. Based on the PFA, the project budget may be reduced by \$2,088,564. These funds will be placed in the Capital Projects Reserve.

No discussion was held on this item.

Mr. Garretson noted that Agenda Items JJ-1 through JJ-3 combined came in \$11,608,000 below the budgeted amounts.

Adjournment This meeting was adjourned at 6:30 p.m.

RT