

Approved in Open Board Meeting, August 17, 2010

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

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

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:12 a.m., Tuesday, July 20, 2010, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Jennifer Leonard Gottlieb; (Vice Chair Benjamin J. Williams was absent); Members, (Robin Bartleman was absent), 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 Dr. Parks, seconded by Mrs. Hope and carried, to approve the official minutes for the following Board Meetings: Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

June 2, 2010 – Regular School Board Meeting  
June 15, 2010 – Special – Student Expulsions  
June 15, 2010 – Regular School Board Meeting  
June 22, 2010 – Special – Public Hearing – Class Size Amendment Period-by-Period  
Implementation Strategies & Costs

**Close Agenda** Upon motion by Dr. Parks, seconded by Mrs. Hope and carried, the Agenda was approved and declared closed. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

**SPECIAL PRESENTATIONS**

**Patriot Award for Employer Support, Guard and Reserve to The School Board of Broward County, Florida**

Ms. Maureen Esposito and Ms. Trish Turner, Employer Support, Guard and Reserve, informed that the Guard and Reserve is a Department of Defense organization, providing education, consulting and outreach to employers of Guard and Reserve members. Ms. Esposito stated that she and Ms. Turner were invited by Mr. Percy Holness, known as Petty Officer 1<sup>st</sup> Class Holness who serves with the United States Navy in the Reserves, to publicly thank Mrs. Leah Kelly, Executive Director, Student Support and Exceptional Student Education. Percy shared with them that during his time away on orders he recognizes that his absence from the school district causes a hardship on his department and co-workers.

July 20, 2010

Minutes of Regular Meeting  
Page 1 of 63

Ms. Esposito presented a certificate of appreciation and pin to Mrs. Kelly and her department for supporting Percy and allowing him to honor his commitment to the United States Navy Reserves.

Mrs. Kelly said she was delighted to be recognized in supporting what Percy does, and he is missed when he is on Reserves and he is more welcomed when he returns.

Congratulations was extended to Mrs. Kelly and Percy by Mrs. Gottlieb on behalf of the School Board.

#### Broward Environmental Protection Department Student Contest

Dr. Parks stated that the Clean Air Month Poster Contest is sponsored by the Broward County Air Quality Program in support of the master's partnership agreement with the Broward County School Board. Students were encouraged to creatively illustrate impacts associated with the changes in the climate, such as rising sea levels, and solutions by communities to reduce those impacts. The winning posters will be used to create the 2011 Clean Air Calendar. The calendar will increase public awareness and educate students, parents, teachers and Broward County residents on ways for lessening the impact on the environment and natural resources.

The Broward County Air Quality Program received over 525 posters from Broward County elementary and middle school students. Mr. Scott Strauss, Mr. Matthew Anderson, Ms. Lori Thomas, Broward County Environmental Protection Department, presented awards to the students in grade categories K-2, 3-5, and 6-8.

Winning students were recognized and congratulated by the Board Members.

Dr. Parks was recognized and presented an Environmental Leadership Award made from sustainable wood, in recognition for his vision, commitment in leadership in support of Broward County's Environmental Education programs.

Mrs. Kraft thanked Broward County and all the sponsors who donated the prizes for the students, which was a community effort.

#### REPORTS

##### Broward County Association of Student Councils and Student Advisor to the Board - Graham Rabinowitsch

Graham reported that the South Florida Leadership training Camp began yesterday afternoon and will conclude on Saturday, July 24, 2010. The camp emphasizes a hands-on approach to leadership development, which enables a wonderful opportunity for students across the county and throughout the state.

## Facilities Task Force – Charlotte Greenburg

Ms. Greenburg reported that the Task Force did not meet in July. The next sub-committee meeting will be held August 5, 2010, 6:30 p.m., at Hortt and 7:00 p.m. for the regular meeting. The district's Capital Budget will be discussed.

## **BOARD MEMBERS**

**Ms. Murray** informed her colleagues that her community will be hosting back-pack giveaways for neighborhood students, presented on Crime Watch Night, August 4, 2010, giving away 150 backpacks with school supplies. She urged everyone to donate supplies to the schools.

**Ms. Dinnen** reported on the summer Florida School Boards Association conference. She stated that conferences provide a lot of information; providing a resume of the entire Legislative Session, discuss items that were voted on, the lawsuit being contemplated on Class Size Amendment, and discuss plans for the year. She said there is an opportunity to go to a meeting of the Consortium, meeting other people from other counties and to see what issues they are facing.

Ms. Dinnen stated that everyone should review the amendments coming up from the educational perspective. These amendments include Amendment 4, changes in land use policy, which could be expensive for a school district. Ms. Dinnen stated the Board needs to review the various educational effects of these amendments; if this outcome occurs there will be an effect on the school system and let voters make their own informed decision.

**Dr. Parks** reported that he met with Ms. Jody Perry, Director, Charter Schools Support, at the request of Marjorie Evans, Broward Children's Center, a center for medically fragile children. He stated that Ms. Perry will review whether there is a possibility of the center becoming a charter school because a majority of the children are home schooled and it is unknown whether they are getting the right services at home.

Dr. Parks informed that he and Ms. Sharon Airaghi, North Area Superintendent, will meet with the new principals in District 7. He praised the graduation ceremonies.

Dr. Parks discussed the Communications Strategic Plan, stating that he will meet with the Superintendent and Mr. Donnie Carter, Chief of Staff, to talk about the direction the district should take, and requesting outside experts on a pro bono basis.

Dr. Parks stated that the perception of the city of Deerfield Beach was negative due to the physical violence perpetrated on two students. Dr. Parks informed that he is working with the North Broward Coalition, composed of principals, United Way, and headed by Pastor Anthony Davis, including the mayor. He stated that JM Foundation is funding a facilitator for the School Board.

Dr. Parks further stated that the district does a great job on Silence Hurts and anti-bullying programs, and other programs, but it is not known beyond the school system. Dr. Parks praised district staff, Mr. Amalio Nieves and Ms. Donna Taylor for doing a “fabulous” job on these issues. Dr. Parks and staff are working together in order to bring other agencies together to change the perception of whether schools are safe, even if they are in a “bad” neighborhood.

**Mr. Tynan** informed his colleagues that he and Mrs. Gottlieb convened the first meeting of a committee to work on the Ethics Committee proposal. This meeting resulted in creating an ethics hotline for employees to call if they have an ethical concern or question.

Mr. Carter stated this is being worked on and will be placed on the website.

**Mrs. Kraft** requested a status report on the Blue Ribbon Panel Committee.

Mr. Notter informed that he is working with Mr. Paul Falcone; the intent is to have a workshop as an individual item. He stated this is another piece of data that the Committee would use to create a policy.

Mrs. Kraft stated a lot of people view the Board as part of the problem, but if there is a problem it is inherent in the system itself. Mrs. Kraft said a lot of improvements can be made throughout the district and she looked forward to a discussion amongst the Board as to how to make improvements in the district.

Ms. Dinnen informed that she was School Board Chair when this committee was formed. She stated they may be responding to the fact that the Board told them they would operate totally separate from the Board. Ms. Dinnen stated they may be responding to the initial question by the Board, that they not contact the district.

Mrs. Kraft voiced concern that the committee would be making recommendations based on comments that are being made by people without getting the total picture.

Mrs. Kraft informed that the CBS Early Morning Show is showcasing an arts feature, following two Taravella High School drama students who are attending a performing arts summer academy in upstate New York.

**Mrs. Hope** inquired whether the 800 number on Ethics will also be used to report unethical incidents.

Mr. Tynan responded that the initial phase is to have employees ask questions about ethical dilemmas before they begin, a self-help line. No decision have been made and it will be a topic to be addressed.

Mrs. Hope congratulated Principal Dr. Patricia Patterson, Nob Hill Elementary, who was nominated for Principal of the Year. Although she did not win, a congratulation letter was sent to her to acknowledge the great job she is doing.

Mrs. Hope attended the grand opening of the Lauderdale Lakes Library on June 19, 2010, an outstanding state-of-the-art educational and cultural center. Several Broward County officials and community leaders were in attendance. Mrs. Hope informed that the City has waited 20 years to open a library.

Mrs. Hope met with the cities in her district to provide an end-of-the-year update on Broward County Schools and various education advisory meetings.

Mrs. Hope informed that Mr. Allan Phipps, South Plantation High School Teacher, will be honored by President Barack Obama and receive the Presidential Award for Excellence in Mathematics and Science Teaching. President Obama recently named 103 mathematics and science teachers as recipients of the prestigious Presidential Award. Winners of this honor will receive a \$10,000 award from the National Science Foundation to be used at their own discretion.

Mr. Phipps was a Broward Teacher of the Year in 2011 and is also one of five finalists out of a group of 72 teachers to compete for the distinguished 2011 Macy's Florida Department of Education Teacher Award. Even though he did not win, Mrs. Hope stated Mr. Phipps should be publicly congratulated for the hard work he is doing throughout the district.

Mrs. Hope reported that four Piper High School students are headed to Washington, D.C. for the highly competitive and prestigious Army JROTC Leadership Symposium and Academic Bowl. After competing in two phases of competition, the team will participate in the final championship round in the campus of George Mason University.

Mrs. Hope also attended the Regents 7 Gang Reduction Task Force, a well-attended committee that discusses gang activities in this area, of which there are 40 gangs throughout Broward and Miami-Dade counties. Two agents from the Sheriff's Department provided information about gangs and spoke about the gang problem in this area. Mrs. Hope stated she will become more involved with this committee and bring them into the school district; educating parents about what to look for in their children.

Mrs. Hope attended the City of Sunrise 4<sup>th</sup> of July parade and the City of Weston 4<sup>th</sup> of July parade.

Mrs. Hope informed that six Broward County graduates received the National Merit Scholarship. Four winners from her district graduated from Cypress Bay High School: Christopher S. Cooke, Samantha A. Baraoidan, Holly L. Beilin and Alyson M. Samach.

Mrs. Hope reminded the community that Broward County Schools has a clothing bank for families that are in financial need. The clothing bank will be opening on August 7 or August 14, 2010.

Mrs. Hope informed that a Peace Rally was held at Central Broward Park, whereby she was one of the speakers to students in the summer program. The primary focus was to remind students to be safe around guns.

Mrs. Hope showcased his week's missing child, Mechille Bountham, female, date of birth November 4, 1994, 160 pounds, missing June 16, 2010, from Fort Lauderdale. Anyone with information, please contact your local police or the National Center for Missing and Exploited Children.

Mrs. Kraft suggested a collection at the KC Wright building to donate to the clothing bank, prior to the school year.

Ms. Dinnen thanked Mrs. Hope for reminding the Board about Mr. Phipps and his recognition of the prestigious Presidential Award. Though he did not make it to the state level, Ms. Dinnen recognized him as being one of five finalists for the Florida Department of Education Teacher of the Year. She stated Mr. Phipps has brought attention to the school district with his solar car and he is an outstanding teacher.

### **Speakers**

Billy Davison  
John Kaercher

**CONSENT AGENDA** Following identification of those items Board Members and members of the public indicated they would like considered separately, motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to approve the Consent Agenda for the remaining items (**identified by \***). Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

### **CONSENT ITEMS**

#### **A. RESOLUTIONS**

- \*A-1. Resolution No. 11-01 in Lieu of Bonding for Mirror Lake Elementary School (Adopted)

Adopted Resolution #11-01, in Lieu of Bonding for Mirror Lake Elementary School.

The City of Plantation requires a maintenance bond be posted in an amount equal to ten percent of the total contractor's cost for the utility lines connected to the kitchen/ cafeteria building at Mirror Lake Elementary School. The City has agreed to accept a resolution from the Board in lieu of bonding.

See agenda item J-4 for the companion bill of sale for the improvements.

The funds for this item are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 78. There is no additional financial impact to the school district; therefore, this item does not require a Collaboration Form from Capital Budget Department.

**B. BOARD MEMBERS**

**D. OFFICE OF THE CHIEF AUDITOR**

**E. CHIEF OPERATIONS OFFICER**

E-1. Charter School Student Transportation Agreements (Approved)

Motion was made by Ms. Murray, seconded by Mrs. Hope and carried, to approve renewal of agreements between The School Board of Broward County, Florida, and Assistance Unlimited, Inc., d/b/a Central Charter School, Charter Schools USA Coral Springs, L.C., for the City of Coral Springs Charter School, Eagles' Nest Community Charter Schools, Inc., and Smart School, Inc., to provide student school bus transportation during the 2010-11 school year. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

These agreements will provide student school bus transportation for the students attending Central Charter School, City of Coral Springs Charter School, Eagles' Nest Elementary and Middle Charter Schools, Eagle Academy, and Smart School on district school buses for the 2010-11 school year.

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

Assistance Unlimited, Inc., d/b/a Central Charter School, Charter Schools USA Coral Springs, L.C., Eagles' Nest Community Charter Schools, Inc., and Smart School, Inc., will reimburse the district for the cost of this service as invoiced.

Mr. Carter informed that the item regards agreements with the charter schools for the district's Transportation department to buy transportation services during the school year, and for the services that the district provides, the charter schools would pay the district. This is not a free service.

Mrs. Hope inquired whether there is an estimated cost of what the district expects to recoup.

Mr. Carter responded that based on the routes and number of students would need to be determined, the cost would be determined. He stated the Board will be provided a follow-up as to the cost of each school.

Responding to Ms. Murray's inquiry, Mr. Carter stated that the schools have paid their bills in the past. When they do not pay the district does not renew the service.

The following individuals addressed this item:

Lynn Simon

Mr. Carter stated that will be indicated in his report to the Board, the transportation costs for last year.

\*E-2. Transportation Agreement for After School Programs, Inc. (Approved)

Approved renewal of agreement between The School Board of Broward County, Florida, and After School Programs, Inc., a non-profit organization, to provide school bus transportation for recreational programs for the period of one year.

The transportation agreement allows After School Programs, Inc., to utilize district school buses for organization sponsored recreation programs and events that are dependent on transportation. The organization's recreational programs provide activities and supervision for many district students during the summer and other days when school is not in session. Organization sponsored recreation programs provide a valuable service to their respective communities.

The transportation services will be provided during the times school buses are not being utilized for service to Broward County Public Schools. After School Programs, Inc., will reimburse the district for the cost of these services.

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

After School Programs, Inc., will reimburse the district for the cost of these services as invoiced.

\*E-3. Transportation Agreement for the State of Florida, Department of Veterans' Affairs, Alexander "Sandy" Nininger State Veterans' Nursing Home (Approved)

Approved renewal of agreement between The School Board of Broward County, Florida, and the State of Florida, Department of Veterans' Affairs, Alexander "Sandy" Nininger State Veterans' Nursing Home, to support the delivery of emergency services for the period of one year.

The transportation agreement allows the State of Florida, Department of Veterans' Affairs, Alexander "Sandy" Nininger State Veterans' Nursing Home, to utilize district school buses to support the delivery of emergency services that may be dependent upon the availability of transportation. The delivery of emergency services for Alexander "Sandy" Nininger State Veterans' Nursing Home provides transportation assistance with relocating nursing home residents in an emergency situation, such as evacuation due to natural disaster or other unforeseen circumstances.

The transportation services will be provided during the times school buses are not being utilized for service to Broward County Public Schools. The State of Florida, Department of Veterans' Affairs, Alexander "Sandy" Nininger State Veterans' Nursing Home will reimburse the district for the cost of these services.

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

The State of Florida, Department of Veterans' Affairs, Alexander "Sandy" Nininger State Veterans' Nursing Home will reimburse the district for the cost of transportation services as invoiced.

#### **F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT**

- \*F-1. Partnership Agreements between Barry University, Florida Atlantic University, Florida International University, and Florida State University (hereafter called The Universities) and The School Board of Broward County, Florida (Approved)

Approved agreements between The Universities and The School Board of Broward County, Florida, to provide graduate level social work interns with a field placement experience in Broward County Public Schools.

These Partnership Agreements will provide operating guidelines for the internship placement of The Universities' School of Social Work graduate students within the District. We have worked with this partnership for the past 22 years, and expanded in the past 5 years to include all local universities with a Social Work Program. The graduate student interns will expand the provision of school social work, family counseling, and therapeutic services to students and their families while performing a minimum of 640 hours of service per intern, under the supervision of social work certified School Board personnel who will serve as field instructors. Through this partnership the District receives the equivalent of six (6) Social Workers.

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

The financial impact for mileage reimbursement for 10 interns is \$1,500 for the year. The source of funds is the Student Support Department 's budget. There is no additional financial impact to the district.

\*F-2. Athletic Training Services Agreement with Memorial Healthcare  
(Approved)

Approved Agreement with Memorial Healthcare to provide athletic trainer and physician services to student athletes attending eight south area public high schools. The Agreement runs from August 9, 2010 through August 31, 2011.

Since 2003, The School Board of Broward County, Florida, has contracted with Florida International University (FIU), to provide athletic trainer and physician services at south area high schools. Due to budget reductions, FIU has terminated their sports medicine program. Memorial Healthcare has agreed to provide a sports medicine / athletic trainer program to cover the eight south area schools. Memorial Healthcare will fill the gap in services left by FIU. There will be no loss in athletic trainer services to south area 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.

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

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

The total financial impact for the 2010-11 school year is \$180,000. The source of funding is the continuing general fund restricted budget allocation for FIU and Memorial Healthcare trainers.

\*F-3. Continuation Agreement with Sunrise Health & Rehabilitation Center  
(Approved)

Approved the continuation agreement between The School Board of Broward County, Florida, and Sunrise Health & Rehabilitation Center.

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

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

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

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

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

There is no financial impact to the district.

- \*F-4. Continuation of Individual Referral Agreement (#2010-2011 ITA-2328) between The School Board of Broward County, Florida, and WorkForce One Employment Solutions (Approved)

Approved the continuation of the Individual Referral Agreement (#2010-2011 ITA-2328), between The School Board of Broward County, Florida, and WorkForce One Employment Solutions.

The Individual Referral Agreement process through WorkForce One Employment Solutions is governed by the Federal WorkForce Investment Act (WIA).

The Individual Referral Agreement facilitates the delivery of occupational skills training on an individual basis to students referred by WorkForce One Employment Solutions to the Broward Technical Centers.

Pell grants, scholarships, financial assistance grants and WIA funds will be used to pay student tuitions, registrations, and lab fees. Referrals will be dependent upon individual student needs, fund availability, and WorkForce One Employment Solutions policies governing individual referrals.

Approval of this Agreement will allow the School Board to provide training at Broward Technical Centers, in adherence to the terms and conditions outlined in the existing Individual Referral Agreement.

Workforce One will sign the agreement following 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 district.

\*F-5. Continuation Agreement with University Hospital & Medical Center  
(Approved)

Approved the continuation agreement between The School Board of Broward County, Florida, and University Hospital & Medical Center.

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

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

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

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

University Hospital & Medical Center will sign the agreement following 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 district.

- \*F-6. Agreement between The School Board of Broward County, Florida and Helping Abused, Neglected, Disadvantaged Youth, Inc., (HANDY, Inc.)  
(Approved)

Approved the new agreement between The School Board of Broward County, Florida, and HANDY, Inc.

The School Board of Broward County, Florida, will receive a grant, in the amount of \$310,423, to implement the Introduction to Construction (iCon) Program funded through the Broward Workforce Development Board. The grant requires collaboration with community agencies. A one-year renewable agreement/partnership with HANDY Inc., will provide life skills/leadership training for the participants in the iCon Program at McArthur, Plantation, Blanche Ely and South Broward High Schools. The grant funds will be used to provide after-school and summer leadership experiences for 140 high school seniors. The after-school program will operate October 1, 2010 – May 31, 2011, (Monday – Thursday); the summer program will run from June 13, 2011 – June 30, 2011, (Monday – Friday), and will include a week-long leadership camp at the Florida Sheriffs Youth Ranch.

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 \$15,000. The source of the funds is Workforce Investment Act Grant. There is no additional financial impact to the district.

\*F-7. Postsecondary Workforce Education and Community Education Fee Schedule for 2010-11 (Approved)

Approved the proposed Postsecondary Workforce Education, and Community Education Fee Schedule for 2010-11.

Workforce Education fees are established by the legislature in the General Appropriations Act. The School Board must annually adopt the State of Florida Fee Schedule for Postsecondary Workforce Education. The fees for Community Education Programs, also known as fee support, are set by the district. Over 200,000 adults and children enroll annually in technical, adult and community school programs, courses and activities. In accordance with Florida Statutes, Section 1009.21, students are classified as residents or non-residents for the purpose of assessing tuition fees.

The Florida resident fee for Technical Certificate and Applied Technology Diploma Programs in 2010-11 shall be \$2.40 per hour, which represents a .10 cents per hour increase. The non-resident fee is \$9.60 per hour. Effective July 1, 2010, Florida Statutes, Section 1009(3)(b) requires that fees for Continuing Workforce Education (CWE) be locally determined and must be fully supported by student fees. The CWE 2010-11 resident and non-resident tuition fee shall be \$6.90 per hour. Individuals enrolled in Adult General Education programs that do not have a high school diploma and individuals who are functioning at or below the 9th grade level, as measured on the Test for Adult Basic Education (TABE) are exempt from tuition fees. The 2010-11 resident tuition fee for Adult General Education/Career Preparatory Instruction for individuals who have a high school diploma functioning at or above the 9th grade level is \$1.20 per hour.

The non-resident fee is \$4.80 per hour. The tuition fees for Lifelong Learning/Fee Support courses are established to cover all costs associated with operating the program, including instructional costs, equipment maintenance, and marketing. Lifelong Learning/Fee Support courses are grouped into two levels. The 2010-11 resident and non-resident tuition fee for 100 level courses is \$2.00 per hour. The resident and non-resident tuition fee for 200 level courses is \$2.50 per hour. The resident and non-resident tuition fee for the American Red Cross Swimming class is \$6.25 per hour. The resident and non-resident tuition fee for Amanda's Place parenting classes is \$3.00 per hour; however, economically disadvantaged participants are fee exempt or pay a sliding scale fee.

In addition to the student tuition fee, registration and activity fees support student services, recruitment and marketing.

The positive financial impact to the district is \$5,800,000. The source of funds is student fees. There is no additional financial impact to the district.

\*F-8. Continuation of the Cooperative Agreement with the Department of Juvenile Justice and Addendums (Approved)

Approved the continuation of the Department of Juvenile Justice Cooperative Agreement and Addendums.

Educational services are provided to adjudicated, delinquent youth in residential treatment programs, conditional release programs, detention centers, diversion programs, day treatment programs, and intervention/prevention programs. The educational services follow an alternative calendar of 250 days, which includes 10 planning days and 240 student contact days as required by Florida Statute. All programs meet the definition of Educational Services, Dropout Prevention Programs, as defined in Florida Statutes 1003.53 and are eligible for Supplemental Academic Instruction funding.

Individual programs have Direct and Purchased Service Agreements with The School Board of Broward County, Florida, (SBBC). Direct Service Agreements provide education through district-hired teachers and staff. Purchased Service Agreements provide the educational component through agency-hired, state certified teachers. Each program is assigned to an SBBC school-based administrator who manages the educational component. These programs allow students to continue their education while enrolled in court ordered programs.

The programs are provided by the following agencies through Direct Service Agreements: The Department of Juvenile Justice (Broward Regional Juvenile Detention Center), The Henry and Rilla White Foundation, Inc., (Pompano Substance Abuse Treatment Center) Youth Services International, Inc., (Broward Girls Academy and Thompson Academy); and through Purchased Service Agreements: AMIkids of Greater Ft. Lauderdale and PACE Center for Girls, Inc., (PACE Broward). State monitoring and evaluation will be coordinated through the Florida State Department of Juvenile Justice (DJJ), and the Florida Department of Education (The Juvenile Justice Education Enhancement Project). The evaluation will result in an annual Quality Assurance Review that will be used to make educational improvements.

The addendums are exclusively for the DJJ contracted agencies. The Dropout Prevention Specialist collaborates with the DJJ Regional Office for Residential Services, the DJJ Regional Office for Detention Services, and Circuit XVII Probation Circuit Manager to ensure compliance.

The Cooperative Agreement and the five addendums have been reviewed and approved as to form and legal content by the School Board Attorney.

There is a financial impact of \$3,063,173, to the district, which is a reduction of \$827,327, 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.

\*F-9. New Agreement with the City of Coral Springs (Approved)

Approved a new agreement with the City of Coral Springs.

The agreement from the City of Coral Springs will award a total of \$800 to Coral Park Elementary School for the implementation of a special event entitled "Sun Festival Health and Safety Expo," which provided a variety of health and safety resources to students, staff, parents, and the community.

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 \$800. The source of funds is the City of Coral Springs. There is no additional financial impact to the school district.

\*F-10. Agreement with Community Mental Health Provider (Approved)

Approved the agreement with a community mental health provider and The School Board of Broward County, Florida.

This agreement is renewed on an annual basis and has been in existence for over 15 years.

This agreement provides for the provision of required educational services to youth participating in residential treatment programs operated by Alternate Educational Systems, Inc. This Agency serves students in a residential treatment program who are not able to attend a school operated by the school district. The educational curriculum is provided by the school district and is integrated into the therapeutic services of the program. Referrals to the program come from the Department of Children & Families, the courts, parents, medical facilities and physicians. This provider uses the state definition of medical necessity as a guide to determine individual treatment and education plans and length of stay at the site.

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

The financial impact is approximately \$200,000 per year. The source of funds is the Florida Education Finance Program. There is no additional financial impact to the school district.

- \*F-11. The "Language in Math" Federal Grant Awarded to The University of Miami in Collaboration with The School Board of Broward County, Florida (Approved)

Approved three-year collaboration of The University of Miami, and The School Board of Broward County, Florida for the "Language in Math" Federal Grant program.

The University of Miami was awarded a three-year grant from the U.S. Department of Education. The primary goal of the Language in Math Grant is to develop an intervention to improve English language learners' (ELLs) academic language in the area of mathematics. In addition, project goals and objectives include improving math achievement among English learners, providing professional development in the area of academic language for math teacher participants, developing assessments for teachers and researchers to measure academic language, and exploring how the intervention impacts student participants' overall literacy achievement. By measuring effects of the intervention on student achievement, the project will make an important contribution to the fields of language development, mathematics, and literacy education for English learners.

The School Board of Broward County, Florida, will work in collaboration with the University of Miami to improve fifth to eighth grade teachers' ability to deliver effective mathematics instruction to ELL students in Broward County. The main goals of this collaborative project between the University of Miami and the District will be to develop and validate a measure (M-AL) of students' fluency in English as used in mathematics, and conduct pilot work regarding how students' (M-AL) performance impacts their mathematics achievement and language arts achievement.

Federal grant funds will provide salary and fringe for a Curriculum Specialist for three years as well as materials and supplies as specified in the grant. The program will begin with the 2010-2011 school year and end June 30, 2013.

There is a positive financial impact to the district of \$366,887. The source of funds is the Language in Math Federal Grant provided through the University of Miami. There is no additional financial impact to the district.

- \*F-12. Continuing Agreement with SHW Enterprises, LLC, (Scholar Centric)  
(Approved)

Approved the Agreement with Scholar Centric to continue as the sole provider of services delivered under the AT&T High School Success Grant.

The School Board of Broward County, Florida (SBBC), is the recipient of a four year grant from the AT&T Foundation, entitled AT&T High School Success Grant. The AT&T Foundation will provide \$100,000 per year to help moderately at-risk students successfully complete high school. SBBC is entering the third year of the grant. The funds are being used to implement Scholar Centric's Success Highways dropout prevention program. The target population is eighth graders.

The program is provided in three Alternative Centers (Whiddon-Rogers, Dave Thomas, and Pine Ridge), and three middle schools in the Boyd Anderson High School feeder pattern (Lauderdale Lakes, Lauderdale Hill and Arthur Ashe). The intent of the initiative is to equip eighth grade students for the challenges of high school resulting in improved attendance, academic progress and increased understanding of the importance of school.

The financial impact is \$100,000. The source of the funds is the AT&T High School Success Grant Budget. There is no additional financial impact to the district.

- \*F-13. Agreement with the Florida Department of State, Division of Cultural Affairs  
(Approved)

Approved agreement with State Division of Cultural Affairs for grant in the amount of \$3,111. The grant will assist in the funding of a SEAS production by Fantasy Theatre Factory at the Broward Center for the Performing Arts.

On July 1, 2010, The School Board of Broward County, Florida, received notice of a state touring program grant in the amount of \$3,111. The grant is specifically earmarked to assist in underwriting the production by touring company "Fantasy Theatre Factory." Fantasy Theatre Factory will perform 10 shows at the Broward Center for the Performing Arts as part of the District's SEAS program. Pursuant to the grant, the agreement must be approved and returned to the Division of Cultural Affairs by August 1, 2010.

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

The Florida Department of State, Division of Cultural Affairs, will sign the agreement following The School Board of Broward County, Florida's approval.

There is no financial impact to The School Board of Broward County, Florida.

**G. HUMAN RESOURCES**

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

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

The Personnel Recommendations for Instructional Employees include the following items:

1. Teacher Approvals
2. Temporary Hourly Teacher Approvals
3. Instructional Leaves

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

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

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

The Personnel Recommendations for Instructional Employees include the following items:

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

There will be no financial impact to the school district.

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

Motion was made by Ms. Murray, seconded by Mrs. Hope and carried, to approve the personnel recommendations for appointments and reassignments as listed on the Executive Summary, respective lists and individual appointments for Non-Instructional Employees. All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. **This item was amended to add pages 36-37 to Section 8.** Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

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

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

Funding has been budgeted in 10-11 fiscal year for all appointments through June 30, 2011.

Mr. Notter confirmed for Mrs. Hope that the recommendations are for new hires to the district.

Following the vote on the item, Board Members congratulated and recognized newly-appointed district personnel.

Mrs. Kraft indicated that the number of teachers being appointed is very rewarding, which is indicative of “movement” within the district.

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

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

The Personnel Recommendations include the following items:

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

There is no financial impact to the school district.

\*G-5. Supplemental Pay Positions – List #1 (Approved)

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

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

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

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

Individuals listed meet the requirements for the supplemental positions. Supplements listed for the 2009-2010 school/ fiscal year are 2. Supplements listed for the 2010-2011 school/ fiscal year are 190. The total number of Supplements recommended in this item is 192.

Funding has been budgeted in 2009-2010 school/ fiscal year. Funding has been budgeted in 2010-2011 school/ fiscal year for all supplements through June 30, 2011.

- G-6. Agreement between The School Board of Broward County, Florida, and the Federation of Public Employees (Facilities Service, Maintenance, Transportation, Security Specialists/ Campus Monitors) that all Bargaining Unit Employees will Take Six (6) Unpaid Leave Days (Furlough Days) During Fiscal Year 2010-2011 (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the Memorandum of Understanding between The School Board of Broward County, Florida, and the Federation of Public Employees (Facilities Service, Maintenance, Transportation, Security Specialists/ Campus Monitors) bargaining unit members to take six (6) furlough days during the 2010-2011 school year. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

Recognizing the State's under-funding of public education, the Federation of Public Employees (Facilities Service, Maintenance, Transportation, Security Specialists/ Campus Monitors) employee groups have cooperated with the School District and agreed to take a six (6) day furlough to support the system and its employees.

The FOPE (Facilities Service, Maintenance, Transportation, Security Specialists/ Campus Monitors) ratified the Memorandum of Understanding on July 12, 2010. The monetary savings from the furlough days (approximately \$3,205,878) will be used to save Federation of Public Employees (FOPE) jobs and hours during fiscal year 2010-2011. Transportation employees will be exempt from taking furlough days due to the agreement already reached with FOPE that eliminates half-hour of work time a day. The Transportation agreement is anticipated to result in a savings of approximately \$2 million dollars, which was used to save transportation positions.

There is no financial impact to the district.

**This item was discussed concurrent with Agenda Items G-7, G-8 and G-9.**

Mr. Tynan thanked all the unions for making the concessions for the benefit of the district. He said it is incumbent upon the Board to reaffirm to the unions that he will also take the furlough days along with the employees.

Ms. Dinnen expressed her gratitude, stating it is a difficult but temporary cut. Remarking that this sacrifice is being done across the district, Ms. Dinnen inquired whether an estimate on Board Members' salaries can be made, which are set by the state of Florida, and whether a Board Member can voluntarily contribute the amount. If so, she would like to volunteer her portion.

Dr. Parks praised the leadership of the unions during these difficult times and said his support goes to those organizations that have stepped up to the forefront to help the school district.

Concurring, Mrs. Hope praised the leadership of employees and the Board working together in order to stabilize the budget. She said she is hopeful that jobs and programs can be saved.

Mrs. Kraft stated the Board appreciates the leadership of the employee groups and their memberships, who understand the needs of the district. Mrs. Kraft inquired whether a Board Member's salary can be donated to the General Fund or to the Broward Education Foundation.

Mr. Marko responded that a gift can be made to the district, to a school or to a fund, if the district accepts it. He stated the Legislature sets the Board Members' salaries and a portion can be taken for donation.

Mrs. Kraft requested that staff ascertain what the amount would be.

Concurring, Mrs. Gottlieb stated the Board appreciates everything being done for the district.

Mr. Notter praised and expressed his gratitude to the union and non-union individuals for putting aside their ideological platforms and reaching agreement on this issue. The Superintendent also praised their professionalism on this issue.

The following individuals addressed this issue:

Marilyn Swank, Federation of Public Employees  
Lisa Maxwell, Broward Principals and Assistants Association  
Dale Spear, President, Educational Support and Management  
Association of Broward

Dr. Parks requested that questions and answers be identified on the district's website regarding the furloughs.

Mr. Notter informed that the unions before the Board have attempted to reach out to the Broward Teachers Union (BTU) regarding the furloughs. The Superintendent stated that a letter was sent to BTU on May 15, 2010, requesting them to open up negotiations for the 2010-11 school year. Following the June 15, 2010, Board Meeting in which Mr. Santeramo indicated he had never rejected furlough days, the Superintendent said he sent a copy of a sample Memorandum of Understanding for five furlough days and indicated a willingness to use those furlough days to bring back teachers. Mr. Notter stated he has not yet received a response. This correspondence will be forwarded to the Board Members, illustrating a willingness to negotiate with BTU on this issue.

- G-7. Agreement between The School Board of Broward County, Florida, and the Police Benevolent Association that all Bargaining Unit Employees will Take Five (5) Unpaid Leave Days (Furlough Days) During Fiscal Year 2010-2011 (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the Memorandum of Understanding between The School Board of Broward County, Florida, and the Police Benevolent Association bargaining unit members to take five (5) furlough days during the 2010-2011 school year. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

Recognizing the State's under-funding of public education, the Police Benevolent Association employee group has cooperated with the School District and agreed to take a five (5) day furlough to support the system and its employees.

The PBA ratified the Memorandum of Understanding on July 13, 2010. The monetary savings from the furlough days (approximately \$28,090) will be used to help reduce the budget deficit of the District.

The positive financial impact to the district will be approximately \$28,090.

**This item was discussed concurrent with Agenda Items G-6, G-8 and G-9.**

- G-8. Agreement between The School Board of Broward County, Florida, and the Federation of Public Employees (Secretarial/Clerical) that all Bargaining Unit Employees will Take Five (5) Unpaid Leave Days (Furlough Days) During Fiscal Year 2010-2011 (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the Memorandum of Understanding between The School Board of Broward County, Florida, and the Federation of Public Employees (Secretarial/ Clerical) bargaining unit members to take five (5) furlough days during the 2010-2011 school year. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

Recognizing the State's under-funding of public education, the Federation of Public Employees (Secretarial/ Clerical) employee group, has cooperated with the School District and agreed to take a five (5) day furlough to support the system and its employees.

The FOPE (Secretarial/ Clerical) ratified the Memorandum of Understanding on July 12, 2010. The monetary savings from the furlough days (approximately \$1,809,165) will be used to save Federation of Public Employees jobs and hours during fiscal year 2010-2011. Clerical employees whose work calendar was reduced by five days or more during the 2009-2010 or 2010-2011 fiscal years will be exempt from taking of furlough days.

A positive financial impact to the district will be approximately \$1,809,165.

**This item was discussed concurrent with Agenda Items G-6, G-7 and G-9.**

- G-9. Agreement between The School Board of Broward County, Florida, the Broward Principals and Assistants Association (BPAA), the Educational Support and Management Association of Broward (ESMAB) and the Confidential Office Personnel Association (COPA) that all Employees Covered by These Groups will take Five (5) Unpaid Leave Days (Furlough Days) During Fiscal Year 2010-2011 (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the agreement between The School Board of Broward County, Florida, the Broward Principals and Assistants Association, the Educational Support and Management Association of Broward and the Confidential Office Personnel Association, that all employees covered by these groups will take five (5) furlough days during fiscal year 2010-2011. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

Recognizing the State's under-funding of public education, the BPAA, ESMAB, and COPA employee groups have cooperated with the School District and agreed to take a five (5) day furlough to support the system and its employees.

The monetary savings from the furlough days (approximately \$1,437,945 for BPAA, \$529,050 for ESMAB and \$296,420 for COPA) will be used to help reduce the budget deficit of the district.

The positive financial impact to the district will be approximately \$2,263,415.

**This item was discussed concurrent with Agenda Items G-6, G-7, and G-8 .**

## H. ATTORNEY

- H-1. Retainer Agreement between The School Board of Broward County, Florida, and Meyer, Brooks, Demma and Blohm P.A., for Representation in Litigation Challenging the Constitutionality of Chapter 2010-154, Laws of Florida, Concerning Class Size Requirements for 2010-2011  
(Approved)

Motion was made by Mr. Tynan, seconded by Ms. Dinnen and carried, to approve to authorize the Florida School Boards Association, Inc., and its contracted attorneys to include The School Board of Broward County, Florida, as a plaintiff in litigation and approve the Retainer Agreement between The School Board of Broward County, Florida, and Meyer, Brooks, Demma and Blohm P.A., for representation in litigation challenging the constitutionality of Chapter 2010-154, Laws of Florida, concerning class size requirements. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

New penalties were enacted by the legislature during the 2010 regular legislative session (House Bill 5101 Chapter 2010-154, Laws of Florida) concerning class size reduction. The Florida School Boards Association (FSBA) is initiating litigation to challenge the constitutionality of the new penalties that will be applied to school districts that have not fully complied with class size reduction requirements and further provides for the redistribution of such school district funds to other school districts which are in compliance. The FSBA requests that Florida school districts join as plaintiffs in the litigation.

The Retainer Agreement provides for an initial retainer payment of \$1,500 from The School Board of Broward County, Florida to Meyer, Brooks, Demma and Blohm P.A., which will be applied to legal fees and costs incurred in the litigation. Thereafter, Meyer, Brooks, Demma and Blohm P.A. will bill the FSBA directly for services rendered on behalf Florida school districts. The FSBA will review and authorize payment of attorney's fees and costs and further payment to FSBA by The School Board of Broward County, Florida may be required from time to time to assist the FSBA in paying the fees and costs incurred.

The School Board Attorney recommends that The School Board of Broward County, Florida retain Meyer, Brooks, Demma and Blohm P.A. to provide legal services and coordination with other Florida school districts in the litigation.

The financial impact to the district is \$1,500 for an initial retainer payment to Meyer, Brooks, Demma and Blohm, P.A., as well as further payments to FSBA to assist in paying the fees and costs incurred. The source of funds is the General Counsel's department budget.

Mr. Tynan inquired about the ultimate financial impact to the district. He expressed his concerns about the overall cost and commitment, and whether the group will remain cohesive in a joint litigation.

Mr. Marko responded that Attorney Ron Meyer has not yet filed any pleadings, as of within the last 72 hours, until he has been advised by the Director of the Florida School Boards Association that there are sufficient number of school boards that will move forward. Mr. Marko stated that only Hillsborough County will not be adversely affected by the class size requirement issues.

Mr. Marko further stated that the district can withdraw if an inappropriate dollar amount is deemed appropriate. He further noted if the district spends \$15,000 in the litigation as one participant, it is substantially cheaper than the cost of doing one item alone. In addition, the law and the statute are being attacked on whether or not it is constitutional; a Motion for Summary Judgment or Motion for Declaratory Judgment, everyone stipulates to the facts and the judge will rule as to whether or not the item is or is not constitutional. Mr. Marko further stated that the issue will eventually go to the Supreme Court because the dollar amount is so significant.

Ms. Dinnen informed that the Florida School Boards Association Board of Directors has forwarded approval of this venture and Mr. Jack Lamb, Hillsborough County School Board, was very active in his support of this particular action. She expressed her support for this venture.

H-2. Settlement Agreement between The School Board of Broward County, Florida, and McTeague Construction Co., Inc. (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Settlement Agreement between The School Board of Broward County, Florida, and McTeague Construction Co., Inc. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

In December 2002 and July 2003, The School Board ("SBBC") entered into two contracts with McTeague Construction Co., Inc., ("McTeague"), for remodeling and additions to Lauderdale Manors Elementary School (SBBC Project No.: 0431-98-01) and Broward Estates Elementary School (SBBC Project No: 0501-98-01) (collectively "Projects"). Thereafter, a dispute arose concerning final payments for the Projects.

McTeague claimed that it completed both projects in 2006 and that final payments, including additional monies, were due and owing for work completed on the Projects. SBBC denied that additional payments were due to McTeague until after acceptance by SBBC, which did not occur until March 17, 2009.

As a result of these disputes, McTeague filed a lawsuit against SBBC alleging Breach of Contract and invoked the provisions of the Local Government Prompt Payment Act, Chapter 218, Florida Statutes, for payment of unpaid contract balances and interest (approximately \$69,000), and attorney's fees and costs (approximately \$33,000), for a total claim of approximately \$102,000.

As a result of mediation negotiation between the Parties, and subject to School Board approval of the Settlement Agreement, McTeague has agreed to accept the total sum of \$65,991 from SBBC in full and final settlement of its claims. Once the Settlement Agreement is approved, and all documents referenced in the Agreement have been exchanged, SBBC will pay the settlement sums to McTeague in accordance with the Settlement Agreement.

District Staff and The School Board Attorney recommend approval of the Settlement Agreement as a fair and reasonable cost-effective resolution of McTeague's claims, which will eliminate protracted litigation and additional costs.

The financial impact to the district is \$65,991. The source of funds is the Capital Outlay funds budget reserve for legal in the amount of \$65,991.

Upon Mrs. Hope's request, Mr. Marko provided a brief explanation of the agenda item. He stated it is in the best interest of the Board to approve the settlement agreement.

Remarking that there was a dispute regarding completed work, Dr. Parks requested that the contract language be changed to indicate the reference, "After acceptance by the School Board."

Mr. Marko informed that the Prompt Payment Act has been reduced to 20 days; if a bill is submitted and there is no objection to the bill within that time period, the law presumes that the person agrees to it. The Prompt Payment Act allows interest to be paid when due, including attorney's fees. Mr. Marko further stated that he will be submitting memorandums from the Attorney's office to the Facilities department, putting everyone on notice of the responsibilities under that act.

Dr. Parks requested that specific language is stated and included in the contract; sending out a memorandum to the Facilities department, including Facilities and Mr. Thomas Cooney, Assistant General Counsel, to discuss the specific language and change the form of the contract.

## **I. OFFICE OF THE SUPERINTENDENT**

\*I-1. Broward County Professional Development System and Master Inservice Plan (Approved)

Approved the updated Broward County Professional Development System and Master Inservice Plan for 2010-2011.

Each district is required to have a Professional Development System per Florida Statute 1012.98. The Professional Development System must include a Master Inservice Plan annually updated and approved by the School Board by September 1st of each year and submitted to the Commissioner of Education by October 1st of each year. This system includes advertised professional development for SBBC employees.

The 2010 update includes: Addition of Course Types offered in the BCPS management system (BRITE/SAP/ESS) Course Catalog to be approved by SBBC annually. Revision of and addition of the professional development standards, due to the inclusion of Florida Professional Development System Evaluation Protocol in the Florida Statute 1012.98, (School Community Professional Development Act), as of March, 2010. There is no financial impact to the district.

\*I-2. The School Board of Broward County, Florida 2009-2010 Annual Educational Equity Act Plan (Received)

Received the 2009-2010 Annual Educational Equity Act Plan.

The Florida Educational Equity Act (FEEA), Section 228.2001, F.S., became law in June 1984, and the rules for implementation were adopted by the State Board of Education in February 1985. The FEEA was amended in 1993 to mandate stronger monitoring and enforcement for gender equity in athletics. Rules for athletics were adopted in September 1994. The FEEA covers all educational programs and activities operated by public educational institutions.

The FEEA implementing rules are consistent with federal laws prohibiting discrimination in employment and educational programs. The Department of Education has mandated continued focus on African American and Hispanic students' access to high quality instruction including Advanced Placement (AP), Dual Enrollment (DE), Honors and Level III courses 9-12, and 8th grade Algebra I.

Copies of the full 2009-2010 Annual Educational Equity Act Plan are available at the public stand in the lobby of the KC Wright Building and at the Board Members Office on the 14th Floor of the KC Wright Building.

There is no financial impact to the school district.

I-3. Affiliation with Florida Association of District School Superintendents  
(Approved)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to approve membership in the Florida Association of District School Superintendents (FADSS) for the period of July 2010 through June 30, 2011. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

The cost of the FADSS affiliation is \$23,640 (same as last year 2009-2010). The source of funds is the Superintendent's budget.

Mr. Tynan discussed his concerns over spending money on expenditures that may not be necessary. Remarking that his issue is not with Mr. Notter belonging to the association, but whether \$23,640 was not put on the table to evaluate during the budget process, and whether there are other items with similar dollar amounts that add up to "real" money, eventually. Mr. Tynan stated this is a large amount of money if all 67 Florida counties are paying this fee.

Ms. Dinnen stated that this association is conservative in their actions, however, it is a very useful meeting place. She stated the dues are expensive but sometimes the interaction and the information received on a personal basis is absolutely invaluable. Ms. Dinnen further stated this is an opportunity to network, lobby other people, so if there is concerted state action it can be done. She noted that half of Florida's superintendents are elected officials. Ms. Dinnen requested that Mr. Notter relay to the association that this School Board held a discussion regarding their dues.

Mr. Notter informed that the dues for this year were not increased. He stated he will provide a matrix, with pros and cons, for all the associations and affiliated members. He noted that an internal budget was prepared.

Ms. Dinnen requested that she be sent a copy of this year's FADSS budget for the School Board's perusal.

\*I-4. Administrative Complaint

(Received)

Received the Administrative Complaint submitted by the Superintendent to immediately suspend without pay Sandra Barnes pending the termination of Sandra Barnes' Continuing Contract.

Ms. Sandra Barnes, a Continuing Contract teacher, received an unsatisfactory IPAS evaluation dated May 25, 2010, for failure to correct noted performance deficiencies during the 2009-2010 school year. Ms. Barnes 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.

In addition, the Professional Standards/Special Investigative Unit (PS/SIU) completed an investigation into allegations of failure to supervise students.

The allegations were thoroughly investigated and the results were presented to the Professional Standards Committee (PSC), employee and Broward Teachers Union (BTU) 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, BTU representation, 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. This action for recommendation for termination of employment 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 July 20, 2010.

There is no financial impact to the school district.

I-5. Agreement for Federal Legislative Services with F. Mandley & Associates, Inc. (Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve the proposed agreement between F. Mandley & Associates, Inc., (Frank Mandley), and The School Board of Broward County, Florida, to provide federal legislative services through June 30, 2011. Mrs. Bartleman and Mr. Williams were absent. Mr. Tynan voted "no." (6-1 vote)

Frank Mandley, President and CEO of F. Mandley & Associates, Inc., has provided federal legislative services to the school district since 1999, first as Director of Grants Administration & Government Programs and on a part-time, limited basis, in 2009/10.

Under the term of this agreement, Mr. Mandley will provide the full scope of federal legislative activities outlined in this agreement to advance the school district's federal legislative agenda; track all federal legislative, regulatory, and policy actions that could impact the school district; serve as the district's Federal Legislative Liaison to The Council of the Great City Schools and other national education advocacy organizations; and maintain relations on behalf of the school district with members of the Broward Congressional Delegation.

Federal initiatives include, but are not limited to, the reauthorization of ESEA, funding of the Jobs for Education Bill, implementation of Common Core State Standards, USED discretionary and formula grants and appropriations and other issues as directed by the Superintendent of Schools.

This agreement will be executed after School Board approval.

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

The financial impact is \$24,000 per year with an additional \$2,400 per year for travel expenses to Washington, DC, as approved by the Superintendent. Funds for this agreement will be available in the 2010-2011 and 2011-2012 Public Relations and Governmental Affairs Department budget.

**This item was discussed concurrently with Agenda Item I-6.**

Mr. Tynan voiced concern over the piecemeal approach to putting together a lobbying team, that there is not a cohesive plan on how to put together the team and what the team ought to look like.

Mr. Tynan stated his remarks are not about the individuals that are being employed, but about the process in selecting the team. He said there should be a discussion about what the overall makeup of the team needs to be, whether employing individuals in-house or employed outside as the recommendations are presented, or whether to continue to use some of the trade groups, School Board groups, that also have their own lobbying components for the district.

Mr. Tynan voiced his concern over the cost, \$24,000; a combination of several of these dollar amounts that are adding up. He stated there is a need for a cohesive plan and that components need to be addressed altogether and tabled. Mr. Tynan said there was previous discussion about workshopping this item prior to presentation to the Board.

Ms. Dinnen informed that in the past federal legislative lobbying was done in-house by Mr. Mandley which included a great deal of grant finding as well as lobbying techniques that the district is accustomed to. She stated that the district no longer employs a full-time federal lobbyist in house. The consulting agreement with Mr. Mandley is fortunate for the district because he has crucial connections and has valuable experience in this arena. Ms. Dinnen discussed the reauthorization of the Elementary and Secondary Education Act which has begun, and it is crucial for the district to be on the ground floor of this issue. She said that Mr. Mandley has already given instructional sessions to charter schools and to other groups about reauthorization, indicating a command of what is going on at the current time. Ms. Dinnen further stated that the district needs a presence on the federal scene that is distinctively Broward County.

Discussing this item with Agenda Item I-6, Mrs. Kraft stated she would like to see a bigger picture, set a workshop to look at the overall strategy. She inquired whether there would be more agreements presented to the Board other than the two agreements on the table today.

Mr. Notter responded that conversation has begun with one group and a conversation through e-mail correspondence with another group. He informed that he would like to meet and discuss with them both to determine a better cost benefit analysis for this school district. Mr. Notter said he was not willing to just renew a contract without discussion and his intent is to continue with four lobbyists pending resolution of the contract amount.

Mrs. Kraft stated that she would be ready to move forward with the two agenda items before the Board, but would like to have a workshop discussion as to whether the Board wants to move forward with more than two firms.

Mrs. Kraft stated these two lobbyists are a top priority for this school district. She noted that the district paid Mr. Mandley more than the contract amount when he was in-house. She said this agreement would be a bargain to the district, compared to the salary and benefits that he was receiving when he was in house.

Mr. Notter confirmed that the position of Director of Grants Administration has not been filled and there is no intent to fill the position.

Mrs. Hope concurred with a review of lobbying practices of the district and lobbying firms that work for the district. She requested that information be presented regarding which lobbying firm has given the district the most value and which firms have not, whether other lobbying firms will be asking for a certain dollar amount. Mrs. Hope said she was not in agreement with going forward with two lobbyists without looking at the overall picture. She said the Board should have the best people working for the district, as it moves forward with crucial budget issues, legislative issues and federal issues.

Dr. Parks stated that Mr. Mandley is well connected with the Florida delegation, gives comprehensive reports, and keeps the Grants department up to date on grants that are coming down the road. He concurred that the two items should move forward. Dr. Parks further stated he would like a report on the activities of other lobbyists that represent the "other side." In addition, the district needs to identify what it wants in our lobbyists, not what they want from us. Noting that the economy might get worse, Dr. Parks questioned whether additional lobbyists are needed, whether the money could be better used some place else, what their plan is to attack certain legislative issues, and whether there are better candidates.

Dr. Parks requested information on how the district collaborates with Broward College, Florida Atlantic University and Nova with K-Adult issues.

Ms. Dinnen discussed Agenda I-6, stating that the school district is the only contract Ms. Slack has, other than the Consortium, all School Board business, and involves interaction with the particular districts of South Florida. She is considered the "dean" of lobbyists in Tallahassee in the field of education, these connections that money cannot buy. Ms. Dinnen said that Ms. Slack has experience on the Florida Education Finance Program (FEFP) with anybody in Tallahassee, in any agency.

Ms. Dinnen further stated that the amount covers four months accommodations in Tallahassee, travel, phone and office rental in Tallahassee, a lot of costs that are not just salary.

Also, there is a regular basis of well-written reports, a summary provided at the end of the session, a pre-session report, and a continuation of communication to the Board. Ms. Dinnen noted that the Board was very well apprised of the details of Senate Bill 6. Ms. Dinnen concurred with the workshop setting and said it is vital to move forward with these items.

Mr. Tynan stated there is not an immediate urgency to make decisions today to select individuals that affect the overall scheme when a decision has not been made on the overall scheme.

Motion to Table (Failed)

Motion was made by Mr. Tynan, seconded by Mrs. Hope, to table Agenda Item I-5 and Agenda Item I-6. Mrs. Bartleman and Mr. Williams were absent. Mr. Tynan voted "yes." (1-6 vote)

Mrs. Kraft said she was against tabling the item, as there is a lot of work being prepared during the summer for committee meetings. She said it is an extreme burden to expect anyone to work without a contract and the district cannot be without a lobbyist during this time period.

Mr. Notter noted that the contract ended June 30, 2010.

Motion (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to bring Agenda Item I-6 on the floor simultaneously with Agenda Item I-5. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

A vote was taken on the Motion.

Mr. Tynan stated that his Motion to Table applies to Agenda Item I-5 and Agenda Item I-6 (above).

Mrs. Kraft stated that neither item should be tabled at this point because the lobbyists are needed over the summer.

Mr. Notter informed that Congresswoman Debbie Wasserman-Schultz held a press conference in Broward County regarding the need that the House pass legislation for additional funds, which is currently in the Senate being debated; a Jobs for Education bill, a multi-billion dollar bill that will help education throughout the United States, in addition to districts who have taken on children from Haiti as a result of the earthquake.

Ms. Murray concurred with Mr. Mandley's proactive and negotiation experience, and said it is urgent to move forward with the item.

Dr. Parks stated this is an opportunity to review the lobbyist issue and the entire Governmental Relations department. He said the first step is to continue with these two lobbyists and in the future review the other lobbyists that may be hired. Dr. Parks said he would not support tabling the item.

Mr. Tynan discussed having lobbyists on 30 or 60 day contracts rather than a commitment for a year or two years.

Mrs. Gottlieb concurred with the need to workshop the lobbying issue and said it is more important to continue with these lobbyists in the best interest of the school district. Mrs. Gottlieb stated it is important to have an organized strategy and focus when the Board travels to Tallahassee. She stated the Board needs to schedule a process and format for the best and effective use of district lobbyists and Board Members who choose to go to Tallahassee and lobby on behalf of the school district.

Following calling of the question by Dr. Parks, a vote was taken on the Motion to Table.

Voicing concern that there is not an overall approach to the district's lobbying process, Mrs. Hope inquired when a workshop could be scheduled.

Mr. Notter informed that he will provide a date for the August workshop to discuss this issue. He confirmed that the contracts could be canceled with a 30-day notice.

A vote was taken on Agenda Items I-5 and I-6.

I-6. Agreement for Lobbying Services with GS School Consulting Group, Inc. (Approved)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to approve agreement for fulltime lobbying services with GS School Consulting Group, Inc., (Georgia Slack), to provide services to June 30, 2012. Mrs. Bartleman and Mr. Williams were absent. Mr. Tynan voted "no." (6-1 vote)

Ms. Georgia Slack, President of GS School Consulting Group, Inc., has represented the Broward School Board in Tallahassee since 1985, first as an Associate Superintendent for Broward County Public Schools and for the past 14 years as the chief lobbyist for the school system. As the lobbyist for Broward County Public Schools, Ms. Slack will continue to provide the full scope of legislative activities as outlined in the agreement and will provide these services on a fulltime basis and exclusively for the Broward County School District.

Approval of this agreement will enable the Board to continue to use her many years of experience in the legislative process and knowledge of the Broward School District.

The agreement is for a two-year period, July 1, 2010 to June 30, 2012, with provisions for a 30-day cancellation by either party.

Compensation for this agreement is as follows: the sum of \$148,985 per year which represents a reduction in cost to the School Board over the previous contract, and is an amount that covers all regular and extended legislative sessions and other meetings as outlined in the contract. The contract continues a current provision which provides, upon approval by the Superintendent, an additional sum up to a maximum of \$10,500 per year to cover increased travel expenses and accommodations resulting from additional special sessions convened by the Legislature.

This agreement will be executed after School Board approval.

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 \$148,985 per year with an additional sum up to \$10,500 per year for special session costs as approved by the Superintendent. Funds for this agreement will be available in the 2010-2011 and the 2011-12 Public Relations and Governmental Affairs Department budget.

**This item was discussed concurrently with Agenda Item I-5.**

**J. FACILITIES AND CONSTRUCTION MANAGEMENT**

J-1. Change Orders (Approved)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to approve change orders as listed for various school projects, and approve an increase to the Capital Projects Reserve in the amount of \$668,831. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

<u>Banyan Elementary</u>	Change Order 02	\$3,257 (CREDIT)
Owner Request	\$3,257 (CREDIT)	

<u>Bethune, Mary M. Elementary</u>	Change Order 01	\$3,619 (CREDIT)
Owner Request	\$3,619 (CREDIT)	

<b><u>Colbert Elementary</u></b>	Change Order 02	\$49,599
Consultant Error	\$672	
Owner Request	\$17,853	
Unforeseen Condition	\$31,074	
<b><u>Country Hills Elementary</u></b>	Change Order 08	\$5,232
Consultant Error	\$5,232	
<b><u>Cresthaven Elementary</u></b>	Change Order 03	\$3,465 (CREDIT)
Owner Request	\$3,465 (CREDIT)	
<b><u>Davie Elementary</u></b>	Change Order 02	\$2,062 (CREDIT)
Owner Request	\$2,062 (CREDIT)	
<b><u>Drew, Charles Elementary</u></b>	Change Order 03	\$3,909 (CREDIT)
Owner Request	\$3,909 (CREDIT)	
<b><u>Drew, Charles Elementary</u></b>	Change Order 01	\$3,996 (CREDIT)
Owner Request	\$3,996 (CREDIT)	
<b><u>Driftwood Elementary</u></b>	Change Order 02	\$4,261 (CREDIT)
Owner Request	\$4,261 (CREDIT)	
<b><u>Forest Hills Elementary</u></b> (ADA Retrofit)	Change Order 02	\$3,909 (CREDIT)
Owner Request	\$3,909 (CREDIT)	
<b><u>Forest Hills Elementary</u></b> (Replace Playground Equipment)	Change Order 02	\$3,257 (CREDIT)
Owner Request	\$3,257 (CREDIT)	
<b><u>Forest Hills Elementary</u></b> (Sprinkler)	Change Order 01	\$16,308
Consultant Omission	\$16,308	
<b><u>Hallandale Adult &amp; Community Center</u></b>	Change Order 01	\$3,619 (CREDIT)
Owner Request	\$3,619 (CREDIT)	
<b><u>Hollywood Hills High</u></b>	Change Order 02	\$5,387
Owner Request	\$5,387	
<b><u>Larkdale Elementary</u></b>	Change Order 01	\$3,257 (CREDIT)
Owner Request	\$3,257 (CREDIT)	
<b><u>Margate Middle</u></b>	Change Order 03	\$0
Unforeseen Condition	\$0	
<b><u>North Lauderdale Elementary</u></b> (ADA Retrofit)	Change Order 01	\$3,996 (CREDIT)
Owner Request	\$3,996 (CREDIT)	
<b><u>North Lauderdale Elementary</u></b> (New Pre)	Change Order 02	\$3,257 (CREDIT)
Owner Request	\$3,257 (CREDIT)	
<b><u>Forman, Blanche (Nova) Elementary</u></b>	Change Order 03	\$3,909 (CREDIT)
Owner Request	\$3,909 (CREDIT)	

<b><u>Eisenhower, Dwight David (Nova) Elementary</u></b>	Change Order 02	\$1,400
Owner Request	\$1,400	
<b><u>Nova Middle</u></b>	Change Order 09	\$3,981
Consultant Omission	\$7,981	
Owner Request	\$4,000 (CREDIT)	
<b><u>Palm Cove Elementary</u></b>	Change Order 03	\$3,257 (CREDIT)
Owner Request	\$3,257 (CREDIT)	
<b><u>Pembroke Lakes Elementary</u></b>	Change Order 01	\$3,619 (CREDIT)
Owner Request	\$3,619 (CREDIT)	
<b><u>Perry, Henry D. Middle</u></b>	Change Order 04	\$3,658
Consultant Error	\$3,658	
<b><u>Plantation High</u></b>	Change Order 01	\$6,368 (CREDIT)
Owner Request	\$6,368 (CREDIT)	
<b><u>Plantation Park Elementary</u></b>	Change Order 03	\$7,949
Consultant Error	\$5,298	
Consultant Omission	\$348	
Owner Request	\$232	
Unforeseen Condition	\$2,071	
<b><u>Riverglades Elementary (ADA Retrofit)</u></b>	Change Order 02	\$4,275 (CREDIT)
Owner Request	\$4,275 (CREDIT)	
<b><u>Riverglades Elementary (Replace Playground Equipment)</u></b>	Change Order 01	\$3,619 (CREDIT)
Owner Request	\$3,619 (CREDIT)	
<b><u>Riverland Elementary (New Pre K Playground)</u></b>	Change Order 01	\$3,619 (CREDIT)
Owner Request	\$3,619 (CREDIT)	
<b><u>Sea Castle Elementary</u></b>	Change Order 03	\$3,911 (CREDIT)
Owner Request	\$3,911 (CREDIT)	
<b><u>Seagull School</u></b>	Change Order 01	\$5,988
Consultant Error	\$2,618	
Consultant Omission	\$203	
Owner Request	\$3,167	
<b><u>Silver Ridge Elementary</u></b>	Change Order 02	\$3,619 (CREDIT)
Owner Request	\$3,619 (CREDIT)	
<b><u>Walker Elementary</u></b>	Change Order 02	\$6,520
Consultant Omission	\$5,288	
Owner Request	\$1,232	
<b><u>West Broward High School</u></b>	Change Order 08	\$11,067,661 (CREDIT)
Consultant Error	\$21,799	
Owner Request	\$11,089,460 (CREDIT)	
<b><u>Westchester Elementary</u></b>	Change Order 03	\$602 (CREDIT)
Owner Request	\$602 (CREDIT)	

<u>Westwood Heights Elementary</u> Owner Request	Change Order 01 \$3,619 (CREDIT)	\$3,619 (CREDIT)
<u>Winston Park Elementary</u> Owner Request	Change Order 03 \$3,909 (CREDIT)	\$3,909 (CREDIT)
<u>Winston Park Elementary</u> Owner Request	Change Order 01 \$3,996 (CREDIT)	\$3,996 (CREDIT)

Financial Impact: Banyan Elementary – Project No.: P.000396 \$3,257 (CREDIT); Bethune, Mary M. Elementary – Project No.: P.000056 \$3,619 (CREDIT); Country Hills Elementary – Project No.: P.000566 \$5,232; Cresthaven Elementary – Project No.: P.000164 \$3,465 (CREDIT); Davie Elementary – Project No.: P.000494 \$2,062 (CREDIT); Drew, Charles Elementary – Project No.: P.000584 \$3,909 (CREDIT); Drew, Charles Elementary – Project No.: P.000583 \$3,996 (CREDIT); Driftwood Elementary – Project No.: P.000136 \$4,261 (CREDIT); Forest Hills Elementary – Project No.: P.000457 \$3,909 (CREDIT); Forest Hills Elementary – Project No.: P.000456 \$3,257 (CREDIT); Forman, Blanche (Nova) Elementary – Project No.: P.000251 \$3,900 (CREDIT); Hallandale Adult & Community Center – Project No.: P.000113 \$3,619 (CREDIT); Larkdale Elementary – Project No.: P.000120 \$3,257 (CREDIT); North Lauderdale Elementary – Project No.: P.000420 \$3,996 (CREDIT); North Lauderdale Elementary – Project No.: P.000417 \$3,257 (CREDIT); Nova Middle – Project No.: P.000261 \$3,981; Palm Cove Elementary – Project No.: P.000592 \$3,257 (CREDIT); Pembroke Lakes Elementary – Project No.: P.000458 \$3,619 (CREDIT); Perry, Henry D. Middle – Project No.: P.000187 \$3,658; Plantation High – Project No.: P.000280 \$6,368 (CREDIT); Riverglades Elementary – Project No.: P.000525 \$4,275 (CREDIT); Riverglades Elementary – Project No.: P.000524 \$3,619 (CREDIT); Riverland Elementary – Project No.: P.000021 \$3,619 (CREDIT); Sea Castle Elementary – Project No.: P.000518 \$3,911 (CREDIT); Silver Ridge Elementary – Project No.: P.000553 \$3,619 (CREDIT); West Broward High School – Project No.: P.000660 \$587,516 (CREDIT); Westchester Elementary – Project No.: P.000468 \$602 (CREDIT); Westwood Heights Elementary – Project No.: P.000122 \$3,619 (CREDIT); Winston Park Elementary – Project No.: P.000558 \$3,909 (CREDIT); Winston Park Elementary – Project No.: P.000557 \$3,996 (CREDIT).

The resulting financial impact shown above will increase the Capital Projects Reserve by \$668,831. There is no additional financial impact to the district for the remaining projects.

Referring to West Broward High School credit of \$11 million, Ms. Murray stated she met with Mr. Tom Lindner, Acting Deputy Superintendent, Facilities and Construction Management, who provided the information. She requested that this information be made public.

Mr. Lindner informed that the credit is taking money from the original contract to pay invoices for the materials that were purchased by the district on the Direct Purchase Program, which is used to avoid taxes on building materials on projects. The net positive effect is \$628,808 in tax savings as a result of using the Direct Purchase Program. Mr. Lindner stated that the \$628,808 will go into the Capital Reserves, the net positive effect.

Mrs. Kraft informed that the previous Deputy Superintendent of Facilities indicated there would be a rebate or return from West Broward High School which would go directly towards funding the auditorium at Coral Glades High School. Mrs. Kraft voiced concern that information she is providing to her community may not be reliable, as was indicated to her by staff, such as the money from West Broward being applied somewhere else.

Mr. Lindner responded that there is a pending change order for the August 3, 2010 Board meeting which is under review by the Capital Budget department, approximately \$1.7 million which is the overage that will come back to the Capital Reserves as a close-out for this project.

\*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 30, 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:

\*Aaron Construction Group, Inc. – Issue Pre-qualification Certification

\*\*AGC Electric, Inc. – Issue Pre-qualification Re-Certification

Coastal Construction Company – Issue Recommendation to Not Re-Certify

DooleyMack Constructors, Inc. – Issue Recommendation to Not Re-Certify

\*\*FXP Corp. (Mechanical) – Deny Revision to Increase Limits

Garaventa USA, Inc. – Issue Pre-qualification Re-Certification

\*\*J.R.T. Construction Co. – Approve Revision to Increase Aggregate Limit

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

Kalex Construction and Development, Inc. – Issue Pre-qualification Re-Certification

\*\*Key Electric, Inc. – Issue Pre-qualification Re-Certification

\*Link Construction Group, Inc. – Approve Appeal to Recommend Certification

Triple M. Roofing Corp. – 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. Reciprocal Use Agreement between the City of Miramar and The School Board of Broward County, Florida (Approved)

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

This agreement, as recommended, 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.

This agreement will be executed by the City of Miramar 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-4. Grant of Utility Easement and Bill of Sale to the City of Plantation for Mirror Lake Elementary School (Approved)

Approved the grant of a Utility Easement and a Bill of Sale to the City of Plantation for Mirror Lake Elementary School.

The School Board has installed a water and sewer line at Mirror Lake Elementary School as part of a kitchen/ cafeteria construction project. The City of Plantation requires an easement for the utility lines and a bill of sale.

See agenda item A-1 for the companion resolution securing these improvements.

The City of Plantation will execute the utility easement and bill of sale after School Board approval.

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

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

- \*J-5. Final Acceptance and Release of Retainage – Padula & Wadsworth Construction, Inc. – 28-Classroom Addition & Chiller Building – Hollywood Hills Elementary School – Project No. P.000014 (f.k.a. 0111-21-01) (Approved)

Approved the Final Acceptance of the Hollywood Hills Elementary School Project, 28-Classroom Addition & Chiller Building, Project No. P.000014, and release the balance of retainage in the amount \$10,000.

The contractor, Paula & Wadsworth Construction, Inc., has completed the project within the contract limits.

The funds being released totaling \$10,000, are included in the Adopted District Educational Facilities Plan, Years 2008-2009 to 2012-2013, page 71.

- \*J-6. Final Acceptance and Release of Retainage – James A. Cummings Construction, Inc. – Replacement School – Pines Middle School, Pembroke Pines, Florida – Project No. P.000370 (f.k.a. 1881-23-01) (Approved)

Approved the Final Acceptance of the Pines Middle School Replacement School, Project No. P.000370, and release the balance of retainage in the amount of \$169,608.

The contractor, James A Cummings Construction, Inc., has completed the project within the contract limits.

The funds being released totaling \$169,608, are included in the Adopted District Educational Facilities Plan, Years 2007-2008 to 2011-2012, page 124.

- \*J-7. Final Acceptance and Release of Retainage – Padula & Wadsworth Construction, Inc. – New Cafeteria & Small Administration Building – Hollywood Hills Elementary School – Project No. P.000015 (f.k.a. 0111-23-01) (Approved)

Approved the Final Acceptance of the Hollywood Hills Elementary School Project, New Cafeteria & Small Administration Building, Project No. P000015, and release the balance of retainage in the amount of \$12,732.

The contractor, Paula & Wadsworth Construction, Inc., has completed the project within the contract limits.

The funds being released totaling \$12,732, are included in the Adopted District Educational Facilities Plan, Years 2008-2009 to 2012-2013, page 71.

- \*J-8. Final Acceptance and Release of Retainage – James B. Pirtle Construction, Inc. – 12-Classroom Addition – Pines Lakes Elementary School, Pembroke Pines – Project No. P.000683 (f.k.a. 2861-28-01) (Approved)

Approved the Final Acceptance of the Pines Lakes Elementary School, 12-Classroom Addition, Project No. P.000683, and release the balance of retainage in the amount of \$114,920.

The contractor, James B. Pirtle Construction, Inc., has completed the project within the contract limits.

The funds being released totaling \$114,920, are included in the Adopted District Educational Facilities Plan, Fiscal Year 2009-2010 to 2013-2014, page 94.

- \*J-9. Final Acceptance and Release of Retainage – Tecta America (f.k.a. Weiss and Woolrich Southern Ent., Inc.) – Roof Replacement – James S. Hunt Elementary, Coral Springs – Project No. P.000728 (f.k.a.1971-07-17) (Approved)

Approved the Final Acceptance of the James S. Hunt Elementary School, Roof Replacement, Project No. P.000728, and release the balance of retainage in the amount of \$50,662.

The contractor, Tecta America, has completed the scope of their contract within the contract limits.

The funds being released totaling \$50,662 are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2009-2010 to 2013-2014, page 11 of Appendix E.

- \*J-10. Approve Settlement Agreement between Broward County Board of County Commissioners and The School Board of Broward County, Florida, for West Central Bus Depot – Violation # NOV 08-0039  
(Approved)

Approved a Settlement Agreement between Broward County Board of County Commissioners, and The School Board of Broward County, Florida, for Violation # NOV 08-0039.

While performing a routine compliance inspection at the West Central Bus Depot, Vehicle Maintenance and Fueling Operation, a County inspector noticed that three above ground fuel storage tanks had been relocated without complying with mandatory Broward County Environmental Protection and Growth Management Department ordinances that regulate the handling of petroleum products, disposal of waste products, record keeping and maintenance of equipment.

After obtaining a Broward County Environmental Permit for the relocated tanks and new in-ground fuel tanks at the West Central Bus Depot, on-site inspections revealed that mandatory environmental ordinances were not followed resulting in the issuance of Violation # NOV 08-0039 by the Broward County Environmental Protection and Growth Management Department. In October of 2009, the then Deputy Superintendent, Facilities & Construction Management, negotiated a Settlement Agreement with all parties to amicably resolve the above-noted violation. The Settlement stipulates that the School Board shall take measures to improve the management of hazardous materials.

The School Board, instead of paying a fine, agrees to purchase and install an aqueous parts cleaner to protect the environment, resulting in a safer working environment and reducing the consumption of lacquer thinner resulting in an estimated cost savings of \$5,460 per year. As part of this Settlement, the School Board retained an Environmental Consultant that prepared and delivered an environmental workshop to 109 School Board employees at varying levels within the School Board vehicle maintenance group. Further, the materials developed and the package for the workshop will be incorporated into an ongoing, annual refresher training program. The annual refresher training program will be mandatory for all vehicle maintenance personnel and will also be used for new employee orientation. Training will be provided in-house by SBBC's Risk Management Department with assistance from the Broward County Environmental Protection Agency, at no cost.

The County will execute the Agreement after School Board Approval.

The School Board of Broward County, Florida, agrees to pay a \$300 administrative cost and install aqueous parts cleaners at the West Central Bus Depot at an estimated cost of \$23,725.

The financial impact to the district is \$24,025. These funds will come from Legal and Contingency in the Adopted District Educational Facilities Plan.

- \*J-11. Authorize Rejection of Responses – Architectural & Engineering Consulting Services – Driftwood Elementary School, Hollywood – Project No. P.000809 (Approved)

Approved the rejection of all responses received for Driftwood Elementary School, Project No. P.000809.

Article V.A of the RFQ authorizes the Board to reject all proposals at any time prior to Board approval of the negotiated agreement. The General Counsel Office has reviewed this matter. It is the General Counsel Office's opinion that the original, intended scope of work as set forth in the original RFQ is substantially and materially different than the revised scope of work and budget in the proposed contracts, and that such work should be re-advertised and re-bid.

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

There is no financial impact to the district.

- J-12. Authorize Rejection of Responses – Continuing Contracts Cost Estimator Services (Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve the rejection of the responses received for RFQ No. 2009-30-FC – Continuing Contracts for Cost Estimator Services. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

Article V.A of the RFQ authorizes the Board to reject all responses at any time prior to Board approval of the negotiated agreement. The reason for rejecting the proposals is to reissue the Request for Qualifications with revised specifications to better serve the district's needs, and reflect recent amendments to the School District's purchasing policy.

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

There is no financial impact to the district.

Remarking that a Workshop discussion was held on this item, Ms. Dinnen requested a summary of what improvements are being made.

Mr. Robert Waremburg, Director, Supply Management and Logistics, informed that originally spending authority was requested of the Board to contract for construction consulting services, particularly cost estimating services. Mr. Waremburg stated this is required by district policy to use when a change order is over \$100,000, to be estimated by a third-party estimator. This request would allow issuing an additional RFP to allow the district to award this service to three different vendors rather than one vendor.

Mr. Waremburg further stated that the amount of the award will be changed, reduced from \$4 million in spending authority to \$2 million over two or three years.

- \*J-13. Authorize Rejection of Responses – Construction Management at Risk Services – Driftwood Elementary School, Hollywood – Project No. P.000809 (Approved)

Approved the rejection of all responses received for Driftwood Elementary School, Project No. P.000809.

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 General Counsel Office has reviewed this matter. It is the General Counsel Office's opinion that the original, intended scope of work as set forth in the original RFQ is substantially and materially different than the revised scope of work and budget in the proposed contracts, and that such work should be re-advertised and re-bid.

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

There is no financial impact to the district.

- \*J-14. Amend Professional Services Agreement – Harvard Jolly, Inc. – New Media Center – Seagull School, Fort Lauderdale – Project No. P. 000114 (f.k.a. 0601-21-01) (Approved)

Approved the First Amendment to the Professional Services Agreement with Harvard Jolly, Inc., for Seagull School, New Media Center, Project No. P. 000114, dated October 5, 2004.

Scope of Work: **Original Scope 10/5/04:**

Design new 5,386 net square footage media center and related spaces, including custodial storage of 1,000 square feet per educational specifications to be provided by The School Board of Broward County, Florida for a total gross square footage of 7,650; evaluate entire facility to meet most current ADA standards, including, but not limited to the following: design and construction of ADA Retrofit in addition to the foregoing would result in additional Basic Services; modify doorways and door hardware; remodel all restrooms; replace carpet with tile in all hallways and classrooms, as needed; install new ADA approved room signage; replace ceilings and light fixtures in main hallways; evaluate domestic water system for deterioration due to age and repair/replace as needed; replace/modify reception counter and clinic restrooms for ADA compliance; upgrade Fire Alarm System to current district standards for addressable fire alarm systems. First Amendment: 7/20/10: Additional Basic Services, including re-design of the site sanitary system for the new Media Center required by the City of Fort Lauderdale, connection to the new system provided by the City of Fort Lauderdale, and construction of a new 105-foot ITV tower in a new location that will serve Seagull School and Whiddon Rogers Education Center. The relocation of the ITV tower and shared use by both facilities is estimated to result with a cost savings of \$160,000.

The fees in Article 5 are amended as follows: Fees increased for Phase III by \$2,108, Phase IV by \$422, Phase V by \$2,781, and Phase VI by \$169, resulting with a total increase of \$5,480. This First Amendment revises the Basic Services Fee from \$213,150, to \$218,630.

The First Amendment also amends the schedule in order to align the construction administration phase with the contractor's Agreement, approved by the Board on May 19, 2009.

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

The financial impact for this item is \$5,480 for Basic Services. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, Appendix E, page 6.

- J-15. Terminate Construction Management at Risk Agreement – James B. Pirtle Construction Co., Inc. – Performing Arts Facility & Classroom Addition – Coral Glades High School, Coral Springs – Project No. P.000653 (f.k.a. 3861-24-01) (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Termination of the Construction Management at Risk Agreement with James B. Pirtle Construction Co., Inc., Coral Glades High School, Project No. P.000653, approved by the Board on October 16, 2007. Mrs. Bartleman and Mr. Williams were absent. Mrs. Kraft voted “no.” (6-1 vote)

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Over the past two (2) years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a 1.8 billion-dollar cut to available funds to the District’s Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Construction Management at Risk Agreement is terminated for cause in accordance with Article 36 of the General Conditions of the Agreement dated October 16, 2007.

The original Agreement includes fees of \$3,500,000, for the construction of a Performing Arts Facility and a two-story classroom building. The funds released by this Termination will be placed in the Capital Projects Reserve.

James B. Pirtle Construction Co., Inc., has been paid \$120,000.

Funds released by this Termination, totaling \$3,380,000, will be placed in the Capital Projects Reserve.

Providing a historical timeline, Mrs. Kraft stated that a building permit was issued in 2009 and a Guaranteed Maximum Price, and subsequently the funding was not going to be forwarded and a decision was made to build the auditorium with the \$1 million recovered from West Broward in order to move forward. Mrs. Kraft further stated that she understands the current budget issue and will vote no on the item because she cannot agree to terminate the contract, despite there being no funding for the project.

Mrs. Kraft stated there were significant issues with the Facilities Department in the past, and hopefully it will be corrected. Mrs. Kraft noted, for the record, that she did not ask that all of the projects be changed, as her only desire was to have an auditorium for Coral Glades. She said it is frustrating knowing that there are 100 percent design documents for an auditorium, even if it is funded, not being used because the former Deputy Superintendent was planning on doing a reuse which could have been done three years prior.

Mr. Lindner stated this was driven by the state and the number of seats that were in the auditorium was not supported by the school's enrollment. He stated the classroom addition was canceled which reduced the size of the auditorium, the state said no, and a determination was used to use the West Broward model. Mr. Lindner stated that the district spent \$1,669,000 for the plans.

Mrs. Kraft stated that the state needs to become aware that some of their rules and regulations are costing a lot of money to the districts. She urged her colleagues to take care of the school and get them their auditorium.

Ms. Murray stated that staff needs to set up a priority list and to adhere to that list. She stated that a high school cannot function without an auditorium and it is difficult to hold functions that are large enough to hold a lot of people.

Concurring, Mrs. Hope said she would like the priority list whether it reflects the wish of the Board rather than one particular district.

Mr. Lindner responded that as the District Educational Facilities Plan is presented to the Board, the process will include the Board determining the priority list, what projects will go out first, and fund them in that order.

- \*J-16. Reduction of Retainage – Turner Construction Company – Fire Sprinkler Protection and Fire Alarm Replacement – JP Taravella High School, Coral Springs – Project No. P.000486 (f.k.a. 2751-23-01) (Approved)

Approved the recommendation to reduce retainage now being held on JP Taravella High School Fire Sprinkler Protection and Fire Alarm Replacement, Project No. P.000486, for Turner Construction Company, from \$161,544 to \$11,100.

In accordance with School Board Policy 7005, the Facilities and Construction Management Department is recommending that the retainage be reduced from \$161,544 to \$11,100. The amount of \$11,100, 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 \$150,444, are included in the Adopted District Educational Facilities Plan, Fiscal Years 2008-2009 to 2012-2013, page 201.

**K. OFFICE OF CHIEF FINANCIAL OFFICER**

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

Approved the General Fund Amendment I-9 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 5/31/10.

Recognize changes in Revenues and Appropriations through 5/31/10.

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

Approved the Special Revenue (Other) Amendment IV-9B 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 5/31/10.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 5/31/10.

**\*K-3. Revision to Capital Projects Funds Budget Amendments (Approved)**

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

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

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to approve the Interim Financial Statement for the period ended May 31, 2010. Mrs. Bartleman and Mr. Williams were absent. (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 an update on whether the district is on track.

Mr. Oleg Gorokhovskiy, Director, Accounting and Financial Reporting, informed that the district is exactly as was predicted, around 3 points, 3.4 percent of the Fund Balance, and within the next 30 days the Superintendent's Financial statements will be released.

K-5. Advertisement of the Tentative District School Budget for Fiscal Year 2010-2011  
(Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the advertising of the Tentative School Budget for Fiscal Year 2010-2011. **This item was revised and additional information was provided.** Mrs. Bartleman and Mr. Williams were absent. Ms. Murray and Dr. Parks were absent for the vote. (5- 0 vote)

The Legislature has increased the Required Local Effort (RLE) millage for fiscal year 2010-11. In order to participate in the Florida Education Finance Program, the School District is required to levy the RLE millage provided by the state. In addition, included in the advertised millage is .25 mills for critical operating needs.

The overall millage rate has ~~decreased~~ increased by .20 as compared with last year's rate. When taking decreased property values into consideration, the rolled back rate decreases by 10.81%.

Pursuant to Chapter 200.065 of the Florida Statutes, the School District is required to advertise its intent to adopt a tentative budget in a newspaper within 29 days of certification of value.

The total School District's budget, excluding transfers out of \$234,187,648 is \$3,355,949,347. The major components of the District's budget are the \$2.0 billion general fund and the \$0.9 billion capital budget.

Responding to Mrs. Hope's request for an update, Mrs. Jane Turner, Director, Budget, stated that the item is asking for approval of advertising the Public Hearing that will be held on July 29, 2010 at 6:00 p.m.

Ms. Murray inquired about the significance of the decrease of the millage rate compared to last year.

Mrs. Turner responded that the Critical Shortage Millage has gone up by .20; the property values have gone down drastically which has caused the millage to go down 10.8 percent. The taxpayers in Broward County, including the Critical Millage, would pay \$105 million less in property taxes overall than they did last year. Last year it was down \$127 million from the previous year.

Ms. Dinnen stated that the Critical Shortage Millage came from the Legislature.

Responding affirmatively, Mrs. Turner responded that the district has the option to levy or not to levy.

Dr. Parks discussed getting the message out to the community and changing the image of the school district to the public.

Mr. Benjamin Leong, Chief Financial Officer, informed that updates will be placed on the district's Financial web page regarding the budget, an explanation, that due to the declining property values this year the taxpayer is paying less than \$100 million as compared with last year.

Mrs. Gottlieb requested that the Financial web page include an explanation regarding the value of an average-priced home in Broward County and show the impact on what the taxes were.

Mrs. Hope discussed the budget being balanced prior to the July 29, 2010 Tentative Budget meeting.

Mrs. Turner responded that a balanced budget must be presented to the Board and a vote will be taken on the millage and on the budget, which was prepared based on previous Board Workshops. The final Budget meeting will be held on September 16, 2010.

## OPEN ITEMS

### AA. RESOLUTIONS

### BB. BOARD MEMBERS

### CC. BOARD POLICIES

#### CC-1. Revision to Policy 4.9, Employee Disciplinary Guidelines (Not approved)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan, to approve the revisions to Policy 4.9, Employee Disciplinary Guidelines, at this first reading. Mrs. Bartleman and Mr. Williams were absent. (0-7 vote)

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

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

There is no financial impact to the school district.

Mrs. Gottlieb stated a memorandum was submitted requesting that the Board vote down the agenda item.

#### CC-2. Revision to Policy 4.9, Employee Disciplinary Guidelines (Approved as amended)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to approve the revisions to Policy 4.9, Employee Disciplinary Guidelines, at this first reading. This motion was superseded by Motions to Amend (pages 55 and 56. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

Policy 4.9 was brought to the School Board on March 2, 2010, and April 20, 2010, and deferred both times. The School Board requested that a committee of stakeholders be formed to review the policies and provide input. A committee was convened to discuss modifications and further enhance Policy 4.9, Section V. Subsequently, a Board Workshop was held on May 25, 2010, to review these modifications and obtain School Board Member feedback. The final version of the policy reflects the modifications.

There is no financial impact to the school district.

Mrs. Kraft, who reminded that there were several extensive Workshop discussions about this policy, thanked staff for making the suggested revisions. Referring to Personnel Policy 4.9 Disciplinary Procedures, Section V, Purpose, Section 5.1, Mrs. Kraft said the language regarding the due process hearing language was captured. She inquired whether language should be included if the employee does contest the charge.

Mrs. Gracie Diaz, Acting Associate Superintendent, Human Resources, responded that it is not relevant to Section 5.1, as it is part of other policies in relation to employee's due process rights.

Mrs. Kraft discussed Section 5.4, stating that the time period is clarified regarding the 20-day period.

Referring to Section 5.18, Mrs. Kraft stated there was a concern for the employee's safety at the alternative employment site.

Mr. Notter responded that this issue will be captured in a follow-up report to the Superintendent and appropriately addressed, including a completed follow-up report provided to the Board, as part of the tracking system.

Mrs. Kraft addressed Guidelines for the Professional Standards Committee, Section 5.19, Guidelines for the Professional Standards Committee, and stated the verbiage captures the language regarding ethnic and professional diversity of its membership and candidate's qualifications. Mrs. Kraft also referred to Sections 5.21, 5.22 and 5.23.

Mrs. Diaz stated that procedural guidelines will be developed to clarify these items for a future Executive Director and for employees' information as well.

Responding to Mrs. Kraft's inquiry on Section 5.23, Mr. Marko stated if there was a consensus of favor but also a minority consensus, the Executive Director would share this information with the Superintendent.

Mrs. Kraft requested including verbiage in the summary that would indicate alternative opinions, as the employee has a right to know if there were divergent opinions.

Motion to Amend (No vote taken)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen, to amend Policy 4.9, 5.23, to include verbiage: The summary will include, if probable cause is found, to include all divergent opinions.

Ms. Dinnen stated there may be many issues and if a majority feels a certain manner, it would be significant and could be listed in the summary. She objected to every opinion being included. Ms. Dinnen suggested inserting a 4/3 or a majority line in the guidelines, a minority of 3 out of the 7 member board.

Mr. Tynan voiced concern over including a one-person minority viewpoint.

Mrs. Gottlieb inquired whether the intent would be that the minority opinion would have to be expressed by the members.

Mr. Marko responded that the summary is notes by the Director to the Superintendent, as the Superintendent has the final authority. He provides a "brush stroke" of what transpired at the hearing. Mr. Marko stated if there is an expression of 3 or more, the vote does not carry the majority, the non-prevailing vote of 3 would be shared with the Superintendent.

Mr. Marko concurred with Mrs. Gottlieb's inquiry; if there is a minority opinion and a majority opinion the Superintendent still makes that decision. Mr. Marko stated that in the past there was no consistency and the guidelines will show what the responsibilities are when someone of authority is not available.

Mrs. Kraft stated if her colleagues do not agree on an amendment, that the guidelines reflect that there is a desire to have minority positions in the summary. She stated her preference for a policy because guidelines change and sometimes they are not followed. Ms. Dinnen stated that the summary tells the conclusions and the discussion by the commission is being shared verbally with significant divergent views.

Ms. Dinnen stated that the summary tells the conclusions and the discussion by the commission is being shared verbally with significant divergent views.

#### Second Motion to Amend

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to amend Policy 4.9, 5.23, to include verbiage after sentence: ... if probable cause is found, and will share with the Superintendent the discussion at the PSC, including significant divergent views. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

A vote was taken on the Second Motion to Amend.

Ms. Dinnen discussed the Disciplinary Action, reprimand for possession of a gun, lewd and lascivious behavior, exposure and solicitation of prostitution. She suggested that the committee address the reprimand for these offenses.

Ms. Diaz responded that the committee did not address that section of the policy but will review the entire policy.

Ms. Dinnen stated that the Board took the advice of people who felt they were not treated properly in the process.

A vote was taken on the item as amended.

CC-3. New Policy 3.2.1 Universal – Free Breakfast Program (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to approve the new policy 3.2.1 offering a Universal-Free Breakfast Program at the beginning of the 2010-2011 school year to all elementary, middle and high schools with 80% or more students eligible for free or reduced price meals, at this first reading, as encouraged by Florida Statutes Sec 1006.06(5)(c). Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

Florida Statutes 1006.06(5)(c) indicates “by the beginning of the 2010-2011 school year, each district school board shall approve or disapprove a policy, after receiving public testimony concerning the proposed policy at two or more regular meetings, which makes universal-free school breakfast meals available to all students in each elementary, middle, and high school in which 80% or more of the students are eligible for free or reduced-price meals.”

This new policy will offer a Universal-Free Breakfast Program at the beginning of the 2010-2011 school year to all elementary, middle and high schools with 80% or more students eligible for the free or reduced price meals. The new policy will be brought back to the school board on August 17, 2010 for the second and final reading. Staff intends to begin the operational implementation of the Program prior to the final approval to ensure operational compliance beginning the first day of school for students.

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

The financial impact to the district is estimated to be \$158,559 in the first year of the Program. The Program will remain cost neutral despite the loss in breakfast revenue and will not impact the District’s General Fund.

It is anticipated the revenue generated by the District's breakfast program will continue to offset the expenses associated with providing the Universal-Free Breakfast Program for eligible locations.

Remarking that a memorandum was issued to the Board regarding this item, Mr. Marko stated that the item needs to move forward and scheduled as an emergency item for final approval on the August 3, 2010 Regular Meeting agenda.

**DD. OFFICE OF THE CHIEF AUDITOR**

**EE. CHIEF OPERATIONS OFFICER**

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

**FF-1. Continuation Agreements with 11 Apprenticeship Agencies (Approved)**

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve the Continuation Agreements with 11 Apprenticeship Agencies. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

The Advanced Education Apprenticeship Training Inc; the Associated Builders and Contractors Institute, Inc.; the Florida Carpenters Regional Council Training Trust Fund; the Florida East Coast Electrical JATC; the Florida Training Services, Inc.; the Masonry Association of Florida, Inc.; the South Florida Chapter of the Associated General Contractors; the South Florida Ironworkers Local Union #272 JATC; the South Florida Operating Engineers Apprentice and Training Trust; the South Florida Trowel Trades Joint Apprenticeship and Training Fund; and the United Service Training Corporation operate a registered building trades apprenticeship program in air conditioning, carpentry, electric line service and repair, electrical, fire sprinkler, heavy equipment operator, masonry, millwright, plumbing, sheet metal, or structural steel.

The agreements provide funding for program marketing and promotion; instructional materials and supplies; equipment upgrade, replacement and repair; other supervisory and administrative costs to include, but not limited to, lease expenses and funds to attend conferences and professional meetings, and instructors' salaries and benefits for the Industrial Cooperative Education (ICE) and Related Instruction (RI) components of the program.

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

There is a financial impact of \$3,000,000 to the district. The source of funds is the Workforce Development Education Fund through Atlantic Technical Center's budget. There is no additional financial impact to the district.

Ms. Dinnen stated this is an excellent program offered to students who have a career pathway, who are not headed for college, providing excellent experience in the trades field.

Concurring, Mrs. Hope stated these apprenticeship programs need to be showcased more in the upcoming year.

Mr. Notter stated that the quality of the programs include a 4-year apprenticeship program and the electrical trades is a 5-year program, which is aligned with post-secondary education (going to college for 4 years). The Superintendent stated the key of the program is the hands-on experience in addition to attending classes in the evenings and weekends. Mr. Notter noted that the district's program is the largest apprenticeship training program on the Eastern seaboard.

Mrs. Gottlieb said she was very proud of the apprenticeship program, having observed several of their meetings and speaking to the students.

Ms. Dinnen suggested that the Public Relations department showcase this program in the media.

**GG. HUMAN RESOURCES**

**HH. ATTORNEY**

**II. OFFICE OF THE SUPERINTENDENT**

**JJ. FACILITIES AND CONSTRUCTION MANAGEMENT**

- JJ-1. Agreement for Open End Services – Cost Estimating Services for CM at Risk Projects, Construction Services Minor Projects, Hard Bid Projects, and Total Program Management Projects – C.M.S. – Construction Management Services, Inc. (Not approved)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan, 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. Mrs. Bartleman and Mr. Williams were absent. (0-7 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 a three (3) year Open End Agreement with a not-to-exceed amount of \$4,000,000, (\$1,000,000 per service category). The agreement may be extended for one (1) year and/or \$1,200,000, (\$300,000 per service category). The agreement form for various Consulting Services was approved by the Board on February 26, 2008.

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

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

Mrs. Gottlieb informed that a Memorandum has been provided to the Board to vote down the item.

Mr. Lindner stated that voting this item down allows the issuance of another Request for Qualifications (RFQ) and proceed in the course of action taken on Agenda Item J-12.

JJ-2. Award of Contract and Rejection of Bids – Decon Environmental & Engineering, Inc. – Simpson Environmental Services, Inc. – Miscellaneous Asbestos and Mold Abatement – Bid No. 2010-01-FC  
(Approved)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to approve award of a construction contract for Miscellaneous Asbestos and Mold Abatement, Bid No. 2010-01-FC to Decon Environmental & Engineering, Inc., and Simpson Environmental Services, Inc., in the amount of \$2,000,000 each; rejection of bids received from MCO Environmental, Inc., Sal's Abatement Corporation and waive the technicality from Decon Environmental & Engineering, Inc., MCO Environmental, Inc., and Simpson Environmental Services, Inc. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

Consultant: GLE Associates, Inc.

- Waive the technicality of the omission of company seal on Document 00410 Bid Form received from Decon Environmental & Engineering, Inc., MCO Environmental, Inc., and Simpson Environmental Services, Inc., for the fact that Decon Environmental & Engineering, Inc., MCO Environmental, Inc., and Simpson Environmental Services, Inc., each submitted Document 00420 Bid Security Form with a company seal.
- Waive the technicality of the omission of Document 00420 Bid Security Form issued with Addendum #2 received from Decon Environmental & Engineering, Inc., for the fact that Decon Environmental & Engineering, Inc.'s Document 00420 Bid Security Form reflects the requirements of the Document 00420 that was replaced with Addendum #2.

Reject the bids from:

- MCO Environmental, Inc.  
For failure to submit an original Document 00420 Bid Security Form and Power of Attorney and failure to submit a Document 00420 Bid Security Form of the correct amount.
- Sal's Abatement Corporation  
For failure to seal Document 00410 Bid Form and failure to submit Document 00420 Bid Security Form or a Certified Check.

Contractors to be awarded:

- Decon Environmental & Engineering, Inc. – contract amount of \$2,000,000
- Simpson Environmental Services, Inc. – contract amount of \$2,000,000

Scope of Work:

Term contract for a three-year period with provision for two one-year renewal periods to provide services for the removal of asbestos, lead and mold at various locations.

The sources of funds are identified in the Adopted District Educational Facilities Plan. This item does not require a collaboration form from the Capital Budget Department.

No discussion was held on this item.

JJ-3. Award of Contract – KVC Constructors, Inc. – New Pool Facility – Fort Lauderdale High School – Project No. P.000176 (f.k.a. 0951-22-01)  
(Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve waiving the technicality found in the bid received from Bradanna, Inc., and award of a construction contract for Fort Lauderdale High School, New Pool Facility, Project No. P.000176 to KVC Constructors, Inc., in the amount of \$3,119,148. Approve an additional appropriation in the amount of \$3,846,194, which will come from the Capital Projects Reserve. Mrs. Bartleman and Mr. Williams were absent. (7-0 vote)

Consultant: Walters Zackria Associates

Waive the technicality in the bid received from:

- Bradanna, Inc. for failure to submit Document 00450, as the information required with the Document is on file.

Contractor: KVC Constructors, Inc.

Scope of Work: Demolish existing parking lot, site electrical, and construct new swimming pool. Construct new parking lot, new pool building, new landscape, and irrigation.

Funding in the Adopted District Educational Facilities Plan for the Phase Replacement to include the pool is \$21,050,000. The projected cost for the Phase Replacement is \$22,366,085 and for the pool is \$3,846,194, totaling \$26,212,279. Both projects exceed the amount approved in the Adopted District Educational Facilities Plan by \$5,162,279. The proposed increase will be addressed in the Tentative District Educational Facilities Plan on July 29, 2010.

The amount of the contract shall be \$3,119,148. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 154. This is a Qualified School Construction Bonds project and must follow the Davis Bacon Act.

No discussion was held on this item.

**KK. OFFICE OF CHIEF FINANCIAL OFFICER**

Following the action of Agenda Item I-3, the following Attorney-Client Session commenced at 11:46 p.m.

### **Announcement by Chair**

“The School Board of Broward County, Florida will meet in an Attorney-Client Session in accordance with section 286.011(8), Florida Statutes on July 20, 2010 at 11:45 a.m. the Attorney-Client session will be held in the Board Room on the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

“The purpose of the private session is for the School Board and counsel to discuss pending litigation relative to the following case: Steffany Santelises, as personal representative of the estate of Jonathan Santelises, deceased vs. Broward County School Board, Case No. 10-24351(18), before the Circuit Court of the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida. A certified court reporter will record the entire session.

“The following persons will attend this Attorney-Client Session: School Board Members: Jennifer Leonard Gottlieb, Chair; (Benjamin J. Williams, Vice-Chair was absent); (Robin Bartleman was absent); Maureen S. Dinnen; Phyllis C. Hope; Stephanie Arma Kraft, Esq.; Ann Murray; Dr. Robert D. Parks; Kevin P. Tynan, Esq.; James F. Notter, Superintendent of Schools; Eugene K. Pettis, Esq.; and Edward J. Marko, Esq.

“Telephone conferencing or other telecommunications technology may be used in the conduct of these attorney client sessions to permit absent board members to participate and to be heard by other school board members and counsel.”

**Adjournment** This meeting was adjourned at 4:09 p.m.

RT