

Approved in Open Board Meeting, July 20, 2010

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

**June 2, 2010
Wednesday, 9:45 a.m.**

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 9:50 a.m., Wednesday, June 2, 2010, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Jennifer Leonard Gottlieb; Vice Chair Benjamin J. Williams; Members, Robin Bartleman, Maureen S. Dinnen, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, Dr. Robert D. Parks, Kevin P. Tynan, Esq., Superintendent James F. Notter, and Edward J. Marko, Esq.

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

Minutes for Approval Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the official minutes for the following Board Meetings: Mrs. Kraft, Dr. Parks and Mr. Tynan had not yet assumed their seats on the dais. (6-0 vote)

May 4, 2010 – Regular School Board Meeting
May 18, 2010 – Special – Student Expulsions

Added Items - 3 speakers

Close Agenda Upon motion by Ms. Dinnen, seconded by Mr. Williams and carried, the Agenda was approved and declared closed. Mrs. Kraft, Dr. Parks and Mr. Tynan had not yet assumed their seats on the dais. (6-0 vote)

SPECIAL PRESENTATION

Recognition of Award – Dillard Jazz Band

Mr. Williams congratulated and recognized and the Dillard High School's Center of the Arts Jazz Band, who appeared via video conference. The ensemble placed second in this year's Essentially Ellington High School Jazz Competition and Festival at the Lincoln Center in New York City. Dillard was one of only 15 high school bands throughout the county chosen to compete in the nation's most prestigious high school jazz competition.

Mr. Christopher Dorsey, Band Director, introduced the band members, and Principal Merceda Stanley.

Holland America Cruise Lines Donation of Baby Grand Piano

Mrs. Gottlieb presented a video showcasing the donation of a baby grand piano from Holland American to the School Board. A proclamation recognizing and thanking Holland American Cruise Lines for its generosity was presented to Ms. Elise Roussard.

The cruise line donated a baby grand piano to Fort Lauderdale and Blanche Ely high schools. The cruise line also paid for all expenses related to transporting the pianos from the cruise ships to the two schools.

Mrs. Gottlieb recognized Dr. Marielena Wright, Principal, and Mr. Bill Knott, Band Director, Fort Lauderdale High School, who both expressed gratitude to Holland Cruise Lines and the School Board for making the donation possible.

Mrs. Gottlieb expressed gratitude to Holland American Cruise Lines for making a generous donation to the school district.

Ms. Roussard stated that Holland American is always pleased to support the community, Port Everglades being one of its home ports.

Distinguished Budget Presentation Award

Ms. Linda Davidson, Board Member of the Government Finance Officers' Association (GFOA) presented the Distinguished Budget Presentation Award to Mr. Ben Leong, Chief Financial Officer, who accepted on behalf of the district.

The award represents a significant achievement by the district and reflects the commitment of the School Board and staff to meeting the highest principles of government budgeting.

Dr. Parks praised Mr. Leong and his department for doing a fabulous job.

Mr. Leong stated the award recognizes the entire Finance department during these difficult times.

Ms. Dinnen noted that Mr. Leong is an excellent lobbyist who does an outstanding job representing the district locally and at the state level in Tallahassee.

Extending appreciation, Mrs. Hope congratulated Mr. Leong for the recognition especially during these trying economic times.

REPORTS

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

Ms. Rincon reported that on June 14 – 17, 2010, 36 student delegates will be attending the Advanced Leadership Training Camp at Nova-Southeastern University, Camp Eagle, for advanced leaders who have already attended the South Florida Leadership Training Camp this past year. It is expected this year's delegation will be the largest to date.

Beginning with the 2010-11 school year the BCASC is planning to raise money to send a large delegation of students to a future rally in Tallahassee.

Technology Advisory Committee – Linda Ferrara

Ms. Ferrara reported that a number of TAC members participated in the District Educational Technology Plan and provided input into the plan. Updates were given at the monthly meetings for any additional input by other members.

A presentation was given by Mr. Ron Scam, RWD uPerform, the product to replace the SAP. Many questions were asked and a number of concerns were addressed to ensure that the product meets the district's needs. Another project by ETS is the process of transferring unused versions of software between schools and departments, thereby allowing schools and departments to better utilize their dollars.

Elections were held: Darryl Diamond, Secretary; Barbara Barr, Vice Chair; Linda Ferrara, Chair.

Ms. Ferrara extended gratitude to all members of the committee for their time and input. Each member brings a piece of valuable information to the table so it is understood how technology is dispersed throughout the district.

Employee Unions – Bernie Schultz

Ms. Schultz discussed concern over the BAT testing for 1st and 2nd graders, stating that previously these grades were taking the SAT test and now they take the BAT test four times a year. Teachers now have to input every single answer on the BAT test, between 70 and 90 questions per child, which takes away from valuable instruction time.

Ms. Schultz requested that the Data Collection Review Committee be reinstated for next year and that that they meet four times during the year. She stated that issues of over-testing, excessive paperwork or data collection has come to the committee for evaluation and have brought forward recommendations.

Ms. Schultz discussed the summer school schedule for administrators. She stated that last year's enrollment, 2009 summer school, yielded a high enrollment of 12,287 students and a low enrollment of 5,369 students, out of a yearly enrollment of 250,000 students. A review of vacation days indicated that some administrators took 3 or 4 days vacation and some took as many as 20 to 25 vacation days. The summer programs this year are 3rd grade FCAT camps, a voluntary Pre-K and drivers education; they will be at selective schools, yet every school and every administrator will be here during the summer.

Ms. Schultz suggested that the Board needs to look at how to cut these activities, to sanction administrators working year-round, paying for their paid vacation while teachers are standing in unemployment lines. She requested that the Board look at this policy to see how cuts can be made on this issue.

BOARD MEMBERS

Mrs. Hope informed her colleagues that she attended the Ribbon Cutting ceremony at Discovery Elementary School. She stated the school's Discovery Guitar Ensemble has been requested to perform at some city and county events. Mrs. Hope praised Principal Angela Fulton for the progress the school is making.

Mrs. Hope stated that Piper High School received a donation of a baby grand piano on behalf of Nat King Cole's daughters, Timolin and Casey Cole, and the Nat King Cole Generation Hope, Incorporated foundation. She stated that she will get more information, and in the future the Board can personally thank the foundation for helping the district during this time of need. Mrs. Hope stated that partnerships are evident in the community and throughout Florida to offer musical instruments so that students can continue with art and music curriculum.

Mrs. Hope attended the Teen Youth Anti-Violence Summit presented by Broward County Commissioner Lois Wexler, which was attended by several School Board Members, elected officials, students and representatives from law enforcement who gathered at the BankAtlantic Center in Sunrise to discuss solutions to this issue.

Mrs. Hope also attended the Memorial Day celebration at the City of Sunrise. Gratitude was extended to all servicemen and servicewomen for serving and sacrificing for our country's freedom.

Mrs. Hope extended wishes to Ms. Lee Dollar, Principal, Village Elementary School, who is retiring. She presented a video presentation that was made by students in their principal's honor.

Mrs. Hope showcased missing child, Eric Adams. Anyone with information, please call the National Center for Missing and Exploited Children.

Mrs. Hope wished everyone a safe summer.

Ms. Murray informed that Jonathan Martinez, 4th grader at Hollywood Park Elementary, has been selected as the 2009 grand prize winner in the Brainstorm USA's Dare to Dream, Expect to Success Scholarship Program. Jonathan submitted a collage illustrating his dream of becoming a fireman; he was one of three winners in the national competition sponsored by Brainstorm, USA, provider of educational software products. Jonathan will receive a \$5,000 scholarship and a computer, Hollywood Park Elementary will receive two CSI computers and software valued at \$2,500.

Ms. Murray noted that former and deceased School Board Member Carole Andrews, through the Broward Sheriff's Office, was instrumental in bringing laptop computers to the school.

Ms. Murray announced that College Academy Marc Warrior, Senior, and engineering major, traveled New York City to represent Broward County at the annual English Speaking Union Shakespearean contest. Marc performed a Shakespearean monologue and sonnet at Lincoln Center on Monday, April 26, 2010 for the national championship, competing against children from around the country. If selected, Marc will attend a workshop in England before leaving for Georgia Tech in the fall. Senior Earllondra Brooks is a winner of the Gates Millennium Foundation Scholarship which will pay all her medical school expenses. She will attend Johns Hopkins in the fall.

Also, students Chris Pannier and Teresa Matthews, and six other students represented Broward College in the Florida Math Teen competition held at the University of North Florida in Jacksonville. The Broward team took 2nd place in the state competition out of over 20 teams represented from public schools and community schools in Florida.

Gulfstream Middle School competed in the Broward County Math Video Game competition held on May 21, 2010 at the IGFA Fishing Museum. Out of 32 teams, Gulfstream came in winning 1st and 2nd prizes in the Tabula Digital contest.

Ms. Murray reported that Hollywood Hills seniors were recognized by the Miami Herald Silver Knights Awards ceremony on May 13, 2010: Yamisil Conde, Ella Tepper, and Liora Hostyk.

Ms. Dinnen announced that Seagull student Fanie Jocelyn won a two-year scholarship at a Florida college, presented by the Women of Tomorrow program.

Fairchild Tropical Gardens has named South Plantation High School in their first place award in the Fairchild Challenge program with \$1,000 going to the school.

One of the district's business partners, EDSA, Paul Kissinger, President, who set up a architecture and design program at Northeast High School that mentors youths, is one of three schools in Broward County who was given state recognition for their partnership.

Ms. Dinnen announced that Plantation Park Elementary School Singers, 5th graders, performed on the steps of the Capitol. They were invited by Senator Nan Rich to sing on the Senate floor for the Senate.

Ms. Dinnen attended the South Florida Automobile Dealers luncheon, attended by Mrs. Gottlieb and Ms. Murray. The dealers commemorated the achievements of the students.

Ms. Dinnen joined the Children and Youth Cabinet teleconference; they are submitting a report on what their state agency budget provides for children.

Ms. Dinnen attended the Anti-Violence Summit which shows the district is being proactive on this issue. She reminded that the district was the first school district to develop an anti-bullying policy, with the state taking portions of the policy to develop into law.

Ms. Dinnen acknowledged Croissant Park Elementary School students, winners of the Broward County Dietetic Association's poster contest: Alliah Escobar, 4th grader; Madison Gabay, 3rd grader; and Amber Miller, 1st grader.

Dr. Parks discussed his Press Release announcement that he would not seek a 7th term as School Board Member.

Mrs. Bartleman informed her colleagues that she visited Tradewinds Elementary School with Dr. Parks to view the Green time capsule. She thanked Dr. Parks for his contribution regarding environmental and energy savings initiatives, to be part of the district's Strategic Plan, among other initiatives.

Mrs. Bartleman met with a group of speech pathologists on May 13, 2010 at Discovery Elementary. The group of women has collected data over the last two years and have created an idea to staff the district's speech pathology program in a different manner, to make it more equitable. Mrs. Bartleman informed that some speech pathologists have case loads of 30 and others upward to 70, thus the inequity in staffing and inequity in the amount of supplies that each pathologist is allowed to purchase. Mrs. Bartleman further stated that next year, as required by statute, the group must participate in response to intervention teams. Mrs. Bartleman stated that she will set up a meeting in July with the head of speech pathology, the data group of women, and Dr. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services.

Mrs. Bartleman visited Maplewood Elementary School to view some of their inclusion programs and praised the work of Ms. Sherry Bees, Principal.

Mrs. Bartleman informed that she attends every Area Advisory lunch and breakfast; attended Family Reading Night at West Hollywood Elementary, sponsored by the school's PTA. Mrs. Bartleman stated that she met with McKenson Basile, a DJ who performs at PTA events, and three Haitian students who were recently enrolled at the school. She stated that McKenson helps students by helping them with translation, homework and donations of money to their families.

Mrs. Bartleman attended Career Day at Oriole Elementary, and met with Ms. Gloria Lewis' 5th grade class. She also attended a PTA meeting and parents discussed their concerns over budget cuts and cuts at the ESE center.

Mrs. Bartleman discussed the reassignments, the creation by staff of over-enrolled situations at Indian Ridge Middle, Falcon Cove Middle and Western High School. She requested that staff review this issue, as schools are being filled over-capacity, the district is over-enrolling the schools that would be the logical feeder schools for the boundary change.

Referring to the Interlocal Agreement, Mrs. Bartleman requested information on which portables can and cannot be used and how many portables will the district be able to use.

Mrs. Bartleman, who referred to Fort Lauderdale High School, voiced concern over established magnet programs losing their magnet coordinators.

Ms. Dinnen informed that she conferred with the principal and magnet coordinator of the school about the reduction of the coordinators. She said she will share all the information she has received.

Mrs. Bartleman thanked everyone in the district for doing an amazing job during these difficult budget cuts. She extended safe summer greetings to everyone.

Mr. Tynan informed his colleagues that the Flanagan High School baseball team became state champions, and suggested a future recognition at a future Board meeting.

Mr. Tynan attended the Critics and Awards Program for high school theater (Cappies) awards and a good time was had by all.

Mr. Tynan informed his colleagues that he and Chair Gottlieb attended the JROTC parade, Pass and Review event.

Mr. Tynan congratulated all district high school graduates.

Mrs. Kraft stated that this year will be her last graduations, one of the most enjoyable events as a Board Member.

Mrs. Kraft attended Career Day at Riverside Elementary School last week, and students were cognizant of the budget issues, one of the students relaying her emotional personal issue with her mother losing her job.

Mrs. Kraft informed that student Glenn Medina, Ramblewood Middle School, and his family will be attending the Spelling Bee event in Washington, D.C. Last year's semi-finalist was his brother Vincent Medina. Good luck was passed on to Glenn in following in his brother's footsteps.

Mrs. Kraft attended the KOTA, Kaleidoscope of the Arts, a program by Coral Glades High School. The program combines the different band and music programs with their Color Guard, an original performance which featured a Salute to Broadway this year.

Mrs. Kraft congratulated and recognized the Silver Knights winners from Stoneman Douglas and Taravella high schools. Stoneman Douglas: Honorable Mentioned Scott Eisner, General Scholarship; Honorable Mentioned Madhuri Nagaraj, Science; James Myers, Athletics; and Ariana Levy, Art. Taravella: Heather Cohen, English/Language.

Mrs. Kraft inquired whether the district recognizes perfect attendance. She informed that some schools recognize perfect attendance as part of Senior awards and other schools do not practice this because they are not sure how to validate a person's perfect attendance. She suggested that uniform guidelines be provided for perfect attendance for all schools in the district. Mrs. Kraft congratulated and recognized Coral Glades Seniors David Barrows and Widmark Villacres; Stoneman Douglas High School Senior Tyler Dexter; and Taravella Senior Daniel Polan who had perfect attendance from kindergarten through 12th grade.

Mrs. Kraft attended the Cappies awards with Mr. Tynan and presented several awards. South Plantation High School had 17 nominations and carried 9 awards for Alice in Wonderland. Other winners included Stoneman Douglas (4), Coral Springs High (2), Nova (1), Deerfield (1), and Taravella. She recognized the Cappies winners.

Mr. Marko requested a moment of silence, which was observed, for Mr. Gerald Williams, Special Counsel for the Broward School District in 1977, Special Negotiator in Miami-Dade and Palm Beach County school districts, and in 2005 became General Counsel. Mr. Marko stated Mr. Williams was a wonderful person and an outstanding attorney.

Speakers

Billy Davison
Dr. Sandy Melillo
Mr. Lynn Wood
Ronald Barish
Karen Cormack
Maria Rincon
Yvonne Horma
Mary Fertig

Dr. Parks responded to the speakers who spoke on behalf of Mr. Dave Gordon, Principal, Pompano Beach High School. He stated that Mr. Gordon has followed the process of retirement, stating that Mr. Gordon has reapplied for the principal position at the school and he has been allowed to go through the interview committee process.

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 Ms. Dinnen and carried, to approve the Consent Agenda for the remaining items. Mrs. Kraft, Dr. Parks and Mr. Tynan had not yet assumed their seats on the dais. (6-0 vote)

CONSENT ITEMS

A. RESOLUTIONS

B. BOARD MEMBERS

D. OFFICE OF THE CHIEF AUDITOR

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

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

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

Forest Glen Middle School, *Monarch High School, *Oakland Park Elementary School, Ramblewood Middle School, *Rickards Middle School, *Boulevard Heights Elementary School, *Chapel Trail Elementary School, Coral Cove Elementary School, *Fairway Elementary School, *Miramar Elementary School, New Renaissance Middle School, *Orange Brook Elementary School, *Panther Run Elementary School, *Pasadena Lakes Elementary School, *Pines Middle School, *Community School South, *Everglades Elementary School, *North Side Elementary School, *Plantation Elementary School, *Plantation Park Elementary School, *Rock Island Elementary School, *Silver Ridge Elementary School, *Sunset School

*Denotes Schools With No Audit Exceptions

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's May 6, 2010 meeting.

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

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

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

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

The Audit report represents 39 locations in which a total of 31 locations had no exceptions and 8 locations had exceptions.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's May 6, 2010 meeting.

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

D-3. Auditor General – State of Florida – Broward County District School Board's Financial, Operational, and Federal Single Audit for the Fiscal Year Ended June 30, 2009 (Received)

Motion was made by Mr. Tynan, seconded by Ms. Dinnen and carried, to receive Auditor General – State of Florida – Broward County District School Board's Financial, Operational, and Federal Single Audit for the Fiscal Year Ended June 30, 2009.

As part of the continued effort to improve accountability, the Auditor General, State of Florida performed the Broward County District School Board Financial, Operational, and Federal Single Audit for the Period July 1, 2008 through June 30, 2009. The Auditor General provided a Financial, Operational and Federal Single Audit report. The Auditor General reported that the Broward County District School Board prepared its financial statements in accordance with prescribed financial reporting standards. The Auditor General reported that the District has established and implemented procedures that generally provide for internal control of District operations and complied with provisions of law, administrative rules, regulations, contracts and grant agreements. The report identified sixteen audit findings/recommendations intended to promote accountability in the District and improvements in the District's operations.

Also, the Auditor General audited the District's Federal awards for compliance with applicable Federal requirements. The Child Nutrition Cluster, Student Financial Assistance Cluster, Fund for Improvement for Education, Career and Technical Education, and Disaster Grants – Public Assistance Programs were audited as major Federal programs.

The results of their audit indicated that the District materially complied with the requirements that were applicable to the major Federal programs tested; however, they reported three audit findings related to identifying Federal funds portion of the Workers' Compensation transfers; the validity of some expenditures charged to the Child Nutrition Cluster Programs; and return of unclaimed Title IV Federal Student Aid funds, in compliance with Federal regulations. This report is intended to be used as a resource for Management and Staff.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's May 6, 2010 meeting.

The source of funds to perform the Operational Audit Report is the Auditor General, State of Florida's Budget allocation.

Ms. Murray referred to the March 18, 2010 memorandum from the Superintendent to the schools, Exhibit A, stated that these recommendations have not been implemented as yet. Ms. Murray inquired whether there is an MOU from any of the unions concerning some of the issues.

Mr. Patrick Reilly, Chief Auditor, responded that some of the changes and recommendations have begun, and he will be meeting with Mr. Marko and Ms. Gracie Diaz, Acting Deputy Superintendent, Human Resources, to discuss the development of a fraud policy. Mr. Reilly noted that every three years the Auditor General conducts an extensive audit review of the district.

Mrs. Kraft stated that a lot of recommendations may not get done until next year, such as diplomas. Mrs. Kraft requested the Superintendent to schedule a Board workshop within six months on the status of the recommendations of the management response in order to take corrective action. She stated it is important to review the implementation

D-4. Audit of RFQ No. 2006-12-FC Kitchen/Cafeteria Program (Received)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to receive Audit of RFQ No. 2006-12-FC Kitchen/Cafeteria Program.

In accordance with the 2009-2010 Audit Plan, and at the request of the Superintendent of Schools, the Office of the Chief Auditor performed an Audit of RFQ No. 2006-12-FC Kitchen/Cafeteria Program.

The objective of the audit was to; document the procurement process for the Architecture/Engineering (A/E) firms for the program; determine architectural fee amounts associated with the projects in the program; document the QSEC procurement process for the projects in RFQ No. 2006-12-FC; determine whether the CM at Risk construction program was properly utilized; analyze and explain identified deviations from the standard CM at Risk delivery method for the Program associated with RFQ No. 2006-12-FC as needed; determine the actual cost and fee amounts associated with the services provided by the CM Firms; identify any potential project budget irregularities, and; report recommendations to the administration, if needed.

During our audit, requests were denied for project accounting information from several CM firms, resulting in scope impairment and an audit obstruction. One attribute of the CM at Risk delivery method is an "open book" accounting method, which did not occur. As a result of being denied all necessary project and financial records required to perform the original audit scope, this audit scope was modified to report on conditions associated with program related issues, procurement methods and compliance with State Requirements for Educational Facilities (SREF), Florida Statutes and other applicable regulations. Additionally, a written opinion from the School Board's General Counsel was not provided regarding enforceability of the Right to Audit Provisions, although this was formally requested on November 4, 2009. Subsequently, the General Counsel provided an opinion at the May 6, 2010, Audit Committee meeting, which stated that "the current Right to Audit Provisions would not compel a Construction Manager to permit inspection of records that pertained to fees that were established through negotiations.

In our opinion, the F&CM Division has several areas of concern which should be addressed immediately to ensure compliance with Florida Statutes, SREF, procurement rules, regulations and School Board policies, in order to protect the District's assets. Weaknesses in enforcement of compliance with procurement, contract award, budgeting, and daily administration of construction related activities are detailed in the audit observations provided in this report.

The five detailed audit observations/recommendations were presented to F&CM Division staff which were responded to and required no responses from the Office of the Chief Auditor. The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's May 6, 2010 meeting.

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

Mrs. Kraft voiced concern that there is not an audit provision that ensures that the auditors get the information that they need. She inquired whether there will be a change to some of the contracts so this information is available.

Responding affirmatively, Mr. Marko stated that the written opinion on this issue has been discussed with the Audit department and the Superintendent, and a review and a clarification will be made to clearly identify the vendor's responsibilities.

Mrs. Kraft discussed the various delivery methods that the district has used over the years, and said that the district is now choosing a project-by-project method. Mrs. Kraft stated that some agenda items have collaboration forms while others do not. She said there needs to be federal language or more specific language so that upon review of an agenda item it is known whether or not it was reviewed.

Mr. Tom Lindner, Acting Deputy Superintendent, Facilities and Construction Management, responded there has to be a culture that lets people make decisions and have incentive to protect the district as a whole and the Board Members.

Mrs. Kraft noted that in the past she has voted on items that she believed was the right information and subsequently being told that the method was not correct. Mrs. Kraft stated that the Board does not have all the resources to provide a comfort level regarding the receipt of correct information. She said she would feel more comfortable with a process, a checks and balance and a rationale for other delivery methods that would provide a comfort level to the Board.

Mr. Dave Rhodes, Auditor, informed that the audit revealed that Florida Statute 1013.45 is what identifies how school districts do construction and the different delivery methods. Mr. Rhodes stated that the Board can be given a quick reference view, with a checklist and matrix, which would help the Board and provide Mr. Lindner's goal of re-building morale and culture of the district. In addition, the process that follows offers Board Members at all times an understanding of why, how and whom.

Mrs. Kraft, who discussed the district's practice of changing project managers with a lot of frequency, requested the implementation of policy practices, guidelines, procedures, to suggest the consistency of project managers. Mrs. Kraft further requested that staff meet with her to discuss a partial guaranteed maximum price.

Mr. Reilly informed that many times the architectural work is done two years prior to the commencement of building. He stated a review should be made as to any change in the funding for the project.

Mrs. Bartleman stated that Mr. Marko will be reviewing the disclosure of other firms disclosing their records, and amending future contracts.

Responding to Ms. Dinnen's inquiry, Mr. Lindner stated that the owner savings in the CM at-Risk method is driven by the cost of the sub-contractors and the number of change orders that are issued in the life of the project. When the project is closed out the owner savings go back to the owner, and this is what the CM at-Risk consultant is being paid to manage. Mr. Lindner stated in this case an outside consultant, a third-party consultant, to go over the books on this project (Peters Elementary) and recover the funds that were associated with that project, as this is an ongoing audit.

Mr. Reilly stated he will meet with Ms. Dinnen to explain how a contingency is supposed to work and how it is supposed to flow.

Ms. Dinnen stated when reviewing the district's culture, what is going on at a given time in the district needs to be reviewed. She stated that currently the district is in an excellent position to review its practices.

Dr. Parks stated that the purpose of the Facilities Task Force website was to have a continuous update on the status of projects. Dr. Parks requested a follow-up as to the status of recommendations on websites, through the Facilities and the Audit department websites, with a memorandum sent to the Board Members.

Mr. Lindner informed that the timeline to implement these procedures is September 2010.

- D-5. Department of Health & Human Services, Administration for Children and Families, Office of Head Start – Head Start and Early Head Start Program for the Periods from April 26, 2009 to May 1, 2009 and December 6, 2009 to December 9, 2009 (Received)

Received Department of Health & Human Services, Administration for Children and Families, Office of Head Start – Head Start and Early Head Start Program for the Periods from April 26, 2009 to May 1, 2009, and December 6, 2009 to December 9, 2009.

The Administration for Children and Families within the Office of Head Start conducted an on-site monitoring review of the District's Head Start and Early Head Start Programs and found the Head Start and Early Head Start Programs to be out of compliance with one or more applicable Head Start Program, performance standards laws, regulations and policy requirements.

There were six findings related to:

- No Cash Drawdowns Monitoring
- No Cost Allocation for VPK Funding
- Home-based Program Out of Ratio
- Program Did Not Meet Socialization Requirements
- Average Case Load Not Maintained
- Program Did Not Enroll 10% of ESE Students

A Current Status was performed in December, 2009. It was determined that corrective action was made on all findings. The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's May 6, 2010 meeting.

There is no financial impact. Audit report performed by the Department of Health & Human Services, Administration for Children and Families, Office of Head Start.

E. CHIEF OPERATIONS OFFICER

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

F-1. Continuation Agreement with The City of Pembroke Pines (Approved)

Approved the continuation agreement between The School Board of Broward County, Florida, and The City of Pembroke Pines.

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

The continuation agreement with The City of Pembroke Pines will provide clinical experiences to Broward County Schools' Health Science Education students. On-site clinical experiences are necessary to meet curriculum frameworks, student performance standards, and requirements of regulatory agencies for students to qualify for certification/licensure examinations upon program completion. The Health Science Education programs that are located at 24 high schools are: Allied Health Assisting, First Responder, Nursing Assistant and Practical Nursing.

The Health Science Education programs that are located at the technical centers are: Central Service Technology, Dental Assisting, Medical Coder/Biller, Electrocardiograph (Cardiovascular) Technology, Health Unit Coordinator, Hemodialysis Technician, Massage Therapy, Medical Assistant, Medical Records Transcribing, Medical Lab Technology, Optometric Technician, Patient Care Technician, Pharmacy Technician, Practical Nursing, Emergency Medical Technician and Surgical Technology. Currently, The School Board of Broward County, Florida has 43 School Board approved agreements with various health care facilities.

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

There is no financial impact to the district.

F-2. Agreements with Community Mental Health Providers (Approved)

Approved the agreements with (3) community mental health providers.

These agreements are renewed on an annual basis and have been in existence for over 15 years.

The agreements provide for the provision of required educational services to youth participating in residential and non-residential treatment programs operated by Citrus Health Network, Inc.; Memorial Healthcare Systems, Inc.; and, Christina G. Smith Mental Health Foundation, Inc. These Agencies serve students in residential and non-residential treatment programs who are not able to attend a school operated by the school district. The educational curriculum is provided by the school district and is integrated into the therapeutic services of the program. Referrals to the program come from the Department of Children & Families, the courts, parents, medical facilities and physicians. Each provider uses state definition of medical necessity as a guide to determine individual treatment and education plans and length of stay at each site.

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

The financial impact is approximately \$950,000 per year. The source of funds is the Florida Education Finance Program. There is no additional financial impact to the school district.

F-3. Contract Amendment with District 10, Department of Children and Families, Substance Abuse and Mental Health Program Office (SAMHPO) (Approved)

Approved amendment #0005 to contract with District 10, Department of Children and Families, Substance Abuse and Mental Health Program Office.

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

The amendment to the contract reflects changes as follows:

- Attachment I, Section D, Special Provisions, Support to the Deaf or Hard-of-Hearing, requiring School Board and any of its subcontractors to comply with section 504 of the Rehabilitation Act of 1973, designate a Single-Point-of-Contact to ensure effective communication with deaf or hard-of-hearing customers or companions in accordance with Section 504 and the American with Disabilities Act (ADA).

DCF has requested this amendment to the contract.

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

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

There is no financial impact to the district.

F-4. Student Enrichment in the Arts (SEAS) (Approved)

Motion was made by Dr. Parks, seconded by Ms. Dinnen and carried, to approve the 2010-2011 SEAS program at schools and at the Broward Center for the Performing Arts. Dr. Parks was absent for the vote. (8-0 vote)

On April 23, 2008, the Student Enrichment in the Arts (SEAS) program celebrated the two millionth student to participate in an educational performance. Since 1991, The School Board of Broward County, Florida, in partnership with the Broward Center for the Performing Arts has successfully presented the SEAS program.

The SEAS program continues to offer a unique style of learning by integrating theatrical performances in dance, music and drama into the student's education. Each and every performance includes a study guide that links the performance to FCAT standards. Approximately 279 performances benefiting 140,000 students will take place during the 2010-2011 school year.

What makes the SEAS program truly unique is its commitment to providing educational and artistic opportunities to all students free of charge. Regardless of socio-economic standing, the SEAS program is open and available to all schools, teachers and students. The SEAS program ensures that students have the opportunity to become appreciators and producers of the arts. This year's programming includes shows depicting diverse cultures and countries and regions including Brazil, India, Japan, Europe, Latin America and Africa.

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

The total financial impact of this item is \$170,435. The source of funds is the Student Enrichment Trust Fund. There is no additional financial impact to the district.

Mrs. Kraft requested that the appropriate attention be made to this item, as the program is one of the most unique programs in the country. She discussed the importance of arts programs, such as SEAS, that allows students the opportunity to have this experience and attend performances. Mrs. Kraft stated that the Broward Center incorporates the curriculum and the teaching and learning into their education program, and provides a lot of support and teaching to students. She praised the district's support of this program during these difficult financial times.

F-5. Continuation of Cooperative Agreements and Calendars with Preschool Providers for Exceptional Students (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve the continuation of the Cooperative Agreements and Calendars between The School Board of Broward County, Florida, and Preschool Providers for Exceptional Students.

Broward County Public Schools is required under federal legislation to educate all identified preschool children with disabilities. The School Board has entered into agreements with Ann Storck Center, Inc., ARC Broward, Inc., Broward Children's Center, Inc., and United Cerebral Palsy of Broward County, Inc., for more than twenty-two years.

Since federal legislation supports the inclusion of preschool children with disabilities with their typical peers, for more than seven years, preschool exceptional students have participated in an instructional program with typical developing preschoolers at Kids In Distress and North Lauderdale Educational Center, Inc., (Alphabetland).

In 2007-2008, Baby Boomers, Inc., also included preschool children with disabilities in their classrooms with typical four-year-old children. In 2009-2010, Prodigy Center for Youth Development and Academic Excellence, Inc., will include preschool children with disabilities in their classrooms with typical four-year-old children. These community sites have the commitment and the expertise needed to educate eligible preschool exceptional students as defined by State Board of Education Rules. The students may be emotional behavioral disabled, intellectually disabled, autistic spectrum disabled, physically impaired, other health impaired, speech impaired, language impaired, deaf and hard-of-hearing, visually impaired or developmentally delayed. The continuation contracts reflect a funding structure based on per student allocation. Transportation will continue as a required support service for preschoolers served in these contracts.

The School Board attorney has approved the contracts as to form and legal content.

There is a financial impact of \$6,166,143 to the district on the per student allocation. The source of these funds is the IDEA federal grant. There is a financial impact of \$635,313 to the district for required transportation services contracted through the agencies which results as a cost savings to the district. The source of these funds are included in the transportation budget. There is no additional financial impact to the district.

Remarking that last year 1,800 pre-schoolers were staffed and over 2,000 students were screened, Mrs. Bartleman stated that Part C was centralized to make sure all students were receiving the best services and were being more efficient. Mrs. Bartleman requested a review into aligning Part B (3 year olds) as was done to Part C which would be a more effective manner to meet district indicators as set forth by the state.

- F-6. Agreement between The School Board of Broward County, Florida, and Carlton Palms Educational Center Incorporated (L.I. a/k/a G.H.)
(Approved)

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

L.J., a/k/a G.H., is a middle school student with Autism Spectrum Disorder, Language Impaired, and receives Occupational Therapy. The student is a client of the Agency for Persons with Disabilities (APD). APD has independently agreed to place this student in a residential facility (Carlton Palms). The District has determined that this student does not need residential placement for educational purposes. Rather, the District has developed an IEP that provides an appropriate program at one of the center schools. While the student's IEP reflects that a residential placement is not required in order for the student to benefit from special education that can otherwise be provided by the District through the day, 6A-6.0361 FAC **Contractual Agreements with Non Public Schools** allows the District to contract with a residential facility when another public agency has placed the student for non-educational purposes.

This Contract outlines the agreement to provide for the costs associated with the provision of special education of the student at the residential facility where APD has recommended placement for non-educational reasons. The source of the funding for the education of the student is from the Florida Education Finance Program (FEFP). The agreement limits the District's financial responsibility to only those funds generated by the student for a twelve-month period to end on June 30, 2011. This is a renewal of an agreement approved in June 2008. It has been determined by APD that L.J., a/k/a G.H., continues to need the residential facility for the 2010-11 school year.

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

The financial impact is \$18,355, paid in monthly installments. The source of funding is the student's allocation from Florida Education Finance Program (FEFP).

F-7. Agreement between The School Board of Broward County, Florida and Carlton Palms Educational Center Incorporated (R.M.) (Approved)

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

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

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

This agreement outlines the costs associated with the provision of special education of the student at the residential facility where APD has recommended placement for non-educational reasons. The source of the funding for the education of the student is from the Florida Education Finance Program (FEFP). The contract limits the District's financial responsibility to only those funds generated by the student for a twelve-month period to end on June 30, 2011. It has been determined by APD that R.M., needs the residential facility for the 2010-11 school year.

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

The financial impact is \$13,103, paid in monthly installments. The source of funding is the student's allocation from Florida Education Finance Program (FEFP).

F-8. Approval of Request to Defer the Opening of a Charter School – Charter School Associates, Inc., (Broward Academy of Math and Science) (Approved)

Motion was made by Mrs. Bartleman, seconded by Mr. Tynan and carried, to approve the Request to Defer the Opening of a Charter School requested by Charter School Associates, Inc., (Broward Academy of Math and Science)

On November 10, 2009, The School Board of Broward County, Florida, ("SBBC"), approved a charter school application enabling the approved charter applicant listed above to open a charter school for the 2010-2011 school year. Pursuant to School Board Policy 1163, at the written request of the approved applicant, and for good cause shown, the school district may allow the approved applicant to defer the opening of its charter school for a period not to exceed the second year following the approval of its charter application. The decision whether to approve the delayed opening of the charter school shall be within the sole discretion of The School Board. If the deferral is granted, the charter school must open in time for the 2011-2012 school year.

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

There is no financial impact to the district.

This item was discussed concurrent with Agenda Items F-9 and F-10.

Mrs. Bartleman, who remarked that she has received an e-mail from a charter school that is supposed to be a K-8 school, inquired whether these schools are similar since they have the same name.

Responding that they are not the same schools, Mr. Marko stated the schools in the agenda are withdrawn and if they are not ready to open within the permitted deadline the schools can withdraw their application. The other Imagine Charter schools, with the LLC and the non-profit, are currently in negotiations and there is a belief that it will be resolved in the immediate future. Mr. Marko clarified that the charters under agenda items F-9 and F-10 are not related to the issue of the LLC.

Mr. Robert Vignola, Deputy Counsel, clarified that the two schools before the Board are applications that were submitted last year, and those schools that submitted applications two years ago have decided not to proceed further. Mr. Vignola stated the schools that parents are contacting the Board about are from this year and these are the schools that are in negotiation.

F-9. Rescind the Approval of the Charter Application for Imagine – Charter, LLC., (Imagine Charter School) (Approved)

Motion was made by Mrs. Bartleman, seconded by Mr. Tynan and carried, to approve to rescind the approval of the charter application for Imagine – Charter, LLC., (Imagine Charter School).

On November 12, 2008, The School Board of Broward County, Florida, approved the charter application for Imagine - Charter, LLC., (Imagine Charter School), to open a charter school serving grades K-8 for the 2009-2010 school year.

Imagine – Charter, LLC., (Imagine Charter School), failed to open the charter school for the 2009-2010 school year and requested to have its opening deferred to the 2010-2011 school year. On April 26, 2010, the Imagine – Charter, LLC., (Imagine Charter School), submitted a letter requesting that its charter application be withdrawn.

In addition, School Board Policy 1163 (5) (E) states: “Even if contract negotiations are suspended or the charter school’s opening date is initially postponed, the approved applicant must enter into an approved charter school agreement and open its charter school no later than the beginning of the school district’s second school year following the approval of its charter school application.

If an approved applicant fails to enter into a charter school agreement or open its charter school by the beginning of the second school year following the approval of its application, The Board shall take action to rescind the approval of the approved applicant's charter school application or terminate its charter school agreement if one has been executed."

As the applicant will not be opening in the beginning of the school district's second year that followed the approved application. The approval of the original application should be rescinded.

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

There is no financial impact to the district.

This item was discussed concurrent with Agenda Items F-8 and F-10.

F-10. Rescind the Approval of the Charter Application for Imagine – Fort Lauderdale, LLC., (Imagine School at Fort Lauderdale) (Approved)

Motion was made by Mrs. Bartleman, seconded by Mr. Tynan and carried, to approve to rescind the approval of the charter application for Imagine – Fort Lauderdale, LLC., (Imagine School at Fort Lauderdale).

On November 12, 2008, The School Board of Broward County, Florida, approved the charter application for Imagine – Fort Lauderdale, LLC., (Imagine School at Fort Lauderdale), to open a charter school serving grades K-8 for the 2009-2010 school year.

Imagine – Fort Lauderdale, LLC., (Imagine School at Fort Lauderdale), failed to open the charter school for the 2009-2010 school year and requested to have its opening deferred to the 2010-2011 school year. On April 26, 2010, the Imagine – Fort Lauderdale, LLC., (Imagine School at Fort Lauderdale), submitted a letter requesting that its charter application be withdrawn.

In addition, School Board Policy 1163 (5) (E) states: "Even if contract negotiations are suspended or the charter school's opening date is initially postponed, the approved applicant must enter into an approved charter school agreement and open its charter school no later than the beginning of the school district's second school year following the approval of its charter school application.

If an approved applicant fails to enter into a charter school agreement or open its charter school by the beginning of the second school year following the approval of its application, The Board shall take action to rescind the approval of the approved applicant's charter school application or terminate its charter school agreement if one has been executed." As the applicant will not be opening in the beginning of the school district's second year that followed the approved application. The approval of the original application should be rescinded.

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

There is no financial impact to the district.

This item was discussed concurrent with Agenda Items F-8 and F-9.

G. HUMAN RESOURCES

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

Approved the personnel recommendations for the 2009-2010 appointments and leaves as listed on the Executive Summary and respective lists for Instructional staff.

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

The Personnel Recommendations for Instructional Employees include the following items:

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

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

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

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. This item was amended by adding one name to Section 2.

The Personnel Recommendations for Instructional Employees include the following items:

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

There will be no financial impact to the school district.

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

Motion was made by Ms. Dinnen, seconded by Mr. Williams and carried, to approve the personnel recommendations for appointments and reassignments as listed on the Executive Summary, respective lists and individual appointments for Non-Instructional Employees. All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. Mrs. Kraft and Mr. Tynan had not yet assumed their seats on the dais. (7-0 vote)

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

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

- 10. School-Based/District Managerial/Professional/Technical Leave(s)
- 11. Salary Adjustment

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

Mr. Williams recognized and congratulated Mr. Angel Almanzar, newly-appointed Interim Principal, Boyd Anderson High School.

Ms. Dinnen stated that Mr. Almanzar has been an excellent principal at Seminole Middle School and he will be very successful at Boyd Anderson.

Mr. Michael Thornton appeared on behalf of his wife, Julie Thornton, Advanced Placement, Bookkeeper III, who is being recommended for reassignment. He stated that he has spoken about this issue with Board Member Mrs. Hope and Board Attorney Mr. Marko. Mr. Thornton stated that through the arbitration process his wife was blessed to be put back to work since April 19, 2010. He requested that the process change in the future regarding accusations against employees. Mr. Thornton informed that he will pursue an ethics hearing with the state and will provide information to the Board.

G-4. Personnel Recommendations for Non-Instructional Separation of Employment or Discipline(s) for the 2009-2010 & 2010-2011 School Years
(Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve the personnel recommendations for separation of employment or discipline as listed on the respective lists for Non-Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. Mr. Tynan had not yet assumed his seat on the dais. (8-0 vote)

The Personnel Recommendations include the following items:

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

There is no financial impact to the school district.

Mrs. Bartleman thanked Ms. Claudia Munroe, Executive Director, Design Services, Facilities and Construction Management, and Ms. Nicole Mecoli, Specialist, Demographer/Statistician, School Boundaries, for their services to the district. These individuals are leaving the district due to retirement and resignation.

Concurring, Ms. Dinnen stated these are two very valued employees. She acknowledged Ms. Marci Lindemann, Assistant Principal, HRD, who has worked for the district for many years and is retiring.

Ms. Yvonne Watson informed that she appeared at the May 18, 2010 Board meeting regarding her termination for the time card issue. She stated that Mrs. Vicki Kaufman, Director, Noninstructional Staffing, showed her a tape which indicated a conversation about "punching in." Ms. Watson stated that a family issue arose with her son the night before the incident with the bus attendant which did not relate to the conversation on the tape.

G-5. Supplemental Pay Positions – List #18 (Approved)

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

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

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

Individuals may be recommended for task assignments that improve the school's/department's programs and/or operations. A computer-generated list 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 28.

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

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

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

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

There is no financial impact to the school district.

H. ATTORNEY

I. OFFICE OF THE SUPERINTENDENT

I-1. Naming Cafeteria at Margate Elementary School (Approved)

Approved naming of cafeteria at Margate Elementary School in honor of their recently retired principal. The cafeteria will be known as the Sharon P. Schmidt Cafetorium.

A committee comprised of both faculty leadership team members and PTA Executive Board members met to discuss the dedication of the cafeteria to Mrs. Sharon P. Schmidt. Committee members were composed of PTA Executive Board members as well as faculty and staff leaders. After subsequent meetings, each stakeholder group submitted the same request to dedicate the cafeteria at Margate Elementary to Sharon P. Schmidt, Retired Principal of Margate Elementary School.

The committee unanimously voted to submit this one name for naming of the cafeteria based on her extensive efforts to bring the reality of a new cafeteria facility to the Margate Elementary community.

There is no financial impact to the district as it will be cost neutral.

I-2. The School Board of Broward County, Florida 2010-2011 Organizational Chart (Approved)

Motion was made by Dr. Parks, seconded by Ms. Dinnen and carried, to approve The School Board of Broward County, Florida, 2010-2011 Organizational Chart designed to show General, Capital and Grant/Special Funded Administrative Positions. **This motion was superseded by a Motion to Defer Issue of Chief Auditor (page 33).** Mrs. Bartleman voted "no." (8-1 vote)

The proposed 2010-2011 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 2010-2011 Organizational Chart will be a net savings to The School Board of Broward County, Florida, of approximately, \$7,388,301 million.

Dr. Parks discussed the reduction of property assessment by \$160 million and lost revenue to the district. Dr. Parks inquired whether all the cuts have been made in the Facilities department.

Mr. Lindner responded that the department's cuts were driven by the projected construction, based on what will be discussed at the June 7, 2010 workshop. Mr. Linder stated there were 22 people in different positions that were terminated or will be terminated, that "bumped" another person. If there is an opening an attempt is made to make the best fit for that person, according to union contracts. He stated, between Physical Plant Operations (PPO) and Facilities there have been 240 people cut.

Mr. Notter informed that there has been a net total of 72 cuts from the Organizational Chart.

Mrs. Gracie Diaz, Acting Associate Superintendent, Human Resources, informed that in the situation of the BTU Technical Support personnel there is language in the contract that allows for bumping based on seniority. The employee must show that they meet the qualifications of the position. Also there is consideration for Veterans preference and offering positions to veterans under the federal legislation, working closely with the Veterans Affairs Department to ensure that rules are being followed.

Mrs. Diaz stated that a final list is being prepared, including a list of surplus teachers who will have a position and those teachers who will be laid off.

Responding to Dr. Parks' inquiry about personnel evaluations and disciplinary actions, Mrs. Victoria Kaufman, Director, Noninstructional Staffing, stated that some of the contracts address specifically the employee's current evaluation and identifies the order for layoff, indicating that anyone with a poor evaluation will be laid off.

Dr. Parks stated that seniority should be one of several criteria to consider when keeping someone. Dr. Parks requested staff to advocate for "other criteria" within an individual's personnel file.

Referring to page 6A of the Organizational Chart, (3) Process Analyst, Ms. Dinnen stated the chart of changes eliminates 3 Process Analysts but it is not clear on the actual chart. Ms. Dinnen requested a review and provide information on this position.

Mr. Leong clarified that three positions have been eliminated and the reporting relationship changed.

Mrs. Bartleman, who expressed concern over the employee cuts from the district, inquired about the process for bumping and whether individuals are eligible for retirement.

Mrs. Kaufman responded that some FOPE employees in PPO who have seniority in the district and they have got a scheduler position, they are bargaining units; if there is no position based on that contract language for them to bump into they cannot go back to a FOPE position and bump back into a different unit. Mrs. Kaufman stated that many of the scheduler positions were hired in 2007; they may have had a lot of seniority in their previous FOPE position and three years ago transferred into these positions. Now that they are being eliminated they cannot go back to those previous positions in FOPE.

Mrs. Diaz informed that employees have the option to retire but they will get a 5 percent penalty every year that they are short the 30 years or they are not age 62. Ms. Diaz stated if employees are recalled they do not lose the years, they continue to build on the years that they've already earned.

Mrs. Bartleman informed she has received many e-mails from BTU/TSP employees who want furloughs in order to save jobs.

Mrs. Bartleman requested that based on the district's budget forecasting for the next couple of years, staff is to explain to individuals what the risk is if you switch to another bargaining unit. Mrs. Bartleman stated that people need to be aware of what a job move can do to them.

Mrs. Bartleman expressed concern regarding some areas not having equitable cuts. She requested that she be provided with the total percentage of budget cuts in each area. In addition, Mrs. Bartleman requested the percentage of budget cuts in schools, as not all schools are cutting 6%. She stated there needs to be justification as to the cuts.

Mrs. Bartleman requested information on the number of stipends and supplements that are in the KCW Administration Building, schools and elsewhere; whether they are necessary and or outdated; and is it something that should be part of the position and not as a stipend. Remarking that this is an area that should be reviewed as a possible cut, Mrs. Bartleman requested a thorough picture of the issue regarding supplements.

Mrs. Bartleman inquired whether the total cost savings of the organizational chart will be higher than \$7 million, as indicated by the Superintendent.

Mr. Notter responded that the total cuts are \$7.4; the intent for the past two years was to have the least number of people laid off so that there would not be an automatic re-hire.

Responding to Mrs. Kraft's inquiry regarding the changes of the ESE Coordinators, Dr. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services, responded that currently meetings have been started; the Central Area Coordinator will be housed in the North Area. Meetings will be held next week with staff from all areas to be part of discussions. Dr. Harrison further stated that zones will be split; certain zones will be reporting to the Area Coordinator in the North and those zones will be identified for the Area Coordinator that will be in the south. She said that a review is being made of zones and needs, and distributing; a huge communication plan will be given to parents so they know who to communicate to and who to talk to.

Responding to Mrs. Kraft's concern over the elimination of the Gang Coordinator, Mrs. Diaz stated that staff was trying to meet the goal given by the Budget office in order to help with the deficit. She stated the work will be distributed amongst the other Gang Coordinators as well as some of the work being done by investigators.

Referring to the reporting alignment for the auditor, Mrs. Kraft stated she would like staff and the Board to look at strengthening the audit reporting requirements between the Audit department and the Board. She stated there has been some precedence, in other areas, where the auditor has some reporting alignment to the School Board.

Mrs. Kraft further requested that the Board be provided with a summary that shows what the Legal department's budget was for last year and the proposed budget, what it is and the differences.

Mrs. Kraft stated that more cuts could have been made at the district level, specifically the KC Wright building and some of the departments in the building. Mrs. Kraft said she would like to have more discussion regarding the Curriculum department, whether all the Curriculum Specialists are needed, perhaps saving some budget funds by reducing some of those positions.

Mr. Tynan inquired whether there are any other departments on the chart or not on the chart that the Board has not yet reviewed. Mr. Tynan stated the Board needs to look at their department, the School Board Members' department, and how that fits into the district's budget.

Mrs. Gottlieb stated she will provide this information, as she had a discussion with the budgetkeepers for the Board Members' office and Mr. Notter.

Ms. Dinnen concurred with reviewing the supplements, during a workshop; how many supplements are given and what they are being given. Ms. Dinnen stated that she favors having the Chief Auditor seated on the dais with Board Members.

Mrs. Bartleman stated that she spoke to her colleagues at a workshop, that she favors having a direct line from the Chief Auditor to the Superintendent.

Motion to Amend (No vote taken)

Motion was made by Mrs. Bartleman, seconded by Mrs. Kraft, to create a solid line, take the Chief Auditor position out from under the Superintendent and have him report to the School Board.

Ms. Dinnen inquired about the legality of this procedure since it is the responsibility of the School Board to hire and fire the Superintendent and the Board Attorney.

Mr. Marko responded that he would need to research the issue before providing a definitive answer.

Remarking that the chart can be amended at any time in the future, Mr. Notter stated that he was not sure of the implications of making a corporate change at this time. Mr. Notter stated he would like to meet with Mr. Reilly prior to a workshop discussion.

Mr. Tynan stated the issue is about function; is the auditor independent, can he honestly provide the information necessary for the Board and also to the Superintendent to do an accurate job. Mr. Tynan suggested a deferral of the issue.

Dr. Parks stated that the issue needs to be reviewed from a legal perspective and the issue is having the right process in place where the Board can get the information at the same times. Dr. Parks stated it is not necessary to have staff present at a Board meeting, and Board Members can e-mail staff if they have a question. Dr. Parks further stated that the simple solution is to have audit reports going out simultaneously with substantive and thorough responses from management, after the audit report is read by the Board.

Mrs. Bartleman noted that the Lee County School Board's internal auditor reports directly to the School Board, their Policy 1.14.

The following individual addressed this item:

Mary Fertig

Ms. Dinnen requested data as to how the new process works and the legal opinion.

Mr. Marko advised that the Organizational Chart can be amended concerning the issue of the Chief Auditor. Mr. Marko stated that he will research what models and structures other school board districts utilize.

Mrs. Bartleman, Ms. Dinnen and Dr. Parks requested Mr. Notter to schedule a Board workshop, during the month of August, to discuss the process of the Chief Auditor section on the Organizational Chart. Topics to discuss will include: changing a dotted line to a solid line; whether the Board can make a direct line of responsibility to another position, with the Board Attorney to provide a legal opinion; address policy 1002.1 - Office of the Chief Auditor; and include the Auditor on the dais.

Motion to Defer Issue of Chief Auditor (Carried)

Motion was made by Mrs. Bartleman, seconded by Mrs. Kraft and carried, to defer the issue of a dotted line versus a solid line to a time certain Board Workshop, during August 2010.

A vote was taken on the Motion to Defer Issue of Chief Auditor.

The following individual further addressed this issue:

Mary Fertig.

A vote was taken on the item.

I-3. Memorandum of Understanding – Race to the Top Grant (Approved)

Motion was made by Mr. Tynan, seconded by Mr. Williams and carried, to approve the Memorandum of Understanding between The School Board of Broward County, Florida, and the Broward Teachers Union. Mrs. Bartleman was absent for the vote.

The Broward Teachers Union (BTU) has requested that the School Board approve a Memorandum of Understanding as a condition to signing the State Memorandum of Understanding for the State Race to the Top Grant.

If the District and BTU are unable to reach agreement on the provisions required in the Race to the Top Grant, all parties are released from any obligation to continue participation in Race to the Top.

There is no financial impact to the school district.

Referring to the Memorandum of Understanding, 4., "The impasse procedure is herewith deemed waived," Mrs. Hope inquired whether this affects the current impasse procedures.

Remarking that there is no effect on the current impasse procedures, Mr. Marko stated that in negotiation with the union for a particular grant, if the union and the School Board is unable to resolve that issue, that issue cannot then go to impasse and be imposed. Mr. Marko explained that the union is agreeing with the School Board in an effort to participate in the requirements of the application for the Race to the Top. He stated that negotiations regarding issues under impasse can continue to go forward with the impasse.

Ms. Dinnen stated that this particular memorandum is an agreement between the Board and the BTU, underlying the fact that the district and the union opposed the Race to the Top I and there are remaining issues to be worked out locally. Ms. Dinnen stated the state changed some of its regulations to allow for local control to be returned, and the BTU has signed off on the Race to the Top II with the idea that the necessary collaboration take place. Ms. Dinnen said the MOU is a condition and a safeguard on the collaboration, a celebration in a difficult time for the district and the BTU. She thanked everyone for their efforts.

Concurring, Mr. Notter thanked Mr. Patrick Santeramo, President, BTU, and his staff for their efforts on this issue. The Superintendent said the collaboration on this issue illustrates the ability for the district and the union to work together through difficult issues.

Mrs. Kraft stated she concurs with the collaboration and extra money to the district, but the money only helps the district comply with differentiated accountability. Mrs. Kraft discussed her concerns over the underlying basis of the memorandum. She stated that true education reform would allow teachers the freedom to be creative and take each student as they are and not use “cookie-cutter” models for every student.

The following individual addressed this item:

Bernie Schultz

Mrs. Bartleman thanked the BTU for signing the MOU and looks forward to working with them on this issue.

J. FACILITIES AND CONSTRUCTION MANAGEMENT

J-1. Change Orders (Approved)

Approved change orders as listed for various school projects, and approve an additional appropriation of \$6,549, from the Capital Projects Reserve.

<u>Coral Park Elementary</u>		Change Order 09	\$14,201
Unforeseen Condition	\$14,201		
<u>Country Hills Elementary</u>		Change Order 07	\$4,799
Consultant Error	\$4,799		
<u>Crystal Lake Middle</u>		Change Order 11	\$1,750
Consultant Error	\$1,750		
<u>Lanier-James Education Center (SAAC)</u>		Change Order 04	\$1,528
Unforeseen Condition	\$1,528		
<u>Western High</u>		Change Order 04	\$376,678
Owner Request	\$374,203		
Unforeseen Condition	\$2,475		

Financial Impact: Country Hills Elementary – Project No.: P.000566 \$4,799; Crystal Lake Middle – Project No.: P.000366 \$1,750. The resulting financial impact of \$6,549, will come from the Capital Projects Reserve and the district will pursue consultant error reimbursement. There is no additional financial impact to the district for the remaining projects.

J-2. Release of Declaration of Restrictive Covenants Regarding Voluntary Mitigation Commitment for Plat No. 116-MP-05 (Saddle Bridge)
(Approved)

Approved the Release of the Declaration of Restrictive Covenants regarding the voluntary mitigation commitment for Plat No. 116-MP-05 (Saddle Bridge).

In July 2007, School District staff reviewed Plat No. 116-MP-05, proposed by Centerline Homes at Saddle Bridge, LLC, ("Saddle Bridge"), to enable the development of 78 townhouse units consisting of 26 two bedrooms, 52 three bedrooms, and 40,000 square feet of Commercial use, and is located in the Town of Davie. The review determined that the development would generate a total of 17 (9 elementary, 3 middle and 5 high school) additional students into Broward County Public Schools, and impact Silver Ridge Elementary, Driftwood Middle, and Hollywood Hills High Schools.

To mitigate the anticipated student impact, Saddle Bridge voluntarily committed to pay "Student Station Cost Factors" (or cost per student station) for the 9 elementary school students attributed to the then overcrowded Silver Ridge Elementary School, and the mitigation commitment was determined to meet the provisions of School Board Policy 1161. Subsequently, the application was approved by the Town of Davie recognizing the applicant's voluntary commitment. On January 22, 2008, Saddle Bridge executed and recorded the required Declaration of Restrictive Covenants ("Declaration") to enable the legal enforcement of the voluntary mitigation commitment, and in June 2008, satisfied the mitigation by paying in one lump sum (\$172,449) the mitigation amount due.

In compliance with the requirements of the Declaration, agents of Saddle Bridge on March 8, 2010, advised staff that the Town of Davie had issued certificates of occupancy (CO's) for the 78 townhouses units, and therefore requested a release from the mitigation obligations. On April 2, 2010, the Town of Davie confirmed via correspondence to staff that the CO's were indeed issued for the 78 townhouse units and bedroom mix called for in the Declaration. Based on this confirmation, staff has determined that Saddle Bridge has satisfied the voluntary mitigation obligations called for in the Declaration.

Therefore, it is recommended that the School Board approve the Release of the Declaration of Restrictive Covenants regarding the voluntary mitigation commitment for Plat No. 116-MP-05. The Release has been reviewed and approved as to form and legal content by the School Board Attorney. Broward County will execute this Agreement after School Board approval.

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

J-3. Pre-Qualification of Contractors – Approval of Application and Issuance of Certification (Approved)

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on May 12, 2010, to review Contractor Pre-Qualification Staff Application Review Executive Summaries received for the following contractors and makes the following recommendations to the Superintendent of Schools:

Intranet Communications Group, Inc. – Issue Pre-qualification Re-Certification

**JVA Engineering Contractor Inc. – Issue Pre-qualification Re-Certification

*Lemartec Engineering & Construction Corporation – Issue Pre-qualification Certification

PaintPros, Inc. – Issue Recommendation to Reject Application

Simpson Environmental Services, Inc. – Issue Pre-qualification Re-Certification

TCS Contracting Corp. – Issue Pre-qualification Re-Certification

**Thornton Construction Company, 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-4. Award of Contract – Jag Air Mechanical, Inc. – HVAC Additions & Alterations – Oriole Elementary School, Lauderdale Lakes – Project No. P.000354 (f.k.a. 1831-99-05) (Approved)

Approved Rejection of bid received from Comfort Tech Air Conditioning, Inc.; Waive the technicality found in the bid received from Hyvac, Inc., Turnkey International, Inc., Koldaire, Inc., and Cedars-Electro Mechanical, Inc.; and Award of a Construction Contract for Oriole Elementary School, HVAC Additions & Alterations, Project No. P.000354 to the low bidder meeting the bid specifications, Jag Air Mechanical, Inc., in the amount of \$469,781.

Consultant: Dyanki, Inc.

Waive the technicalities from:

- Turnkey International, Inc. and Koldaire, Inc., for omission of a company seal on Document 00420, Bid Security Form for the fact that each submitted Document 00410, Bid Form with a company seal.
- Hyvac, Inc., for failure to submit Document 00450 as the information required with the Document is on file.
- Cedars-Electro Mechanical, Inc., for omission of the bid bond information on page 2 of Document 00410, Bid Form for the fact that Cedars-Electro Mechanical, Inc. submitted Document 00420, Bid Security Form with the bid bond information.

Reject the bid from:

- Comfort Tech Air Conditioning, Inc. – Bidder submitted a photocopy of a Bid Security Form instead of the required original and therefore does not comply with Document 00420, Bid Security Form and Document 00200, Article 4.01.

Contractor: Jag Air Mechanical, Inc.

Scope of Work: Replace 9 air handling units; install 2 rooftop unit, 1 pre-treatment unit, 1 mini split DX & a condenser. Remodel remaining air handling units, provide and replace duct heaters, piping and insulation, and repair or replace duct work as shown on plans, upgrade EMS to Direct Digital Controls, provide testing and balancing. All large Air Conditioning equipment; that includes 9 Air Handling Units, 2 Roof Top Units, 1 Pre-Treatment Unit, 1 mini split and 1 Condenser Unit will be provided by the Owner and installed by the Contractor.

The amount of the contract shall be \$469,781. The sources of funds are identified in Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, Appendix E, Page 23.

J-5. Grant of Water and Sewer Utility Easement Dedication and Bill of Sale at Pines Middle School to the City of Pembroke Pines (Approved)

Approved the Grant of a Water and Sewer Utility Easement Dedication and Bill of Sale at Pines Middle School to the City of Pembroke Pines.

The proposed utility easement and bill of sale will transfer a new water main and sewer line installed at Pines Middle School to the City of Pembroke Pines and allows access to them for maintenance.

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

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

J-6. Termination of School Site Dedication and Impact Fee Credit Agreement by and among The School Board of Broward County, Florida, Broward County, and G.L. Homes of Davie Associates IV, Ltd., Relating to the Shotgun East Plat and the South Post Plat (Approved)

Approved the termination of the School Site Dedication and Impact Fee Credit Agreement by and among The School Board of Broward County, Florida, Broward County, and G.L. Homes of Davie Associates IV, Ltd., relating to the Shotgun East Plat and the South Post Plat. On July 16, 2002, the Board approved the Site Dedication and Impact Fee Credit Agreement which required G.L. Homes of Davie Associates IV, Ltd., to secure rezoning and plat the property, clear, de-muck and fill the entire site and provide utility services up to the property lines.

Exhibit "C" of the agreement, provided specifications for site preparations. Item 4 of the exhibit required the engineer of record prepare a written report which overviews the work performed and lab results of the compaction.

Several years ago, G.L. Homes provided engineering drawings of the site, survey, plat drawings and other documentation and scheduled a closing on the property. A staff site inspection of the property revealed that the entire site may have not been completely prepared to the specifications in Exhibit "C". A written report was not prepared and submitted as required in Item 4. Several attempts have been made to secure this report but to no avail. Consequently, the site was not acceptable to close.

Section 17 of the agreement, allows either party to cancel the agreement during the term upon thirty (30) days written notice to the other party. G.L. Homes of Davie Associates IV, Ltd., has elected to terminate the agreement.

Broward County will execute this agreement after School Board approval.

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

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

J-7. Award of Contract – Grace & Naeem Uddin, Inc. – Playfield Improvements – Stoneman Douglas High School, Parkland – Project No. P.000541 (f.k.a. 3011-24-01) (Approved)

Motion was made by Mr. Tynan, seconded by Ms. Dinnen and carried, to approve rejection of bids received from Gonzalez Pavement Equipment, Inc., and Bazanj Construction Corporation; Waive the technicality found in the bid received from Grace & Naeem Uddin, Inc., Williams Paving Co., Inc., and Bergeron Land Development; and Award of a Construction Contract for Stoneman Douglas High School, Playfield Improvements, Project No. P.000541 to the low bidder meeting the bid specifications, Grace & Naeem Uddin, Inc., in the amount of \$249,858. Approve an additional appropriation in the amount of \$14,858 which will come from the Capital Projects Reserve.

Consultant: Craven Thompson & Associates

Waive the technicality of the omission of a company seal on Document 00420, Bid Security Form from:

- Grace & Naeem Uddin, Inc., Williams Paving Co., Inc., and Bergeron Land Development, Inc., for the fact that each submitted Document 00410, Bid Form with a company seal.

Reject the bids from:

- Gonzalez Pavement Equipment, Inc. – Bidder is not pre-qualified and therefore does not 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.
- Bazanj Construction Corporation – Bidder did not submit Document 00433, Subcontractor list and therefore does not comply with Document 00200, Article 4.01, Item A3.

Contractor: Grace & Naeem Uddin, Inc.

Scope of Work: Construct practice field and drainage improvements

The amount of the contract shall be \$249,858. The sources of funds are identified in Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, Page 166. There is an additional financial impact in the amount of \$14,858, which will come from the Capital Projects Reserve.

Mrs. Kraft wanted assurance for the authorization or the appropriate manner to reject bids from two bidders, and accepting the bid with waiving a technicality. Mrs. Kraft stated that she received a memorandum from Mr. Marko, indicating that the absence of a corporation seal on a bid bond does constitute a waiveable technicality. Mrs. Kraft further stated it is important to have collaboration with the legal and audit departments on these issues when they are asking the Board to make a decision.

K. OFFICE OF CHIEF FINANCIAL OFFICER

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

CC. BOARD POLICIES

CC-1. New Policy 5306.1 – Technology Advisory Committee (TAC) Policy and Bylaws (Not Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen, to approve the new policy 5306.1, to re-establish and govern the Technology Advisory Committee (TAC), at this first reading. Mr. Tynan had not yet assumed his seat on the dais. (0-8 vote)

- 1) The Technology Advisory Committee (TAC) was extracted from Board Policy 5306 (School and District Technology Use).
- 2) A new policy will be approved to re-establish and govern TAC, which follows the protocol and format of other similar standing District committees (District Advisory Council, Facilities Task Force, Diversity Committee, etc.). Under the new policy, the Committee's operational procedures will be addressed through the Committee's Bylaws.

There is no financial impact to the district.

Mrs. Kraft expressed concern with the timing of the TAC committee meetings, stating that the committee should consider that school district employees are not able to attend a meeting at 2:00 p.m. Mrs. Kraft stated that a quorum is needed, and they are valuable members whose input is needed.

Ms. Ferrara responded that the committee is flexible to changing the time, and this year the testing period will be moved. Remarking that a lot of the times conflicted with testing periods, Ms. Ferrara stated that 2:00 p.m. seems to be the consensus of the group; a survey was completed and will be shared with the Board.

Mrs. Bartleman stated that the timing of these meetings should be considered because they should not interfere with instructional learning time. She stated that there are staff on other committees that extend beyond their punch in and out times.

Dr. Parks stated that many Board Members are appointing the same people to different committees and are not giving the overall community an opportunity to participate in district committees. Dr. Parks stated that before he leaves the Board he would like to revisit Committee appointees and Policy 1.7 – Appointment of a School Board Member Representative(s) to a Committee(s). Dr. Parks further stated this policy needs to be brought back for more Board Members' appointees, and he is recommending that some of this language be inserted prior to the passage of the TAC policy. He said he would like an open process in getting new members on these committees.

Remarking that a good discussion on this issue could be held at a workshop, Ms. Dinnen suggested that a list be prepared of any committee openings on the district's School Board website, have volunteers submit their resume to have an opportunity to be appointed to a committee.

Mrs. Hope, who agreed with her colleagues, stated she has not experienced a shortage of people wanting to join committees. She stated that individuals in her community have a desire to serve on different committees.

Student Advisor Ms. Rincon stated that many students do not mind missing class to attend committees and there are students who have academic responsibilities at school. She stated it is better if the meetings were held later in the day.

Mrs. Bartleman requested that a review be made of all district committees, especially those that have teachers and students involved. She stated, when a student is missing a class to attend a committee it sends the wrong message.

CC-2. New Policy 5306.1 – Technology Advisory Committee (TAC) Policy and Bylaws (Approved)

Motion was made by Ms. Dinnen, seconded by Dr. Parks and carried, to approve the new policy 5306.1, to re-establish and govern the Technology Advisory Committee (TAC), at this first reading. Mr. Tynan had not yet assumed this seat on the dais. (8-0 vote)

- 1) The Technology Advisory Committee (TAC) was extracted from Board Policy 5306 (School and District Technology Use).
- 2) A new policy will be approved to re-establish and govern TAC, which follows the protocol and format of other similar standing District committees (District Advisory Council, Facilities Task Force, Diversity Committee, etc.). Under the new policy, the Committee's operational procedures will be addressed through the Committee's Bylaws.

There is no financial impact to the district.

Dr. Parks thanked Mr. Carter and the committee members who put these bylaws together. He stated that the issues are timing and committee participation.

Mr. Carter suggested that the item be deferred to allow the TAC committee to include the language in their bylaws that only allows one person per committee, or pass the policy now and allow Policy 1.7 revisions to include that language.

Ms. Dinnen stated that the policy change will affect more than just this committee, as other committees have had their bylaws approved. She suggested that the item be approved, as not to hold up this committee.

Ms. Ferrara stated that all the bylaws she has worked with do reflect Policy 1.7 and refer back to Policy 1.7. She urged the passing of the item; any future changes to the policy will be addressed once the change is made.

DD. OFFICE OF THE CHIEF AUDITOR

EE. CHIEF OPERATIONS OFFICER

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

Motion was made by Ms. Dinnen, seconded by Mr. Williams and carried, to approve the Bid recommendation as stated on the award recommendation. Mr. Tynan had not yet assumed his seat on the dais. (8-0 vote)

BID/RFP Title – Location – Amount

50-016H Office Paper, Virgin and Recycled Content – Various – Amount: \$6,000,000

School Board Policy 3320, Part I, Rule n, allows for the purchase of items from contracts awarded by the State of Florida Department of Management Services, Division of Purchasing. Since this is a State of Florida contract, the term of the contract is determined by the Department of Management Services and cannot be modified by The School Board of Broward County, Florida. Award of this contract will allow the Purchasing Department to release Purchase Orders for items awarded in this contract in a timely manner at contract prices. These requests do not increase current budgets.

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

The Financial impact of \$6,000,000 represents estimated contract value through the term of the Bid.

The following speaker addressed this item:

Bernie Schultz

Mr. Carter informed that the contract is utilized throughout the district in schools and departments, and it is available over the three-year term of the contract for any district use.

Ms. Murray inquired about the cost savings to the district in regards to reducing the use of office paper. She requested that the Board be provided with the figures.

Concurring, Ms. Dinnen stated if people are providing paper out of their pocket it should be reported to the Board, specifically by school and name, so that people can be held accountable.

Mrs. Hope stated the district needs to work together along with teachers to make sure that incidents whereby teachers have to buy their own paper should not be a normal occurrence. She stated maybe it is time for the district to reach out and help that school in whatever way possible to provide them with the necessary funding.

Dr. Parks stated that the information should be gathered by person, school, and that receipts are kept. He noted there has been a cost savings on ink cartridges. Dr. Parks opined that most of the paper usage would be from teachers who are not using technology and Pre-K through 3rd or 4th grade. He stated that teachers need to be asked what they are doing to compensate for the lack of paper, if there is a lack of paper. In addition, teachers need to be asked whether they have been through the Digital Education Teacher Academy program, to ascertain whether they are using technology in the classroom.

Mrs. Kraft referred to the amount of paper being printed for the Regular School Board meetings and Workshops. She requested that an assessment be made as to how much copying is needed for Board days. In addition, that a survey be taken and provided to the Board to see whether the district can save money by having the Board utilize the eAgenda (Electronic Agenda). She stated that any exhibit can be downloaded and printed.

Dr. Parks informed that the district has an agreement with FedEx/Kinko's that teachers can transmit their black lines, their documents used for copying, through technology, through the internet to FedEx Kinko's, and the next day that is delivered to them so they do not have to pay for their own paper.

Mr. Carter concurred, stating it is common knowledge in all schools. He stated there is a cost for the printing service. Mr. Carter stated that the schools will be notified that the service is available to them, and a memorandum will be sent to the BTU explaining the process of this service.

The following individual further addressed this issue:

Bernie Schultz

FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

GG. HUMAN RESOURCES

HH. ATTORNEY

II. OFFICE OF THE SUPERINTENDENT

JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

- JJ-1. Agreement for Open End Services – Cost Estimating Services for CM at Risk Projects, Construction Services Minor Projects, Hard Bid Projects, and Total Program Management Projects – C.M.S. – Construction Management Services, Inc. (Deferred)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman, to approve the Agreement for Open End Services for Cost Estimating Services for CM at Risk Projects, Construction Services Minor Projects, Hard Bid Projects, and Total Program Management Projects for C.M.S – Construction Management Services, Inc. This motion was superseded by a Motion to Defer (page 48).

The Qualification Selection Evaluation Committee recommended and on March 2, 2010, the Board selected C.M.S. – Construction Management Services, Inc., and the proposed fees will be negotiated in accordance with Article 5 of the Agreement. The Professional Liability Insurance has been agreed upon pursuant to Article 8 of the Agreement.

This is three (3) year Open End Agreement with a not to exceed amount of \$4,000,000 (\$1,000,000 per service category). The agreement may be extended for one (1) year and/or \$1,200,000 (\$300,000 per service category). The agreement form for various Consulting Services was approved by the Board on February 26, 2008.

The Office of the Chief Auditor has reviewed this agreement. The School Board Attorney has approved it as to form and legal content.

Funds for this item are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014 for any projects utilizing this service. This item is not affecting the overall budget, therefore it does not require a collaboration form from the Capital Budget Department.

Mrs. Kraft stated she has reviewed some of the audit reports whereby Mr. Patrick Reilly, Chief Auditor, Office of the Chief Auditor, has indicated a concern with open-ended services and the potential for abuse on them. Also, there has been some concern in some of the reports for the CM at-Risk projects. Mrs. Kraft inquired whether the auditor recommends approval of these agreements.

Mr. Reilly responded that items to be reviewed are the audit clause, making sure that the agreement agrees with what will appear on the agenda, and making sure that funding is available.

Remarking that she is grateful for the work that Mr. Reilly and his staff have done with the recent audits, several of which have pointed out issues with the terms of the agreement, Mrs. Kraft stated at this time there is an opportunity to provide a before-the-fact analysis so the Board can see whether or not there might be any potential problems before an agreement is entered into. Mrs. Kraft suggested a deferral so that auditing staff can review the item similar to what they found in other agreements.

Confirming the Superintendent's comments, Mr. Lindner stated that the item is for open-end services for cost estimating of the various delivery models that ultimately the school district will use. He stated this provides a third-party right, an estimate that comes through for a change order or prior to awarding a contract for construction, to ensure that the district is paying no more than market value for that level of service or for that specific project.

Mr. Notter inquired whether there have been issues with the contract language in the open-end contract.

Mr. Dave Rhodes, Auditor, responded that one of the issues was with the recommendation for the award through the QSEC process. He stated that auditors look at the item from a procurement standpoint, not what the company provides or whether they compiled with every piece of the Request for Qualification (RFQ). Mr. Rhodes further stated that the language in the open-end contracts are usually boilerplate, and the management people who are administering the process has the responsibility to ensure that the checks and balances are in place and they are following along with those checks and balances.

Mrs. Kraft inquired whether there are any recommendations as to the process, in reviewing the open-ended services, as compared to how it was done in the past. Mrs. Kraft requested the auditing staff to review the agreement and to take a look at any recommendations as to the process in reviewing the Open End Services contract.

Mrs. Kraft inquired how many CM at-Risk, Hard Bid, minor services and TPM projects are in existence.

Remarking that this contract expires soon, Mr. Lindner stated that staff is working on a list that will be presented to the Board at the workshop on June 8, 2010; all the projects that are currently under construction, the method of delivery and the estimated completion date. Mr. Lindner stated there are several that are CM at-Risk projects and Total Program Management (TPM) projects that have been underway for months and will not be completed until late next year. In addition, there are some hard bid projects that will move forward after the June 8, 2010 workshop.

Mr. Linder informed that the CM at-Risk method has tremendous value and it was the execution of that method that was flawed and was picked up by the auditors. Mr. Lindner stated that open-end contracts have to be properly managed and there cannot be a knowledge gap when looking at the rates that are being paid; the company has been with the district for a long time and has provided an exceptional level of service.

Motion to Defer (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Murray and carried, to defer the agenda item to the June 15, 2010 Regular School Board meeting.

Dr. Parks requested that staff advise the Board simultaneously with the Audit Committee regarding distributing an audit report.

Ms. Dinnen requested that when a CM at-Risk, a Hard Bid or any other process is being utilized, that the Board be provided with a rationale of why that process is being used.

Ms. Murray, who voiced concern over the number of change orders, unforeseen changes, stated that many of the items are not unforeseen changes. She stated it is the responsibility of the Board to understand what CM at-Risk and Hard Bid projects mean.

A vote was taken on the Motion to Defer.

KK. OFFICE OF CHIEF FINANCIAL OFFICER

Following the action of Agenda Item JJ-1, the following Attorney-Client Session commenced at 11:40 a.m.

Announcement by Chair

"The School Board of Broward County, Florida, will meet in an Attorney-Client Private Session in accordance with Florida Statutes, Section 286.011(8), today June 2, 2010, 11:40 a.m. The Attorney-Client Session will be held in the Board Room of the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

"The purpose of this Attorney-Client Session is for the School Board and Counsel to discuss pending litigation relative to the following case Joyce Collette, as Personal Representative of the Estate of Amanda Grace Collette, on behalf of the estate and its lawful survivors, to wit: Joyce Collette, Surviving Mother, and Thomas Edward Crowther, Surviving Father vs. The School Board of Broward County, Case No. 10-015587 (25), before the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida. A Certified Court Reporter will record the entire session.

June 2, 2010

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"The following persons will attend the Attorney-Client Session: Chair Jennifer Leonard Gottlieb; Vice Chair Benjamin J. Williams; Members, Robin Bartleman, Maureen S. Dinnen, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, Dr. Robert D. Parks, Kevin P. Tynan, Esq., Superintendent James F. Notter, Debra P. Klauber, Esq., Eugene K. Pettis, Esq.; Marylin Batista-McNamara, Esq.; and Edward J. Marko, Esq.

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

The Attorney-Client Session recessed at 12:20 p.m. The Regular School Board meeting reconvened at 1:14 p.m.

Adjournment This meeting was adjourned at 5:40 p.m.

RT