

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

**August 2, 2011  
Tuesday, 9:45 a.m.**

**MINUTES OF REGULAR MEETING**

The School Board of Broward County, Florida, met in regular session at 10:00 a.m., Tuesday, August 2, 2011, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Benjamin J. Williams; Vice Chair Ann Murray; Members, Robin Bartleman, Maureen S. Dinnen, Patricia Good, (Jennifer Leonard Gottlieb was absent), Laurie Rich Levinson, Nora Rupert, David Thomas; Interim Superintendent Donnie Carter, and J. Paul Carland, II., Esq.

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

Mr. Williams requested a moment of silence to honor student Isaiah Laurencin, Miramar High School, who died this past week during football practice.

Ms. Dinnen requested a moment to honor student "Buddy" Mike Rowe, Fort Lauderdale High School, and one of the K.C. Wright Bagel Buddies, who died July 29, 2011.

(A moment of silence was observed).

Ms. Dinnen made the following statement: " I want my fellow Board Members and the public to be aware of some recent events. During July there was some extremely derogatory comments made about me and my extended family about a local TV Channel 10 reporter. Oddly enough, at the end of the various accounts a statement was made that there was nothing wrong, that nothing wrong had been done and, of course, that is true. I have never put in a good word or advanced any relative to gain any business from the School Board. The purpose of such bizarre reporting in the harassment of some six members of my second and third generations of family are not precisely clear to me. Perhaps this is another effort to attack public education in general and school boards in particular. For whatever the reason, up until now I have chosen not to respond. However, I am certain that if my younger relatives are hurt in any way by this, they will undoubtedly seek legal recourse.

"Although some people would say this is politics as usual, no one needs to put up with such nonsense and allow their reputation to be damaged. I just wanted my colleagues and my constituents to be forewarned about this situation."

**Minutes for Approval** Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to approve the official minutes for the following Board Meetings: Mrs. Gottlieb was absent. (8-0 vote)

June 20, 2011 – Special – Superintendent Search Update  
June 21, 2011 – Special – Student Expulsions

**Added Items** – Four speakers withdrawn; two added speakers

**Close Agenda** Upon motion by Ms. Dinnen, seconded by Ms. Murray and carried, the Agenda was approved and declared closed. Mrs. Gottlieb was absent. (8-0 vote)

Mr. Williams recognized Senator Nan Rich.

Senator Rich stated that she is appearing today to participate in the presentation of Mr. Alvin Davis, Florida Teacher of the Year, Miramar High School.

Senator Rich stated this is her first appearance before the School Board since her daughter was elected to the School Board, and said she is very proud of her grandson Daniel, who is a recent graduate. The Senator stated that her family has a strong commitment to public education and she hopes to carry that on when in Tallahassee.

Ms. Dinnen stated there are few people in the Florida Legislature who have stood up as tall and as long, and as enduringly for children in this state as Nan Rich, who is a champion for children's causes and for public education.

Ms. Dinnen stated that the Board, the county and she personally owes Senator Rich a real debt of gratitude.

## **REPORTS**

**Broward County Association of Student Councils and Student Advisor to the Board** – Spencer Shwiky and Laura Munoz

Spencer reported that between July 18 and July 23, 2011, the 28<sup>th</sup> Annual South Florida Leadership Training Camp was held, which was very successful. Students met with leaders from across the county.

Course selection data was made available by the previous student advisors for review and will be shared with the Board in the future.

The Speak Up Speak Out calendar is being formulated for the upcoming year and the process for appointing representatives to the various committees is underway. Also, a list of priorities by Broward students is being drafted for future review by the School Board.

## Employee Unions – Bernie Schultz

Ms. Schultz reported that on July 11, 2011, BTU President Patrick Santeramo sent a letter to the Chair Williams asking that negotiations begin anew, and this Thursday those negotiations will begin again. Ms. Schultz stated this is a unique opportunity to “mend” some fences, to start anew, and to lay a good foundation for the permanent superintendent.

Ms. Schultz stated this is a win-win for children, employees and everyone in Broward County.

## BOARD MEMBERS

**Mrs. Good** informed that a memorial service for student Isaiah Laurencin was held on Saturday, August 6, 2011, and a candlelight vigil was held on Friday, July 29, 2011, which she attended with the entire City of Miramar Commission. Mrs. Good stated that Miramar’s coaches and faculty have been a great support for their students and in honor of Isaiah. She noted that Isaiah was part of the winning football team at Miramar, and he was a positive person that inspired the entire school. On behalf of the School Board, Mrs. Good extended sympathies to the family.

**Mrs. Rupert** informed her colleagues that Assistant Principal Brenda Knowles passed away Friday, July 29, 2011. Viewing and memorial services will be held on August 5, 2011, 7:00 p.m., Memorial Unity Service, and funeral services on Saturday, August 6, 2011. She requested a moment of silence to honor her courage and contributions to the district.

**Ms. Dinnen** informed her colleagues that South Plantation High School's solar car racing team came home with honors after competing in the Winston Solar Car Challenge Championship in Fort Worth, Texas, a national competition. Their teacher Allan Phipps was the 2011 Teacher of the Year.

## Speakers

Robin Gary  
Alisa McCrae  
Robin Gary  
Marty Jacobsen

Referring to the concerns of Ms. Gary and Ms. McCrae, Ms. Dinnen stated that three different parent meetings have been held about the facilities at Plantation High School within the past several years. She informed that the money put aside for the cafeteria was eliminated from the budget and was not put elsewhere. Remarking that \$1.8 billion had to be eliminated from the building budget, Ms. Dinnen stated that the school has been renovated in two areas; the front facade area was changed and there were some buildings that were finished.

Ms. Dinnen suggested that the speakers meet with Dr. Desmond Blackburn, Central Area Superintendent, and Mr. Thomas Lindner, Acting Deputy Superintendent, Facilities and Construction Management, to further discuss their concerns.

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

## **CONSENT ITEMS**

### **A. RESOLUTIONS**

- \*A-1. Resolution in Support of National Grandparents' Day – Sunday, September 11, 2011 (Adopted)

Adopted Resolution #12-01, in support of National Grandparents' Day – Sunday, September 11, 2011.

- \*A-2. Resolution Proclaiming August and September 2011 as Take Your "Parent" to School Months in Florida (Adopted)

Adopted Resolution #12-02, proclaiming August and September 2011, as Take Your "Parent" to School Months in Florida.

- A-3. Resolution in Support of Family Day: A Day to Eat Dinner With Your Children – September 26, 2011 (Adopted)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to adopt Resolution #12-03, in support of Family Day: A Day to Eat Dinner With Your Children – September 26, 2011. Mrs. Gottlieb was absent. (8-0 vote)

Highlighting the resolution, Mrs. Bartleman stated that Columbia University conducted a study in 2006 about the importance of a family dinner. Children who eat dinner with their parents more than three times a week are at a 70 percent lower risk for substance abuse and are half as less likely to try cigarettes or marijuana, one-third less likely to try alcohol and half as less likely to get drunk monthly.

Mrs. Bartleman stated this is something parents can do with their children every day.

- \*A-4. Resolution Proclaiming Sunday, September 11, 2011 as a Patriotic Observance: A Day to Remember (Adopted)

Adopted Resolution #12-04, proclaiming Sunday, September 11, 2011, as a Patriotic Observance: A Day to Remember.

A-5. Resolution in Support of the 2012 Broward County and 2012 Macy's Florida Department of Education Teacher of the Year (Adopted)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to adopt Resolution #12-05, in support of the 2012 Broward County and 2012 Macy's Florida Department of Education Teacher of the Year. Mrs. Gottlieb was absent. Mrs. Good was absent for the vote. (7-0 vote)

Mrs. Good stated that she had a wonderful opportunity to attend the Florida Teacher of the Year event in Orlando, along with district staff, Miramar Mayor Lori Moseley, and faculty from Miramar High School to join Mr. Alvin Davis and his family.

Mrs. Good read the resolution into the record, honoring Mr. Davis and all his accomplishments.

(A clip of the video of the event was shown to the audience).

Present at this meeting was Mr. Alvin Davis, his wife, and daughter; Senator Nan Rich; Dr. Valerie Wanza, Area Director, School Improvement, South Area; and Commissioner Wayne Messam.

Mr. Davis thanked the School Board for the wonderful honor, stating that he hopes to have the opportunity over the next year to represent the 15,000 teachers in Broward County and 180,000 teachers across Florida. He will be meeting with the Commissioner of Education to discuss the goals of education and meet with Interim Superintendent Carter about what Broward County wants to see from the state of Florida.

Mr. Davis thanked his wife and daughter for their support, the faculty and staff of Miramar High School, the leadership of Principal Brian Fazo, and Dr. Wanza and Dr. Joel Herbst, South Area Superintendent.

Mr. Davis thanked Mrs. Good for attending all city events and thanked the Mayor and the City of Miramar, stating it was wonderful to see the community come together for children.

Senator Rich stated that teachers are the most influential factor in the education of children and Mr. Davis is an amazing example of what a difference one person can make in the lives of children. Senator Rich recalled attending the opening of the new city hall in Miramar and a group of students were playing at that time. They indicated how important music was to them remaining in schools and how important their band director was.

Senator Rich further stated that Mr. Davis shares his passion for music with students, and he has inspired a love of learning in students of all backgrounds and all abilities. The fact that these young people are committed to going on with post-secondary education is so critical. Senator Rich personally thanked Mr. Davis for all he has done in the school district and in the state. Congratulating Mr. Davis, Senator Rich urged Mr. Davis to go to the state and “get them straightened out.”

Mrs. Good concurred with Mr. Davis, stating that it is an A-team across the Board and it is a Miramar family. She noted that Dr. Wanza is a Miramar High School graduate and is totally passionate about the school, and there is a phenomenal teacher and a principal who do spectacular things at the school. Mrs. Good stated that this is supported by the City of Miramar and they support all schools and students. She noted that Commission Messam is in attendance at today’s meeting, as Mayor Moseley could not attend.

On behalf of the City of Miramar, Commissioner Messam thanked Mrs. Good for inviting the city to share in honoring one of Miramar’s very own. Mr. Messam stated that Miramar is a family and has two great high schools, Everglades and Miramar. Commissioner Messam stated that Mr. Davis has a bright future and on behalf of the City, he offered to assist Miramar High School and the district in any capacity.

**B. BOARD MEMBERS**

**E. CHIEF OPERATIONS OFFICER**

- \*E-1. Recommendation on Charter School Food Service Agreements  
(Approved)

Approved the Charter School Food Service Agreements with:  
The Charter Foundation, Inc.; Eagles' Nest Community Charter Schools, Inc.; Paragon Academy of Technology, Inc.; Paragon Elementary Charter School, Inc.; Pompano Charter Middle School, Inc.; Sunshine Elementary Charter School, Inc.; Touchdowns 4Life Charter School, Inc., and Henry McNeal Turner Learning Academy DBA Mount Hermon Educational Development Corporation.

The agencies listed are desirous of obtaining food for the food service programs they are sponsoring, and are requesting that their meals be vended by the Food and Nutrition Services Department.

These agreements have been reviewed and approved as to form and legal content by the Office of General Counsel.

The costs of these vended meals will be covered by the revenue received from the agencies. There is no financial impact to the district.

E-2. Renewal of Agreement with Children's Services Council (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to approve the renewal Agreement with the Children's Services Council. Mrs. Gottlieb was absent. (8-0 vote)

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

On June 15, 2010, the District approved an Agreement with the Children's Services Council (CSC) to allow the CSC to receive aggregate student data for purposes of program evaluation. This Board Item is a renewal of that Agreement. 20 USC, Section 1232g, permits district school boards to release personally identifiable records or reports of a student under specified conditions to individuals or organizations conducting studies for or on behalf of a board of education for the purpose of improving instruction. In exchange, the CSC will provide the District with studies that detail student achievement.

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

There is no financial impact to the district.

Ms. Dinnen praised the district's partnership with the Children's Services Council's, an admirable group who has worked very hard on education issues.

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

\*F-1. Agreement between The School Board of Broward County, Florida (SBBC) and Nova Southeastern University (NSU), Inc. (Approved)

Approved the new Agreement between SBBC and NSU's Nursing Department.

The District's Head Start/Early Head Start Program provides comprehensive services to children enrolled in the program. The partnership with NSU's Nursing Department will allow the program to complete the required students' hearing, vision, and health screenings within 45 calendar days as per Head Start Performance Standards requirements.

This agreement has been reviewed and approved as to form and legal content by the Office of General Counsel.

There is no financial impact to the district.

F-2. Approve the Agreement with SHW Enterprises, LLC (Scholar Centric)  
(Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Agreement between Scholar Centric to continue as the sole provider of services delivered under the AT&T High School Success Grant. Mrs. Gottlieb was absent. (8-0 vote)

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 fourth 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, Lauderdalehill 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 resiliency skills. This is year four of the four-year grant from the AT&T Foundation.

This Agreement has been reviewed as to form and legal content by the Office of General Counsel.

There is no financial impact to the district. The source of the funds is the AT&T High School Success Grant budget.

Mrs. Rupert stated that staff provided information on the status of the learning gains and data. She inquired whether it could be used at some other schools besides the pilot schools. Mrs. Rupert mentioned that students participating in ten lessons or more showed a decrease in absences, 28 percent improved in reduction of absences, and students participating in 13 lessons or more increased their grade point average by 22 percent. Mrs. Rupert stated this is terrific and thanked staff.

Mrs. Rich Levinson stated that the initiative has been in existence three years and the 8<sup>th</sup> graders would be entering 11<sup>th</sup> grade this year. She inquired whether there is any data on how these students are doing.

Mrs. Katherine Francis, Executive Director, Student Support Services and Exceptional Student Education, responded that the research is being gathered on all the resiliency skills alone. The students are monitored to the 10<sup>th</sup> grade and the data is being put together, in addition to grade point average and the reduction in absences. Mrs. Francis stated that the pre-and post-testing evaluations involve the skills in the education piece and the motivation, well-being and the connections that they have made to school. The comprehensive data will indicate all students that participated and were evaluated, approximately 493 students at that time.

**G. HUMAN RESOURCES**

**G-1. Personnel Recommendations for Instructional Appointments and Leaves for 2011-2012 School Year (Approved)**

Motion was made by Ms. Dinnen, seconded by Mr. Thomas and carried, to approve the personnel recommendations for the 2011-2012 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 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. This motion was superseded by two motions (below). Mrs. Gottlieb was absent. (8-0 vote)

The Personnel Recommendations for Instructional Employees include the following items:

1. Teacher Approvals
2. 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.

Mr. Thomas stated that subsequent to the June 21, 2011 Regular School Meeting it came to his attention that his brother in law, Barry Crawford was among the employees listed on Agenda Item G-3. In accordance with Policy 4002.10, adopted by the School Board on June 7, 2011 meeting, Mr. Thomas stated he should have abstained from voting in any discussion regarding the item. Mr. Thomas further stated that since the remaining Board Members voted in favor of the item, his inadvertent vote did not materially impact the outcome of the item and he took no action at the meeting, nor at any other time, to advocate his relative's reappointment.

Although the policy does not prescribe disclosure timelines for board members, Mr. Thomas stated he is announcing his conflict with the agenda at this time and, in addition, he filed a copy of this letter with the Supervisor of Official School Board Records with the request that it be filed with the minutes of the June 21, 2011, Regular School Board Meeting, along with Commission on Ethics Form 8B, which he filled out on Agenda Item G-1 because it involved his wife.

Motion to Separate (Carried)

Motion was made by Mr. Thomas, seconded by Ms. Dinnen, to divide the question and pull his name and Mrs. Rupert's name off of the item, and vote separately. Mrs. Gottlieb was absent. (8-0 vote)

Concurring, Mrs. Rupert stated that she called Mr. Carland earlier because she noticed her name and Mr. Thomas' name was on the list, and she would not be comfortable voting on an item that would benefit herself. Mrs. Rupert stated that it is an unpaid leave so she could be a Board Member, as well as Mr. Thomas.

A vote was taken on the Motion to Separate, followed by a vote on the remaining G-1 item.

Second Motion (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to vote on the divided portion, Mr. Thomas and Mrs. Rupert. Mrs. Gottlieb was absent. Mrs. Rupert and Mr. Thomas abstained from the vote. (6-0 vote)

Mr. Thomas stated he would abstain.

Mrs. Rupert stated she would abstain.

A vote was taken on the Second Motion.

\*G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 2011-2012 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 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 2011-2012 School Year (Approved)

Approved the personnel recommendations for appointments and reassignments as listed on the Executive Summary, respective lists and individual appointments for Non-Instructional Employees. All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida.

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

1. Non-Instructional Approval(s)
2. Non-Instructional Reassignment(s) – Promotion(s)
3. Non-Instructional Reassignment(s) – Demotion(s)
4. Non-Instructional Substitutes/Temporary Employees
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) – Layoff(s)
11. Salary Adjustment

Funding has been budgeted in the 2011-2012 school/fiscal year for all appointments through June 30, 2012.

Newly-appointed personnel were recognized by Board Members.

\*G-4. Personnel Recommendations for Non-Instructional Separation of Employment or Discipline for the 2011-2012 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 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 2011-2012 school/fiscal year.

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

The Specific Supplemental Pay Positions include the following type of supplements: Secondary department chairpersons high school; secondary department chairpersons and/or team leaders middle school; elementary grade level chairpersons and/or team leaders; athletic supplements; general supplements; and special supplements for the 2011-2012 school year.

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

Individuals listed meet the requirements for the supplemental positions.

Funding has been budgeted in the 2011-2012 school / fiscal year for all supplements through June 30, 2012.

\*G-6. Recommendation(s) for Instructional/Noninstructional Discipline for the 2011-2012 School Year (Approved)

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

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

There is no financial impact to the school district.

H. ATTORNEY

H-1. Broward County School Board vs. Timothy J. Ward (Approved)

Motion was made by Mr. Thomas, seconded by Ms. Dinnen and carried, to (1) Consider the Corrected Recommended Order, rendered on January 6, 2011, by Claude B. Arrington, Administrative Law Judge, in the matter of Broward County School Board vs. Timothy J. Ward, Case No. 10-8920, before the State of Florida Division of Administrative Hearings; (2) Rule upon Respondent's Exceptions to the Recommended Order; Petitioner's Response to Respondent's Exceptions filed by Timothy Ward; Respondent Ward's Responses to Respondent's Response to Exceptions filed by Timothy Ward; and (3) Render a final order based upon the actions in numbers (1) and (2) above. Mrs. Gottlieb was absent. (8-0 vote)

On June 15, 2010, The School Board approved the recommendation from the Superintendent of Schools for the suspension without pay and termination of Mr. Timothy J. Ward, a full-time classroom teacher at Western High School, and part-time adult education teacher at Hallandale Adult Community Center. Mr. Ward was charged with falsely documenting his time sheets. The legal basis for his termination was immorality, misconduct in office, and/or the crimes of theft and moral turpitude.

Mr. Ward challenged The School Board's action and requested an administrative hearing before the State of Florida Division of Administrative Hearings.

Following the administrative hearing, the Administrative Law Judge issued a Corrected Recommended Order, recommending that The School Board enter a final order adopting the Findings of Fact and Conclusions of Law contained in the Recommended Order, and further recommended that the School Board sustain the suspension of Mr. Ward without pay and terminate Mr. Ward's employment.

The Respondent, Mr. Ward, filed Exceptions to the Corrected Recommended Order. The Petitioner (The School Board, by and through the Superintendent and its cadre counsel) filed a Response to Mr. Ward's Exceptions. The Respondent subsequently filed Responses to the Superintendent's Response to Mr. Ward's Exceptions.

The School Board of Broward County, Florida must take final agency action by rendering a final order after considering the Corrected Recommended Order, ruling upon Respondent's Exceptions to the Recommended Order, the Petitioner's Response to Exceptions filed by Timothy Ward; and Mr. Ward's Responses thereto.

There is no financial impact to the District.

Mr. Carland informed that before the School Board is a recommended order from the Division of Administrative Hearings (DOAH) that heard a case concerning the charges. Mr. Carland provided a historical summary of the case, beginning on June 15, 2010 upon the Superintendent's charges to terminate the employee. Subsequently, a hearing was held on November 15, 2010, and a corrected recommended order was issued on January 6, 2011. Following the order by the hearing officer, the employee, Mr. Ward filed exceptions.

Mr. Carland introduced Mr. Eugene Pettis, Esq., representing the Superintendent with regard to the charges, and Mr. Ward. Mr. Carland explained the procedure to be followed during the presentation from the parties with regard to the exceptions.

Mr. Carland informed the employee that the Board is constrained by the law to only deal with items that were part of the record from the DOAH proceeding.

Mr. Pettis stated it appears Mr. Ward is attempting to add additional documents that he has not reviewed. He stated that the record submitted to the Board is sufficient for Mr. Ward to make his arguments. These include time records which are part of the judge's exhibits received in evidence, and calculations were not a part of the evidentiary record at the time of the hearing.

Mr. Carland advised the Board to not consider any additional documentation at this time. Under Chapter 120, the law is clear that the Board is constrained at this stage of the process to review the record.

Mr. Pettis recommended that Mr. Ward's desire to submit these items can be noted, can be attached to the record, but the Board does not have to receive it.

Mr. Ward explained that he wanted to submit witnesses at the hearing and that Mr. Pettis said he did not need to subpoena the witnesses because he would have them as witnesses and could be cross-examined. Mr. Ward noted the witnesses he wanted were Ms. Tiffany Archer, payroll processor; Alvarine Brimh, payroll; and Dr. Linda Lopez of Hallandale Adult.

Mr. Pettis noted the challenges of pro se individuals representing themselves. He stated if there are witnesses they can be made available but they do not need to be subpoenaed. Mr. Pettis informed that at no time did Mr. Ward indicate who he wanted at the hearing. He stated the deposition of Ms. Archer was submitted, and Ms. Brimh and Principal Dr. Lopez were not brought up. Mr. Pettis further stated that the key focus is Mr. Ward's two filed exceptions, primarily Paragraph 35 and Paragraph 39 of the judge's recommended order.

Mr. Ward spoke on Exception 35, saying he was not sure which of his administrators was in charge of night school payroll, Assistant Principal Schiavo or Assistant Principal Doody. He reiterated that he was not able to question Ms. Archer at the administrative hearing.

Mr. Pettis responded that Mr. Ward gave a statement earlier in the year admitting to fraud, admitted to having taken the money and put it aside to try to help the family through the period of his wife's maternity leave. He admitted this under oath after being read his Miranda rights and gave that statement. Mr. Pettis reiterated that Ms. Archer's deposition was submitted as a part of the Petitioner's evidence.

Mr. Pettis stated that Mr. Ward knowingly and intentionally falsified his time records, and both of the school's assistant principals acknowledged that Mr. Ward had signed in as having worked on certain nights when there were no classes and/or when he was not teaching, and they further investigated by reviewing records and speaking with other employees. The judge found that based on the substantial evidence at the hearing, the records reflected that he was only authorized to substitute on one occasion.

Mr. Pettis further stated that the hearing testimony is that Mr. Ward charged over 232 hours to the district for which he did not work but had been paid, ranging from \$4,252.66 that he had gotten paid for non-work. Mr. Pettis noted that immediately upon giving a statement, Mr. Ward got a check from his family's bank account and came back to try to repay the district in excess of that amount, approximately \$5,800. Upon a final tally, it was determined that Mr. Ward had overpaid in his haste to undo his taking of money.

Mr. Pettis requested a denial of Exception 39: "Petitioner (School Board) has proven by a preponderance of the evidence that it has grounds to discipline Respondent's employment on the grounds of immorality, misconduct in office, and moral turpitude, as alleged in paragraph 7 of the Administrative Complaint."

Mr. Ward responded that there were no phone records brought into evidence and the judge never heard about the phone records. He stated the phone records indicate that these people were talking. Mr. Ward inquired why the investigator is talking with the person who is accused. Mr. Ward discussed his timesheets and stated that Ms. Archer explains in her deposition that if a mistake was made there would only be a two-week window to correct it. If the mistake happened in August and again in September, it could not have happened because he would not have gotten paid. The mistake was not caught in March.

Mr. Ward discussed the \$5,800.40 owed to the school, stating that he was served notice of an investigation on May 1, 2009, and prior to his making a statement on May 4, 2009 and repaid the money on May 8, 2009, and it was not done in haste. Mr. Ward stated that he asked to see the records and he was not shown anything, and he said that he had two CPAs to review how Ms. Archer came up with her taxes. Mr. Ward requested that the Board review the additional information.

Mr. Pettis stated that the evidence being presented before the Board was not presented at the administrative hearing.

Mr. Carland stated that Mr. Pettis' objection is Mr. Ward's referral to records that are not officially part of the documentation that the Board is allowed to review by law. The packet of phone records were not seen by the judge and the judge was not informed of those records. Mr. Carland advised that the Board does not have authority under the law to consider things that were not discussed or provided to the judge in the administrative proceedings.

Mr. Thomas inquired whether Mr. Ward has an appeal process on the exceptions.

Mr. Carland responded that Mr. Ward has an opportunity to appeal once the Board enters a final order.

Mr. Ward discussed his refund of \$1,547, and paid \$5,800.40 to SIU and gave it to payroll.

Mr. Pettis objected to the irrelevance of the issue before the Board, paragraph 39, in which the court found there was a preponderance of the evidence of immorality, misconduct in office, and moral turpitude. Nothing to do with the taxes.

Mr. Ward stated that he was responding to Mr. Pettis' presentation of his haste in repaying the money.

Mr. Carland stated that in order to get through this process, the Board may want to grant some latitude to Mr. Ward since he is not an attorney and does not understand exactly all the processes, followed by a response by Mr. Pettis and the Board deliberating on the exceptions.

Mrs. Good inquired whether new information can be submitted for the appeal process.

Mr. Carland informed that the Board can accept the packet that Mr. Ward wants to present, just for the purpose of saying it was filed with the Board. Mr. Carland advised that even with Mr. Ward's admission the packet contains documents that were not provided to the hearing officer and, by law, the Board is not allowed to consider those in reaching a decision on the exceptions and entering a final order. It will be part of the record that Mr. Ward filed the new information.

Mrs. Good stated that the Board needs to follow the rules and process to deal with this issue, and the Board's hands are tied as far as what can be considered today.

Mrs. Bartleman inquired whether a precedence is being set for the future where someone can turn around and say this person was allowed to present outside evidence that was not original evidence.

Mr. Carland advised that the subtleties in the arguments are difficult for Mr. Ward because he is not represented. Mr. Carland indicated that Mr. Pettis referred to the check that was written in his argument, in response to Exception 35, stating that Mr. Ward is trying to address that on a different level. Mr. Carland further stated that it is not setting a precedent if the court does not ultimately consider those.

Mrs. Rupert inquired why Mr. Steve Rossi, Esq., is not present at today's proceedings, and whether it was Mr. Ward's choice.

Responding affirmatively, Mr. Pettis responded that Mr. Ward's representation by Mr. Rossi ended at some point during the pre-hearing process for unknown reasons.

Responding to Mrs. Bartleman's inquiry, Mr. Ward stated that he was not a union member.

Mr. Pettis and Mr. Ward presented their closing arguments.

Mr. Pettis stated that pursuant to Florida Statute 120.57 (1), the following motions are recommended to be made and approved by the Board: That the School Board reject Mr. Ward's exception to the conclusion of law set forth in Paragraph 35, that, "He willfully and knowingly used falsified time sheets to obtain money to which he was not entitled." This conclusion is reasonable based on the competent, substantial evidence in the record as set forth in Paragraphs 5-7 and Paragraphs 10 and 12.

Mr. Carland stated that the Board can reject the item without making any specific findings. If the Board was inclined to accept the exception, that is what the standard would be.

#### Motion to Reject (Carried)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to reject the Exception 1, based on paragraph 35, adopting the language as proposed by Mr. Pettis. Mrs. Gottlieb was absent. Mrs. Rupert voted "no." (7-1 vote)

Referring to Paragraph 39, Mr. Pettis recommended that the School Board reject Mr. Ward's exception to the conclusion of law set forth in Paragraph 39 because it is reasonable to conclude that it is proven by a preponderance of the evidence the grounds existed to discipline Mr. Ward on the basis of immorality, misconduct in office and moral turpitude, based on the competent, substantial evidence in the record as set forth in Paragraphs 5, 7, 9, 10, 12, 16, 17, 18 and 19.

Second Motion to Reject (Carried)

Motion was made by Mr. Thomas, seconded by Mrs. Bartleman and carried, to accept the language proposed by Mr. Pettis as to Paragraph 39. Mrs. Gottlieb was absent. (8-0 vote)

Mr. Pettis proposed that the School Board adopt the Corrected Recommended Order in its entirety.

Third Motion to Reject (Carried)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt the Corrected Recommended Order in its entirety. Mrs. Gottlieb was absent. (8-0 vote)

Mrs. Bartleman requested a review of the rules with the people in charge of payroll who approved and signed off on the respondent's time card for working on a Sunday.

\*H-2. Authorization for General Counsel to Request Legal Opinion from the Attorney General's Office (Approved)

Authorized the General Counsel to request a legal opinion from the Attorney General on whether the School Board has a legal obligation, pursuant to Section 119.071(5)(a)7b, to release the social security numbers of School Board employees, including non-union members, to the Broward Teachers Union (BTU).

On March 1, 2011, the BTU submitted a request to the School Board for the social security numbers of "all agency employees." By letter dated June 13, 2011, BTU narrowed the request to the social security numbers of all bargaining unit employees. Florida law provides that social security numbers are confidential and exempt from the Public Records Act, except under some specific exceptions. One exception is set forth at §119.071(5)(a)7b. This exception requires a requesting party to meet several conditions set forth in the statute, including providing a specific purpose for the need for the social security numbers and a statement of how the social security numbers will be used in connection with a commercial activity. The General Counsel's Office found no case authorities interpreting this statute, and the law is not clear as to whether the School Board may disclose confidential information about employees without incurring liability for doing so. To protect the School Board from potential liability in disclosing the social security number of employees, it is most prudent to seek a legal opinion from the Attorney General's Office. The Attorney General's Office procedures require that a request for a legal opinion submitted by a public board must be approved by a majority vote of the members of said board.

There is no financial impact to the district for this item.

**I. OFFICE OF THE SUPERINTENDENT**

I-1. Petition For Formal Proceedings (Received)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to receive the Petition for Formal Proceedings submitted by the Superintendent in reference to this teacher and that teacher be suspended immediately without pay pending final action on these charges. Mrs. Gottlieb was absent. Mrs. Rupert voted "no." (7-1 vote)

The Professional Standards/Special Investigative Unit (PS/SIU) completed an investigation into allegations of the disclosure of confidential student information. The allegation was thoroughly investigated and the results were presented to the Professional Standards Committee (PSC). A pre-disciplinary meeting was held with the employee, his legal representative, a School Board cadre attorney, and a representative from PS/SIU. The cadre attorney prepared the Petition for Formal Proceedings and employee noticed that a recommendation for termination would be presented to the School Board on August 2, 2011.

There is no financial impact to the school district.

Mrs. Rupert stated that she worked with this person, has knowledge of the person and she has not been contacted on this matter.

Mrs. Rupert stated that the person was a consummate professional, very vocal pro-teacher's right person, and stood up for teachers who were having difficulties at the school. She hoped that the teacher would have fought the charges and is sorry that he did not appear before the Board.

Mr. David Golt, Executive Director, Professional Standards, Special Investigative Unit, informed that the employee has had all his due process and will continue to do so.

Mrs. Rupert stated it was an honor to work with him.

\*I-2. Broward County Professional Development System and Master Inservice Plan (Approved)

Approved the updated Broward County Professional Development System and Master Inservice Plan for 2011-2012.

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 1<sup>st</sup> of each year and submitted to the Commissioner of Education by October 1<sup>st</sup> of each year. This system includes advertised professional development for SBBC employees.

The 2011 update includes: Addition of Course Types offered in the BCPS management system (BRITE/SAP/ESS) Course Catalog to be approved by SBBC annually. It also includes two new add-on endorsements for ESOL and Athletic Coaching which was already approved by the Florida Department of Education.

There is no financial impact to the district.

\*I-3. 2011/12 Federal Legislative Program (Approved)

Approved the 2011/12 Federal Legislative Program.

The School Board adopts a Federal Legislative Program to inform the members of the Broward Congressional Delegation and other members of U.S. Congress, of the District's views on important federal education issues. Since the Congress meets for a two-year period, the Federal Legislative Program is developed every two years to coincide with the beginning of each new Congress. The information in the 2011/12 Federal Legislative Program was discussed by the School Board at a June Workshop meeting and is now being formally approved.

There is no financial impact to the district.

\*I-4. Business Associate Agreement (Approved)

Approved an updated Business Associate Agreement shell and authorize the Interim Superintendent or his designee to execute it as needed with various business entities on behalf of The School Board of Broward County, Florida (SBBC).

In order to comply with the Health Insurance Portability and Accountability Act (HIPAA), covered entities must enter into formal agreements with any parties in which they communicate confidential health information. A Business Associate Agreement delineates the obligations and activities of the entities, permitted use and disclosure of protected health information (PHI) and indemnification.

District staff recommends modification of the previously approved agreement to include more specific provisions regarding Business Associates' responsibilities in the event of a breach of confidentiality. These modifications align with the Health Information Technology for Economic and Clinical Health Act of 2009 (HITECH), which contains more stringent breach notification rules. In addition, a breach notification requirement in compliance with Florida law (FS 817.5681(2)(a)), has been added.

Currently, SBBC has a large number of Business Associates. Upon approval, the District will execute new agreements with these entities. The District will also utilize the same format for any agreements entered into in the future. Appropriate staff will ensure this agreement is included with all future Requests for Proposals for those services in which PHI is shared between SBBC and the Business Associate.

District staff has worked with the School Board Attorney as well as the District's Benefits Department consultant to develop this new agreement.

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 at this time.

## **J. FACILITIES AND CONSTRUCTION MANAGEMENT**

### **J-1. Pre-Qualification of Contractors – Approval of Application and Issuance of Certification (Approved)**

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the recommendations of the Superintendent indicated in Exhibit 1. Mrs. Gottlieb was absent. (8-0 vote)

The Qualification Selection Evaluation Committee (QSEC) convened on June 22, 2011, 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:

Bergeron Land Development, Inc. – Issue Pre-qualification Re-Certification

Betancourt, Castellon Associates, Inc. – Issue Pre-qualification Re-Certification

Coastal Construction Company – Issue Pre-qualification Re-Certification

DiPompeo Construction Corporation – Issue Pre-qualification Re-Certification

Elevator Service, Repair, & Modernization, Inc. – Issue Pre-qualification Certification

JWR Construction Services, Inc. – Issue Pre-qualification Re-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. Although the number of construction projects has been reduced in the Capital Plan, there is an appropriation of approximately \$18,500,000 in various categories including Additions (such as Media Centers and Kitchen/Cafeterias), Remodeling & Renovations, Indoor Air Quality, Safety and ADA for fiscal year 2010-11. Budgeted for fiscal year 2011-12 is \$9,893,000 and for fiscal year 2012-13 is \$14,000,000.

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

Mrs. Good inquired whether staff takes into consideration past history issues within the district regarding the pre-qualifiers.

Responding affirmatively, Mr. Lindner stated that a contractor was denied his request for increased limits as a result of some issues in the past. This is in keeping with audit recommendations to have enough pre-qualified contractors. Mr. Lindner further stated that fairness is applied and a higher standard is being developed by using feedback as part of the evaluation process.

J-2. Pre-Qualification of Contractors – Approval of Application and Issuance of Certification – July 13, 2011 QSEC Meeting (Approved)

Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to approve the recommendations of the Superintendent indicated in Exhibit 1. Mrs. Gottlieb was absent. (8-0 vote)

The Qualification Selection Evaluation Committee (QSEC) convened on July 13, 2011, 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:

Bueno Construction Company, Inc. – Issue Pre-qualification Certification  
Facchina Construction of Florida, LLC– Issue Pre-qualification Re-  
Certification  
Intercounty Engineering Inc. – Approve Appeal to Recommend  
Certification  
\*\*JMW Construction Corporation– Issue Pre-qualification Re-  
Certification  
Statewide Disaster Restoration South, L.L.C. – Issue Recommendation to  
Not Certify  
Stiles Corporation d/b/a Stiles Construction Co. – Issue Pre-  
qualification  
Re-Certification  
Williams Paving Co., Inc. – Approve Appeal to Recommend  
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. Although the number of construction projects has been reduced in the Capital Plan, there is an appropriation of approximately \$18,500,000 in various categories including Additions (such as Media Centers and Kitchen/Cafeterias), Remodeling & Renovations, Indoor Air Quality, Safety and ADA for fiscal year 2010-11. Budgeted for fiscal year 2011-12 is \$9,893,000 and for fiscal year 2012-13 is \$14,000,000.

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

Mrs. Good stated that her questions are similar to Agenda Item J-1, and thanked staff for taking that into consideration.

- \*J-3. Approve Request for Qualifications which Include Authorization to Advertise Architectural Services – ADA – Fire Protection for TSSC Annex (Sunrise) – P.000675 (Approved)

Approved the Request for Qualifications (RFQ), which include Authorization to Advertise, for Architectural Services for ADA – Fire Protection for TSSC Annex, P.000675.

**Scope for Work:**

Professional Architectural Services for all services required in Document 00700, which include Bidding, Construction Administration, Shop Drawing Review and Warranty Administration, for ADA – Fire Protection of Floors 2, 3, and 4 of the TSSC Annex Building.

Selection for the services shall be in accordance with Board Policy 7003 and the criteria in the Request for Qualifications (RFQ). The Qualification Selection Evaluation Committee shall shortlist, interview, and recommend one firm for selection in the evaluation of the proposer's qualifications. The Board will award contract to the Consultant.

A complete copy of the RFQ is available for review at the Facilities and Construction Management Division.

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

J-4. Authorize Rejection of Responses – Continuing Contracts Project Scheduling Consulting Services (Approved)

Motion was made by Ms. Murray, seconded by Mrs. Rich Levinson and carried, to approve the rejection of the responses received for RFQ No. 2007-21-FC – Continuing Contracts for Project Scheduling Consulting Services. Mrs. Gottlieb was absent. (8-0 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 that this contract was on hold pending resolution of issues by the selected firm on another contract. This contract is not needed at this time.

Response 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.

Mr. Lindner informed that this is a contracted service that will not be needed over the next two years, and scheduling will be done using the consultant on the project. Mr. Lindner stated that anything done on an open-ended contract will obtain the services of one of the other consultants or done in house.

- \*J-5. Rejection of All Responses – Construction Management at Risk Services – North Side Elementary School, Project No. P.000810 (f.k.a. 0041-25-01), Fort Lauderdale (Approved)

Approved the recommendation to reject all responses received for RFQ No. 2008-31-FC, Construction Management at Risk Services North Side Elementary School, Project No. P.000810. Mrs. Gottlieb was absent. (8-0 vote)

Article VII.A of the RFQ authorizes the Board to reject all responses at any time prior to Board approval of the negotiated agreement.

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015. The State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. The 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 2010-2011 to 2014-2015.

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

There is no financial impact at this time. Since this item is not affecting the Capital Budget, it does not require a collaboration form from the Capital Budget Department.

- J-6. City of Fort Lauderdale's Request to Install an Electronic Scoreboard on Croissant Park Elementary School's Leased Recreational Grounds (Croissant Park) (Approved)

Motion was made by Ms. Murray, seconded by Mrs. Good and carried, to approve the City of Fort Lauderdale's request to install a scoreboard on Croissant Elementary School's leased recreational grounds (Croissant Park). Mrs. Gottlieb was absent. (8-0 vote)

The City of Fort Lauderdale, Parks and Recreation Department sent a letter to the Croissant Park Elementary School Principal advising of the City's intention to install an electronic scoreboard on the athletic field at the south end of the football field. The installation of the scoreboard will not have an impact on the school's use of the property. The \$15,000 cost of the improvement and installation will be borne by the City of Fort Lauderdale.

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

Mrs. Good inquired about the installation of the sign, and what the requirement would be during the event of a storm or vandalism. She stated that the city is required to do some maintenance on some of the items.

Mr. Lindner responded that it is not a district asset and the city maintains the signs and replace them. He stated this is indicated in writing, and noted that the city has done over \$2 million worth of improvements at this facility and it gets a lot of use.

Ms. Dinnen stated this is near her residence and it is a tremendously used facility.

Following the vote on the time, Ms. Dinnen praised Mr. Lindner for changing many things in the past five to six months; handling a lot of difficult questions and situations.

**K. OFFICE OF CHIEF FINANCIAL OFFICER**

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

Approved the General Fund Amendment I-9 for Fiscal Year 2010-11.

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 5/31/11.

Recognize changes in Revenues and Appropriations through 5/31/11.

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

Approved the Special Revenue (Other) Amendment IV-9B for Fiscal Year 2010-11.

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 5/31/11.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 5/31/11.

- \*K-3. Revision to Special Revenue – State Fiscal Stabilization (SFSF) Amendment (Stabilization, Education Jobs Act, and State Appropriated Equipment Assistance Food Service) (Approved)

Approved the Special Revenue (SFSF) Amendment IV-9C for Fiscal Year 2010-11.

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 5/31/11.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 5/31/11.

- \*K-4. Revision to Special Revenue – American Recovery & Reinvestment Act (ARRA) Amendment – Part I (IDEA, IDEA-Pre-K, Title I, Title I-Part D and Title I School Improvement) (Approved)

Approved Special Revenue (ARRA – Part I) Amendment IV-9D for Fiscal Year 2010-11. 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 5/31/11.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 5/31/11.

- \*K-5. Revision to Special Revenue – American Recovery & Reinvestment Act (ARRA) Amendment – Part II (Head Start, Early Head Start, Title II D – Educational Technology, Title X – (Homeless) (Approved)

Approved Special Revenue (ARRA – Part II) Amendment IV-9E for Fiscal Year 2010-11.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenues and Appropriations due to the recognition of new revenue or the adjustment of projected revenue. Totals reflect budget amendments through 5/31/11.

Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 5/31/11.

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

Approved the Capital Funds Budget Amendments for Fiscal Year 2010-2011. These amendments are as of May, 2011.

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, 2011.

- \*K-7. Interim Financial Statements for the Period Ended May 31, 2011  
(Approved)

Approved the Interim Financial Statement for the period ended May 31, 2011.

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.

## **OPEN ITEMS**

### **AA. RESOLUTIONS**

### **BB. BOARD MEMBERS**

### **CC. BOARD POLICIES**

- CC-1. Revision to School Board Policy 1.5 – Diversity Committee (Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to adopt the revisions to School Board Policy 1.5 – Diversity Committee, at this final reading. Mrs. Gottlieb was absent. (8-0 vote)

The August timeline outlined in Policy 1.5, for the presentation of the Superintendent's CCC Annual Status Report does not allow for current student achievement data to be included, and a comprehensive report to be presented.

The Diversity Committee is in transition in December, during a critical period when the Diversity Committee Annual Report must be presented, creating non-compliance with the timeline outlined within Policy 1.5 – Diversity Committee.

There is no financial impact to the school district.

No discussion was held on this item.

CC-2. Policy 5010: SBBC Policy Against Student Dating Violence or Abuse  
(Adopted)

Motion was made by Mr. Thomas, seconded by Mrs. Rupert and carried, to adopt Student Dating Violence Policy 5010, at this final reading. Mrs. Gottlieb was absent. (8-0 vote)

In the 2010 Legislative Session, Florida's Legislature passed and former Governor Crist signed into law, the creation of Section 1006.148, F.S., effective July 1, 2010, related to teen dating violence and abuse. Included within this new section are school board requirements for the development, adoption, and implementation of a policy preventing teen dating violence and abuse, as well as requirements for providing training for teachers, staff, and school administrators to implement the policy.

This policy has been reviewed and approved as to form and legal content by the Office of General Counsel and was reviewed by the Policy Review Committee on May 18, 2011.

This policy is being proposed for the 2011-12 school year.

There is no financial impact to the district.

Mrs. Bartleman stated that the State Legislature created a law that school districts must have a policy that the curriculum teach students about dating, violence and abuse. Mrs. Bartleman stated that before the State Legislature mandated a policy, the district's social workers have been dealing with this issue and there are non-for-profit organizations that also deal with this issue. She indicated that she has appeared at walks and other events where resources are available for students.

Mrs. Bartleman further stated that Broward County is ahead of the curve and it is sad that there has to be a policy on this issue, but it is what students are dealing with today. Mrs. Bartleman thanked all school social workers who have been dealing with this issue for years.

CC-3. Proposed Revised Job Description, Minimum Qualifications and Job Title for the Director, A++/NCLB Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to adopt the proposed revised job description, minimum qualifications and job title for the Director, A++/NCLB position in the School Operations division for The School Board of Broward County, Florida 2011-2012 Organizational Chart. This is the final reading. Mrs. Gottlieb was absent. (8-0 vote)

This position was identified on the 2011-2012 Organizational Chart for revisions to the existing job description, job title, minimum requirements and performance responsibilities. The revised job description has been reviewed and approved by the Compensation Committee. This position is filled and will not require any staffing changes. Revision of the job description does not impact the pay grade or salary range of the position. See Executive Summary.

Funding for this position is included in 2011-2012 Organizational Chart. There is no additional financial impact to the district budget.

Mrs. Rich Levinson requested an explanation of the item, so that it is known that these are not new hires but only changing the minimum qualifications.

Ms. Gracie Diaz, Associate Superintendent, Human Resources, responded that the majority of the job descriptions are updating the job description to make them reflect what the updated duties are and title change. In this particular case, it is not a new hire, it is just "tweaking" the job description and title, and the person is already in the position and it is not a new position.

Ms. Dinnen stated that this particular position deals with A++ and No Child Left Behind which are things that have additional requirements to what School Board policy and other portions of state law require. It needs to be updated and the responsibilities added to the position.

Ms. Diaz informed that there must be a position as oversight for the critical schools that have been deemed critical based on the state's requirements and differentiated accountability.

Ms. Dinnen inquired whether they oversee charter schools.

Ms. Diaz responded that they work with the charter schools but the district can only influence to a certain point.

CC-4. Proposed Revised Job Description, Minimum Qualifications and Job Title for the Director, Pupil Transportation Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt the proposed revisions to the current job description, minimum qualifications, pay grade and job title for the Director, Pupil Transportation position for The School Board of Broward County, Florida 2011-2012 Organizational Chart. This is the final reading. Mrs. Gottlieb was absent. (8-0 vote)

During the development of the 2011-2012 Organizational Chart, two positions (Director, Transportation Services and Director, Pupil Transportation) within the Office of the Chief Operations Officer were eliminated, and the action resulted in the consolidation of responsibilities into one position. Revisions to the current job description of Director, Pupil Transportation, are deemed necessary to reflect current responsibilities, appropriate title and recommended pay grade for the position.

The Compensation Committee has reviewed and approved the changes to the job description, title, and pay grade. The position is vacant and a replacement is needed to ensure a smooth beginning of school opening. See Executive Summary.

Funding for this position is included in 2011-2012 Organizational Chart. There is a positive financial impact to the District budget of \$128,506.

Mrs. Rupert inquired whether additional verbiage can be added to the item to implement or monitor the Kronos system, a big issue in the Transportation department.

Mr. Carter responded that interviews have been held for the position and two finalists has been selected for a follow-up interview. The Interim Superintendent opined that the implementation of a specific item for the purpose of timekeeping is inappropriate for the job description. Mr. Carter stated that once the director is hired a review will be made of an appropriate timekeeping system, one which will give the best efficiency and the best return on investment. The Kronos system will be one system that will be evaluated.

Remarking that she spoke with Mr. Patrick Reilly, Chief Auditor, Office of the Chief Auditor, about this system, Mrs. Bartleman stated that there are many systems for consideration and they need to be evaluated, including the cost. She stated there must be a comprehensive discussion.

Mrs. Bartleman further stated, there might be a cheaper system that integrates with SAP and once the cost is known a review would be needed of capital dollars to decide what project will be cut so this can be implemented. She requested that Mr. Reilly be present when those discussions are held.

Mrs. Rupert stated that the district has had this system for the past four years and her understanding is that it has not been implemented. She stated if there is something that has been purchased, it should be used. If this is not the situation, a review needs to be made of other areas and situations. Mrs. Rupert stated that the director needs to ensure that timekeeping is being done in a proper manner, to cut down on the overtime which has been excessive.

Ms. Dinnen suggested that whoever becomes the director must be brought up to speed on this issue and make them aware of what is in place, and whether or not to remain on this system or move with another option.

Mr. Carter stated, for the record, that the Kronos system is partially implemented but it is not a system, by virtue of its ownership, that can be implemented at any other place in the district without an additional cost. Mr. Carter further stated that the system is at the point where an upgrade is needed and part of the implementation will need to include a system upgrade and the current analysis of the return on current investment versus what was reviewed previously. The Interim Superintendent informed that there are several efficiencies that will be derived as a result of that type of system and the district should be moving forward with an electronic system, given the budget to purchase such a system.

Mrs. Bartleman requested that staff continue to work with the bus drivers and their union, such as being paid for sweeping the buses when they are parked, things that cost the district money in overtime, and to address those situations in a creative manner. Remarking that she read the audit on overtime, Mrs. Bartleman stated that continued focus needs to be made to ensure this is being implemented and there needs to be follow-up to the audit. She stated that Kronos will help with the payroll system and not hiring people to do the payroll, but there are greater issues with the overtime that have to be addressed. Also, the auditor needs to be part of the decision-making process; it does not matter what equipment is purchased so long as there is more efficiency.

Mr. Thomas stated that whatever system is used has to be useable, used across the district in a variety of different scenarios and not just focused on transportation. He stated that handwritten entries lend themselves to broad waste and abuse.

Mrs. Good stated that there are systems for transportation that can be used for attendance purposes, spot maps, and a variety of applications that can be utilized to help the district.

Responding to Mrs. Good's inquiry, Ms. Diaz stated that the position is exempt from overtime and the two positions was consolidated into one position and will save the district money.

CC-5. Proposed Revised Job Description and Minimum Qualifications for the Specialist, Grants Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt the proposed revisions to the job description and minimum qualifications for the Specialist, Grants position for The School Board of Broward County, Florida. This is the final reading. Mrs. Gottlieb was absent. Mrs. Good was absent for the vote. (7-0 vote)

The job description for the Specialist, Grants is being revised to update the minimum requirements and the performance responsibilities of the job to reflect the current needs of the Broward County School District. Changes to the revised job description have been reviewed and approved by the Compensation Committee. This position is vacant. Revision of the job description does not impact the pay grade or salary range of the position. See Executive Summary.

There is no additional financial impact to the district budget.

Mrs. Rich Levinson spoke in favor of hiring an individual for the Grant Specialist position, saying it is very important given the district's situation and the way the state provides funding.

CC-6. Proposed Revised Job Description and Minimum Qualifications for the Planner, Growth Management Monitoring Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to adopt the proposed revisions to the job description and minimum qualifications for the Planner, Growth Management Monitoring position for The School Board of Broward County, Florida. This is the final reading. Mrs. Gottlieb was absent. Mrs. Good was absent for the vote. (7-0 vote)

The changes made in this job description represent revisions to minimum qualifications and updates to the responsibilities and duties to perform the job.

These changes will ensure that the job description accurately reflects current required minimum qualifications, job duties, and performance expectations of the position. Changes to the revised job description have been reviewed and approved by the Compensation Committee. This position is filled and will not require any staffing changes. Revision of the job description does not impact the pay grade or salary range of the position. See Executive Summary.

There is no additional financial impact to the district budget.

No discussion was held on this item.

CC-7. Proposed Revised Job Description and Minimum Qualifications for the Planner, Growth Management Impact Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt the proposed revisions to the job description and minimum qualifications for the Planner, Growth Management Impact position for The School Board of Broward County, Florida. This is the final reading. Mrs. Gottlieb was absent. Mrs. Good was absent for the vote. (7-0 vote)

The changes made in this job description represent revisions to minimum qualifications and updates to the responsibilities and duties to perform the job. These changes will ensure that the job description accurately reflects current required minimum qualifications, job duties, and performance expectations of the position. Changes to the revised job description have been reviewed and approved by the Compensation Committee. This position is filled and will not require any staffing changes. Revision of the job description does not impact the pay grade or salary range of the position. See Executive Summary.

There is no additional financial impact to the District budget.

No discussion was held on this item.

CC-8. Proposed Revised Job Description, and Minimum Qualifications for the Specialist Florida Inventory of School Houses (FISH) Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to adopt the proposed revisions to the job description and minimum qualifications for the Specialist, Florida Inventory of School Houses (FISH) position for The School Board of Broward County, Florida. This is the final reading. Mrs. Gottlieb was absent. Mrs. Good was absent for the vote. (7-0 vote)

The changes made in this job description represent revisions to minimum qualifications and updates to the responsibilities and duties to perform the job. These changes will ensure that the job description accurately reflects required minimum qualifications, job duties, and performance expectations. Changes to the revised job description have been reviewed and approved by the Compensation Committee. This position is filled and will not require any staffing changes. Revision of the job description does not impact the pay grade or salary range of the position. See Executive Summary.

There is no additional financial impact to the district budget.

No discussion was held on this item.

CC-9. Proposed Revised Job Description, Job Title and Minimum Qualifications for the Computer Aided Drafting (C.A.D.) Draftsperson D Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt the proposed revisions to the current job description, job title and minimum qualifications for the Computer Aided Drafting (C.A.D.) Draftsperson D position for The School Board of Broward County, Florida. This is the final reading. Mrs. Gottlieb was absent. Mrs. Good was absent for the vote. (7-0 vote)

This job description is being revised to update the minimum requirements, job title and to align the position goal and responsibilities with the current needs of The School Board of Broward County, Florida. Changes to the revised job description have been reviewed and approved by the Compensation Committee. These positions are filled and will not require any staffing changes. Revision of the job description does not impact the pay grade or salary range of the position. See Executive Summary.

There is no additional financial impact to the district budget.

No discussion was held on this item.

CC-10. Proposed Revised Job Description, Job Title and Minimum Qualifications for the Computer Aided Drafting (C.A.D.) Draftsperson C position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt the proposed revisions to the current job description, job title and minimum qualifications for the Computer Aided Drafting (C.A.D.) Draftsperson C position for The School Board of Broward County, Florida. This is the final reading. Mrs. Gottlieb was absent. (8-0 vote)

This job description is being revised to update the minimum requirements, job title and to align the position goal and responsibilities with the current needs of The School Board of Broward County, Florida. Changes to the revised job description have been reviewed and approved by the Compensation Committee. These positions are filled and will not require any staffing changes. Revision of the job description does not impact the pay grade or salary range of the position. See Executive Summary.

There is no additional financial impact to the district budget.

The following individual addressed this item:

Bernie Schultz

Responding to the speaker's inquiry, Ms. Diaz stated that "recent" would indicate that staff will look for five years experience and gauge generally the time period; within the last 10, 20 years. She stated that generally specification is not made to the extent to exclude anyone and it is more broad. Ms. Diaz further stated that staff met with the BTU Technical Support Professional (TSP) to review each job description and the evaluation worksheet to determine the salary schedule which was approved by the TSP.

Ms. Diaz informed that the high school diploma or a GED is acceptable.

Mr. Lindner informed that one is preferred and is an "or." The Qualifications, Education is an earned Associates Degree from an accredited institution; page 3 indicates "or" Education, GED. Mr. Lindner opined that someone with an Associates Degree is preferred but if they are qualified and they have seven years of experience, a GED is taken.

Mr. Thomas stated that one who was AutoCAD certified 10 or 15 years ago may not have the same technological background as someone who is recently experienced with AutoCAD.

Responding affirmatively, Mr. Lindner stated this has been staff's experience over the past year. He stated every attempt to put a person into this position who had AutoCAD experience about 20 years ago resulted in the person unable to perform the work because it is very technology driven. In the last five years, a lot of construction has gone digital and using Building Information Management (BIM) and real-time design on iPads. Mr. Lindner informed that the district is lagging behind the industry in this technology.

Mr. Thomas stated that someone who has prior AutoCAD and has maintained their knowledge of technology changes would not be precluded because they would be able to catch up and come up to date very quickly.

Mr. Lindner concurred and stated that someone needs to be able to perform on the district's system and they are at an advantage working for the district because the system is a couple of updates behind on the latest technology.

Mrs. Good inquired how the Job Progression Career Path works with this position. She noted that the job description indicates that a CAD draftsman A, B or C, are designated a specific job but under the discretion of the director or the deputy they may progress to a higher classification. Mrs. Good further inquired if they still have to meet the qualifications of the higher position.

Responding affirmatively, Mr. Lindner stated that this allows hiring someone who is a high school graduate with five years of experience, they perform another two years which adds to their experience, then they are qualified for the D position, because now they have seven years of experience. Mr. Lindner further stated this is essentially school maps and line drawings and other AutoCAD which designs complicated electrical and plumbing systems. The competencies are a little bit different in both of those and it is a similar path for clericals, like a job-in-training.

Mrs. Good inquired about the constraints as far as the budget is concerned, as an upgrade in the position requires additional funds.

Mr. Lindner responded that if an opening becomes available, a person who is in the C position could upgrade to the D position because that position would already be funded, and another C person would be hired rather than hiring a D person directly. Mr. Lindner stated that was the intent of the programs when they started, very similar to the Clerical Progression Program; allow people to gain experience, promote from within and hire a lesser qualified person to the junior position.

- CC-11. Proposed Revised Job Description, Minimum Qualifications, and Job Title for the Plans Examiner/Inspector Position for The School Board of Broward County, Florida (Postponed)

Motion was made by Ms. Dinnen, seconded by Ms. Murray, to adopt the proposed revisions to the job descriptions, job titles, and minimum qualifications for the Plans Examiner/Inspector position for The School Board of Broward County, Florida. This is the final reading. This motion was superseded by a Motion to Table (page 40). Mrs. Gottlieb was absent. (8-0 vote)

The current job description for the Plans Examiner / Inspector is being revised and subdivided to update and align the additional certification requirements for the six (6) distinct disciplines (Building, Roofing, Fire, Mechanical, Plumbing, and Electrical) with the minimum qualifications required by local jurisdictions within Broward County. Changes to the revised job descriptions have been reviewed and approved by the Compensation Committee. These positions are filled and will not require any staffing changes. Revision of the job descriptions does not impact the pay grade or salary range of the position. See Executive Summary.

There is no additional financial impact to the district budget.

Mrs. Good, who discussed the five-year credit that is given to an individual who has a contractor's license, inquired whether this is an industry standard. She further inquired if a person had a degree, a contractor's license but no experience, would they be a candidate.

Ms. Diaz responded that they would still need the five years experience and it is more experience if they have an Associates in Arts (AA), needing eight years with an AA. If the person does not have an AA degree, the experience required increases.

Mrs. Good stated if the person is required to have a bachelor's degree and hold a certificate, they have a minimum of five years but they will be given a credit of five years if they have a license. She said the way the requirements read, if the person has a bachelor's degree and they have a license, they do not need any experience. Mrs. Good inquired why there is a credit under the bachelor's program under the job description. She stated someone can come out of college with a license and no experience and qualify for the job.

Ms. Diaz stated that the Chief Building Official reviewed the job description carefully and looked at other job descriptions that were similar, but because of that extensive training it could be used in lieu of the five years experience in order to obtain a general contractor's license.

Mr. Thomas stated his interpretation of the job description is that the individual had to have a minimum of five years experience; if they were a contractor they would be given an additional five years of experience. He stated this is similar to a JROTC instructor with 23 years military experience getting hired by Broward County and getting 10 years experience for their 23 years or 30 years of military experience. Mr. Thomas further stated if they were a contractor on top of everything else, they could be granted an additional five years.

Mrs. Good stated that it does not translate the same under the bachelor's category. She requested that the item be tabled pending a review by staff.

Motion to Table (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to table the agenda item to the next Board meeting. Mrs. Gottlieb was absent. (8-0 vote)

CC-12. Proposed Revised Job Description and Minimum Qualifications for the Automotive and Truck Mechanic (Journeyman) Position for The School Board of Broward County, Florida (Postponed)

Motion was made by Ms. Dinnen, seconded by Ms. Murray, to adopt the proposed revisions to the job description and minimum qualifications for the Automotive and Truck Mechanic (Journeyman) position for The School Board of Broward County, Florida. This is the final reading. This motion was superseded by Motion to Defer (page 41). Mrs. Gottlieb was absent. Mrs. Rich Levinson voted "no." (7-1 vote)

The current job description for the Automotive and Truck Mechanic (Journeyman) is being revised to meet initial employment requirements. New hires and probationary employees with a valid Florida CDL Class "B" will have a six (6) month probationary period to acquire a Florida CDL Class "A". Changes to the revised job description have been reviewed and approved by the Compensation Committee. There is one vacant position in this classification. Current employees performing the job are grandfathered. Any new hires would need to meet the qualifications of the new job description. Revision of the job description does not impact the salary range of the position. See Executive Summary.

There is no additional financial impact to the district budget.

Mrs. Good stated that experience requires a qualified mechanic with at least six years of successful recent professional paid experience in the repair of automotive equipment. Mrs. Good stated that the way it is worded should not be included in job descriptions because it is not clear and professional.

Ms. Diaz responded that the experience would indicate someone who has been hired and paid as a mechanic, that it is not a side job, they are doing this as a full-time profession. She suggested a deferral of the item so that the language can be re-worded.

Concurring, Mrs. Good stated that staff is trying to find someone who has worked professionally in the field.

Motion to Defer (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to defer the item to the August 16, 2011 Regular Board Meeting. Mrs. Gottlieb was absent. Mrs. Rich Levinson voted "no." (7-1 vote)

A vote was taken on the Motion to Defer.

CC-13. Proposed New Job Description, Job Title and Minimum Qualifications for the Sign Maker Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt the proposed new job description, job title and minimum qualifications for the Sign Maker position for The School Board of Broward County, Florida. This is the final reading. Mrs. Gottlieb was absent. Mr. Thomas was absent for the vote. (7-0 vote)

The job description for the Sign Maker has been created to differentiate the responsibilities and minimum qualifications of the job from that of the Painter-Journeyman job classification. The new job description has been reviewed and approved by the Compensation Committee. This position is filled and will not require any staffing changes. See Executive Summary.

There is no additional financial impact to the District budget.

Referring to Requirement, Mrs. Good stated there is a need to have experience utilizing specific equipment and software, indicated by brand. She inquired why a brand name is being utilized since it may change in the future. She said that job descriptions should not be so specific.

Mr. Lindner responded that a very specific software is used; the district made a substantial investment in the system and it is not anticipated that the system will change in the next several years.

Mrs. Good suggested that in the future if a specific brand is listed or any other softwares are listed, if it changes a job description it would not need to be brought back to the Board for a modification.

Mrs. Good stated that Agenda Item CC-12 required the pre-employment of drug and alcohol testing, the requirement associated with a specific type of license. She requested an explanation as to the district's procedure.

Mr. Lindner responded that an employee who operates a district vehicle is required to undergo drug and alcohol testing, and a Sign Maker is required to undergo these tests.

CC-14. Proposed Revised Job Description, Minimum Qualifications and Job Title for the Deputy Superintendent, Facilities and Construction Management Position for The School Board of Broward County, Florida  
(Adopted)

Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to adopt the proposed revised job description, minimum qualifications and job title for the Deputy Superintendent, Facilities and Construction Management position for The School Board of Broward County, Florida 2011-2012 Organizational Chart. This is the final reading. Mrs. Gottlieb was absent. (8-0 vote)

During the development of the 2011-2012 Organizational Chart, the Physical Plant Operations Department was aligned with the Facilities and Construction Management Division; therefore, the accountability and responsibilities of the Deputy Superintendent, Facilities and Construction Management position have expanded. The expansion of accountability requires a revision to the existing job description, minimum qualifications and performance responsibilities.

The Compensation Committee has reviewed and approved changes to the job description, minimum requirements and performance responsibilities. This position is vacant. Revision of the job description does not impact the pay grade or salary range of the position. See Executive Summary.

Funding for this position is included in 2011-2012 Organizational Chart. There is no additional financial impact to the District budget.

No discussion was held on this item.

**DD. OFFICE OF THE CHIEF AUDITOR**

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

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to receive Audit of the Internal Funds of Selected Schools in the North, Central and South Areas. Mrs. Gottlieb was absent. (8-0 vote)

Audited the Internal Funds of the schools listed below for the fiscal years ended June 30, 2009 and 2010, as authorized by the State Board of Education Rule 6A-1.087(2), Florida Administrative Code and School Board Policy 1002.1.

\*Bright Horizons School, \*Coral Glades High School, \*Deerfield Park Elementary School, \*Eagle Ridge Elementary School, \*Forest Hills Elementary School, \*Hunt Elementary School, \*Maplewood Elementary School, \*Pompano Beach Middle School, \*Ramblewood Middle School, Rickards Middle School, \*Central Park Elementary School, \*Country Isles Elementary School, Lauderdale Manor Elementary School, Lauderhill Middle School, \*Martin Luther King Elementary School, Mirror Lake Elementary School, \*Plantation Park Elementary School, \*Peters Elementary School, South Plantation High School, \*Stranahan High School, \*Tropical Elementary School, \*Wingate Oaks Center, Chapel Trail Elementary School, \*Hollywood Central Elementary School, \*Hollywood Hills High School.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's June 23, 2011 meeting.

\*Denotes Schools With No Audit Exceptions

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

Mrs. Rich Levinson congratulated all the schools that did not have exceptions. Discussing the numerous and repeat exceptions, Mrs. Rich Levinson stated it is said that there is progressive discipline being implemented on these exceptions but it does not appear that anything is changing.

Mr. Carter responded that staff will address the details of the progressive discipline process that is used with the schools.

Remarking that School Board Members are fairly familiar with progressive discipline, Mr. Thomas stated his concern is that nothing is being done. Mr. Thomas further stated the most recent publicity on this issue is with Plantation High School. He stated that the only people that can be held responsible is the Interim Superintendent or the new Superintendent, to hold administrators, principals and staff accountable. Mr. Thomas stated the question is why the changes are not being made.

Referring to Plantation High School, Mr. Carter stated this is considered a process that took place at the school for a number of years, a process that was done at several schools. Mr. Carter said there is nothing in the audit that indicated there was any impropriety with regard to mishandling of funds. The problem with the audit is that staff is not following the appropriate process for handling the accounts.

Mr. Carter further stated that the Audit department and the Area Superintendents will work to ensure that everybody is now following the appropriate process and each school will be reviewed when visits are made to those schools. If at that time it is discovered that any school is not following the appropriate process, any necessary discipline will be implemented. Mr. Carter opined that it was an issue of procedure and not an issue of wrongdoing.

Ms. Dinnen stated that she was informed that this particular practice at the school has gone on in excess of ten years, and it referred to a portion of money that was in the domain of a PTSO/PTA group and how those funds were governed. Ms. Dinnen stated that the school personnel handles the funds, which is governed by district rules and not PTSO.

Mr. Patrick Reilly, Chief Auditor, Office of the Chief Auditor, responded that if it is a School Board activity and School Board employees and students handle the money, the money has to go into internal funds, including a donation by a booster club.

Ms. Dinnen inquired whether this particular practice was noted before by the Audit department at this school and other schools.

Mr. Reilly responded that his staff was not aware of the issue because it was an outside organization's books and records. When visits are made to schools the internal funds are audited, and the response from the principal indicates that in March 2010 he requested the policies and procedures, which triggered district staff to conduct an audit. Mr. Reilly stated there was not progressive discipline in this case because it was not brought to the attention of previous administrators. He noted that in 2006 the principal's discretionary account was eliminated, the most recent change to a policy that was eliminated; this account was opened outside, through the PTSO.

Mr. Reilly further stated that the key is the regulations that flow down from the Board of Education and flow back to statutes. These bulletins and policies are explained and how to handle internal funds. Mr. Reilly said there will be a clear distinction between an outside corporation's operations and the school district; not co-mingling funds, a precise accountability method whereby checks and balances are implemented in the schools and an annual audit. He stated that outside funds are risky because they are not in the district's control, it is not audited on an annual basis, and the district does not have any jurisdiction over the operations of an outside organization other than to make sure there is a distinction between school activities and activities with booster clubs or a PTSO. Mr. Reilly said it is important to keep the separation between the activities of the school and the activities of the outside.

Ms. Dinnen inquired whether the parent groups are notified so they know the procedure to be followed. She suggested that staff institute this procedure as well, informing them as to what is expected.

Concurring, Mr. Reilly stated that ultimately the principal is responsible for what activities are sanctioned by an outside group.

Mrs. Rich Levinson stated that in some instances repeat exceptions are coming before the Board for the fourth time and one school has eight different exceptions. Suggesting the possibility of implementing a policy, Mrs. Rich Levinson stated that the school with eight exceptions is not turning over facility rental fees to the operating budget, which is a basic item that every principal should know and be held accountable for. Mrs. Rich Levinson observed that letters are written to the appropriate staff, everything looks great on paper, but the results are the same each time.

Remarking that there is some progressive discipline occurring, Mrs. Bartleman noted that in one of the items the bookkeeper was dismissed and relieved of her duties. Mrs. Bartleman opined that auditors and Area Superintendents need to further discuss these exceptions and they have to be reviewed on an individual basis. In addition, bookkeepers should have more training because they handle all the money and the accounts. Mrs. Bartleman pointed out the school with seven exceptions and stated that sometimes little things happen, but you cannot fire a principal over a label when everything else is done right. Mrs. Bartleman said that she trusts the Auditor and the Area Superintendents to work together.

Mrs. Good discussed the South Plantation High School exception, stating that what the Board needs to discuss and review in a workshop is a policy, in particular Policy 3411. She said that schools and teachers depend greatly on donations made by PTAs, PTOs, booster clubs, which is occurring at all schools. Mrs. Good further stated that Policy 3411 indicates that all moneys collected or disbursed by school personnel or by students when at a school, in connection with a school program for the benefit of the school or a class, has to go into internal funds which is not occurring. She questioned how else is the PTA going to obtain the check from the parent if it is not brought into the school by a student.

Mrs. Good stated that the district's effort should not be focused on non-profits that are assisting the district. Mrs. Good further stated the only way to deal with the issue is to strengthen the policy, to have a functional policy, to ensure that whatever safety measures need to be included are in the policy, and that Audit is comfortable with how the moneys are collected. Mrs. Good said that the district has no control over PTSOs, PTAs, or booster clubs.

Concurring, Mrs. Rich Levinson stated that policy is not set for a few minor issues. She stated the issue would involve reviewing progressive discipline, looking at accountability and deciding how to maintain accountability. Mrs. Rich Levinson stated that in the private sector there are not four chances to do things, and this should be reviewed from a business point of view, making sure that inventory is taken care of the right way and that accounting practices are being done in a right way.

Mrs. Rupert stated that the bookkeeping incident was a small error but there was leadership at the school when they took steps immediately, calling Special Investigative Unit (SIU), there was discipline and the matter was resolved.

Discussing in-service days, Mrs. Rupert stated that the schools that have the non-exceptions should be doing some in-service without the schools that are continually having exceptions. Procedures and sharing best practices; if there is one procedural guideline every school needs to follow the guideline and check it off. Mrs. Rupert said this should not continue because it is money from the classroom and the district cannot afford it.

Ms. Dinnen opined that the school district sometimes still operates like a mom and pop organization and there are a lot of old practices that at times arise, such as the issue at South Plantation and other schools. Ms. Dinnen stated this is an opportunity for the School Board to take an issue and to workshop it, and indicate what schools should be doing so that progress can be made.

Mrs. Bartleman noted that the school that had the most mistakes (seven exceptions) only had a part-time bookkeeper and the bookkeeper changed in October 2010. She stated that the school also had several activities, including fundraisers, and there needs to be staff who knows the rules and is watching everything. Mrs. Bartleman further stated that teachers take on a lot of responsibility when they take on an activity and the staffing level could come into play. She said that a lot of schools she visits have a full-time bookkeeper who also takes on the role as a watchdog, which are the schools without exceptions.

Dr. Blackburn informed that the full-time bookkeeper was pulled based on an SIU investigation. Not being able to replace staff while they are out of the building and under investigation, the assistance of a bookkeeper was enlisted from a different school to assist Lauderhill Middle School.

Mrs. Bartleman stated that utilizing a part-time bookkeeper between two schools is a problem and the procedure should be reviewed. Regarding progressive discipline, Mrs. Bartleman stated that policy could be set that this is going on and to make sure it is being followed.

Dr. Blackburn stated that the Board knows there is not a policy that dictates X audit exception will require Y consequence on the principal. Absence of that policy, in the 2007-08 or 2008-09 school year the Area Superintendents and Area Directors at that time created a three-tiered approach to managing the behavior of principals when it comes to audit exceptions. The three tiers include: (1) the first audit exception the principal will receive a conversation about it; the second audit exception the principal receives a conversation, the conversation summarized in writing, and a notation under management processes on the end-of-the-year evaluation; the third audit, the principal will receive an ineffective on management of processes on the end-of-the-year evaluation and a letter of reprimand.

Dr. Blackburn further stated that the last two tiers speak to the end-of-the-year graduation which exists in all personnel files. If there is a school or a principal from the time period the three-tiered approach began, that has had two or three, the checks and balance is the personnel folder which shows in writing what the principal did and what he said he was going to do.

Regarding the repeat exceptions, Dr. Blackburn stated there is information and data that is above and beyond whatever opinions "we" may have. He stated that Mr. Reilly can provide historical data to show whether or not there is now more audit exceptions over a period of time or if there are less audit exceptions over a period of time; whether or not there are schools that have had repeated audit exceptions and are now exceptionally-free audits. Dr. Blackburn stated that this information is now available.

Regarding the South Plantation activity, Dr. Blackburn stated the report indicates that the activity was occurring more than ten years, and during this time period they received exception-free internal account audits. Their principal, in March 2010, asked or sought the advice of the FTE auditor that was on his campus as to whether or not this was an appropriate practice. He received that advice prior to an audit beginning on that campus and he decided to cease and desist the operation. Dr. Blackburn further stated that the exception-free audits went on 10 years or more, 30+ clubs and activities, adding and multiplying the number of parents, community members, staff members that partook in the activity, and not one complaint or phone call to the Board that that was a problem.

Dr. Blackburn said that when a problem did arise it was handled immediately. That principal will meet on an annual basis with PTO leadership and all clubs and sponsor leadership because those positions will change over time.

Mr. Reilly informed that the internal funds at South Plantation are in good standing. Mr. Reilly stated that when a second set of outside books is run and it is co-mingled with legitimate activities of a PTSO, that is a problem and it violated School Board policies. Remarking that there may be other schools that have this arrangement, Mr. Reilly recommended that the district follow current School Board policies/procedures that reflect back on the Florida Board of Education regulations and the Florida Statutes until changes will be made. This is what is audited and this is the procedure that must be followed.

Mr. Reilly further stated that he recommended to the Interim Superintendent that the existing policies and procedures in place need to be reinforced so that a good operation is being run through the internal funds, and not having an outside set of books for certain activities. These activities would include a principal's discretionary account that would not be seen in the internal funds activity but it would be seen on the outside set of books.

Mrs. Rich Levinson stated that since there is a strong site-based management model it is even more important to have accountability in the schools, since the principal is accountable for all the finances in the school.

Board Members Bartleman, Dinnen, Good, Rich Levinson, Murray, Rupert and Thomas requested the Interim Superintendent to schedule a Board workshop, to further discuss Policy 3411 – internal accounts; repeat exceptions (the history and show the progress); progressive discipline (accountability issue); and training for principals and bookkeepers. Also, that staff work together with parent groups to strengthen the policy and include safety measures.

Mrs. Rich Levinson called the question and seconded by Mrs. Rupert. A vote was taken. Mrs. Bartleman and Mr. Thomas voted “no.” (6-2 vote)

A vote was taken on calling the question.

The following individual addressed this item:

Marty Jacobsen

A vote was taken on the item.

DD-2. Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2010-2011 (Received)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to receive Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2010-2011. Mrs. Gottlieb was absent. (8-0 vote)

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

The Audit report represents 37 locations in which a total of 28 locations had no exceptions and 9 locations had exceptions. The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's June 23, 2011 meeting.

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

Mrs. Bartleman voiced concern over the breakdown as it pertains to Transportation and said that everything should be reviewed correctly. Remarking that there is a lot of equipment missing, Mrs. Bartleman inquired whether there are any other safeguards that can be implemented beyond what is listed in the audit.

Mr. Reilly responded that the response from management, if they take those steps it will straighten a lot of the problems. Mr. Reilly stated that the errors are serial numbers not being placed on the item when the items are purchased, errors with items purchased but are not on the inventory, and issues with handling of surplus and removal of items. He stated that the response from management is very detailed in what they will be doing. Mr. Reilly further stated that the Property Inventory Business Practice Bulletin was established almost over a year and is a very good guide that was lacking in the past, and it should be very helpful for following assets from acquisition to disposal.

Mrs. Bartleman stated that her comments extended beyond the property audit, and that someone new should come in and have a “third set of eyes” to make sure everything is being done the way it is suppose to be done. Mrs. Bartleman requested that someone spot check the property and also review the timekeeping to ensure that everything is in place.

Referring to the table on page 4, Mrs. Good inquired when these schools last conducted property audits.

Mr. Reilly responded that staff tries to visit the schools on an annual basis, but realistically it is more than a year timeframe to come back to each school.

Remarking that on some schools it has been more than a couple of years, Mrs. Good requested that this data be provided. She noted that there are personnel changes and there might have been some schools that have not had audits in a significant time.

Mrs. Good referred to Historical Costs and inquired whether these costs are associated with the items at the time of purchase. She noted that the value noted on some of the older items may not be an up-to-date value.

Mr. Reilly responded that they are the actual costs. He informed that older items are shown as a depreciation value. If the item is needed, the replacement must be made at the current value, which would probably be at a higher cost.

Ms. Murray stated that improvements have been made and the exceptions are not as great as they used to be, as Area Superintendents were instrumental in getting people to use the proper procedures. She inquired how long lost inventory is listed on the books.

Mr. Reilly responded that if the item is identified as unlocated it will remain for two years and then it is removed; it is taken off active inventory.

Ms. Murray stated that it is a large burden for one person to implement procedure and that the farther the responsibility is spread out, the better the accountability. Ms. Murray further stated that accountability begins with managers and supervisors, and it is management's level, from the Superintendent to the leadership team, to make sure people are following procedures. She stated when anyone is given equipment or supplies, it is the responsibility to use it and take care of it in the performance of their duties. Ms. Murray concurred with a workshop discussion to discuss the implementation of policy and procedure, and training.

Ms. Murray called the question and seconded by Ms. Dinnen. Mrs. Gottlieb was absent. Mrs. Bartleman, Mrs. Rupert and Mr. Thomas voted "no." (5-0 vote)

A vote was taken on calling the question, followed by a vote on the item.

DD-3. Internal Audit Report – Audit of the Facilities & Construction Management Division's Bidding and Bid Opening Process – June 2011  
(Received)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to receive Internal Audit Report – Audit of the Facilities & Construction Management Division's Bidding and Bid Opening Process – June 2011. Mrs. Gottlieb was absent. (8-0 vote)

In accordance with the School Board of Broward County's response to the 19th Statewide Grand Jury Report – Recommendation No. 17, stating that: "*All bids should be opened in public, with Auditor there to certify bids met minimums,*" the Office of the Chief Auditor has performed an audit of the Facilities & Construction Management Division's Bidding and Bid Opening Process. The objective of this audit was to: identify and document the bidding process and requirements for school boards for purposes of comparison to the processes designed and implemented with the F&CM Division for hard bid projects and, when necessary, for Cost Plus Fee delivery method bid openings; determine and document the current bidding process, including the bid opening process; review and analyze F&CM bidding related processes; take steps to "*...certify bids met minimums*" as recommended by the 19<sup>th</sup> Statewide Grand Jury; review, analyze and explain consistencies and variances in the bidding process for a sample of bid openings from the recent past, as well as those to be observed by the Facility Audit staff; and, report recommendations to the administration, Audit Committee and School Board, if needed.

In our opinion, the F&CM Division has areas of concern in the Bidding and Bid Opening Process which should be addressed immediately to ensure that the appropriate internal controls are enforced and adhered to in order to provide proper oversight and the associated compliance required in the administration of the same. We documented that processes for pre-qualifying contractors, communicating with prospective bidders in accordance with State Requirements for Educational Facilities (SREF), securing bid submittals and ensuring compliance with SREF during bid openings require strengthening in order to achieve the requisite compliance.

During our audit we documented: internal control weaknesses and policy and regulatory compliance deficiencies. The Office of the Chief Auditor's review of the Bidding and Bid Opening Process yielded (7) findings with recommendations to strengthen internal controls and to achieve compliance with regulatory requirements, while safeguarding the District's assets. Our follow up responses to management's responses were necessary for observations #1, 2, 5, and 7.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's June 23, 2011 meeting.

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

Mrs. Bartleman referred to pages 3, 5, and 23 and stated there is no reconciliation on the part of management and auditor. She stated that at some point the Board Attorney needs to come into the process and determine what is the best procedure, whether or not the Board should follow the recommendation, and what is in the best interest of the School Board. Mrs. Bartleman further stated, in any audit finding if staff is disagreeing with the auditor and the auditor follows up and indicates there is a better way, the Board Member does not have the expertise or knowledge to determine who is right. She noted that for the most part Facilities staff agreed with the recommendations and they are going to change things.

Mr. Lindner responded that every individual bid is referred to the attorney to determine whether or not the bid is valid regardless of the outcome of the bid. Mr. Lindner stated he was not comfortable because it is an arbitrary decision what number is chosen; there is no statute that backs up this recommendation, nor is there any years of construction experience or experience behind the construction industry that supports this recommendation. It is an opinion and it does not quote any best practice, any other school district's procedure.

Mr. Lindner further stated that the budget is put together and the Fixed Limit of Construction Costs (FLCC) together, say in 2007, and the project is not taken to bid until 2009. He explained, if working off an FLCC of \$20 million and it is put out to bid, only accepting bids between plus or minus 10 percent, and a contractor comes in 2009 and bids \$16.8 million, the district is "stuck" taking the \$18.2 million bid, unless it is referred to counsel. Remarking that this has happened in the past, Mr. Lindner stated that he did not agree with the finding because every case has to be taken on an individual basis and it is referred to legal counsel for interpretation.

Mr. Reilly stated there are no parameters or consistency on how bids are determined. Mr. Reilly further stated there must be criteria and consistency, saying that bids will not be open for someone that is going to present the numbers for a project that they do not have an opportunity to do that job.

Mrs. Bartleman opined that the construction attorney should rule and have the auditors and attorney come to a compromise. She stated the Board is accepting an audit with recommendations to fix things and it is not clear whether they are being fixed because the audit report does not indicate the course of action to be taken. Referring to page 26 (7), Mrs. Bartleman stated that she is paying close attention to all audits, especially facilities, and she wants to know if there will be a final recommendation by someone.

Mr. Lindner stated that all that was required was to change the title to Invitation to Bid. The Invitation to Bid was sent and the advertisement to bid was sent out.

Mrs. Bartleman stated she wants a final say-so when an auditor disagrees with a staff response and what is going to be done. The attorney's job is to tell the Board what is in the best interest of the School Board, what policy or procedure to put into place, like a third-party arbitrator.

Mr. Carland stated that it is more of a form issue, that when the audit report comes to the Board the Board Members do not see the reconciliation in writing. Mr. Carland's stated that in terms of changing the format of the report and including something of that nature, that would be a discussion between the Superintendent and Mr. Reilly for how the reports will be brought to the Board in the future.

Mrs. Bartleman stated there has to be a mechanism that "kicks in" and requires somebody to say this is what is going to be done.

Mr. Carland concurred with engaging in a process with staff and the Superintendent in trying to reach those ultimate conclusions and/or reconciliations. He stated it is not appropriate for him to rule in the sense of making decisions that could be considered operational, which would be the Superintendent's position.

Mrs. Bartleman stated it is important that the attorney be very involved in that process as well, as a checks and balance. She stated she was glad that the audit was of the current process, which is important to her to have a checks and balance to ensure that everything is being done right.

Mr. Carter informed that Mr. Lindner, Mr. Reilly and Mr. Carland will meet to discuss what is a defensible and fair criteria on both these items and submit a transmittal to the Board stating how each will be handled, including reconciliations in all audit reports in the future.

Mrs. Good stated that she has seen some steps that Capital has taken to handle certain things and with the auditor's recommendations were somewhat strengthened with what staff is already doing. She said the fact that they alternate what newspapers they have been on, those are things that can be easily remedied. Referring to the administrative response, where staff already takes the initiative in indicating what measures they are doing and what measures they can try to do in order to strengthen whatever process is in place, Mrs. Good stated that area can be further enhanced.

Mrs. Good further stated that in reviewing the audit there is a mention of the previous Grand Jury Report and that all bids should be open in public. Mrs. Good inquired whether there was anything in writing of bids not being open in public, other than in the findings.

Mr. Reilly responded that when the bidding process was observed this was not a problem at all. Mr. Reilly stated this was a lead-in to explain why this issue was reviewed and the requirement that they wanted bids opened in the presence of an auditor and they also wanted to make sure the minimum requirements were there for the bids.

Remarking that when she first read it for the first time it was alarming, Mrs. Good stated that she had to read the entire document, to read all the findings to make sure that compliance is made with this requirement.

Mrs. Good said she understood the part about the Grand Jury wanting an auditor present and strengthening of the process. She did not see why that had to be highlighted in the manner it was highlighted. Mrs. Good concurred with including a narrative showing where staff is in agreement or a disagreement of how that is done, and the Superintendent needs to be involved in the process. It could be an administrative response from the department that was audited, as to whether or not they are going to strengthen their procedures to adhere to the auditor's recommendation.

Mr. Reilly stated that management has the opportunity to agree or disagree with the finding, and an alternative finding may be identified. Then it becomes a management tool as to how they will handle the recommendation.

Mrs. Good inquired what would be the process and how is the process strengthened to get things fixed. Mrs. Good stated that the wording of the document takes away from trying to further strengthen the process and figuring out the potential internal weaknesses, such as the bonding issue.

Mr. Reilly responded that the pre-qualified list needs to be strengthened to make sure there is a group to bid on.

Referring to page 2, Ms. Dinnen stated she read about the rotating between two newspapers and the suggestion for consistency that it be relegated to one paper. Referring to page 13, Ms. Dinnen stated that a paper has been chosen. She inquired how this can happen; what is the cost, the process, and what happens to all the district's advertisement. Remarking that the district has to have this service, Ms. Dinnen inquired whether a bid is issued to see who has the lowest price.

Mr. Carter responded that it is handled in several ways, depending on the particular advertisement. Mr. Carter stated that many times both newspapers are needed and you advertise nationally, using various professional agencies and groups. Also, advertisements may be consolidated and use one newspaper; depending on the day of the week the advertisement is run, rates are higher on certain days, and depending on the length of time the advertisement is run. Mr. Carter stated that all these things come into play in deciding which medium to sue and what the cost is.

Remarking that this is a particular kind of advertisement, Ms. Dinnen inquired whether this is a fixed price advertisement.

Responding affirmatively, Mr. Lindner stated it is based on the number of words and the size of the advertisement, and it is rotated back and forth. Mr. Lindner stated that this was done to broaden the pool and make it more fair. He opined that it is cheaper to run it in the Sun Sentinel and Miami's newspaper is twice the price for the exact same advertisement.

Ms. Murray inquired whether mailers are sent out to bidders on the district's list. Ms. Murray stated that the Sun Sentinel circulation is primarily Broward and West Palm, not so much Miami-Dade where a lot of the contractors are coming from Miami Dade. Ms. Murray further stated that the district reaches out to all people that it does business and other forms of communication to make sure they have the information that is not just in the newspaper.

Responding affirmatively, Mr. Lindner stated that a blast e-mail is sent, along with other methods, and that state law mandates the posting in a newspaper. Mr. Lindner further stated that a lot of money is spent on advertising.

Mr. Reilly informed that DemandStar is also used as another source.

Mr. Carter stated that DemandStar is a source for registered bidders, based on the item of service they provide.

Ms. Dinnen inquired whether the Miami Herald has been contacted to negotiate the price.

Mr. Lindner responded that there is no negotiating room with the Miami Herald, reiterating that it is twice the price.

Mrs. Bartleman thanked the auditor in Facilities, stating it was a good audit with checks and balances, and it will assist the Board in making sure that everything is being done correctly.

DD-4. Summary of Audit Activities for the 2010-2011 Fiscal Year and Proposed Audit Plan for the 2011-2012 Fiscal Year for the Office of the Chief Auditor (Received)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to receive Summary of Audit Activities for the 2010-2011 Fiscal Year and Proposed Audit Plan for the 2011-2012 Fiscal Year for the Office of the Chief Auditor. Mrs. Gottlieb was absent. Mrs. Bartleman was absent for the vote. (7-0 vote)

This year, the Office of the Chief Auditor provided financial and operational audits that assisted District management in the effective discharge of their responsibilities. During the year, we worked closely with District staff to improve accountability and internal controls that resulted in several new or revised School Board Policies, Business Practice Bulletins and Standard Practice Bulletins related to payroll, overtime, facility rentals, property and inventory and cash management.

We reported in the Summary of Audit Activities, for the 2010-2011 fiscal year, the completed planned audits, reviews and trainings. We identified over \$1 million in cost recoveries, potential cost saving strategies (if implemented), and reimbursable dollars identified in our audits that the District should pursue.

The Proposed Audit Plan includes required audits per State Statutes and School Board Policies, as well as operational audits in the construction and Business Support Services area. As always, we look forward to your input, so that our Audit Plan can be finalized for the new fiscal year.

This report was presented to the Audit Committee at its June 23, 2011 meeting.

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

Mrs. Rich Levinson inquired how many internal funds and property inventories were done, how many schools were reviewed.

Mr. Reilly responded that 228 property inventories were audited and there was not an exact amount of the internal inventories, but it was approximately 160. Mr. Reilly stated that most of the schools were audited in the internal inventories and not every one of the schools were audited for property inventories.

Remarking that the audits are very well thought out, Mrs. Bartleman requested a review next year or the following year for ERP, review the deliverables, a better control for improving payroll per location, and the overtime issue. Mrs. Bartleman inquired whether a review was made of the supplemental pay positions.

Responding affirmatively, Ms. Diaz stated that the supplemental pay positions have been reviewed and information will be sent out to the department heads. Ms. Diaz further stated that the non-specific supplements will not be put forward, which were the ones in question. The specific supplements are required by contract and those must be paid when an individual has been assigned those duties.

Complimenting Mr. Reilly and staff for the audit, Mr. Thomas inquired about the limit of the number of supplements that can be collected.

Ms. Diaz responded that the policy mandates a limit of two supplements that can be awarded, however, there is a waiver process if an individual school cannot get someone to perform certain duties and someone may be assigned three supplements. Ms. Diaz, who informed that National Boards is considered a supplement, stated that you do not want to hold some of those supplements that are entitlements to individuals against them, to do other duties, which may mean that they could earn more dollars. Ms. Diaz stated that Area Superintendents do watch this process very carefully and, as part of the process there is a tightening up of that waiver request so that they can be tracked better.

Ms. Dinnen expressed gratitude to staff for working hard on this document.

- DD-5. Current Status Updated of the Desk Review of Overtime Expenditures for the 3<sup>rd</sup> Quarter of Fiscal Year (F/Y) 2008-09 for the Period from January 1, 2009 through March 31, 2009 (Received)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to receive Current Status Updated of the Desk Review of Overtime Expenditures for the 3<sup>rd</sup> Quarter of Fiscal Year (F/Y) 2008-09 for the Period from January 1, 2009 through March 31, 2009. Mrs. Gottlieb was absent. Mrs. Bartleman was absent for the vote. (7-0 vote)

In accordance with the 2010-2011 Audit Plan, the Office of the Chief Auditor has performed a Current Status Update of the Desk Review of Overtime Expenditures for the 3<sup>rd</sup> Quarter of Fiscal Year 2008-09 for the period from January 1, 2009 through March 31, 2009. The objective of this audit was to review Current Status responses from Human Resources and ERP Project Management; review and analyze actions taken to address the findings and recommendations; determine if corrective action to overtime payment process was completed; review and report on procedural internal control weaknesses identified in the original report; and report recommendations to administration, if needed.

The Current Status matrix included nine detailed audit findings/recommendations, and was forwarded to District administration for review and comments regarding the current status of each recommendation.

Five of the recommendations are in progress, two are completed and two are closed as of the completion of this Current Status Report.

The five recommendations reported as "in progress" are primarily due to the delay in implementing the recommendations until July 1, 2011. These five recommendations relate to employee hourly rates for secondary positions (different from primary positions), and overtime pay. We identified that these five prior year audit conditions have not changed. Management did establish an Overtime Review Committee and analyzed the audit recommendations, which included revising Overtime Policy 4300.1; revising and creating additional Business Practice Bulletins; creating overtime reports for management; SAP system configuration changes to prevent defaulting to primary position pay rates for different types of secondary jobs; and the creation of the Non-instructional Additional Assignment Agreement form. The above changes are scheduled to be rolled-out on July 1, 2011. The new processes and controls established for secondary job hourly rates, overtime pay for OTS/ OTP, and monitoring procedures and reports will be reviewed by our office at a future date.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's June 23, 2011 meeting.

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

Mrs. Rich Levinson said she hoped that some of these results and observations will be acted upon and that they will be seriously considered. She stated there are some “strong ones” that could save the district a lot of money.

**EE. CHIEF OPERATIONS OFFICER**

**EE-1. Charter School Student Transportation Agreements (Approved)**

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert 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 2011-12 school year. Mrs. Gottlieb was absent. (8-0 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 2011-12 school year.

These agreements have been reviewed and approved as to form and legal content by the Office of General Counsel.

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.

No discussion was held on this item.

**EE-2. RFP Recommendation \$500,000 or Greater (Approved)**

Motion was made by Mrs. Rupert, seconded by Ms. Dinnen and carried, to approve this RFP recommendation as stated on the award recommendation. Mrs. Gottlieb was absent. (8-0 vote)

<u>RFP</u>	<u>Title – Location – Amount</u>
11-033T	Sale of Surplus Property – Facilities Management, Planning and Site Acquisition – Amount: \$2,305,000

RFP 11-033T – Sale of Surplus Property, was issued to provide potential buyers an opportunity to compete for property that had been identified as surplus by The School Board of Broward County, Florida. The release of the RFP contained four properties that were considered surplus and identified to be sold. Item 1, Elementary D-1 (Hiatus Road/Broward Boulevard); Item 2, Rock Island Acreage site; 3. Northside Parking Lot; and Item 4, South Federal Highway Administration Site. Appraisals of the properties were conducted and an average appraised value of each was created. The average appraised value was determined to be the minimum price that would be acceptable by the District. (Attached is the detailed process by which this was accomplished.)

In the response to the RFP, the District received only one valid response. The offer was for Item 4. The South Federal Highway Administration Site. The Proposer, Holmes Automotive, DBA Lauderdale BMW of Fort Lauderdale is the recommended Proposer. The Proposer offered \$2,305,000 and met all RFP requirements. Items 2 and 3 received no responses. Item 1 received one response; however, the proposer did not adhere to the requirements of the RFP and his offer was rejected as being non-responsive.

It is the intent of the Facility Management, Planning and Site Acquisition department to include the three properties that did not sell as part of a School Board Workshop presentation and seek the Board's direction. This workshop is scheduled for October 25, 2011. It is likely that these properties would be put out to bid again along with the current potential properties that may be declared as surplus.

The financial impact will be positive income of \$2,305,000 to the district.

Mrs. Rupert praised the bid and expressed gratitude to everyone involved.

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

### **FF-1. Continuation Agreement with Barry University (Approved)**

Motion was made by Mrs. Bartleman, seconded by Mrs. Good and carried, to approve the continuation agreement with Barry University (BU) for Montessori training at Virginia Shuman Young Elementary and Beachside Montessori Village. Mrs. Gottlieb was absent. (8-0 vote)

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

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

The financial impact to the district shall not exceed \$60,000. The source of these funds are from the schools' Magnet budget for 2011-2012. There is no additional financial impact to the district.

No discussion was held on this item.

FF-2. Continuation Agreement with Summit Montessori Teacher Training Institute, L.L.C. (Approved)

Motion was made by Mrs. Good, seconded by Mrs. Rich Levinson and carried, to approve the continuation agreement with Summit Montessori Teacher Training Institute, L.L.C. (SM) for Montessori training at Virginia Shuman Young Elementary and Beachside Montessori Village. Mrs. Gottlieb was absent. (8-0 vote)

Participating teachers from Virginia Shuman Young Elementary and Beachside Montessori Village will receive rigorous Montessori training to be certified in Montessori education. Training includes Montessori philosophy, materials and child development theory. The teachers participate in academic instruction and practice laboratories under the supervision of instructors from SM. SM has been certified as a Montessori training institute by the Montessori Accreditation Council for Teacher Education and is an affiliate of the American Montessori Society.

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

The financial impact to the district shall not exceed \$60,000. The source of these funds is the school's Magnet budget for 2011-2012. There is no additional financial impact to the district.

Mrs. Rich Levinson requested a clarification of the item, the financial impact, and the number of attendees at the training.

Dr. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services, explained that there are two contracts, one for Barry and one for Montessori. Because they are the two providers for teachers who need Montessori training, in the contract it indicates not to exceed the \$60,000, which has been the standard contract language in the district. Dr. Harrison stated that the district only spends based on the number of teachers who need to have the training. It is a fluctuating number every year and depending on the level.

Referring to page 2, Mrs. Rich Levinson inquired what amount is being paid per teacher.

Mrs. Leslie Brown, Executive Director, Educational Programs, responded that for the Montessori Summit it is by individual course; the teachers would sign up for each individual course and the district is only invoiced for the courses the teachers take. The course is about \$350 per course.

Remarking that this item was approved last year, Mrs. Rich Levinson inquired how much was spent to train five teachers.

Mrs. Brown stated that she will provide that specific number.

Mrs. Rich Levinson stated that staff needs to ensure that this is not an exorbitant amount.

Dr. Harrison responded that this is a reoccurring question because of how the contract is written and what is said. Dr. Harrison stated that staff ensures that the teachers provide the best course amount for each course.

Remarking that this a reoccurring cost and there are two Montessori schools in the district, Mrs. Bartleman inquired whether online courses can be purchased. She stated if a teacher needs their English Language Learner (ELL) certificate or a reading certification, they are able to go online and obtain it. She voiced concern over the district paying \$300 per person per course for a continuing course.

Dr. Harrison responded that she has not heard of any online courses, since the program is so hands-on and interactive. Dr. Harrison stated that staff will explore this option.

Mrs. Brown stated that Montessori is very similar to AP, College Board and IB. They are a proprietary service organization, and Summit is an alternative than the college cost of Barry University.

Mrs. Brown stated that the only kind of training for middle level Montessori is in Texas. As in previous years, the consultant was brought from Texas to the district, which is one way to try to make sure that the district's authorization is not lost. The Training-Trainer is not allowed by Montessori and there are no online Montessori trainings at this time.

Mrs. Bartleman inquired why Barry University is offered.

Mrs. Brown responded that the university piece is a part of a Memorandum of Understanding (MOU) where they actually honor Montessori education and get a degree in it. A few teachers began this program while at Virginia Shuman-Young Elementary School as they worked toward their degree. Mrs. Brown stated there are some teachers that are going through the full-course of study in degree seeking and some teachers that only commit one class a year due to their personal time.

Mrs. Bartleman suggested that they be given a timeline to conclude and not let anyone else register at Barry if it is cheaper to do it at Summit. She stated that many magnet programs were cut and she hopes that no one at Beachside Montessori is able to pursue their degree. She stated the whole process is not fair and it is not fair to other teachers in the district. Mrs. Bartleman further stated if the district is going to invest in someone and pay for their degree, part of the MOU is that they cannot go anywhere else in the district, they need to stay at the Montessori school.

Ms. Dinnen requested that the Board be provided with a quality comparison of a university level and Summit Montessori, as well as the cost.

Mrs. Bartleman stated that she has nothing against Montessori and is happy to provide teachers in training in the most economical fashion because there are other magnets in the district and a large portion of the money goes to these magnets.

Mrs. Rich Levinson stated that it is part of the magnet budget and the Board needs to make sure it is not all going to these schools at the expense of the other schools.

Mrs. Leona Miracola, Director, Innovative Programs, informed that Barry University charges \$1,626 for a 3-hour credit course; up to \$800 for all their materials, books and supplies included in the cost. This is a master's level course and they are certified to be a provider and for many years they were the district's sole provider.

Mrs. Miracola informed that the reason both are offered is because Summit was strictly certification. The district does not pay for their full degree, they have to finish that on their own, and the district pays only up to 11 classes, just as the district would with Summit. Mrs. Miracola informed that Summit is \$4,500 for Early Childhood and \$5,800 for elementary.

Mrs. Rich Levinson stated that the district is paying \$29,000 to train five teachers.

Mrs. Miracola responded that the district will pay Summit \$22,500 and \$29,000 for Barry.

Dr. Harrison stated that the Montessori certifies that these institutions can provide that. While the district is not the certifier to the quality, these institutions would not be allowed to teach these courses unless Montessori certified that.

Ms. Dinnen stated there is a difference between a graduate-level course and a course one takes to be certified in something. The organization may say that they have quality products there, but there is a difference between those two.

Concurring that there is a difference, Mrs. Bartleman stated that with reading, the most important thing the district does is to pay teachers to get certified through online courses and other courses. She stated there is a real discrepancy with graduate-level courses and no one else is getting graduate-level courses paid for. Mrs. Bartleman further stated she would like to have all teachers have graduate-level courses to get their reading certificates, but that is not occurring. She stated it is a matter of fairness and if the quality is the same, the dollars have to be spread out and be pennywise with the magnet programs.

Mr. Thomas stated that the objective is to put Montessori certified teachers in front of students or to put master-degreed teachers in front of students. Mr. Thomas stated that the district needs to be frugal with the money available.

Mrs. Brown stated that the authorization would be similar to what the district pays for Leads Placement Training; that is a cost to the district also. There is a fee for every single teacher taking every single one of those courses that is paid to the College Board.

Mr. Thomas stated that he was only required to take one course at the beginning of becoming an AP teacher, he did not have to get a master's degree to be an AP teacher.

Mrs. Rich Levinson reiterated that there needs to be parity across the district with teachers; there needs to be certified teachers in the classroom but the district does not need to be paying for graduate work.

FF-3. Grant Applications (Approved)

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

- A. Community Foundation of Broward, \$3,000
- B. Jim Moran Foundation, \$40,000
- C. The Lois Lenski Covey Foundation, Inc., \$4,258
- D. Lowe's Charitable and Educational Foundation, \$7,725
- E. NASA Summer of Innovation Mini-Grant, \$2,100

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

The positive financial impact is \$57,083 from various sources. There is no additional financial impact to the school district.

The following individual addressed this item:

Alisa McCrae

Ms. Murray thanked the Jim Moran Foundation for continually giving to the school system. She stated that they contribute to Title I schools and minority groups to improve the educational gap.

FF-4. Partnership for a Healthy & Drug-Free Broward Contract with United Way of Broward County Commission on Substance Abuse (Approved)

Motion was made by Mr. Thomas, seconded by Mrs. Rupert and carried, to approve contract with United Way of Broward County Commission on Substance Abuse. Mrs. Gottlieb was absent. (8-0 vote)

The contract with United Way of Broward County Commission on Substance Abuse will provide funding for family counselors in the Building Lasting Attitudes and Strategies for Tomorrow (BLAST) program. These family counselors will work with students District-wide who are at risk for substance abuse and/or violence.

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

This agreement will be executed by United Way of Broward County Commission on Substance Abuse after School Board approval.

The positive financial impact is \$230,715. There is no additional financial impact to the district.

Praising the positive impact to the district, Mrs. Rich Levinson thanked the United Way for their partnership with the district and their contributions.

FF-5. Terminate 2011-12 Agreement with Spectrum Programs, Inc.  
(Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to authorize the Interim Superintendent of Schools to send notice of termination of the Agreement with Spectrum Programs, Inc., effective August 15, 2011. Mrs. Gottlieb was absent. (8-0 vote)

The current agreement with Spectrum Programs, Inc., was approved at the June 21, 2011 School Board meeting. On July 14, 2011, Spectrum Programs, Inc., notified The Broward County School Board, Florida, in writing that the residential treatment program at the Pompano Beach site would close. Spectrum Programs, Inc., in conjunction with the Department of Children and Families agreed to close the residential treatment program effective September 1, 2011. Spectrum Programs, Inc., sent written communication to the School Board requesting termination of the current agreement and has agreed that such termination should be effective as of August 15, 2011.

This Board item authorized the termination of the previously approved agreement.

This agreement has been reviewed and approved as to form and legal content by the Office of General Counsel.

All costs incurred are generated through student FTE. There is no additional financial impact to the district beyond the FTE.

No discussion was held on this item.

**GG. HUMAN RESOURCES**

## HH. ATTORNEY

- HH-1. Settlement Agreement between The School Board of Broward County, Florida and Spillis, Candela & Partners, Inc., and Aecom Services, 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 Spillis, Candela & Partners, Inc., and Aecom Services, Inc. Mrs. Gottlieb was absent. (8-0 vote)

The School Board of Broward County, Florida and Spillis Candela & Partners, Inc., ("Spillis"), entered into a Professional Services Agreement ("PSA"), on April 17, 2011, wherein Spillis agreed to act as Architect of Record for the demolition, renovations and new construction of the Blanche Ely High School project. Subsequently, Spillis merged with Aecom Services, Inc., (hereinafter collectively referred to as "Aecom"). On or about April 28, 2009, the School Board commenced litigation known as The School Board of Broward County, Florida v. Spillis, Candela & Partners, Inc., and Aecom Services, Inc., Case No. 09-024070 (02), Broward County Circuit Court and asserted monetary claims for design errors and omissions arising from the project.

As a result of negotiation between the parties, and subject to School Board approval of the Settlement Agreement, Aecom has agreed to pay the School Board the sum of One hundred thirty thousand dollars (\$130,000), in full and final settlement of the lawsuit in accordance with the attached Settlement Agreement.

District staff, the General Counsel's Office and The School Board's cadre counsel, Oscar E. Soto, Esq., recommend approval of the Settlement Agreement as a reasonable cost-effective resolution to the lawsuit, which will eliminate protracted litigation and additional costs.

There is a positive financial impact to the district in the amount of \$130,000.

No discussion was held on this item.

## II. OFFICE OF THE SUPERINTENDENT

### II-1. Ninth Grade Academies Evaluation Site Agreement: Enhancing Ninth Grade Academies in Broward County Public Schools – Star Teachers to Inspired Leaders (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to approve Ninth Grade Academies Evaluation Site Agreement: Enhancing Ninth Grade Academies in Broward County Public Schools – Star Teachers to Inspired Leaders. Mrs. Gottlieb was absent. (8-0 vote)

This "Enhancing Ninth Grade Academies" in Broward County Public Schools project will enable select BCPS high schools to deepen their Ninth Grade Academy (NGA) practice by engaging in collaborative development and pilot testing of three enhancements: teacher academy leader development; data-driven collaborative response teams, and active community partnerships. These enhancements are designed to support ninth graders transition into high school by realizing the opportunities for personalization, collaboration, reflection, and continuous improvements afforded by the ninth grade smaller learning community structure present in many BCPS high schools. Researchers leading the federally sponsored MDRC-Johns Hopkins study of NGAs in BCPS, found models of these enhancements evident in the following Ninth Grade Academies: Stranahan, Nova, South Plantation, and Coral Springs high schools. Building on their experience, project leaders based in BCPS' Department of Human Resource Development (HRD) will activate a BCPS-based design team to guide professional development, on-site coaching, and cross-school networking activities that will support other high schools in implementing strategic enhancements to NGAs.

The agreement will be effective on the date that the contract has been executed by both parties. The term of the agreement shall conclude on June 30, 2014.

MDRC is the recipient of funding from United States Department of Education ("ED") dated July 1, 2009 (R305E090019) to implement the Ninth Grade Academies Evaluation (the "Evaluation") to assess the impact of Ninth Grade Academies (NGAs), on student engagement and performance in ninth grade and throughout high school.

As part of this Evaluation, MDRC and SBBC have an agreement for the term July 1, 2009 through June 30, 2014, that allows for a full-time Research Specialist position to assist in all aspects of the Evaluation, including assuming the lead liaison role between MDRC and SBBC.

In addition, MDRC has received approval and funds from ED to focus on developing and studying the implementation of a group of strategic enhancements designed to strengthen the structural elements of NGAs now in place in most Broward County high schools. As part of this development enhancement work, MDRC is proposing to work with SBBC, specifically to support two staff positions to develop and pilot the enhancements, create professional learning opportunities for teachers and administrators, and allow for stipends to teachers engaging in professional learning.

This agreement has been reviewed and approved as to form and legal content by the Office of General Counsel.

The positive financial impact to the District: \$1,098,962. The three-year project is funded through a subcontract from MDRC as part of a study sponsored by the U.S. Department of Education Institute for Education Sciences.

Mrs. Rich Levinson praised the agreement and stated this will further the Ninth Grade Academies, which will make them even stronger.

II-2. Renewal Agreement for Specialized Legal Services (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to approve the renewal Agreement with The Law Offices of Evan D. Carb, which provide the Board with specialized legal services and representation before the Federal Communications Commission (FCC). Mrs. Gottlieb was absent. Mrs. Rich Levinson and Mrs. Rupert voted "no." (6-2 vote)

Mr. Evan D. Carb has been retained to provide legal counsel and representation before the Federal Communications Commission (FCC), as well as consultation on various policy and general FCC matters related to BECON TV and ETS for District held communications licenses.

This agreement has been reviewed and approved as to form and legal content by the Office of General Counsel.

Services will be billed at the hourly rate of up to \$250 as specified in the Agreement; total not to exceed \$70,000. BECON will pay from its operating budget and revenue generating account.

Mrs. Good inquired about the associated costs with this contract versus the previous year.

Responding that the agreement is for one fiscal year, Dr. Phyllis Schiffer-Simon, Director, BECON, responded that for the last fiscal year the amount paid on the contract was \$18,500. She stated that the contract is approved for a certain amount but only pays as needed when the district is invoiced for work that is necessary.

Mrs. Good requested the General Counsel's office to monitor the expense. Mrs. Good stated that although funding is from BECON, the funds are coming out of the district's budget and all costs must be minimized at all possible.

Mrs. Rich Levinson stated that the hourly rates seems higher than what is normally paid.

Informing the Board that he had a telephone conference with Mr. Carb, Mr. Carland stated that his experience to date has been reviewing this year's contract. Mr. Carland stated that this is a highly-specialized field, most people with this level of expertise are in the D.C. area, and the rate is below the going hourly rate. Mr. Carland further stated that this is a one-year agreement and he will research whether the rates are competitive for the upcoming year.

Mr. Carter informed that Mr. Carb's rates are \$250 per hour versus \$350 to \$550 for the same services.

Mrs. Rich Levinson stated that most or all of the district's cadre attorneys take much less than what they would ordinarily bill. She inquired whether there is a standard rate the district pays.

Mr. Carland responded that the standard for most cadre is \$140 per hour.

Mrs. Good inquired whether there is an urgency to the item moving forward today, and whether there is information that could be gathered regarding what the Interim Superintendent has indicated, to make sure this is the best price for the district.

Dr. Schiffer-Simon responded that the agreement has expired.

Mr. Carland voiced concern that the district continue to have live broadcasts. Mr. Carland said that Mr. Carb has been an asset to the district, even with the short time Mr. Carland has been employed with the district, with some issues that have occurred during live Board meetings. Mr. Carland advised that having Mr. Carb available immediately is prudent.

Mrs. Good requested that research regarding the hourly rate be provided to the Board.

**JJ. FACILITIES AND CONSTRUCTION MANAGEMENT**

- JJ-1. Final Acceptance and Release of Retainage – Hewitt-Kier Construction, Inc. – New Food Service/Multipurpose – Deerfield Beach Elementary School, Deerfield Beach – Project No. P.000002 (f.k.a 0011-23-01)  
(Approved)

Motion was made by Ms. Murray, seconded by Mrs. Bartleman and carried, to approve the Final Acceptance of the Deerfield Beach Elementary School, New Food Service/Multipurpose, Project No. P.000002, and release the balance of retainage in the amount of \$5,805. Mrs. Gottlieb was absent. (8-0 vote)

The contractor Hewitt-Kier Construction, Inc., has completed the project within the extended contract limits.

The funds being released totaling \$5,805 are included in the Adopted District Educational Facilities Plan, Fiscal Year 2008-2009 to 2012-2013, page 56.

Mrs. Good inquired about any activity that occurred following the district receiving the Certificate of Occupancy (CO) in January 2010 and the completion of asbestos removal and relocating some electrical services. Mrs. Good further inquired whether there is an update to the original Certificate of Occupancy or whether a document was provided regarding a final inspection.

Mr. Lindner responded that it is the Certificate of Final Inspection, 110BB and 209, and once those are completed the project is closed out. The Certificate of Final Inspection allows occupancy of the building. The original CO was originally signed by the contractor on August 31, 2010; it was not signed by the building department because of the two additional items. Mr. Lindner informed that the re-routing of electrical for the fire alarm was conducted and there were issues with engineering and the city about the project, which resulted in taking one year to close out.

Mr. Lindner further stated that the 110B was signed on January 25, 2010 and the 209 was signed in April 2010. The removal of the asbestos and the electrical was done within this time frame.

JJ-2. Final Change Order, Final Acceptance and Release of Retainage – James A. Cummings, Inc. – New Food Service/Multipurpose + 8 Classroom Addition – Pompano Beach Middle School, Pompano Beach – Project No. P.000005 (f.k.a. 0021-21-01) (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve Final Change Order Item No. 08, and the Final Acceptance of the Pompano Beach Middle School, New Food Service/Multipurpose + 8 Classroom Addition, Project No. P.000005, and release the balance of retainage in the amount of \$105,813. Mrs. Gottlieb was absent. (8-0 vote)

**Final Change Order** – This Project originally consisted of three phases (I, II, III) with combined construction duration of 851 calendar days. On February 2, 2010, the School Board approved Change Order Item No. 01 which eliminated phases II and III from the Project and reduced the construction duration by 305 calendar days. Final Change Order Item No. 08 attached as Exhibit 8, corrects the total construction duration as indicated in Article 25.1(2) of the Agreement.

**Final Acceptance and Release of Retainage** – In consideration of the fact that the contractor, James A Cummings, Inc., completed the Project 74 days earlier than the revised and adjusted Contract Substantial Completion date, and the fact that the Project was occupied and functional for its intended purpose, staff recommends that no Liquidated Damages be assessed for the 53 days delay in completing the Punch List.

The funds being released totaling \$105,813 are included in the Adopted District Educational Facilities Plan, Fiscal Year 2009-2010 to 2013-2014, page 136.

Referring to the unforeseen condition at the City of Pompano Beach, Mrs. Rich Levinson inquired whether the district received any compensation for the re-routing delay.

Mr. Lindner responded that the district did not receive compensation. He stated this is a separate issue from closing out the contract and the district has approached the city about receiving compensation for that. Remarking that this is a utility, Mr. Lindner stated that additional capacity was created for the drainage system, which is why the city wanted it re-routed, as it was originally designed by the city. They approved it the first time in a different method and subsequently the district went back to change the project. Mr. Lindner explained that Phase II and Phase III was canceled which allowed going back and putting in the drainage, because the district was not going to use all that. This was as a result of the district changing the scope of the project due to the budget crunch and canceling Phase II and Phase III.

Mrs. Good inquired whether the district received any benefit or compensation from others tying into the system.

Mr. Lindner responded that no benefit was received at those drains, but the capacity exists now so that if Phase II and Phase III is completed the other side of the system may not need upgrading, as was required as part of Phase II and Phase III.

- JJ-3. Final Acceptance and Release of Retainage – Weiss & Woolrich Southern Enterprises, Inc. – Reroof Buildings 1, 2, 6 & 9 – Charles W. Flanagan High School, Pembroke Pines – Project No. P.000835  
(Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Final Acceptance of the Charles W. Flanagan High School, Re-roof of Buildings 1, 2, 6 & 9, Project No. P.000835, and release the balance of retainage in the amount of \$201,828. Mrs. Gottlieb was absent. (8-0 vote)

The contractor Weiss & Woolrich Southern Enterprises, Inc., has completed the project within the adjusted contract limits.

The funds being released totaling \$201,828 are included in the Adopted District Educational Facilities Plan, Fiscal Year 2009-2010 to 2013-2014, Appendix E, page 11.

No discussion was held on this item.

- JJ-4. Award of Contract – Construction Services Minor Projects – (General Contracting Services – Item #1) – Various Locations – M.V.P. Contractors, Inc. – Grace & Naeem Uddin, Inc. – Bid No. 2011-04-FC  
(Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to approve the award of two (2) term construction contracts for Bid No. 2011-04-FC, Construction Services Minor Projects (General Contracting Services – Item #1), Various Locations, to the low bidder (Main), and second low bidder (Alternate), meeting the bid specifications, M.V.P. Contractors, Inc., and Grace & Naeem Uddin, Inc., in the Contract Amount of \$2,000,000 each. Mrs. Gottlieb was absent. (8-0 vote)

**Contractor:** M.V.P. Contractors, Inc. (Main); Grace & Naeem Uddin, Inc. (Alternate)

**Scope of Work:**

The purpose of this Bid is to establish term contracts for procurement of general contracting services with one main contractor and one alternate contractor, for various general contracting projects up to \$199,999 each, as needed, when needed, to meet scheduled and unscheduled project needs as required. The contract term shall be for three (3) years in a cumulative amount not to exceed \$2,000,000 each, with an option to renew one year and an additional \$400,000 each. In the event the main contractor fails to perform or otherwise cannot meet the project requirements as specified in Document 00410, Bid Form, staff may award projects to the alternate contractor.

Although the number of construction projects has been reduced in the Capital Plan, there is an appropriation of approximately \$18,500,000 in various categories including Additions (such as Media Centers and Kitchen/Cafeterias), Remodeling & Renovations, Indoor Air Quality, Safety and ADA for fiscal year 2010-11. Budgeted for fiscal year 2011-12 is \$9,893,000 and for fiscal year 2012-13 is \$14,000,000.

The maximum financial impact is \$4,000,000. There is no financial impact at this time. This agenda item does not commit any district funds, nor does it create a guarantee of any work for the Minor Projects – General Contracting Services Contractors. This establishes purchasing authority only so that if there is a properly funded construction project that requires general contracting services, these contractors can be used. Since this item is not affecting the Capital Budget, it does not require a collaboration form from the Capital Budget Department.

No discussion was held on this item.

- JJ-5. Award of Contract – Construction Services Minor Projects – General Contracting Services – Item #2) – Various Locations – M.V.P. Contractors, Inc. – Grace & Naeem Uddin, Inc. – Bid No. 2011-04-FC  
(Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the award of two (2) term construction contracts for Bid No. 2011-04-FC, Construction Services Minor Projects (General Contracting Services – Item #2), Various Locations, to the low bidder (Main), and second low bidder (Alternate), meeting the bid specifications, M.V.P. Contractors, Inc., and Grace & Naeem Uddin, Inc., in the Contract Amount of \$10,000,000 each. Mrs. Gottlieb was absent. (8-0 vote)

**Contractor:** M.V.P. Contractors, Inc. (Main); Grace & Naeem Uddin, Inc. (Alternate)

**Scope of Work:**

The purpose of this Bid is to establish term contracts for procurement of general contracting services with one main contractor and one alternate contractor, for various general contacting projects up to \$1,000,000 each, as needed, when needed, to meet scheduled and unscheduled project needs as required. The contract term shall be for three (3) years in a cumulative amount not to exceed \$10,000,000 each, with an option to renew one year and an additional \$2,000,000 each. In the event the main contractor fails to perform or otherwise cannot meet the project requirements as specified in Document 00410, Bid Form, staff may award projects to the alternate contractor.

Although the number of construction projects has been reduced in the Capital Plan, there is an appropriation of approximately \$18,500,000 in various categories including Additions (such as Media Centers and Kitchen/Cafeterias), Remodeling & Renovations, Indoor Air Quality, Safety and ADA for fiscal year 2010-11. Budgeted for fiscal year 2011-12 is \$9,893,000 and for fiscal year 2012-13 is \$14,000,000.

The maximum financial impact is \$20,000,000. There is no financial impact at this time. This agenda item does not commit any district funds, nor does it create a guarantee of any work for the Minor Projects – General Contracting Services Contractors. This establishes purchasing authority only so that if there is a properly funded construction project that requires general contracting services, these contractors can be used. Since this item is not affecting the Capital Budget, it does not require a collaboration form from the Capital Budget Department.

No discussion was held on this item.

- JJ-6. Reduction of Retainage – Padula & Wadsworth Construction Co., Inc. – New K-8 School – Beachside Montessori Village, Hollywood – Project No. P.000400 (f.k.a. 2041-25-01) (Approved)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to approve the recommendation to reduce retainage now being held on Beachside Montessori Village, New K-8 School, Project No. P.000400, for Padula & Wadsworth Construction Co., Inc., from \$189,074 to \$1,000. Mrs. Gottlieb was absent. (8-0 vote)

In accordance with School Board Policy 7005, the Superintendent of Schools is recommending that the retainage be reduced from \$189,074 to \$1,000. The amount being withheld will be released once the issues explained in Exhibit 4 are completed.

Upon completion of the remaining work and issuance of the OEF 209 Form this project will be brought back to the Board for Final Acceptance and Release of Retainage.

The funds being released totaling \$188,074 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, page 36.

Mrs. Good stated that she spoke with Mr. Carter about having the Superintendent initial the items, rather than the Project Manager, and she would like this practice continued.

Mrs. Good voiced concern over the reduction amount of \$1,000, which is a minimal amount. She inquired whether the district would have to complete the few punch list items if something were to happen, or whether this is standard practice.

Responding that this is standard practice, Mr. Lindner stated that there has not been too many issues on this project. He stated the contractors did a "stand-up job" on this project considering the way it was done. Mr. Lindner informed that per statute the minimum has to be at \$1,000 after the project is closed out. He stated that what is remaining is work that is actually being done by Plant Operations and the contractor did the design. The only remaining piece is the Environmental Protection Agency (EPA) approval for the on-site drainage, once Plant Operations finishes the work that is required. Mr. Lindner noted that Plant Operations is doing the work because it can be done cheaper, it was not part of the contract, and all fees have been paid.

- JJ-7. Final Acceptance and Release of Retainage – Weiss & Woolrich Southern Enterprises, Inc. – Roof Replacement Buildings 1, 2, 3, & Auditorium – Coconut Creek High School, Coconut Creek – Project No. P.000304 (f.k.a 1681-23-05) (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to approve the Final Acceptance of the Coconut Creek High School, Roof Replacement Buildings 1, 2, 3, & Auditorium, Project No. P.000304, and release the balance of retainage in the amount of \$304,810. The contractor Weiss & Woolrich Southern Enterprises, Inc., has completed the project within the adjusted contract limits. Mrs. Gottlieb was absent. (8-0 vote)

The funds being released totaling \$304,810 are included in the Adopted District Educational Facilities Plan, Fiscal Year 2009-2010 to 2013-2014, page 67.

Mrs. Good inquired whether the district received the Certificate of Occupancy for the work completed.

Mr. Lindner responded that the project was done by the City of Coconut Creek, a joint project, and the district handled it and this allows the reduction of the retainage. Mr. Lindner confirmed that the punch list was completed.

JJ-8. Termination of Lease Agreement between The School Board of Broward County, Florida and Kimco Delaware Inc., for Crystal Lake Community School at Sample Plaza (Approved)

Motion was made by Mrs. Good, seconded by Ms. Murray and carried, to approve the termination of Lease Agreement site no. SFLPO118 Plot 9, between The School Board of Broward County, Florida and Kimco Delaware Inc., for Crystal Lake Community School at Sample Plaza. Mrs. Gottlieb was absent. (8-0 vote)

Crystal Lakes Community School currently leases Unit 9 of the Sample Plaza Shopping Center, located at 910-914 East Sample Road for off-campus ESOL classes. The current five-year lease agreement began on July 1, 2007 and ends on June 30, 2012, on its own terms.

In an effort to reduce operating expenses and maximize the efficiency of budgetary resources, the Community School North Principal recommends terminating the lease and relocate the program to Dave Thomas Education Center East.

Section 3.04 of the lease agreement states: "This Agreement may be cancelled by either party during the term hereof upon ninety (90) days written notice to the other party of its desire to terminate this Agreement."

There is a positive financial impact to the school district of \$33,600, plus Common Area Maintenance expenses for approximately eight (8) months; therefore this item does not require a collaboration form from the Capital Budget Department.

Mrs. Rich Levinson praised Principal Wade Edmond and stated she is pleased that the district is vacating from a private lease and relocating into one of the district's sites.

Mrs. Good thanked Principal Edmond for taking the initiative and requesting the cancellation of the lease in a timely manner.

JJ-9. Contract for Sale and Purchase between The School Board of Broward County, Florida and Holman Automotive, Inc., dba Lauderdale BMW of Fort Lauderdale for the South Federal Highway Administration Site  
(Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Contract for Sale and Purchase between The School Board of Broward County, Florida and Holman Automotive, Inc., dba Lauderdale BMW of Fort Lauderdale for the South Federal Highway Administration Site. Mrs. Gottlieb was absent. (8-0 vote)

On April 20, 2010, the Board authorized staff to file an amendment to the State Educational Plant Five Year Survey Report (2009-2014) to reflect this excess site and adopted Resolution 10-91 declaring the excess site as surplus. The property is one of four (4) properties identified within RFP 11-033T released on DemandStar and to other interested parties on March 10, 2011. On June 9, 2011, the bids were opened and Holman Automotive, Inc. was the only successful bidder at a price of \$2,305,000. The property is to be sold in an "as-is" condition. Holman Automotive, Inc., currently leases a portion of the surface parking lot and desires to proceed with plans for the entire site following closing. On June 23, 2010, the RFP Evaluation Committee has reviewed the proposers response package and determined that Holman Automotive, Inc., dba Lauderdale BMW of Fort Lauderdale has met all the requirements of the RPP 11-033T.

On June 23, 2011, staff sent a letter to the City of Fort Lauderdale City Manager, notifying the City of the pending sale and offering a First Right of Refusal. Staff requested a response from the City by July 15, 2011, in order to proceed with School Board approval on August 2, 2011.

This Agreement has been reviewed and approved as to form and legal content by the Office of General Counsel.

There is a positive financial impact to the school district in the amount of \$2,305,000 less the sellers share of closing costs. These funds will be placed in the Capital Projects Reserve.

Mrs. Good inquired why a Right of Refusal letter to the city was sent so late in the process, sent in June 2010, and not prior to the issuance of the RFP.

Mr. Chris Akagbosu, Director, Growth Management, responded that an offer has to be made first because the city is aware that the property is surplus. Until someone makes an offer, as a courtesy the city is informed that someone has made an offer and whether they are still interested.

Mrs. Good acknowledged that the city has the right of first refusal and said she does not want the district to spend time and effort in issuing an RFP. She requested that staff review the matter with counsel to see if there is any prohibition for the district sending the letter prior to the issuance of an RFP, while still indicating the time frame. Mrs. Good stated that staff can always express to the city that it is the district's intent to issue an RFP on a specific date; if they do not respond the district can pursue the RFP. Mrs. Good requested that this be reviewed, as it may help in the future in the event that a city were to express an interest.

Mr. Lindner informed that the district received more than the appraisal price and the letter was sent as a matter of courtesy, knowing that they were not interested.

Mrs. Good stated that the statute allows for flexibility for what the district sells the property for to another government agency and there may be other opportunities to the district with local governments, as they have helped the district in other ways.

Mrs. Bartleman stated, for the record, that she does not want to change the process because she wants to get the most money for every piece of property at this point. She said she does not want to give them the first right of refusal when the market value is not known. Mrs. Bartleman further stated that the appraised value could be doubled if the property is a hot commodity and everybody wants it.

Ms. Murray inquired how much higher was the value of the property.

Mr. Lindner responded that the property was appraised at \$2,145,000 and the district is getting \$2,305,000. He stated this was the only offer received on the property.

Ms. Dinnen stated that this gives the benchmark, something for the district to target.

Mrs. Good thanked staff for moving forward on the surplus of property.

JJ-10. License Agreement between the City of Fort Lauderdale/War Memorial Auditorium and The School Board of Broward County, Florida, to Hold the 2011 ESE Bus Operator Training Seminar (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the License Agreement between the City of Fort Lauderdale/War Memorial Auditorium and The School Board of Broward County, Florida, to hold the 2011 ESE Bus Operator Training Seminar. Mrs. Gottlieb was absent. (8-0 vote)

The Pupil Transportation Department will be holding its 2011 ESE Bus Operator Training Seminar on August 18, 2011.

This agreement has been reviewed and approved as to form and legal content by the Office of General Counsel.

The financial impact to the school district is \$2,247 and will be paid from the Pupil Transportation Training Auxiliary Budget.

Mrs. Rich Levinson inquired whether another facility could be used to hold this seminar.

Mr. Carter responded that the problem is space for the buses because training is also conducted outside.

Mr. Lindner informed that Lockhart Stadium was reviewed; there was no other facility that allowed all the buses and people to conduct training on a single site.

Mrs. Bartleman inquired whether different trainers could be used with the different bus lots for the outside training. She further inquired whether there is only one trainer. Mrs. Bartleman suggested using the Train the Trainer model, have the training at the school sites and for outside training have them return to the bus lots and have trainers at each bus lot because the buses are already parked there.

Mr. Lindner responded that this is done at once before school starts and it eliminates having to pay extra people extra days to come in.

Mrs. Bartleman requested that other training models be reviewed. She further requested that when the training is done that the issue of children being left on buses be reviewed. Mrs. Bartleman stated there needs to be a better checks and balance system.

JJ-11. Lease Agreement Renewal between The School Board of Broward County, Florida and the City of Hollywood for the Use of McNicol Community Administrative Center (Approved)

Motion was made by Mr. Thomas, seconded by Ms. Dinnen and carried, to approve the Lease Agreement Renewal between The School Board of Broward County, Florida and the City of Hollywood for the Use of McNicol Community Administrative Center. Mrs. Gottlieb was absent. (8-0 vote)

The School Board of Broward County, Florida and the City of Hollywood have developed two buildings previously used for McNicol Administration Office into administrative offices and community meeting rooms. In a lease agreement with the City of Hollywood dated June 18, 2002, Building "A" and portions of South Building "B" were made available to provide space for community meetings and activities. In May 2005, the City previously entered into an eighteen month lease for the use of the office space in Building "B" to provide additional services to the community. The City desired to continue to use the space; therefore the City entered into a five (5) year lease dated July 26, 2006. The current lease will terminate on October 31, 2011, and the City desires to renew the lease to continue to use the space.

The term of the lease is one year beginning November 1, 2011, with an automatic renewal for four additional one-year periods.

The City of Hollywood will remit monthly lease payments to the Principal's office at McNicol Middle School on or before the fifteenth (15<sup>th</sup>) day of every month, in the amount of \$4,537.39. Also, the City will be invoiced \$1,432.86 monthly for electric and water utilities. The City will handle trash removal charges. The rental and utility costs will increase 3% annually commencing on the lease anniversary date.

The City of Hollywood has requested the School Board execute this agreement first and they will execute at their next City Commission Meeting.

This agreement has been reviewed and approved as to form and legal content by the Office of General Counsel.

The financial impact to the district is a gain of \$4,537.39 monthly, and additional reimbursement in the amount of \$1,432.86 per month to cover water and electrical utilities costs.

No discussion was held on this item.

JJ-12. Final Change Order, Final Acceptance and Release of Retainage – Royal Concrete Concepts, Inc. – Administration Building – Southwest Area Bus Complex, Pembroke Pines – Project No. P.000673 (f.k.a 9335-91-01) (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to approve the Final Acceptance of the Southwest Bus Complex, Administration Building, Project No. P.000673, and release the balance of retainage in the amount of \$153,053, and the balance for completed work in the amount of \$24,000 to Royal Concrete Concept, Inc., in addition, approve Change Order #2 for a credit in the amount of \$6,000. Mrs. Gottlieb was absent. Mrs. Good and Mrs. Rich Levinson voted “no.” (8-0 vote)

The contractor Royal Concrete Concepts, Inc., has completed the project within the adjusted contract limits.

The funds being released totaling \$177,053 are included in the Adopted District Educational Facilities Plan, Fiscal Year 2010-2011 to 2014-2015, page 5, Appendix E. There is a positive impact to the District from credit Change Order #2 being processed herein, in the amount of \$6,000.

Mrs. Rich Levinson voiced concern over the credit back on the change order, stating that the district is paying almost \$10 a square foot to wax floors when it costs less than \$2 for materials and installation. She stated this is far over the fair market value.

Concurring, Mr. Lindner responded that the deduction goes back to the district and said this is the reason why the district did not pay it.

Mrs. Rich Levinson stated that the item reads that the company is using it as a credit to cover punch list items.

Mr. Lindner stated that the money was taken away from the contractor to fund items that required correction of the punch list. The contractor is not being paid to wax the floors and is only paid to correct deficiencies that were in the punch list. Remarking that the project began in 2005, Mr. Lindner stated that the project has been a problem; a Notice to Proceed was never issued for this project, no schedule, no established substantial completion date or final completion date. Additionally, the building was purchased on a piggyback contract and the contractor commenced work upon the issuance of the purchase order. The plans were modified to meet the district’s specification, a consultant was commissioned to do the site adaptation, and the building was built essentially on a change order.

Mr. Lindner stated the real issue is not waxing the floor, it was to take up the tile of a different color and replace a lot of it, which was not paid.

Mrs. Rich Levinson further stated that you can take up existing VCTs, supply, install and wax VCT for less than the change order amount, and these amounts need to be monitored.

Concurring, Mrs. Good inquired whether the occupancy of the building is expected.

Mr. Lindner responded that the building is ready for occupancy and the district will begin to pay utilities on the building.

Mr. Carter responded that the thermostat has been adjusted and monitored daily to make sure that it is at a certain temperature.

Mr. Lindner responded that the thermostat is set at 79 degrees and programmable thermostats are being installed to be turn off on nights and weekends.

Mrs. Good requested that the Superintendent ensure that the building gets properly occupied and that staff moves in as quickly as possible. Mrs. Good stated that what has occurred with this property should never happen again and further requested that staff take every measure in place to ensure that this will not again occur.

Mr. Carter advised that a phased-in move will begin prior to the winter break.

JJ-13. Change Orders (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve change orders as listed for various school projects, and approve a \$1,547,803 increase to the Capital Projects Reserve. Mrs. Gottlieb was absent. Mrs. Good and Mrs. Rich Levinson voted "no." (8-0 vote)

<b><u>Beachside Montessori Village</u></b>		Change Order 12	\$8,833
Consultant Omission	\$6,844		
Owner Request	\$1,989		
<b><u>Chapel Trail Elementary</u></b>		Change Order 03	\$0
Unforeseen Condition	\$0		
<b><u>Colbert Elementary (Phase II)</u></b>		Change Order 05	\$11,457
Consultant Error	\$3,708		
Owner Request	\$7,749		
<b><u>Colbert Elementary (Phase I)</u></b>		Change Order 10	\$2,833
Owner Request	\$2,833		
<b><u>Ely, Blanche High</u></b>		Change Order 03	\$363,926 CREDIT
Owner Request	\$363,926 CREDIT		

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<b><u>Forest Glen Middle</u></b>		Change Order 01	\$79,911 CREDIT
Owner Request	\$79,911	CREDIT	
<b><u>Fort Lauderdale High</u></b>		Change Order 01	\$26,080
Owner Request	\$26,080		
<b><u>Griffin Elementary</u></b>		Change Order 01	\$5,462
Consultant Omission	\$5,462		
<b><u>Hollywood Hills High</u></b>		Change Order 02	\$174,062 CREDIT
Owner Request	\$174,062	CREDIT	
<b><u>Lloyd Estates Elementary</u></b>		Change Order 03	\$1,562,846 CREDIT
Owner Request	\$1,562,846	CREDIT	
<b><u>Miramar High</u></b>		Change Order 03	\$7,930
Consultant Omission	\$840		
Owner Request	\$4,762		
Unforeseen Condition	\$2,328		
<b><u>North Andrews Gardens Elementary</u></b>		Change Order 01	\$99,749 CREDIT
Owner Request	\$99,749	CREDIT	
<b><u>Plantation Middle</u></b>		Change Order 01	\$231,138 CREDIT
Owner Request	\$231,138	CREDIT	
<b><u>Sandpiper Elementary</u></b>		Change Order 01	\$59,369 CREDIT
Owner Request	\$59,369	CREDIT	
<b><u>Silver Palms Elementary</u></b>		Change Order 03	\$0
Unforeseen Condition	\$0		
<b><u>Southwest Area Bus Complex</u></b>		Change Order 03	\$111,594
Consultant Error	\$53,661		
Consultant Omission	\$42,621		
Owner Request	\$15,312		
<b><u>Tamarac Elementary</u></b>		Change Order 01	\$123,372 CREDIT
Owner Request	\$123,372	CREDIT	
<b><u>Tedder Elementary</u></b>		Change Order 03	\$217,442
Owner Request	\$217,442		
<b><u>Tropical Elementary</u></b>		Change Order 05	\$1,583,382 CREDIT
Owner Request	\$1,583,382	CREDIT	
<b><u>Westpine Middle</u></b>		Change Order 01	\$28,643
Owner Request	\$28,643		
<b><u>Young, Walter C. Middle</u></b>		Change Order 01	\$50,460 CREDIT
Owner Request	\$50,460	CREDIT	

Financial Impact: The net financial impact of this item is a \$1,547,803 increase to the Capital Projects Reserve. Ely, Blanche High – Project No.: P.000067 \$20,600 CREDIT; Forest Glen Middle – Project No.: P.999221 \$79,911 CREDIT; Hollywood Hills High – Project No.: P.000300 \$174,062 CREDIT; Lloyd Estates Elementary – Project No.: P.000204 \$589,661 CREDIT; Miramar High – Project No.: P.000334 \$7,930; North Andrews Gardens Elementary – Project No.: P.999041 \$99,749 CREDIT; Plantation Middle – Project No.: P.999043 \$231,138 CREDIT; Sandpiper Elementary – Project No.: P.000551 \$59,369 CREDIT; Tamarac Elementary – Project No.: P.999176 \$123,372 CREDIT; Tedder Elementary – Project No.: P.000109 \$217,442; Tropical Elementary – Project No.: P.000138 \$373,496 CREDIT; Westpine Middle – Project No.: P.000403 \$28,643; Young, Walter C. Middle – Project No.: P.000537 \$50,460 CREDIT. There is no additional financial impact to the district for the remaining projects.

Mrs. Rich Levinson inquired whether there is a first-cost, second-cost analysis being done for change orders.

Mr. Lindner responded that this is not done on every change order. A review is made of every change order that comes from the consultant for clarity and appropriateness. District estimators and staff review the change orders. Mr. Lindner stated if there is disconnect, the change order is either denied, particularly if they are considered part of the general conditions or scope of work, or they are asked to adjust the cost of the change order.

Mrs. Rich Levinson stated that the district should be paying for what it cost in a competitive bid process. When there is a Consultant Error or a Consultant Omission, the work that is being done must be paid but staff needs to ensure that the first cost needs to be paid and that everyone else is not benefiting.

Concurring, Mr. Lindner stated there should be less overhead and profit, and it is the way the change order is priced out. Particularly if it is a Consultant Error or Omission, it is priced out less overhead and profit, and RS Means estimating is used for that purpose. Mr. Lindner stated if there is a discrepancy between the consultant's staff, it is then sent out to a third party.

Remarking that she has reviewed the issue of change orders, Mrs. Rich Levinson stated she would like to meet with Mr. Lindner because she wants to include language in policy regarding the manner in which business is conducted with the change orders.

Mrs. Rich Levinson stated, at this point there should never be Owner Requests unless it is a life-safety or an unforeseen condition. She stated the district is not in a position to be adding to the scope of work because someone wants to change the original plans.

Referring to Miramar High School, Mrs. Rich Levinson stated this includes adding hand dryers to replace towel dispensers. She questioned whether this should be done after the fact.

Mr. Lindner informed that the ADA bathroom may have been designed in 2008, construction began in 2010, and hand towels are no longer used. The project was priced to use hand towels and the specifications now say hand dryers; it is more efficient to have hand dryers than changing paper towels. Mr. Lindner stated that the project is upgrading to meet current specifications. Remarking that usually there is a reason for most of those change orders, Mr. Lindner explained that the process for every one of the change orders goes to senior management staff for discussion, goes to the Agenda Preparation group, which includes the staff attorney, the Head Facilities Auditor, the Budget department, the Director of Construction, the Senior Project Manager, the Director of Contracts and himself. He reiterated, if it was an Owner Request there was a valid reason for it.

Mrs. Rich Levinson stated if there is a return on investment that would be an acceptable reason to do it.

Mr. Lindner further stated that these are small change orders with respect to the total cost of the project. He stated that an attempt is being made to have the school reflect the current standard and create parity.

Mrs. Rich Levinson inquired what percentage is the change order allowance.

Mr. Lindner responded that it depends on the project but it is probably 2 percent.

Referring to Beachside Montessori as an example, Mrs. Rich Levinson noted the 16.70 percent change orders.

Mr. Lindner, who responded that this is a unique situation, informed that it was originally designed as an elementary school, changed to a K-8 which was done with change orders. He stated this should not be used as a benchmark. Mr. Lindner informed that the Board approved the change to a K-8 well after the initial construction. He stated that on any other construction projects the change order allowance is well below, inside the 2 percent allowance.

Referring to the Southwest Area Bus Complex, Consultant Error and Omissions, Mrs. Rich Levinson inquired about the reference to the delay claim on file to be refunded by the School Board.

Mr. Lindner responded that this is to be reviewed, a delay claim that is in review by the legal department, a project that has some litigation associated with it. Mr. Lindner stated that the delay claim is based on the fact that the way the project was executed, starting in 2005 and continuing building this project using change orders. He stated that it has no bearing on closing of the project. Mr. Lindner further stated that they presented a delay claim of approximately \$1.6 million and staff tried to negotiated down. After reviewing a significant time and a schedule analysis, staff determined that they were not entitled to anything and they sued the district.

Referring to the Southwest Area Bus Complex, Mrs. Good stated that the Summary of Change Orders totals over \$100,000 which numerous are Consultant Errors. She inquired whether the district will be paying for all the Consultant Errors.

Mr. Lindner responded no, stating that it is all part of the claim process. The district only pays the benefit to the district as a result of the construction that the contractor performed and the architect is responsible for covering the cost of that. Mr. Lindner concurred that the \$53,661 Consultant Error will be funded by the architect. Regarding the Consultant Omission, \$42,621, Mr. Lindner stated that the district pays the negotiated amount of the enrichment received, which is a factor of the RS Means estimate that is negotiated. Mr. Lindner stated this results in less overhead and profit because the architect has to pay for that.

Mrs. Good suggested that the item be presented in a manner that the Board can understand what the district is paying in regard to some of these errors and omissions. Mrs. Good stated there may be a perception that the district is going to be paying for things that should not be paid, or someone should have caught it early on in the process.

Mrs. Bartleman inquired whether the contractor is accountable for the days, they give back money if they are going beyond the contract.

Responding affirmatively, Mr. Lindner stated that the district pursues liquidated damages when the district is entitled to them.

Referring to 15, Mrs. Bartleman stated that the duration was 507 and there were additional days. She inquired whether a decision is made on a case-by-case basis.

Responding affirmatively, Mr. Lindner stated that normally it is not the contractor and it is the Dispute Resolution Committee's decision. The Auditor would be present when the agenda item is presented to the Board.

Referring to the Southwest Area Bus Complex, Ms. Murray inquired how many contractors have been involved on this project. She stated when the project first began it was suppose to be a bus terminal and vehicle maintenance garage.

Mr. Lindner responded that Bergeron was the first contractor and it was suppose to be a bus maintenance facility, a bus fueling facility, and a Physical Plant Operations maintenance facility. Mr. Lindner stated there have been six different contractors, six different project managers; Bergeron built the first building, he sub-contracted to Royal Concrete and they did the office building. Mr. Lindner further stated that the project grew and it was piecemealed, smaller buildings were built, and as funding became available the scope was added to the project. Mr. Lindner stated that he will provide the timeline of the property at the next workshop discussion

Ms. Dinnen noted the projects in her district, 10, 12 and 13, all combining credits: Lloyd Estates, \$1.5 million; North Andrews Gardens, \$99,000; and Plantation Middle, \$240,000.

Responding to Ms. Dinnen's inquiry regarding Lloyd Estates' credit, Mr. Lindner stated that funding was captured on this project immediately after the scope of the project was changed, last year. The majority of the credit is from the direct owner's purchase and there was \$200,000 that was leftover.

#### **KK. OFFICE OF CHIEF FINANCIAL OFFICER**

Following the action of Agenda Item CC-11, the following Attorney-Client Session commenced at 11:15 p.m.

##### **Announcement by Chair**

"The School Board of Broward County, Florida, will meet in an Attorney-Client Private Session in accordance with Florida Statutes, Section 286.011(8), today August 2, 2011, 11:15 a.m. The Attorney-Client Session will be held in the Board Room of the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

"The purpose of this Attorney-Client Session is for the School Board and Counsel to discuss pending litigation relative to the following case: Ashbrite, Inc. vs. The School Board of Broward County, Case No.: 10-43869, 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 the Attorney-Client Session: Chair Benjamin J. Williams; Vice Chair Ann Murray; Members, Robin Bartleman, Maureen S. Dinnen, Patricia Good, Jennifer Leonard Gottlieb, Laurie Rich Levinson, Nora Rupert, David Thomas; Superintendent James F. Notter, Oscar E. Soto, Esq., Felena R. Talbott, Esq.; Thomas C. Cooney, Esq.; Marilyn Batista-McNamara, Esq., and J. Paul Carland, II., Esq.

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

The Attorney-Client Session recessed at 12:00 Noon. The Regular School Board meeting reconvened at 1:12 p.m.

**Adjournment** This meeting was adjourned by way of motion by Ms. Dinnen and seconded by Mrs. Rupert at 6:01 p.m.

RT