

Approved in Open Board Meeting, July 20, 2010

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

**June 15, 2010
Tuesday, 9:45 a.m.**

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 9:47 a.m., Tuesday, June 15, 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 Mr. Tynan, seconded by Mr. Williams and carried, to approve the official minutes for the following Board Meetings: Mrs. Hope, Mrs. Kraft and Dr. Parks had not yet assumed their seats on the dais. (6-0 vote)

May 18, 2010 – Regular School Board Meeting
June 2, 2010 – Special – Student Expulsions

Added Items – 13 speakers

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

SPECIAL PRESENTATIONS

Feeding South Florida – Ms. Murray

Ms. Murray introduced Dr. Valerie Wanza, Area Director, School Improvement, South Area Office; Ms. Judith Gatti, Ms. Juli Zeno, and Ms. Althea Pennant, Feeding South Florida; and Principals: Steve Frazier, Silver Trail Middle School; Katherine Hinden, McArthur High School; Melinda Cunningham, Hawkes Bluff Elementary School; Valerie Thomas, Olsen Middle School; and Phillip Bullock, Miramar Elementary School.

Ms. Murray stated that South Area schools presented \$39,427.44 to Feeding South Florida, which provides food to over 1,200 different charitable feeding programs throughout Broward, Miami-Dade, Monroe and Palm Beach counties.

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South Area schools, in partnership with the organization, accepted the challenge to collect donations to help support the needs of students and families in their communities through the Caring Coins Project. South Area schools donating the most money were Silver Trail Middle (\$3,710), McArthur High (\$2,021), Hawkes Bluff Elementary (\$1,500), Sunset Lakes Elementary, (\$1,461), Olsen Middle (\$1,200), Pembroke Lakes Elementary (\$1,200), and Miramar Elementary (\$1,115).

A video presentation was shown about the project.

Ms. Gatti, on behalf of Feeding South Florida, thanked the School Board for their extraordinary effort and those serving Broward County, with over 200,000 people in poverty. Ms. Gatti presented a plaque to the Board in appreciation of their support through the Caring Coins campaign.

City of Lauderdale Lakes - Mr. Williams

Mr. Williams informed that on May 25, 2010 the City of Lauderdale Lakes hosted a Teacher Recognition Banquet for all teachers in Lauderdale Lakes, along with highlighting the Teachers of the Year.

Mr. Williams recognized public officials from the City of Lauderdale Lakes: Mayor Barrington A. Russell, Sr., Vice Mayor Benjamin Williams, Sr., and Deputy Vice Mayor Gloria Lewis. Officials presented a check for \$3,000 in support of the Zone schools in the City of Lauderdale Lakes.

Mr. Williams, on behalf of the School Board, expressed sincere appreciation to the City of Lauderdale Lakes.

Mrs. Hope thanked the Lauderdale Lakes leaders, stating that they are an outstanding commission that works directly with students and schools in every aspect.

Mrs. Bartleman noted that Ms. Lewis is a teacher at Oriole Elementary School and does an excellent job. She praised the proactive approach in their community, as they want to know what is occurring in their schools and how they can help the district.

Dr. Parks thanked the commission for focusing on Boyd Anderson High.

The Mayor informed that the city's new library and cultural center will open on June 19, 2010, a 20,000 square foot facility, another milestone in the development of the city as it relates to educating children.

REPORTS

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

Maria reported that currently the Advanced Leadership Training Camp is underway at Nova-Southeastern University and will run until Thursday, June 17, 2010. The South Florida Leadership Training Camp will take place at the end of July 2010, with 200 delegates expected.

The BCASC's officers are meeting over the summer to finalize plans for the upcoming 2020-11 school year.

Employee Unions – Pat Santeramo

Mr. Santeramo discussed the reappointment of teachers, the impact on employees, and 568 teachers who will be officially laid off. Mr. Santeramo stated that children in many schools will no longer have a well-rounded education, without arts, music and physical education, and many children will no longer have the services of Media Specialists and Guidance Counselors to give that extra-individual attention.

Mr. Santeramo spoke about each Board Member's district where cuts will be made to programs at their schools, resulting in 18 positions that will be eliminated.

Mr. Santeramo further stated that through the Board's guidance every principal was allowed to act independently as they made important educational decisions, without the input from their employees, parents or the community. Principals eliminated programs and people based on personalities, rather than what is best for children.

Mr. Santeramo requested the Board to direct the Superintendent to reinstate the arts, guidance and media at every school and center; investigate the manner in which decisions were made and ensure that the community is involved where programs were eliminated and people are laid off. In addition, to direct the Superintendent to "give more than cursory nod" to the community's advice on how to save millions of dollars which would result in saving programs. Mr. Santeramo noted, for the record, that the Broward School District removed their proposal of furloughs from the negotiating, bargaining table in the 2009-2010 school year. There is a willingness by the BTU to discuss how furloughs might save people and programs. The district stated that the moneys would not be used for that purpose, there was no guarantee that it would save jobs.

On behalf of the Broward Teachers Union members, parents, students and the community, Mr. Santeramo requested the Board to work together in making decisions that affect the children and employees of Broward County.

Facilities Task Force – Charlotte Greenbarg

Ms. Greenbarg reported that the Task Force met on June 3, 2010 at the Hortt complex, beginning at 7:00 p.m., a time selected by the membership as the most convenient time.

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Cost savings suggestions previously submitted were discussed at the meeting. As a result, a motion was made and unanimously approved: The Facilities Task Force moves that the School Board expedite the purging of projects in the Capital Outlay carryover, to be completed by March 6, 2008, in anticipation of realizing a savings of allocated funds.

A resolution was made and passed unanimously: The Facilities Task Force moves that the School Board of Broward County direct the Transportation Department to expedite their responses to provide the detailed information requested so that the Task Force can better evaluate the impact of transportation facilities.

A motion was made and passed unanimously: The Facilities Task Force hereby calls upon the School Board of Broward County to discontinue use of the QSEC process in the selection and awarding of contracts until the Board conducts a thorough and open review with unfettered public input as an agenda item in regular session.

Ms. Greenberg further reported that the following motions passed unanimously: That the School Board utilize or maintain portables in overcrowded schools instead of phasing them out; that the School Board create ability to move portables (ten years or younger), as needed, from under-utilized schools to overcrowded schools; that the School Board request that the reassignment policy be reviewed and that adequate resources be supplied to verify student residency.

Recommendations were approved to add/adjust the matrix on QSEC. Ms. Greenberg stated that since the meeting of June 3, 2010, five Board Members present at the June 8, 2010 Workshop indicated that they concurred with not sitting on QSEC, and it is hopeful that the Board will vote to amend the policy to reflect that.

The next Task Force meeting will be held on August 5, 2010 at Hortt.

A comprehensive written report was submitted to the Board.

BOARD MEMBERS

Ms. Dinnen informed her colleagues that she will attend the Florida School Boards Association meeting at her expense. FSBA will conduct a Legislative Wrap-up and she will provide information to her colleagues about some proposed lawsuits that they are thinking of filing. She stated the lawsuits involve mandated penalties to be imposed by a bill that accompanied the budget bill and the exclusion of charter schools from the imposition of Class Size Phase III.

Dr. Parks thanked his colleagues for passing A-2. Resolution in Support of The Southeast Florida Regional Climate Change Compact. He stated the district was one of the top finalists and was awarded a plaque for the Government Best Practices category of Sustainable Florida.

Dr. Parks praised the graduation ceremonies for the 2009-2010 school year and relayed the graduation events in District 7.

Dr. Parks informed that he has submitted to the Superintendent, with copies to the Board Members, a first draft of the Strategic Plan for Communication. He requested that his colleagues review the draft, workshop the item, and decide how to move forward with communicating the district's needs.

Mrs. Bartleman informed her colleagues that during the last week of school she had the opportunity to ride on a school bus, experience a day-in-the-life of bus driver Linda Wells. She praised bus drivers and bus aides as the unsung heroes of the school district. Mrs. Bartleman stated that she visited Broward Estates and New River schools. She will send a letter of commendation to Linda and her supervisor.

Mrs. Bartleman thanked her colleagues for making difficult decisions during this Board meeting. She informed the Superintendent that the district needs to be proactive next year and develop a plan for the funding issue; long-range planning pertaining to the budget. Mrs. Bartleman stated that during the next two years the Board should compare itself to other school boards who participate in the Council of Urban Boards of Education, and review their structure in an effort to minimize the impact to the classroom.

Mrs. Bartleman extended gratitude to the advisory groups for a great school year.

Mr. Tynan informed his colleagues that State Champions Flanagan High School's Baseball team received a number 1 national ranking. Mr. Tynan stated he participated in his first-time graduation ceremonies and that he had a "blast."

Mrs. Kraft thanked everyone for a good school year and wished everyone a great summer.

Mrs. Hope congratulated Broward County School graduates and wished everyone a safe summer. Mrs. Hope praised principals, teachers and students, and thanked the Broward Education Foundation for the end-of-the-year celebration at the Hard Rock.

Mrs. Hope extended best wishes to Ms. Minnie James, Custodian at Piper High School, on her retirement, serving the district for 30 years.

Mrs. Hope showcased missing child, Angela Davis. Anyone with information please contact the National Center for Missing and Exploited Children or your local authorities.

Mrs. Murray related the seven high school graduation ceremonies in District 1. She said this year she got to know a lot of her senior students.

Speakers

Billy Davison
Donna Shubert
Diane Sori
Mary Fertig
Susan Madori
Melvin Propis, M.D.
Joel Smith
Nick Sakhnovsky
Rebecca Horner
Amy Jacobson
Kevin Boyd
Lisa Freire
Ernestine Price

Mrs. Gottlieb referred speaker Donna Schubert to Mrs. Gracie Diaz, Acting Associate Superintendent, Human Resource Development, to discuss her concerns.

CONSENT AGENDA Following identification of those items Board Members and members of the public indicated they would like considered separately, motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Consent Agenda for the remaining items (identified by *). Mrs. Hope, Mrs. Kraft and Dr. Parks had not yet assumed their seats on the dais. (6-0 vote)

CONSENT ITEMS

A. RESOLUTIONS

*A-1. Budget Resolution (Adopted)

Adopted Resolution #10-99, authorizing The School Board the flexibility to expend funds previously allocated to specific categoricals such as Instructional Materials, for other purposes in order to maintain School Board specified academic classroom instruction.

It is recommended that The School Board adopt Resolution #10-99, pursuant to Florida Statute 1011.62(6)(b) granting The School Board the authorization to exercise flexibility to expend funds received for Instructional Materials. These funds are urgently needed to maintain School Board specified academic classroom instruction, i.e., Class Size Reduction.

There is no overall financial impact to the district, rather a potential transfer of funds (up to \$14 million) from restricted to unrestricted accounts.

- *A-2. Resolution in Support of The Southeast Florida Regional Climate Change Compact (Adopted)

Adopted Resolution #10-100, in support of The Southeast Florida Regional Climate Change Compact.

B. BOARD MEMBERS

- *B-1. Appoint Ms. Ann Murray, School Board Member, to Serve as a Representative on the Broward County Children's Services Board (CSB) (Approved)

Approved the recommendation that The School Board of Broward County, Florida, appoint Ms. Ann Murray, School Board Member, to serve as a representative on the Broward County Children's Services Board (CSB).

On April 13, 2010, the County Ordinance related to the Children's Services Advisory Board was amended by the Broward County Board of County Commissioners to add a School Board member to the CSB.

The purpose of the CSB is for the improvement of life for the children of Broward County. The focus of the CSB is the planning and coordination of services for and on behalf of the children and to serve as an advocate for children's services. The CSB is an independent entity providing an annual plan and funding recommendations on children's services to the Broward County Board of County Commissioners.

There is no financial impact to the school system.

D. OFFICE OF THE CHIEF AUDITOR

E. CHIEF OPERATIONS OFFICER

- *E-1. Destiny Resource Management Solution – Library and Textbook Management (Approved)

Approved the Second Amendment to Agreement between The School Board of Broward County, Florida (SBBC), and Follett Software Company for Destiny Resource Management Solution for Library and Textbook Management.

The Second Amendment to the Agreement between SBBC and Follett Software Company will allow SBBC to acquire from Follett additional software licenses, services, and peripherals to support the Destiny Resource Management Solution for a centralized library and textbook management systems for twelve (12) additional SBBC sites.

Follett will offer SBBC the Destiny Resource Management Solution for centralized library and textbook management systems of additional licenses, scanners, barcodes and labels, data services, enriched content subscriptions, maintenance and support and training services at the firm pricing contained herein the Second Amendment throughout the term of the contract via formal SBBC Purchase Orders.

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

The financial impact to provide the twelve (12) additional sites for the centralized library and textbook management system is \$58,422.84. The funding for this Agreement will come from the existing Software/Hardware maintenance budget for Library Resources.

*E-2. RWD uPerform Software (SAP ProductivityPak) (Approved)

Approved RWD Infopak (used with previous SAP 4.6b and with new SAP 6.0) with RWD uPerform.

Both the prior SAP 4.6b and the SAP 6.0 implementations have used the product RWD Infopak to create documentation, simulations, and training materials for SAP end users (E-10 03-15-2005 Board Agenda Item). As part of the licensing agreement of the SAP 4.6b implementation, the district was paying \$356,416 annually just for maintenance of the product. RWD Infopak is to sunset in the year 2012 and will no longer be supported by RWD. Because of this, the BRITE Steering Committee reviewed the availability of purchasing the replacement product (RWD uPerform/ SAP ProductivityPak) at a cost savings to the school district. For the initial year of the purchase, the cost to the district would be \$356,416, (this includes the first year's maintenance); with the cost for subsequent years being solely for maintenance at \$46,070. Whereas Infopak had a Total Cost of Ownership (TCO) of \$2,943,628, (\$981,209/year); uPerform will have a TCO of \$448,556, (\$149,518/year) providing the school district a savings of \$310,346 annually.

Additionally, there is enhanced functionality of the new replacement software enabling multiple electronic outputs published from a single source document, while providing a reduction in maintenance time by being able to update all documentation quickly. This is extremely beneficial to the BRITE project team as we continue to document changes in functionalities of SAP 6.0 system.

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

The total financial impact over three years to provide the SAP ProductivityPak solution for the district is \$448,556, through June 30, 2013. This includes the acquisition of required licenses, ongoing support and maintenance. This recommendation for spending authority will be funded from available funds already included in the ETS Operating Budget.

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

***F-1. Continuation CTB-McGraw-Hill TABE Online – Subscriber Agreement
(Approved)**

Approved the continuation Subscriber Agreement between The School Board of Broward County, Florida, and CTB-McGraw-Hill.

Tests of Adult Basic Education (TABE), the standardized assessment approved by the State Board of Education, are required to be used in all adult education programs that report data to the National Reporting System (NRS) for the purpose of placement and promotion of students, and to measure program effectiveness. These tests must be administered in accordance with the test publisher's guidelines in order to achieve the standardization that provides for accurate State and Federal NRS reporting. The data collected from programs are used by the State and Federal agencies to determine the effectiveness of individual programs and of the State as a whole. The standardized assessments approved by the State Board of Education address the following goals: to place students accurately, to diagnose learner strengths and weaknesses, to guide instruction, and to show evidence of learning gains.

The new TABE Online technology will provide automated test administration, scoring, reporting, and immediate diagnostic test reports. This will provide reliable information to evaluate student needs, direct instruction, and enable schools to create reports to meet Federal and State requirements. This will replace the current paper-pencil administration of the test and will create a testing model that includes computer-based on-line testing.

The Subscriber Agreement is required under the Children's Online Privacy Protection Act of 1998 ("COPPA"), the Family Educational Rights and Privacy Act and the U.S. Department of Education's implementing regulations at 34 CFR Part 99 (collectively, "FERPA").

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

There is a financial impact of \$92,000 to the district. The source of funds is the Assessment Fee charged to Workforce Education students as a part of the registration process. There is no additional financial impact to the district.

*F-2. Continuation of Dental Health Agreement for Preschool Programs (Approved)

Approved Continuation Dental Health Agreement for Preschool Programs.

Federal preschool grants require the delivery of comprehensive dental services to preschool students. These services will support children to get the most out of their education by meeting some of their basic needs. The Broward County Health Department agrees to continue to provide comprehensive dental health services consisting of examination, treatment and care to preschool children, in accordance with the Department of Health and Human Services/Office of Human Development Services regulations. This contract will provide dental services to all low income, non-Medicaid eligible preschool children in the Head Start and Early Head Start Programs. These services will be provided throughout the 2010-2011 school year.

<u>Program</u>	<u>Students Served</u>	<u>2010-2011 Funding</u>
Head Start	2040	\$137,160
Early Head Start	80	\$4,590

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

The financial impact is \$141,750. The source of funds is the Head Start and Early Head Start Grants. There is no additional financial impact to the district.

*F-3. Continuation Agreement with Barry University (Approved)

Approved the continuation agreement with Barry University (BU) for Montessori training at Virginia Shuman Young Elementary School and Beachside Montessori Village.

Participating teachers from Virginia Shuman Young Elementary School and Beachside Montessori Village will receive rigorous Montessori training to be certified in Montessori education. Training includes Montessori philosophy, materials, and child development theory. The teachers participate in academic instruction and practice laboratories under the supervision of instructors from BU. All coursework at BU is at the graduate level and may be used for re-certification or toward an advanced degree.

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

The financial impact to the district shall not exceed \$60,000. The source of these funds are from the schools' Magnet budget for 2010-2011. There is no additional financial impact to the district.

F-4. Agreement between The School Board of Broward County, Florida (SBBC), and The College Board (Approved)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to approve the agreement between The School Board of Broward County, Florida (SBBC), and The College Board. Mrs. Gottlieb and Ms. Murray were absent for the vote. (7-0 vote)

Advanced Placement (AP) courses play a critical role in a high school student's overall success and will soon count towards the school grade. In order to support AP programs at all high schools, advanced placement teachers are offered the opportunity to receive training in August 2010.

This professional development workshop will be provided by The College Board.

Courses which will be offered include: AP US History, AP Literature, AP Language/Composition, AP World History, AP Art History, AP Music Theory, AP Studio Art, and AP Computer Science.

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

There is a financial impact of \$88,400 to the district. The source of the funds is Title II-A grant. There is no additional financial impact to the district.

Mrs. Bartleman expressed concern with the high school automatic scheduling system, whereby a student placed in an Advanced Placement (AP) course will be automatically enrolled. Mrs. Bartleman stated this should be done on an individual basis and not automatically because every child is different.

Mrs. Bartleman inquired how much support will be given to the students to ensure their success in a rigorous class; modification of training to meet the needs of students.

Mrs. Sayra Hughes, Executive Director, Multicultural, ESOL & Program Services, responded that a student with a "C" in math may qualify for one of these courses, not just the AP course they can be enrolled in.

She stated that there are other options and every student will be assessed individually in order to make an appropriate placement. Mrs. Hughes further stated that College Board supports that all students be given the opportunity to enroll in high rigor courses, like AP courses, and the training is going to be individualized. Regarding other subject areas, Mrs. Hughes said, even if the student has a "C" there is other criteria to be met, such as Level 5.

Mrs. Bartleman requested that staff meet with parent groups and provide the correct information to clarify misinformation.

Mr. Mark Quintana, Curriculum Administrator, informed that Advanced Placement in math and science are not the only courses available as an option for students and they have a choice of two or three different courses. Mr. Quintana stated it is based on grades, and PSAT, ACT or CPT. English and social studies have certain criteria whereby the only option would be an AP course; in these cases would require additional prior course work.

The following individual addressed this item:

Maria Rincon

Mrs. Kraft informed that she has spoken with some students who have indicated that they have been locked into courses. She requested that staff make a concerted effort regarding the review of joint offerings for students and try to ascertain alternative methods. Mrs. Kraft further requested, if the Florida Virtual School's free online review is offered this year that it be properly publicized.

Mrs. Kraft expressed concern with not having a conversation at a workshop on voluntary donations. She stated she did not see anything in the current policy or procedures that would preclude a practice of accepting donations, such as placing a bucket at a PTA meeting and having people donate to whatever cause they wanted.

Mrs. Hughes informed that Mr. Quintana and Ms. Cynthia Park, Director, Advanced Academic Programs, will present additional information at the first District Advisory Council (DAC) meeting.

- *F-5. Charter School Agreement Amendment – Mount Hermon Educational Corporation of South Florida, Inc., (Henry McNeal Turner Learning Academy) (Approved)

Approved the Charter School Agreement Amendment with Mount Hermon Educational Corporation of South Florida, Inc., regarding changing the location for Henry McNeal Turner Learning Academy.

On May 5, 2009, The School Board of Broward County, Florida, approved a Charter School Agreement with Mount Hermon Educational Corporation of South Florida, Inc., (Henry McNeal Turner Learning Academy), to open a charter school serving grades K-2 for the 2009-2010, school year.

Mount Hermon Educational Corporation of South Florida, Inc., desires to amend its charter school agreement to change the location of Henry McNeal Turner Learning Academy for the 2010-2011 school year and subsequent years.

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

There is no financial impact to the district.

*F-6. New Agreement with the City of Hollywood (Approved)

Approved a new agreement with the City of Hollywood.

The agreement from the City of Hollywood will award a total of \$30,000 to the following projects: Apollo Middle (\$730) for a recruiting event for incoming sixth graders; Attucks Middle (\$820), for a summer reading project; Ben Gamla Charter School (\$500), for a monthly motivational party for reading; Boulevard Heights Elementary (\$2,400), for the school's music program and for a document camera and LCD projector; Driftwood Elementary (\$2,965), for new microscope projection technology and for multi-subject area instructional materials; Hallandale High (\$1,500), for new "Automotive Service Technology" equipment; Hollywood Academy of Arts and Sciences (\$2,400), photography and music equipment; Hollywood Central Elementary (\$500), for mathematics materials; Hollywood Hills Elementary (\$2,481), for a Holocaust memorial project and a digital arts project; Hollywood Hills High (\$2,050), for the drama and theater programs; Hollywood Park Elementary (\$2,500), for materials for the school's sensory room; McArthur High (\$1,810), for the horticulture program's tree planting project; McNicol Middle (\$1,300), for ESOL program materials; New School "C" (\$800), for a Montessori awareness program for parents; Oakridge Elementary (\$3,717), for a field trip to an Indian reservation, to purchase health and wellness equipment, and to purchase mathematics instructional materials; South Broward High (\$2,127), for art materials and equipment for a career-readiness project; and the Quest Center (\$1,400), for theater equipment.

The School Board Attorney has approved this contract as to form and legal content. This agreement will be executed after School Board approval.

The positive financial impact is \$30,000. The source of funds is the City of Hollywood. There is no additional financial impact to the school district.

F-7. Grant Applications

(Approved)

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

- A. American Honda Foundation, \$116,063
- B. Dollar General Youth Literacy, \$3,000
- C. ExxonMobil Educational Alliance, \$750
- D. FPL Group Foundation, \$1,500
- E. Head Start/Early Head Start, \$18,471,479
- F. Jordan Fundamentals Grant Program, \$20,000
- G. Lowe's Charitable and Educational Foundation, \$29,910
- H. Magnet Schools Assistance Program, \$8,642,395
- I. McCarthy Dressman Education Foundation Teacher Development Grant, \$30,000
- J. School Leadership Grant Program, \$3,739,856
- K. Target Community Giving Grants Program, \$2,000

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

The positive financial impact is \$31,056,953 from various sources. There is no additional financial impact to the district. Except for the required \$3,429,411 cash match for the Head Start/Early Head Start Program to be allocated from the General Fund Unappropriated Fund Balance, there is no additional financial impact to the district.

Mrs. Bartleman requested the Superintendent to review some of the more established magnet schools to ascertain whether dollars can be found for resources. Mrs. Bartleman stated that although new programs are being presented, money is being taken away from programs that are successful.

Mr. Notter informed that last year's Legislature had cut the lottery funds, the discretionary portion that funded the magnet programs. He stated this does not overshadow the fact that a review should be made in the budget to keep the classroom the least touched.

Mrs. Bartleman stated that during these times of limited resources it is important to review all the districts programs and evaluate them. She stated this is a serious concern to communities who have worked hard to establish their magnet programs.

Mrs. Bartleman further requested that staff coordinate with the schools and the administrative team for some level of accountability.

Dr. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services, informed that the Board had directed staff to look at programs every year, with a presentation during the fall. Dr. Harrison stated that staff is aggressively pursuing the Magnet Schools Assistance Program (MSAP) grant to look at any kind of funding sources to help magnet programs.

Ms. Dinnen inquired whether the grant is for new endeavors or for established magnets. Ms. Dinnen stated that the magnet program has served the district very well in the past and there is tremendous potential in the future. She said she does not want to see well-established programs begin to wither.

Dr. Harrison responded that the chosen schools are six middle schools that are the furthest under-enrolled, from 372 students under-enrolled to over 500 students under-enrolled. Dr. Harrison stated the district had to meet the criteria; the district cannot just get money to support what is existing. Dr. Harrison further stated that even though the district has identified that two schools have magnet programs, those programs have not attracted the students that were needed and they were included. Additionally, a review was made of schools that had not made AYP for four years or more. Dr. Harrison said this review is to target those areas where students have not been proficient, to increase proficiency.

Ms. Dinnen requested that staff aggressively pursue any other kinds of grants that might have criteria that would allow a school to use these funds to support established magnet programs. She stated this is important and it incorporates the concerns about the arts and music curriculums.

Responding to Mrs. Hope's inquiry, Dr. Harrison stated that the district has applied for the MSAP grant before (three-year cycle), schools have been previous recipients, such as Fort Lauderdale High School. She stated the district applied during the last three-year cycle but was not awarded money. The district will re-apply during this new cycle and the grant will be good for three years. Dr. Harrison further stated that staff is working on meeting the new math standards and science and technology with all schools. Certain schools will have specific curriculums such as in current, specific magnet schools.

Mrs. Hope inquired how the magnet schools were chosen.

Dr. Harrison stated that the schools were chosen due to under-enrollment and feeder pattern, in addition to the number of years the schools did not meet AYP.

Dr. Parks noted the importance of innovative programs in schools such as Coconut Creek High School and Norcrest Elementary School. He stated that in-boundary students are being successful in these programs.

Dr. Harrison responded that the Board will be presented data in the fall illustrating students who came back to their home schools based on being able to see some of those innovative programs. Dr. Harrison stated that schools are sustaining their programs within the dollars they are provided. The data will illustrate how that marketing piece has helped schools and students come back to their home schools.

Ms. Murray informed that she has sent letters with information to federal legislators representing South Florida, with some responses, regarding reaching out to help students. She discussed the science innovative program at Apollo Middle School, stating the district needs to do their share to save these programs.

The following individuals addressed this item:

Mary Fertig
Travis Williamson
Nancy Green
Mary Phillips
Patricia Halliday
Bill Satarese

Ms. Dinnen clarified that the issue before the Board is a separate issue from the cutting of magnet money and it does not take away money from the \$6.6 million that was cut by the state.

Mrs. Kraft requested information on how many students were attracted back to Margate Middle School last year into the Science, Technology, Engineering and Mathematics (STEM) program.

Mrs. Bartleman requested that the magnet program discussion continue at a Board workshop.

- *F-8. Full and Basic School Health Services Funding Agreement for 2010-2013
(Approved)

Approved the Full and Basic School Health Services Funding Agreement for 2010-2013.

Each year, the state legislature provides School Health Services Funds to the Broward County Health Department (BCHD), which then funds services for Broward County schools and students. One allocation is for Basic School Health Services to all students in public and participating non-public schools in Broward County. The other allocation is for Full Service Schools which include Basic School Health Services and additional specialized services that integrate education, medical, social, and/or human services to meet the needs of the high risk student population and their families on school district property as required by 402.3026, Florida Statutes. These services are provided in accordance with the statutorily required School Health Services Plan (Section 381.0056[3][e], Florida Statutes).

The BCHD has contracted Full Service School Funds to Broward County Public Schools (BCPS) since 2000. The proposed contract includes both Full Service (\$626,636) and Basic School Health Services funds (\$608,958).

The contract to BCPS for 2010-2013 is \$3,706,782. The amount of \$3,706,782 shall be paid in 36 equal monthly amounts of \$102,966 not to exceed \$1,235,594 for each 12-month period for the duration of the contract, subject to the availability of funds.

The Full Service School allocation will provide eight agency Health Support Technicians (HST), one each at the following schools: Colbert Elementary, Hollywood Central Elementary, Davie Elementary, Mirror Lake Elementary, Northside Elementary, Thurgood Marshall Elementary, Cypress Elementary, and Markham Elementary; two registered nurses to supervise the HST's (one to five or less ratio); 0.75 funding towards a family counselor position and a full time licensed practical nurse at Lauderhill Middle; a full time licensed registered nurse at Blanche Ely High School; and a full time licensed practical nurse at Hallandale Adult.

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

The BCHD's policy is to execute an agreement only after the other party signs therefore the BCHD will execute this agreement after the School Board approves. This agreement has been reviewed and approved as to form and legal content by the School Board Attorney.

There is a positive financial impact to the district of \$3,706,782 over the three-year period of 2010-2013. The source of funding is the Full and Basic School Health Services funds from the Broward County Health Department through funding from the state. There is no additional financial impact to the district.

*F-9. Annual Dues to the Council on Occupational Education (COE)
(Approved)

Approved payment in the sum of \$17,090, for the 2010-11 school year COE dues.

Broward County Public Schools has had a long-standing relationship with the Commission on Occupational Education. COE is the International Accreditation Agency for the adult programs within the technical schools. All three technical centers are also accredited by the Southern Association of Colleges and Schools (SACS/CASI), due to their high school programs. The payment of (COE) dues will include the following Technical Centers: William T. McFatter, Atlantic and Sheridan for the school year 2010-2011.

There is a financial impact of \$17,090 to the district. The source of funds is the unappropriated general fund balance. There is no additional financial impact to the district.

F-10. Annual Dues of the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS/CASI)
(Approved)

Motion was made by Mr. Tynan, seconded by Ms. Murray and carried, to approve payment in the sum of \$124,700, to SACS for the 2010-11 school year dues for all elementary, middle, high schools, virtual education, vocational-technical schools and centers. Mrs. Bartleman and Mrs. Gottlieb were absent for the vote. (8-0 vote)

Broward County Public Schools has had a long-standing relationship with the SACS/CASI Commission. The district prides itself as one of the nation's largest fully accredited school systems. Presently, the district is due to pay the amount of \$550 per elementary school, \$550 per middle school, \$550 per high school, \$550 virtual education school, \$550 per vocational-technical school and \$550 per center. SACS dues for 140 elementary schools, 41 middle schools, 31 high schools, 12 centers, 3 vocational-technical schools and 1 virtual education school totaling \$124,700.

There is a financial impact of \$124,700 to the district. The source of funds is the unappropriated general fund balance. There is no additional financial impact to the district.

Mr. Tynan stated that as the Board has reviewed the various ways and places where money has been spent, there is an issue of spending money for accreditation which was not part of the Board presentation on where to save money. Mr. Tynan expressed concern over whether there are other areas in the district's budget that have not been considered.

Mrs. Hope stated the district prides itself as one of the nation's fully accredited school systems for which the payment is directed.

Responding to Mrs. Bartleman's inquiry, Mr. Kyle Dailey, Curriculum Specialist, Drivers Education/NCAA/SACS, stated that he oversees SAC's accreditation in Broward County. Mr. Dailey explained the accreditation process, stating there is a \$300,000 saving by being district accredited versus school accredited. The process is renewed every five years versus a school's accreditation is every two years, and there would be individual visits for each accreditation. Mr. Dailey stated that the accreditation is important for students coming from an accredited school to get into college. He stated, in the past there has been a concern regarding charter schools that were not accredited and its impact.

Mr. Notter stated that the district does about \$4.4 million a year in athletic scholarships between male and female students.

Mr. Tynan stated that the five-year cycle has a one-year annual payment.

*F-11. Charter School Agreement – Imagine at Broward, Inc., (Imagine Middle School at Broward) (Approved)

Approved the charter school agreement for Imagine at Broward, Inc., (Imagine Middle School at Broward).

Pursuant to Section 1002.33, Florida Statutes, the terms and conditions for the operation of a charter school shall be set forth by the charter school and The School Board of Broward County, Florida, in a written contractual agreement. This agreement shall constitute a school's charter. In accordance with Florida Statutes, the School Board shall monitor and review the charter's revenues, expenditures and progress toward the goals established in the charter.

The application by Imagine – Broward County, LLC, (Imagine Middle School at Broward), was approved at the November 10, 2009 School Board Meeting, Item F-13. A copy of this application is available at the Charter Schools Support office on the 13th floor of the KC Wright Building. Imagine at Broward, Inc., a Florida non-profit corporation, was created to serve as the contracting entity for the charter school's governing body.

A copy of the Charter Agreement between The School Board of Broward County, Florida and Imagine at Broward, Inc., (Imagine Middle School at Broward), is available in the Board Members' office on the 14th floor of the KC Wright building and on the public stand in the lobby of the KC Wright Building.

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

There is no financial impact to the district.

G. HUMAN RESOURCES

G-1. Personnel Recommendations for Reappointments 2010-2011, Instructional Appointments and Leaves for 2009-2010 School Year
(Approved as amended)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to approve the personnel recommendations for **Reappointments for the 2010-2011 school year**, 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. **This entire agenda item was amended.** Mrs. Gottlieb was absent for the vote. (8-0 vote)

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.

The following speakers addressed this item:

Marcos Rodriguez
Candace Russo
Bernie Schultz
Monte Dilworth
Unidentified female speaker

Mrs. Bartleman inquired about the process of terminating and re-hiring those employees.

Mrs. Diaz responded that Florida Statute requires districts to nominate or reappoint instructional employees, principals, supervisors by June 30, 2010, and the budgetary process is used to determine which positions can be appointed for the following school year. Article 25 dictates how a school will determine the positions or the individuals who are surplus from their schools, who they do not have a position for. This is done at the secondary level by subject area and seniority within that subject area; elementary level is the entire school, looking at the certification area and also done by seniority.

Mrs. Diaz informed that all the vacancies were reviewed to determine whether individuals could be placed in positions, though there were not sufficient positions to place all individuals at this time. Mrs. Diaz stated that Article 26 is invoked, a reduction in force or personnel language, which includes bumping within the school district. All of the teachers in the system that teach in a particular subject area must be identified by seniority and then determine how many individuals would be placed on layoff status in order to place those with more seniority in that subject area.

Mrs. Diaz explained that 31 teachers were placed back into positions because unexpected retirements and resignations were submitted, and 537 teachers will now be placed on layoff. Mrs. Diaz stated that following the seniority process many teachers as was possible were left in their schools but it took away from some teachers who did want to stay at their schools and were willing to take a reduced percentage in the hope that in the future, if there is additional funding, they could remain at their schools.

Mrs. Bartleman stated that the process is in place based on seniority and it must be honored because it is included in the Union contract. She stated this process would need to be bargained and changed in the future. She noted that federal funds will not be available next year.

Dr. Parks requested that a strategic plan document for communications be placed for a Workshop discussion. Dr. Parks further requested that the Broward Teachers Union be provided with the FedEx Kinko's program document. Discussing the layoffs and budgetary issues, Dr. Parks stated that the Board is fighting for the school district and employees, trying to save jobs and looking at ways to cut the budget. He noted that the district has presented this information to the public on the district's website and on BECON broadcasts.

Mrs. Kraft voiced concern that the communications program is not where it should be, as the employees and public would have access to the information.

Remarking that the Board is constrained by the union contract, Article 26, Mrs. Kraft stated there are teachers, especially band and athletic directors, who have a bond with their students and they are being replaced with other teachers who are not qualified for that particular school. She stated these positions are not interchangeable; there are teachers who are willing to flip-flop but the collective bargaining agreement does not allow this to happen. Mrs. Kraft stated the union and the district need to work together to save some of these programs.

Mrs. Kraft informed that she has received e-mails from teachers who are erroneously being told by principals that if they plead before the Board their jobs will be saved. Mrs. Kraft stated, the School Board cannot save their jobs, it is totally contract driven. She requested that the Communications department send the message out to help teachers understand the meaning of the union contract.

Mrs. Kraft, who referred to speaker Donna Shubert and an e-mail she received from a teacher in a similar medical situation, requested that a review be made of the Family and Medical Leave Act (FMLA) issue.

Mrs. Hope inquired whether assistance will be provided to laid-off employees, such as resume writing, retraining, and a certification process in an effort to get certified in a field that could be used in this district.

Mrs. Diaz responded that certification courses began in May and they will be offered throughout the summer. Mrs. Diaz stated, once the course is completed a subject-area examination is taken which will be added to their certification once they pass the examination. This is offered online through Broward Community College and can be taken at any time. Mrs. Diaz further stated that the district offers employment sessions, the fourth session offered for today, in partnership with WorkForce One and includes resume writing, interviewing, employment and applying for unemployment benefits, and benefits information. These day-long sessions are set throughout the summer at all different locations. Mrs. Diaz stated that information on these sessions have been sent to all unions, administrators, district staff and principals to share with all employees.

Mrs. Bartleman noted that the Board has held workshops to discuss overtime and travel expenses but this information has not been communicated to the public.

Mrs. Hope requested an estimate on the number of employees having gone through the certification process in order to get certified in a field that may be used in the district.

Ms. Dinnen stated if the teachers are paying for their own paper and they are not taking advantage of communication, principals need to provide information at the beginning of the school year. Ms. Dinnen said she would like a list of those schools in which teachers feel forced to buy paper and materials for their classroom.

Ms. Dinnen noted that the Board went to Tallahassee to lobby against Senate Bill 6 and she personally sent letters to every legislator who deal with education on Senate Bill 6 and Race to the Top Part I, and she has paid for her own travel expenses. Ms. Dinnen stated this information has not been adequately communicated.

Mr. Tynan discussed the situation at West Broward High, who have been "hit" twice, and younger schools that have less seniority. Mr. Tynan stated that these are painful decisions that the Board needs to act on and the Board needs to get past the problems of the district and focus on long-term solutions.

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

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

The Personnel Recommendations for Instructional Employees include the following items:

1. Instructional Resignations/Retirements/Layoffs

There will be no financial impact to the school district.

G-3. Personnel Recommendations for Non-Instructional Appointments and Leaves for the 2009-2010 & 2010-2011 School Years
(Approved as amended)

Motion was made by Dr. Parks, seconded by Mr. Williams and carried, to approve the 2009-2010 & 2010-2011 personnel recommendations for appointments and reassignments and the 2010-2011 reappointments as listed on the Executive Summary, respective lists and individual appointments for Non-Instructional Employees and authorize, pursuant to section 1011.60(3)(f), Florida Statutes, principals, other school site administrators, and instructional staff to serve more than ten (10) calendar months of service.

All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. **This item was amended to add name to page 12, Section 8; add name to page iii, Section 11; and add pages 15-63 to Section 13; add pages 64-66 to Section 7; add additional names to page 12, Section 8; add pages 67 – 76 to Section 9; withdraw one name, page 69, from Section 9.** Mrs. Bartleman, Ms. Dinnen, Mrs. Gottlieb, Ms. Murray, Dr. Parks, Mr. Tynan and Mr. Williams “yes.” Mrs. Hope and Mrs. Kraft voted “no.” (7-2 vote)

A separate vote was taken on the Deputy Superintendent, Curriculum position: Mrs. Kraft voted “no.” (8-1 vote) (Approved)

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

1. Non-Instructional Reappointments 2010-2011 (A copy of this exhibit is available in the Board Members’ Office on the 14th floor of the K. C. Wright Building, the public stand in the lobby of the K. C. Wright Building.)
2. Non-Instructional Approval(s)
3. Non-Instructional Reassignment(s)-Promotion(s)
4. Non-Instructional Reassignment(s)-Demotion(s)
5. Non-Instructional Substitutes/Temporaries
6. Non-Instructional Leave(s)-Layoff(s)
7. District Managerial/Professional/Technical
8. Reassignment of Current School-Based/District Managerial/Professional Technical Personnel
9. School-Based Managerial
10. School-Based/District Managerial Acting/Special/Task Assignment(s)
11. School-Based/District Managerial/Professional/Technical Leave(s)
12. Salary Adjustment
13. Reappointment/Reassignment Recommendations for 2010-2011
 - A. Recommended School-based Administrators - Reassignment & Reappointment of Principals for 2010-2011
 - B. Recommended School-based Administrators - Reassignment & Reappointment of Assistant Principals for 2010-2011
 - C. Recommendation for Certified and Non-certified District/Area Administrative & Supervisory, Professional and Technical Positions for 2010-2011

Funding has been budgeted in 09-10 fiscal year for all appointments through June 30, 2010. Funding must be budgeted in 10-11 fiscal year for appointments and new hires.

Mrs. Kraft discussed the cuts of Facilities personnel and the bumping process. She stated, a person whose position was cut is qualified to perform a different job may bump someone with less seniority, pursuant to labor contracts.

Mr. Tom Lindner, Acting Deputy Superintendent, Facilities and Construction Management, informed that 61 positions were cut from the Facilities budget, and said these individuals were eligible to bump someone else in the department as long as they met the qualifications and were senior to the person who was in that job.

Responding to Mrs. Kraft's inquiry, Mrs. Victoria Kaufman, Director, Noninstructional Staffing, stated that 45 employees were placed into new positions or vacant positions, or displaced someone else; 42 displaced other employees and 3 went to vacant positions. The new positions are new for the employee but not newly-created positions, and this process would fall under the BTU/TSP contract.

Motion to Separate (Carried)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to separate the position of Deputy Superintendent, Curriculum, from the agenda item for consideration. Mrs. Hope had not yet assumed her seat on the dais. (8-0 vote)

A vote was taken on the Motion to Separate.

Ms. Dinnen stated there are many inquiries and comments from the public as to why the process works a certain way. She suggested that the information, a summary, be placed on the district's website regarding the different contractual requirements.

The following individuals addressed this item:

Roy Jared
Ana Parada
Mercedes Quintanilla
Lauren Middleton-Austin

Mr. Notter stated that the Human Resources department and the Board Attorney will review the concerns of the speakers to ensure the integrity of the process. The Superintendent stated he was comfortable that due diligence was followed as required under the union contract.

Dr. Parks stated that the issue of seniority versus specific qualifications for jobs has always been a concern to the public sector.

Dr. Parks stated that the bumping issue, seniority versus qualifications, needs to come before the Board at the next contract negotiations. He opined that qualified individuals bring more value to the school district than someone who does not have those specific qualifications.

Mrs. Kaufman stated that the contract provides for 30 to 90 days for the employee to receive orientation and training for that position to ensure the success of that employee into the position.

The following individuals addressed this item:

Billy Davidson
Karen Harris
Lisa Wojcik

Ms. Dinnen inquired about the process utilized in reviewing the positions, whether individuals matched the job descriptions.

Mrs. Kaufman informed that many hours were spent calling licensure boards to verify qualifications for positions, reviewing the individuals' previous positions, for employees to return to their previous positions and displace an employee with less seniority than someone who now holds that position. Mrs. Kaufman stated adjustments were made up until the final hour and that BTU was involved in the first several meetings of placement of employees. She stated that laid-off employees and those employees being placed into new positions have been kept informed during the process, and approximately 16 employees have filed for an informal grievance next week.

Ms. Dinnen stated that the grievance process, unlike the impasse process, is ultimately decided by an independent arbitrator and it is binding.

Mrs. Diaz concurred that if there is a legitimate problem with the grievance process that is resolved through an informal grievance, it will come back to the Board as an agenda item for resolution. She stated if someone was displaced and it is found there was a concern with the placement, there might be someone else that would be reappointed that may not have a position. An amendment would be brought back and individuals would have to be paid back in the meantime.

Responding to Ms. Dinnen's inquiry, Mrs. Kaufman stated that 5 individuals went into vacant positions, 40 went into different positions; 61 employees were ultimately placed on layoff, and approximately 16 individuals have filed for an informal grievance.

Mrs. Kaufman further stated that out of the 16 employees, 8 employees filed an informal grievance for being placed on layoff and 8 employees are not in agreement with the position they were placed into. She said that a formal grievance can thereafter be filed but it takes more time.

Mr. Tynan stated that several employees have indicated there might be some issues, which staff will look into. He stated that the Board's approval today does not mean the grievance process is closed. Mr. Tynan inquired about a pay differential for a senior employee taking a lesser job.

Responding to Mr. Tynan's inquiry, Mrs. Kaufman stated that the contract indicates the person's salary is protected for one-year.

Responding to Mrs. Kraft's inquiry, Mrs. Kaufman stated that she communicated with every speaker at this hearing and has researched all of their concerns.

Mrs. Kraft, who remarked that some individuals are indicating that their concerns have not been addressed, inquired whether there is a subsequent process following a grievance.

Mrs. Kaufman responded that Employee Relations has also been involved in this process, to review the placements, and BTU was involved initially as well as supervisors.

Mrs. Kraft inquired when employees will be notified whether or not they are going to bump someone else.

Mrs. Kaufman responded that she has informed employees that they either do or do not meet the job qualifications, and whether or not they are reappointed. She stated some 20 year employees in the Maintenance department switched into these TSP positions, and they cannot return to the FOPE bargaining unit where they had the majority of their service. Mrs. Kaufman informed that clerical does not have bumping language in their contract and they can be placed on layoff with 20 years experience. They would be on the recall list by seniority and the recall process is ongoing, as vacancies are received from schools and locations.

Responding to Mrs. Kraft's inquiry, Mrs. Diaz responded that the employees' insurance ends July 30, 2010 which was extended one month, and thereafter they have the option of COBRA.

The following individuals addressed this issue:

Gerard Neil
Sharna Walters
Michael Borrelli
Marilyn Swank

Mr. Tynan inquired whether a request to delay the process is a possible course to take. He stated that he was reluctant to take a position so that the district does not have to spend more time and money.

Mrs. Diaz responded that staff does not want to assume that the process was done correctly, as much time has been put into this process. Mrs. Diaz stated that every case can be double-checked to ensure its accuracy. She voiced concern if the Board does not approve this item the district will have to incur the costs of all individuals.

Mrs. Kraft inquired whether the Board is precluded from delaying the process.

The Superintendent responded that the Board needs to look at the issues today, there is a safety net in the informal grievance process despite any potential errors that might have been made. The Superintendent said he felt comfortable presenting the Board item, asking for an approval. He further stated that staff has gone through the process in the highest level of due diligence, and the Board can delay the process by scheduling another Board meeting, but it would not be his recommendation.

Mrs. Kraft suggested a deferral of the item for one week, to allow staff an opportunity to look into the issue further, and call a Special Board meeting during the Board Workshop.

Motion to Defer (Failed)

Motion was made by Mrs. Kraft, seconded Ms. Dinnen, to defer the agenda item. Mrs. Hope and Mrs. Kraft voted "yes." Mrs. Bartleman, Ms. Dinnen, Mrs. Gottlieb, Ms. Murray, Dr. Parks, Mr. Tynan and Mr. Williams voted "no." (2-7 vote)

Mr. Notter stated that delaying for one week would not resolve the 30 or 60 issues (affected employees) currently pending.

Mrs. Hope inquired about the change in the testing process.

Mrs. Kaufman responded that for reappointment purposes, to determine whether or not people were eligible for the higher positions, the cut-off had to be made for this Board meeting.

Mrs. Kaufman stated that positions have not been filled that employees were placed on layoff for; the cut-off date will be June 30, 2010 and if they pass the test the employee will be reinstated. If not, the positions will be offered to other employees on layoff based on seniority.

Dr. Parks stated that the district has known for the past two years that cuts would be made, especially in Facilities and Construction Management, and approval of this item is the process that begins resolving some of these issues. Dr. Parks stated he and Board Members do not want to see anyone with less qualifications bumping another person who has those qualifications.

Mrs. Bartleman stated that the furlough issue was removed from the table in this year's negotiations because the year is over and everyone has been paid. Mrs. Bartleman said she was pleased that BTU is willing to come to the table regarding furloughs.

Discussing the bumping process, Mrs. Bartleman stated this process may result in swapping people that are being bumped for another set of people who will also file a grievance.

Concurring, Mrs. Diaz stated this is a domino-effect. She recommended that all the cases be reviewed again and if there are a few examples, a change in decision would be made.

Mrs. Bartleman voiced concern over the deferral, stating that it will take a third review of the process, as everyone will be fighting for their job.

Mr. Tynan stated that the Board must make decisions and deferrals precludes this issue from moving forward.

Ms. Dinnen said she would prefer to have the informal grievance process go forward so that additional information could be obtained. She stated if within the next week it is discovered that it is more than 16 employees and a formal process cannot be completed within a week, she would not support that that many mistakes were made on employees.

Mrs. Diaz informed that the initial request for an informal grievance is one hour per person.

Remarking that she is leaning toward the formal grievance process, Ms. Dinnen stated that too many employees have felt they have been treated unfairly. She said she would not support the deferral.

A vote was taken on the Motion to Defer, followed by a vote on the remaining G-3 Agenda item.

Newly-appointed district personnel were announced and congratulated by the Board Members.

Following a brief recess, the following discussion continued:

Mrs. Kraft requested that the appointment of this position be deferred to review the job description and re-advertise the position. She stated that the job description was last updated in 2003, other than a title change this year. Mrs. Kraft further stated that the position seeks individuals with experience in instruction/human resources and development or administrative work experience. Mrs. Kraft opined that the job description should specifically look for someone with experience in curriculum, preferably someone who can bring some new ideas while still complying with the mandates of Florida and federal law.

Informing that she spoke with the Superintendent initially regarding conducting a national search, Mrs. Kraft voiced concern with having four individuals who are qualified with the minimum experience and the minimum experience does not emphasize the curriculum aspect. Mrs. Kraft further requested that a job description change be made and a subsequent nationwide search, as this will be an excellent opportunity to bring someone in from another district that could bring some innovative ideas.

Mrs. Kraft voiced concern over the pay scale, stating that the pay scale is based on what Deputy Superintendents were making when the district had a lot of money in the budget. Mrs. Kraft stated that during this budget crisis it is imperative that as positions become vacant the pay scales should be decreased. She said she does not advocate people's pay scales be reduced who are in current positions.

Second Motion to Defer (Failed)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman, to defer the appointment of the Deputy Superintendent, Curriculum position, and review the job description, change the job description, and conduct a nationwide search. Mrs. Kraft voted "yes." (1-8 vote)

Ms. Dinnen, who opposed the deferral, stated that Dr. Butler is always advocating for curriculum, school issues and area issues. She stated during these times the district needs to have someone who is familiar with all the various issues proposed by the state level. Ms. Dinnen stated that Dr. Butler's "seasoning" and "touching base" with other areas is very helpful, including her ability to know Broward County. In addition, Dr. Butler has a history about recent events and how the interaction of different departments takes place.

Concurring, Mrs. Hope stated that Dr. Butler is highly qualified for this position and her work in professional development and concentration on rigor in curriculum gives her the versatility and expertise to carry this job to a new level. Mrs. Hope stated that Dr. Butler will supercede the predecessor of the position.

Remarking that the district has been criticized for administrators' salaries and calendars, Mrs. Bartleman inquired whether a review can be made to modify salaries. She stated this might be an opportunity to review this issue.

Mr. Notter responded that a Board Workshop would be needed to review the salary manual which is used when a new appointment is made to a position. Mr. Notter stated that a consensus of the Board would be needed and then ultimately bring the salary manual forward for Board approval. The Superintendent stated it is not an opportunity for change at the moment of appointment of a position and it is not appropriate to defer the appointment.

Mrs. Bartleman stated that Dr. Butler has already come from a district position, Human Resources, and will be able to view all the issues.

Ms. Murray stated that the Curriculum position is a sensitive position and Dr. Butler has been entrenched through the schools, has her "finger on the pulse" of what needs to be done and what direction the district needs to go to. Ms. Murray concurred that salaries need to be discussed at a future workshop and this position should not be singled out.

Dr. Parks stated that a Superintendent rises and falls on their appointments and it is not a Board Member's prerogative to surround the Superintendent with good, quality people. Dr. Parks stated he would support the recommendation of the Superintendent.

Dr. Tynan concurred with a review of the pay scale at a future workshop, it should not be reviewed at this meeting, and he would oppose a deferral.

Mr. Williams informed that he has many years in the district and the schools that are not doing well has to do with staff development and curriculum. Mr. Williams stated that the district needs to have people who are able to deal with staff development and curriculum. He said he would not support the deferral.

Mrs. Gottlieb stated that teaching and learning is the core business of the school district and Dr. Butler has moved up the ranks; an Associate Superintendent over Human Resources Development who trained people to implement curriculum and Area Superintendent of the Central Area of the 6th largest school district in the country, with an earned doctorate. Mrs. Gottlieb said she would support the Superintendent's recommendation.

A vote on the Second Motion to Defer was taken.

Mrs. Kraft discussed the different ranges of a pay grade. She inquired whether the salary for the recommended position is at the high range or low end of the range. Mrs. Kraft inquired whether there is any flexibility to start this position at the lower range of the salary scale.

Mrs. Diaz responded that the salary handbook was followed, which states if an employee moves up one step that first step is a 5 percent increase from the previous salary, which was given to Dr. Butler. She stated if someone had been hired from the outside they could have been given a lower salary depending on their experience. They would negotiate based on their experience. Mrs. Diaz informed that there would be a pay cut for taking a promotion and would be in violation of the salary handbook; if someone is promoted and left one pay grade, it is a 5 percent increase.

The following individual addressed this item:

Thomas Douglas
Bernie Schultz

Responding to Ms. Dinnen's inquiry, Mrs. Diaz stated if an Assistant Principal was promoted to Principal the pay would be increased. She stated that Dr. Butler's pay grade is one pay grade higher from Area Superintendent, with different functions.

Mrs. Bartleman concurred that the positions and salary schedules need to be reviewed. She stated that administrators will not be excluded from the proposed furloughs.

Ms. Dinnen stated that the Board has discussed furloughs for two months, indicating that no one will be exempted from the furlough, including Board Members. She concurred with a review of all salaries at the upper level positions and information provided for administrators at the top large school districts, including large school districts in Florida.

Mr. Notter informed that FOPE and the Board is writing a Memorandum of Understanding which will be voted on as contract language for a minimum of a five-day furlough for 2010-2011 school year, and they are looking at additional days so that jobs can be saved. The Superintendent stated, for the record, that whatever employees do he will do too. Additionally, Mr. Notter stated that he will give back approximately \$33,000 in benefits. Mr. Notter said he believed that agreement can be reached with the Broward Teachers Union on furlough days, as indicated this morning by President Pat Santeramo.

Mrs. Kraft stated that the issue of the salary has been discussed at previous workshops by several Board Members. She voiced disappointed that the issue could not be resolved prior to the new appointments.

The Superintendent confirmed that the issue of the salary schedule will be scheduled for a workshop discussion.

A vote was taken on the appointment of Dr. Butler.

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

Motion was made by Mrs. Bartleman, seconded by Mr. Tynan and carried, to approve the personnel recommendations for separation of employment or discipline as listed on the respective lists for Non-Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. **This item was amended to include 2 additional names to Section 3.** Mrs. Gottlieb was absent for the vote (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 all the employees who are retiring from the school system for their many years of service and dedication to the students of Broward County.

Special praise was given to Mrs. Leah Kelly, Executive Director, Student Support Services and Exceptional Student Education, by Mrs. Bartleman, Ms. Murray, Ms. Dinnen, Dr. Parks and Mrs. Hope.

Mr. Williams praised Principal Angela Jackson, Lauderdale Lakes Middle School, who is retiring to accept a principal position in North Carolina. Mr. Williams praised Ms. Norma Segal, Manager, Compensation, who is also retiring.

The following individual addressed his recommended five-day suspension.

Samuel Nelson

Informing that Mr. Nelson is recommended for a five-day suspension, Mrs. Dorothy Davis, Specialist, Employee Relations, stated that the grievance is currently in a Step 2 process, beginning tomorrow the grievance will be heard. It had been denied by the employee's supervisor during the Step 1 level. Mrs. Davis stated that approval of the recommendation will not interfere with moving forward with the grievance process, up through the arbitration level, if necessary. She stated the recommendation is based on the department's belief of inappropriate behavior on several occasions. Mrs. Davis further stated if the process moves up to the arbitration level, the hearing officer agrees with the employee, he will be made whole for anything that has been taken away from him prior to any proceedings.

*G-5. Supplemental Pay Positions – List #19 (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 of those names is printed and reveals all individuals recommended for Non-Specific (SPL). Non-Specific Supplements are additional Task Assignments performed beyond the employee's regular day based on the recommendations of the direct supervisor.

Individuals listed meet the requirements for the supplemental positions. The total number of Supplements recommended in this item is 30.

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

H. ATTORNEY

I. OFFICE OF THE SUPERINTENDENT

***I-1. Administrative Complaint (Received)**

Received the Administrative Complaint submitted by the Superintendent to immediately suspend without pay Sean Gentile pending the termination of Sean Gentile's Professional Service Contract.

Ms. Sean Gentile, a Professional Service Contract teacher, received three unsatisfactory IPAS evaluations dated May 28, 2009, November 19, 2009, and April 19, 2010 for failure to correct noted performance deficiencies within three ninety-day (90) calendar day performance probationary periods during two consecutive school years, 2008-2009 and 2009-2010. Ms. Gentile received formal assistance, support and feedback in compliance with provisions contained within The School Board of Broward County, Florida, and the Broward Teachers Union Collective Bargaining Agreement. This action is being taken in accordance with Section 1001.51, 1012.27(5), 1012.33 and 1012.34, Florida Statutes.

The cadre attorney prepared the Administrative Complaint, and timely notice was sent to the employee that a recommendation for suspension without pay and termination of employment would be presented to the School Board on June 15, 2010.

There is no financial impact to the school district.

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

Approved the Renewal Agreement with Florida Virtual School.

Broward Virtual School was established in 2001 to accommodate students wishing to take courses online. Broward Virtual School provides full-time enrollment to students in grades 6-12 as a school of choice using Florida Virtual courses. Florida Virtual School provides their courses to the District as a franchise. Florida Virtual School also provides professional development and technical support for Broward Virtual School teachers and students. This Agreement brings the district into compliance with Florida Statute 1002.45.

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

The financial impact to the district is estimated to be \$150,000 for the 2010-11 school year. Funds are included in the Educational Technology Service's budget. Therefore, there is no additional financial impact.

- *I-3. Continuation of the Agreement with Joe DiMaggio Children's Hospital for Educational Services to Hospitalized Students, Grades K-12
(Approved)

Approved the Continuation of the Agreement for the provision of educational services to students who are patients hospitalized for short, intermittent or long term care by the following provider: Joe DiMaggio Children's Hospital Memorial Health Care Systems/South Broward Hospital District.

Joe DiMaggio's Children's Hospital serves Broward County Public School students who have chronic medical conditions that require specialized treatments intermittently throughout the school year or for extended periods of time. Some students need to be hospitalized for the full school day even though the medical treatment may require a much shorter period of time to administer. This Agreement allows for instructional flexibility by assigning an onsite teacher to provide the educational services. The instructional and the medical staff coordinate schedules, benefiting the "whole child".

Educational software and district approved curriculum materials are utilized to provide the academic coursework. The hospital provides the hardware and internet connections as well as a fully equipped instructional classroom.

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

Program will be supported by funds generated by Exceptional Student Education FTE. In the event of insufficient FTE funding generated, per the Agreement, the hospital will reimburse the SBBC any shortfall costs by June 15th of the current school year.

- *I-4. Partnership Agreement with Children's Services Council of Broward County (CSC) to Enhance Program Evaluation (Approved)

Approved this Agreement with the Children's Services Council of Broward County (CSC).

The School Board of Broward County, Florida (SBBC), and Children's Services Council of Broward County, Florida, (CSC), are both committed to improving school readiness, helping students achieve once they are in school, and maintain involvement in school to successfully graduate from high school.

20 USC, Section 1232g, permits district school boards to release personally identifiable records or reports of a student under specified conditions to individuals or organizations conducting studies for or on behalf of a board of education for the purpose of improving instruction. This agreement will enable SBBC to provide the CSC with data on student achievement that they can use to determine if their agency's grant funds are being used for the utmost benefit. In exchange, the CSC will provide the School Board with studies that detail student achievement.

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

There is no financial impact to the district.

- *I-5. Amendment to the Agreement with K12 Florida LLC (Approved)

Approved the Amendment to the Agreement with K12 Florida LLC.

Per Florida Statute 1002.45, school districts must offer a full-time K-12 virtual education option to Florida students. The School Board of Broward County, Florida (SBBC), meets compliance for grades 6-12 through a franchise agreement with Florida Virtual School. K12 Florida LLC, is a Florida Department of Education approved provider of K-5 virtual education services. The proposed amendment to the existing agreement with K12 Florida LLC, will reduce the per pupil cost from \$3,728 to \$2,495. The price reduction is discounted with the use of a district teacher to provide instruction.

Approval of this agreement will bring SBBC in compliance with the Virtual Instruction Program established by F.S. 1002.45. Each of the other five most populous public school districts in Florida have contracted with K12 Florida LLC, to comply with this legislation.

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

It is anticipated that there will be no negative financial impact to the district. K12 Florida LLC, will charge the district \$2495 per student with instruction provided by a district teacher. Per Florida Statute 1002.45, fees will be covered through FTE funding as stipulated in the Florida Education Finance Program (FEFP).

*I-6. Petition For Formal Proceedings (Received)

Received the Petition for Formal Proceedings submitted by the Superintendent in reference to this teacher, and that teacher be suspended immediately without pay pending final action on these charges.

The Professional Standards/Special Investigative Unit (PS/SIU) completed an investigation into allegations of theft of service. The allegation was thoroughly investigated and the results were presented to the Professional Standards Committee (PSC), employee and employee's legal representative were in attendance. PSC found probable cause to believe the allegations were true and recommended termination. A pre-disciplinary meeting was held with the employee, his legal representative, a School Board cadre attorney and a representative from PS/SIU. No new information of a material nature regarding this incident, that was not available and/or considered by the PSC, was received. The cadre attorney prepared the Petition for Formal Proceedings and notice was sent to the employee that a recommendation for termination would be presented to the School Board on June 15, 2010.

There is no financial impact to the school district.

J. FACILITIES AND CONSTRUCTION MANAGEMENT

*J-1. Change Orders (Approved)

Approved change orders as listed for the below listed school projects. All projects have been appropriated in the Adopted District Educational Facilities Plan (August 25, 2009), and in the District's Capital Budget.

<u>Discovery Elementary</u>		Change Order 05	\$58,599
(CREDIT)			
Consultant Error	\$20,176		
Owner Request	\$78,775	(CREDIT)	
<u>Northeast High</u>		Change Order 01	\$35,827
Consultant Error	\$25,966		
Unforeseen Condition	\$9,861		

Financial Impact: All projects have been appropriated in the Adopted District Educational Facilities Plan (August 25, 2009), and in the District's Capital Budget.

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

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on June 3, 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:

AAP Construction Group Corp. – Issue Pre-qualification Re-Certification
Advanced Roofing, Inc. (General) – Issue Pre-qualification Re-Certification

Advanced Roofing, Inc. (Roofing) – Issue Pre-qualification Re-Certification

Advanced Roofing, Inc. (Air Cond.) – Issue Pre-qualification Re-Certification

BNB Construction Inc. – Deny Appeal – Issue Recommendation to Not Re-Certify

Brasfield & Gorrie, L.L.C. – Deny Appeal – Issue Recommendation to Not Re-Certify

*C & F Electric of Fort Lauderdale, Inc. – Issue Pre-qualification Certification

**Cedars Electro-Mechanical, Inc. – Issue Pre-qualification Re-Certification

Construct Two Construction Managers, Inc. – Approve Appeal – Issue Pre-qualification Re-Certification

CSR Heavy Construction, Inc. – Issue Pre-qualification Re-Certification

*D.A.C. Air Conditioning Corp. – Issue Pre-qualification Certification

**Electric Company of South Florida, Inc. – Issue Pre-qualification Re-Certification

F. & L. Construction, Inc. – Issue Pre-qualification Re-Certification

F.H. Paschen, S.N. Nielsen & Associates LLC – Issue Pre-qualification Re-Certification

*Gonzalez Pavement Equipments, Inc., – Issue Pre-qualification Certification

*Hi-Tech Roofing & Sheet Metal, Inc. – Issue Pre-qualification Certification

Hunter Construction Services, Inc. – Issue Pre-qualification Re-Certification

Intercounty Engineering, Inc. – Issue Pre-qualification Re-Certification

JHC Contractors, Inc. – Issue Recommendation to Not Certify

Link Construction Group, Inc. – Issue Recommendation to Not Certify

M. Gay Constructors, Inc. – Approve Appeal – Issue Pre-qualification Re-Certification
M.L. Jones Construction Company – Issue Pre-qualification Re-Certification
Munilla Construction Management, LLC d/b/a MCM – Issue Pre-qualification Re-Certification
*Prism Response, Inc. (Building) – Issue Pre-qualification Certification
*Prism Response, Inc. (Asbestos) – Issue Pre-qualification Certification
SA Consultants, LLC – Issue Pre-qualification Re-Certification
Suffolk Construction Company, Inc. – Issue Pre-qualification Re-Certification
T&G Constructors – Issue Recommendation to Not Re-Certify
TGSV Enterprises, Inc. – Issue Pre-qualification Re-Certification
The Roof Authority, Inc. – Issue Pre-qualification Re-Certification
Thermal Concepts, Inc. – Issue Pre-qualification Re-Certification
Turner Construction Company – Issue Pre-qualification Re-Certification
Williams Paving Co., Inc. – Issue Pre-qualification Re-Certification
WPCS International – Sarasota, Inc. – Approve Appeal – Issue Pre-qualification Re-Certification

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

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

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

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

- *J-3. Authorize Rejection of Response – Construction Management at Risk Services – Cooper City High School, Cooper City – Project No. P.000877 (f.k.a. 1931-99-02) –Margate Elementary School, Margate – Project No. P.000214 (f.k.a. 1161-26-01) – Northeast High School, Oakland Park – Project No. P.000231 (f.k.a. 1241-27-01) (Approved)

Approved the rejection of all responses received for Cooper City High School, Project No. P.000877, Margate Elementary School, Project No. P.000214, and Northeast High School, Project No. P.000231. **(Additional information was provided on this item.)**

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

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

There is no financial impact to the district.

- *J-4. Authorize Rejection of Response – Construction Management at Risk Services – Stranahan High School, Fort Lauderdale – Project No.P.000035 (f.k.a. #0211-26-02) – Walker Elementary School, Fort Lauderdale – Project No. P.001206 (f.k.a. #0321-99-01) (Approved)

Approved the rejection of all responses received for Stranahan High School, Project No. P.000035, and Walker Elementary School, Project No. P.001206.

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

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

There is no financial impact to the district.

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

Approved the Reciprocal Use Agreement between the City of Pembroke Pines and The School Board of Broward County, Florida.

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

The term for this agreement is five years.

The City of Pembroke Pines will execute the agreement after School Board approval.

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

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

- *J-6. Reciprocal Use Agreement between the City of Pompano Beach and The School Board of Broward County, Florida (Approved)

Approved the Reciprocal Use Agreement between the City of Pompano Beach and The School Board of Broward County, Florida.

This agreement will allow the City to use School Board facilities and allow the various schools within the City the use of City facilities.

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

The term for this agreement is five years.

The City of Pompano Beach will execute the agreement after School Board approval.

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

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

- *J-7. Final Acceptance and Release of Retainage – Hyvac, Inc. – HVAC Additions and Alterations – Margate Middle School – Project No. P.000112 (f.k.a. 0581-99-05) (Approved)

Approved the Final Acceptance of the Margate Middle School, HVAC Additions and Alterations, Project No. P.000112 and release the balance of retainage in the amount of \$15,812.

The contractor, Hyvac Inc., has completed the scope of their contract. Delays to the final completion were due to existing conditions at the school and were not identified in the contract documents, and needed to be corrected before the project could be completed.

The funds being released totaling \$15,812 are included in the Adopted District Educational Facilities Plan, Fiscal Year 2009-2010 to 2013-2014, page 129.

*J-8. Award of Contract – Asbestos, Lead, and Bioaerosol Sample Analysis – Bid No. 2010-03-FC (Approved)

Approved Rejection of the bids received from Bureau Veritas North America, Inc.; Dove Environmental Corporation; EMLab P & K; and International Asbestos Testing Laboratories for the Asbestos, Lead, and Bioaerosol Sample Analysis, Bid No. 2010-03-FC, and Approve Award of Contract to the low bidders meeting the bid specifications: ATC Associates, Inc., for Group 1 & EMSL Analytical, Inc., for Groups 2 - 5.

Reject the bids from:

- Bureau Veritas North America, Inc., Dove Environmental Corporation, EMLab P & K, and International Asbestos Testing Laboratories – Bidders did not submit National Voluntary Laboratory Accreditation Program (NVLAP) accreditation for the last three consecutive years, and therefore does not comply with ITB – Section 6, Bid Specifications, Section II on page 17 of 22.

Awardees:

- ATC Associates, Inc., for Group 1 – Asbestos Analysis excluding Transmission Electron Microscopy
- EMSL Analytical, Inc.:
 - Group 2 – Asbestos Analysis including Transmission Electron Microscopy
 - Group 3 – Lead Analysis
 - Group 4 – PCB Analysis
 - Group 5 – Bioaerosol

Scope of Work: Scope of work shall include asbestos, lead, PCB, and bioaerosol sample analysis. The award of this bid shall establish a contract for the period of 3 years from the date of Award of Contract. Bids will not be considered for a shorter period of time. All prices quoted must be firm throughout the contract period. Items will be ordered on an as needed basis for asbestos, lead, PCB, and bioaerosol analysis at various locations. Increments of work for this project will be issued on the basis of purchase orders of Twenty Thousand Dollar (\$20,000) increments up to the total contract amount of Five Hundred Thousand Dollars (\$500,000).

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

- *J-9. Amend Professional Services Agreement – Zelch & McMahon, Architects – New Multipurpose Facility and Renovations – Deerfield Beach Elementary School – Project No. P. 000002 (f.k.a. 0011-23-01)
(Approved)

Approved the Second Amendment to the Professional Services Agreement with Zelch & McMahon, Architects for Deerfield Beach Elementary School, New Multipurpose Facility and Renovations, Project No. P. 000002, dated November 9, 2004, previously amended on July 25, 2006.

Scope of Work:

Original Scope 11/9/04: Provide Design Services for reuse of the 'Prototype' Elementary School Food Service/Multipurpose Building. Includes fire sprinkler system, a service yard for deliveries for kitchen and custodial staff, parent pickup/drop-off, and intermediate and primary playcourts. Demolish the existing cafeteria and provide landscaped area. Provide covered walkways and sidewalks and a new bicycle storage area. Remodel the parent pickup drop-off and provide additional parking spaces. **First Amendment 7/25/06:** Convert this project from Design/Bid/Build to Construction Management at Risk in order to align the Project Consultant's responsibilities with those of the Construction Manager.

Second Amendment 6/15/10: Extend contract administration for phase II, demolition of the old cafeteria and small classroom building and installation of covered walkway and sidewalks.

Zelch & McMahon, Architects and the Superintendent's Negotiations Committee negotiated an increase in fees for Phase V in the amount of \$14,355. This increase in the Basic Services Fee amends the original fee from \$176,484 to \$190,839.

The Second Amendment to the Professional Services Agreement also extends the Construction Administration through Substantial Completion from March 17, 2009 to June 17, 2009, as per the revised Schedule Attachment in Exhibit 1. Based on the Project Funds Allocation, there is a financial impact of \$14,355, which will come from the Capital Projects Reserve.

The Risk Management Department and the Office of the Chief Auditor have reviewed this Second Amendment. The School Board Attorney has approved this Second Amendment as to form and legal content.

The financial impact for this item is \$14,355 for additional Basic Services. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 54. Based on the Project Funds Allocation, there is a financial impact of \$14,355, which will come from the Capital Projects Reserve.

- *J-10. Final Acceptance and Release of Retainage – Turner Construction Company – Building Renovation – Miramar High School, Miramar – Project No. P.000339 (f.k.a. 1751-98-01) (Approved)

Approved the Final Acceptance of the Miramar High School, Building Renovation, Project No. P.000339 and release the balance of retainage in the amount of \$26,314.

The contractor, Turner Construction Company, has completed the project scope of work within the contract limits.

The funds being released totaling \$26,314 are included in the Adopted District Educational Facilities Plan, Fiscal Year 2007-2008 to 2011-2012, page 149.

- *J-11. Grant of Utility Easement to Florida Power and Light for Electrical Service at Parkway Middle School (Approved)

Approved the Grant of a Utility Easement to Florida Power and Light for Electrical Service at Parkway Middle School for the phased replacement.

A ten-foot utility easement is required by Florida Power and Light to provide electrical service to Parkway Middle School in the City of Lauderhill.

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-12. Reduction of Retainage – Stiles Construction Co. – Phase Replacement III of III – Norcrest Elementary School, Pompano Beach – Project No. P.000105 (f.k.a. 0561-24-01) (Approved)

Approved the recommendation to reduce retainage now being held on Norcrest Elementary School Phase Replacement III of III, Project No. P.000105, from the contractor Stiles Construction Co., from \$692,095 to \$276,838.

In accordance with School Board Policy 7005, the Facilities and Construction Management Department is recommending that the retainage be reduced from \$692,095 to \$276,838.

This project has reached Substantial Completion. The amount of \$276,838 is being withheld pending final completion of the project.

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

The funds being released totaling \$415,257 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 81.

- *J-13. Award of Contract – ABC Construction, Inc. – Stucco Repair & Painting – Chapel Trail Elementary School, Pembroke Pines – Project No. P.001350 (Approved)

Approved Rejection of the bids received from Associated Craftsman of America, Inc.; C.S. Bensch, Inc.; Elite Construction, Inc.; and Namin Construction, Inc., for Chapel Trail Elementary School, Stucco Repair & Painting, Project No. P.001350; Waive the Technicality in the bid from ABC Construction, Inc.; and Award a Construction Contract to the low bidder meeting the bid specifications, ABC Construction, Inc., in the amount of \$490,350. Based on the PFA, the funds in the Adopted District Educational Facilities plan are over budget by \$130,000 and will be placed in the Capital Projects Reserve.

Consultant: Brown & Brown Architects

Reject the bids from:

- *Associated Craftsman of America Inc.* – Bidder submitted the wrong company seal on Document 00410 - Bid Form and Document 00420 - Bid Security Form and for error in calculation of the total base bid amount on Document 00410 - Bid Form and Document 00436 - Schedule of Unit Prices.
- *C.S. Bensch, Inc.* – Bidder did not complete the Bid Form and Bid Security Form and therefore does not comply with Document 00410, Document 00420, and Document 00200, Article 4.01G.
- *Elite Construction, 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, & Document 00101 Advertisement for Bids.
- *Namin Construction, Inc.* – Bidder exceeded their per project limit amount.

Waive the technicality of the omission of a company seal on Document 00420, Bid Security Form received from *ABC Construction, Inc.*, for the fact that *ABC Construction, Inc.*, submitted Document 00410, Bid Form with a company seal.

Contractor: ABC Construction, Inc.
Scope of Work: Painting & Stucco Repairs

The amount of the contract shall be \$490,350. The sources of funds are identified in Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, Appendix E, Page 9.

Based on the PFA, the funds in the Adopted District Educational Facilities plan are over budget by \$130,000 and will be placed in the Capital Projects Reserve.

- *J-14. Award of Contract – MVP Contractors, Inc. – Bus Lifts Phased Replacement – Twin Lakes Vehicle Maintenance, Oakland Park – Project No. P.001352 (Approved)

Approved Award of a Construction Contract for Twin Lakes Vehicle Maintenance, Bus Lifts Phased Replacement, Project No. P.001352, to the low bidder meeting the bid specifications, MVP Contractors, Inc., in the amount of \$398,700. Approve an additional appropriation in the amount of \$442,300, which will come from the Capital Projects Reserve.

Contractor: MVP Contractors, Inc.
Consultant: Johnson, Avedano, Lopez, Rodriguez & Walewski
Scope of Work: Construction for the removal and replacement of four (4) Two Post In-ground Bus Lift Systems with 60,000 lb capacity.

The amount of the contract shall be \$398,700. The source of funds for this project will be the Capital Projects Reserve.

- *J-15. Amend Professional Services Agreement – Manuel Synalovski Associates, LLC – Phased Replacement – Fort Lauderdale High School – Project No. P.000687 (f.k.a. 0951-27-01) (Approved)

Approved the change in delivery method from Construction Management at Risk to Design/Bid/Build and the First Amendment to the Professional Services Agreement with Manuel Synalovski Associates, LLC (MSA) for Fort Lauderdale High School, Phased Replacement, Project No. 0951-27-01 dated February 12, 2008.

Scope of Work: *Basic Services Amended 6/15/10*: This item changes the delivery method from Construction Management at Risk to Design/Bid/Build. Demolish existing swimming pool (Buildings 15 and 16); demolish existing tennis courts; demolish Buildings 1, 2, and 3; construct two 3-story buildings (1 administration and 1 classroom) of approximately 68,940 gross square feet combined to include administration, 3 general classrooms, 5 resource rooms, 4 science labs and related spaces, 4 ESE classroom suite, 1 business technology lab, 1 family and consumer science (ProStart) lab, 1 health occupations lab, 1 pre-law public service education lab, custodial spaces, textbook storage, and student, staff, and public restrooms. Remodel existing science building (Building 8). Construct new parent drop off and pick up areas and staff/visitor parking. Construct new student parking area on the west side of the site to increase parking capacity by 92 spaces. Modify existing temporary bus loop to meet SREF, Florida Building Code and ADA standards; ADA modifications will include barricades and covered sidewalk. Remodel existing courtyard for ADA access to gym and auditorium.

MSA and the Superintendent's Negotiations Committee negotiated a total reduction in fees from the February 12, 2008 Board approved amount of \$2,021,000 to \$1,683,650. This decrease in the Basic Services Fees totals \$337,350 and is decreased as follows: Phase IV (Bidding and Award) by \$54,357, Phase V (Construction administration) by \$269,250, and Phase VI (Warranty) by \$13,743. This fee reduction is as a result of a reduction of the original scope, as per Attachment 2 to the First Amendment. This First Amendment also reduces the Fixed Limit of Construction Cost (FLCC) from \$29,150,340 to \$16,950,000 as a result of the reduction in scope and construction costs resulting from current market conditions.

The Risk Management Department and the Office of the Chief Auditor have reviewed this First Amendment. The School Board Attorney has approved this First Amendment as to form and legal content.

There is a net decrease of \$337,350, which includes a decrease in the Basic Services Fee from \$2,021,000 to \$1,683,650. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, Page 154. Based on the attached PFA, there is a future potential financial impact in the amount of \$1,316,085, which will be recommended to the Board when we adopt the District Educational Facilities Plan.

K. OFFICE OF CHIEF FINANCIAL OFFICER

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

Approved the General Fund Amendment I-8 for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 4/30/10.

Recognize changes in Revenues and Appropriations through 4/30/10.

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

Approved the Special Revenue (Other) Amendment IV-8B for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 4/30/10.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 4/30/10.

- *K-3. Revision to Special Revenue – State Fiscal Stabilization (SFSF) Amendment (Stabilization, Dale Hickham Excellent Teaching Program and State Appropriated Equipment Assistance Food Service) (Approved)

Approved the Special Revenue (SFSF) Amendment IV-8C for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 4/30/10.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 4/30/10.

- *K-4. Revision to Special Revenue – Stimulus Amendment (IDEA, IDEA-Pre-K, Title I, Title I-Part D and Title I School Improvement) (Approved)

Approved the Special Revenue (Stimulus) Amendment IV-8D for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 4/30/10.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 4/30/10.

K-5. Interim Financial Statements for the Period Ended April 30, 2010 (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to approve the Interim Financial Statement for the period ended April 30, 2010. Mrs. Bartleman and Mrs. Gottlieb were absent for the vote. (7-0 vote)

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

There is no financial impact to the district.

Mr. Tynan requested a financial update.

Mr. I. Benjamin Leong, Chief Financial Officer, referred to the Interim Financial report and stated that the Fund Balance is stable, and as predicted, at the end of the fiscal year would be more or less at the same level.

*K-6. Revision to Capital Projects Funds Budget Amendments (Approved)

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

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

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

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

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

CC. BOARD POLICIES

CC-1. Revisions to Policy 5.9: Anti-Bullying (Adopted)

Motion was made by Mr. Tynan, seconded by Mrs. Bartleman and carried, to adopt revisions to Policy 5.9: Anti-Bullying, at this final reading. Mrs. Hope and Mrs. Kraft had not yet assumed their seats on the dais. (7-0 vote)

The School Board of Broward County, Florida, approved the Anti-Bullying Policy on July 22, 2008. An update was provided at a School Board workshop on January 19, 2010. Based on the direction from the Board at that time **and amendments made at the 2nd reading**, the revisions provided here were made.

Amendments made at the second reading on April 20, 2010 are included in this revision and are shown by double underlines for additions and double strikethroughs for deletions.

These revisions are intended to clarify definitions and policy requirements **including protecting victims of bullying from further victimization.**

There is no financial impact to the district.

Ms. Dinnen informed that revisions to the policy can be made in the future and that Broward School District had a bullying policy in place before the state statute was in existence. Remarking that the state consulted with the district, Ms. Dinnen stated that the state tried to curtail their policy and the district's policy but it was not successful. She credited and thanked the Board Members, community members and staff for working very hard on this policy.

Responding to Mrs. Bartleman, Mrs. Kelly stated that she spoke with Mr. Chris Trapani regarding his concerns and suggestions. She stated that he will be reviewing the procedures manual and staff will contact him and seek any feedback he may have.

CC-2. Policy 5006: Discipline Policy: Suspension and Expulsion (Adopted)

Motion was made by Mr. Tynan, seconded by Dr. Parks and carried, to adopt revisions to Policy 5006: Discipline Policy: Suspension and Expulsion, at this final reading. Mrs. Hope and Mrs. Kraft had not yet assumed their seats on the dais. (7-0 vote)

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

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

Amendments made at the first reading on April 20, 2010 are included in this revision and are shown by double underlines for additions and double strikethroughs for deletions.

The Chart of Substantive Changes addresses the major changes made; **the amendments made at the April 20, 2010 School Board meeting are underlined for ease in identifying.**

For perpetrators who may be reassigned by the district to another school to prevent further victimization, the average additional cost of transporting that student is \$189 per student per year; to be paid from the Transportation Department's budget. It is not anticipated that there would be more than 6 such reassignments made in a given school year, for a projected cost of \$1134. There is no additional financial impact.

Dr. Parks thanked Mrs. Kelly, Maria Schneider, State Attorney, and Florida Representative Gwyndolen Clarke-Reed for taking up this issue for the School Board and moving it through the Legislature. Dr. Parks stated that this legislation affected school district employees from assault and battery on any school employee. Students who commit an assault can be transferred to another school and transportation will be at the student's expense.

CC-3. Policy 5.8: Code of Student Conduct

(Adopted)

Motion was made by Ms. Dinnen, seconded by Mr. Williams and carried, to adopt revisions to Policy 5.8: Code of Student Conduct 2010-11 and 2011-12, at this final reading. Mrs. Hope and Mrs. Kraft had not yet assumed their seats on the dais. (7-0 vote)

At the Board Workshop on March 9, 2010, staff provided Board members with recommended changes based on Board direction at the September 10, 2009 Board Workshop, and the Code of Student Conduct workgroup. Policy 5006, (Discipline Policy: Suspension and Expulsion), was also shared at the March 9th Workshop, with revisions that align with SB 1540, (Zero Tolerance legislation). Revisions to Policy 5.8, (Code of Student Conduct), include those directed by the Board at the March 9th workshop, and align with Policy 5006 revisions as well. **Amendments made at the first reading on April 20, 2010, are reflected in this revision with double underlines for additions and double strikethroughs for deletions.**

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

The Chart of Substantive Changes addresses the major changes made, **with amendments made at the April 20th meeting, reflected with underlines (additions) and strikethroughs (deletions).**

There is no financial impact.

Mrs. Bartleman inquired when parents will have the ability to access the Code of Student Conduct on the district's website and signing a form indicating they have read the code, to save money on printing costs.

Mrs. Kelly responded that a response is pending from the State Attorney General regarding the legality of the process. She stated that a delay will not have an impact on this year's version of the code; to be ready for year-round schools the district must go to print immediately after adoption of the policy. Mrs. Kelly stated that cost-saving measures will be taken, such as spacing and black and white print versus color print. In addition, information will be provided in the 2-1-1 website.

Concurring, Mr. Marko advised that he has written for an opinion, arguing that the district should be able to follow this process. A concern was made based on certain language in the statute; if they do not approve this process the district will go to the Legislature for clarification and if they approve the process it will not be necessary to get clarification.

Ms. Dinnen requested an estimate of the cost savings to the district from the Superintendent, which might be replicated throughout the state in other districts; to post the information and have an alternate for people who do not have computer access.

Mrs. Kelly responded that the cost of printing is \$130,000 per year for all students and additional copies for new students. Though the district would still need to maintain some print copies, minimally the district would be saving \$100,000.

Ms. Dinnen requested that her office be sent these cost savings in case a legislative alternative needs to be done.

DD. OFFICE OF THE CHIEF AUDITOR

EE. CHIEF OPERATIONS OFFICER

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

Motion was made by Mrs. Bartleman, seconded by Mr. Tynan and carried, to approve these Bid recommendations as stated on the award recommendation. Mrs. Hope had not yet assumed her seat on the dais. (8-0 vote)

<u>BID/RFP</u>	<u>Title – Location – Amount</u>
11-007R	Asphalt Paving, Play Court Repairs, Track Maintenance and Concrete Placement – Physical Plant Operations – Amount: \$4,800,000
11-017T	Armored Car Services – Various – Amount: \$3,000,000
50-018B	Special Equipment, Supplies & Assistive Technology Products for Individuals with Disabilities – Various – Amount: \$7,000,000

School Board Policy 3320, Part II, 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. These amounts represent 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 included in each exhibit represents the estimated contract value through the term of the Bid.

Mr. Tynan inquired what is being used under Armored Car Services.

Mr. Donnie Carter, Chief Operations Officer, responded that an armored car service makes daily cash pick ups at all district locations on a daily basis, or as needed.

FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

FF-1. Continuation of Agreements with Community-Based Organizations for the Provision of Educational Services for At-Risk Youth, Grades 1-12
(Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve the agreements with community-based organizations for provision of educational services for at-risk youth, grades 1-12. Mrs. Hope had not yet assumed her seat on the dais. (8-0 vote)

The proposed agreements provide for the delivery of educational services to youth participating in programs serving delinquent, abused, neglected, substance abuse, dependent in foster care, run-away, and expulsion abeyance students. Students participate voluntarily or are assigned either by the School Board or court action. All programs meet the definition of Educational Services' Dropout Prevention Programs as defined in Florida Statute 1003.53.

Each program has a Direct Service Agreement with Broward County Public Schools. Direct Service Agreements provide educational services through District-hired teachers/staff. The programs are assigned to the principal of a select center (Cypress Run, Lanier James, and Whispering Pines), for administrative and contractual oversight. The programs target runaway youth, and youth in substance abuse treatment centers. The programs are located at High Point, Spectrum Programs and Fort Lauderdale Hospital.

The educational services funding is allocated as per school budget guidelines for Disciplinary Centers through the Florida Education Finance Program (FEFP).

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

There is a financial impact of \$510,798 to the district, which is a reduction of \$135,420 from the previous year. The source of these funds is the Florida Education Finance Program (FEFP). There is no additional financial impact to the district.

No discussion was held on this item.

FF-2. Continuation Agreement with Broward Health for Athletic Trainer Services (Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve Continuation Agreement with Broward Health to provide athletic trainer and physician services to student athletes attending twenty Broward County Public High Schools. The Agreement runs from August 9, 2010 through August 31, 2011. Mrs. Hope had not yet assumed her seat on the dais. (8-0 vote)

Since 1999, The School Board of Broward County, Florida, has contracted with Broward Health, (formerly North Broward Hospital District), to provide athletic trainer and physician services at high schools located in Broward Health's service zone (approximately 20 high schools). The athletic trainer provides immediate and essential services to protect the safety and welfare of students engaged in interscholastic sports. The function of the athletic trainer is to provide services regarding the prevention, recognition, emergency care, treatment and rehabilitation to student athletes.

The athletic trainer directs the high schools sports medicine programs. There is no increase in financial costs to the school system for athletic trainer services in 2010-2011. The financial impact remains unchanged from the 2009-2010 fiscal year.

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

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

The total financial impact for the 2010-11 school year is \$529,200. The source of funding is \$529,200 from the general fund restricted budget allocation for Broward Health trainers.

No discussion was held on this item.

FF-3. Continuation of Cooperative Agreement and Calendar with The Baudhuin Preschool of Nova Southeastern University, Inc. (Approved)

Motion was made by Mrs. Bartleman, seconded by Mr. Williams and carried, to approve the continuation of the Cooperative Agreement and Calendar between The School Board of Broward County, Florida, and The Baudhuin Preschool of Nova Southeastern University, Inc. Mrs. Hope had not yet assumed her seat on the dais. (8-0 vote)

Broward County Public Schools is required, under federal legislation, to educate all identified preschool children with disabilities. The School Board of Broward County, Florida, has entered into agreements with The Baudhuin Preschool of Nova Southeastern University, Inc., for more than twenty-two years. This agreement is for up to 157 pre-kindergarten students with disabilities.

The continuation agreement reflects a funding structure based on per student allocation. There has been no increase in the per student allocation over the last three years. Transportation will continue to be provided by the district as a required support service for preschoolers served in this contract. This agreement will be effective July 1, 2010 through June 30, 2011.

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

There is a financial impact of \$3,261,148 to the district. The source of these funds is student generated Full Time Equivalent (FTE) supplemented with Individuals with Disabilities Education Act (IDEA) grant funds. There is a financial impact of \$380,128 to the district for required transportation services; these funds are in the Transportation Department's budget for 2010-11. There is no additional financial impact to the district.

No discussion was held on this item.

GG. HUMAN RESOURCES

HH. ATTORNEY

II. OFFICE OF THE SUPERINTENDENT

JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

JJ-1. Award of Contract – Construction Services Emergency Projects V – Bid No. 2010-02-FC (Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Williams and carried, to approve Rejection of the bids received from Namin Construction Co., Inc; Dynaelectric, and Prism Response, Inc., and Award of a Construction Contract for Construction Services Emergency Projects V, Bid No. 2010-02-FC to the low bidders meeting the bid specifications, Academy Roofing & Sheet Metal Co.; Advanced Roofing, Inc.; Bazanj Construction Corporation; Bergeron Land Development, Inc.; Comfort Tech Air Conditioning, Inc.; Decon Environmental & Engineering, Inc.; Edd Helms Group, Inc.; Edd Helms Air Conditioning, Inc.; Fastrack Management & Consulting, Inc.; James B. Pirtle Construction Co., Inc.; Koldaire, Inc.; Mills Electric Services, Inc.; Moss & Associates, LLC; National Roofing of South Florida, Inc.; Padula & Wadsworth Construction, Inc.; Tecta America South Florida, Inc., and Weiss & Woolrich Contracting Co., Inc. Mrs. Hope had not yet assumed her seat on the dais. (8-0 vote)

Reject the bids from:

- Dynaelectric and Prism Response, Inc. – Bidders are not pre-qualified and therefore do 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.
- Namin Construction Co., Inc. – Bidder submitted an incomplete Bid Form and Bid Security Form and therefore does not comply with Document 00200, Article 4.01G, Document 00410, and Document 00420.

Scope of Work: The purpose of this bid is to pre-position contracts for open-end construction services and other related services, as needed in response to declared emergencies, and award multiple term contracts for construction services for emergency repairs.

The subject bids are being accepted and open-end contracts recommended for award to pre-qualified Contractors in order to pre-position the procedures, contracts, and resources necessary to support the District's operations.

The term of this Agreement shall be for three (3) years from the date of execution, and may, by mutual agreement between The School Board of Broward County, Florida, and the Contractor, upon final School Board approval, be extended for one additional one-year period and, renewable in the original amount, repeatedly if necessary, at the sole discretion of The School Board of Broward County, Florida.

In the event of a declared emergency, funding for these services would come from District Reserves and staff would seek reimbursements from FEMA, the District's excess insurance carriers or other appropriate agencies. This item does not require a collaboration form from the Capital Budget Department.

No discussion was held on this item.

- JJ-2. Total Program Management – Classroom Addition Program – James A. Cummings, Inc. – Guaranteed Maximum Price – Harbordale Elementary School (Group 5), Ft. Lauderdale – Project No. P.000093 (f.k.a. 0491-24-01) (Approved)

Motion was made by Mrs. Bartleman, seconded by Mr. Williams and carried, to approve the Guaranteed Maximum Price (GMP) in the amount of \$840,000 from James A. Cummings, Inc., for Harbordale Elementary School, Phase II, demolition of 3 classrooms and the construction of a new parent drop off; additional TPM fees of \$75,000; and GMP of \$7,458,782, inclusive of a credit of \$454,276 from the previous phases for Project No. P.000093. **The Agenda Request Form was revised.** Mrs. Hope had not yet assumed her seat on the dais. (8-0 vote)

This GMP includes all costs related to Phase II including the demolition of three existing classrooms and the construction of a new parent drop-off and parking lot. The Board previously approved a GMP for Phase Ia including the demolition of the existing cafeteria and the re-routing of the electrical supply to the mechanical system for the existing classrooms. The Board also approved a GMP for Phase Ib including the construction of a 16-classroom addition, custodial area, and teacher-planning suite.

The Board previously approved the Phase Ia GMP for \$591,127, including Cost of Work of \$99,469 and TPM fees of \$491,658; and the Phase Ib GMP for \$6,481,931, including Cost of Work of \$5,376,516 and TPM fees of \$1,105,415. This item for Phase II results with an increase to the TPM fees of \$75,000 and Cost of Work of \$765,000.

The GMP Manual is available for review at the Facilities and Construction Management Division.

The financial impact is \$840,000, with a credit of \$454,276 for sales tax savings, owner savings and unused contingency, resulting in \$385,724. This project is included in the District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014.

No discussion was held on this item.

- JJ-3. 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 Ms. Murray, 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 (below).** Mrs. Hope had not yet assumed her seat on the dais. (8-0 vote)

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.

Motion to Defer (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to defer the agenda item to the July 20, 2010 Regular School Board meeting. Mrs. Hope was absent for the vote. (8-0 vote)

KK. OFFICE OF CHIEF FINANCIAL OFFICER

Adjournment This meeting was adjourned at 5.04 p.m.

RT