

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

August 16, 2011
Tuesday, 9:45 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 9:55 a.m., Tuesday, August 16, 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, Laurie Rich Levinson, Nora Rupert; 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.

Ms. Murray requested a workshop within 30 days to consider the reduction of the School Board membership from 9 to 7 Board Members, and that information be provided to the Board.

Mr. David Thomas, former School Board Member, addressed the Board and the Interim Superintendent regarding his resignation from the School Board. Remarking that his resignation is driven solely out of consideration for his family, Mr. Thomas extended a sincere thank you to his constituents and School Board Members for their prayers and well wishes for his wife and family.

Mr. Thomas stated that his family received word that his wife did not have cancer, however, it is unknown what the problem is or what the recourse for the doctors is going to be. He stated that whatever treatment is employed it will be long term and his family's health and well-being is most important. Mr. Thomas further stated that his decision to resign was his alone, independent of political ideology, consequence, or simultaneous events.

Mr. Thomas stated that he does not regret his decision to run for the School Board nor his decision to resign. He said that his constituents and his wife deserve his full attention, and he cannot in good conscience give himself to both. As a citizen, Mr. Thomas requested that the Board, as they move forward, maintain his committee appointees until the Organizational Meeting or until a replacement is made by the governor. Mr. Thomas requested Mrs. Bartleman, sole remaining At-Large member of the Board, to represent District 4 in the interim and his committee appointees are prepared to assist in any way they can.

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Mr. Thomas advocated for the new superintendent with a proven leadership record, superb communication skills, strong business background, outside the district, who will improve the public's trust and accountability throughout the district. Also, to find a truly qualified public information officer to take a proactive role in the district and spread the word of all the "right" things that the district does, and dealing openly and honestly with the things that perhaps need fixing.

Additionally, Mr. Thomas requested that the Board settle the contract with Broward Teachers Union (BTU), as it is time to improve morale within the district. He advocated for equity among the various bargaining groups and Meet and Confers.

Mr. Thomas asked the Board to consider the Grand Jury's recommendation to cut back the size of the School Board membership. Wishing the School Board the greatest success, Mr. Thomas stated he will be watching from a different perspective, having sat on the Board.

Mrs. Bartleman extended her personal wishes, stating that Mr. Thomas has done a great job representing his district, teachers, students and employees of Broward County. She said she admired his choice to put family first and will keep his family in her prayers.

Ms. Dinnen extended appreciation to Mr. Thomas for his hard work, knowing how hard and time consuming it is to be a School Board Member. Ms. Dinnen appreciated the fact that his family is a primary concern and extended her thoughts and prayers to his family. She thanked Mr. Thomas for his service and working very hard.

Minutes for Approval Motion was made by Mrs. Bartleman, seconded by Mrs. Rupert and carried, to approve as amended the official minutes for the following Board Meetings: (7-0 vote)

June 21, 2011 – Regular School Board Meeting
July 22, 2011 – Regular School Board Meeting
August 2, 2011 – Special – Student Expulsions

Mrs. Bartleman noted an amendment to the June 21, 2011 Regular meeting, page 40, adding the following verbiage to her discussion: Voicing concern that Royal Concrete is performing work, Mrs. Bartleman stated they should be asked to cease and desist for a little bit until a final decision is made by the Board. She stated by the time a workshop is held on this issue and a final decision is made, there might be \$1.5 million "sunk" into the project.

Close Agenda Upon motion by Ms. Murray, seconded by Mrs. Good and carried, the Agenda was approved and declared closed. (7-0 vote)

SPECIAL PRESENTATIONS

Melinda Cunningham, Principal Hawkes Bluff Elementary

Board Member Mrs. Good stated this is an exciting day for Broward Schools to honor the leadership of Melinda Cunningham, Principal of Hawkes Bluff Elementary School. Mrs. Good acknowledged PTA President Linda Nestor, Ms. Bet Freeman, Hawkes Bluff PTA President (2nd Year), and Ms. Terry Garcia, Hawkes Bluff PTA member, current Hawkes Bluff Grandparent and previous Hawkes Bluff Parent.

Ms. Melinda Cunningham is the recipient of the PTA Outstanding Principal Award for the state of Florida this year. Mrs. Good read the proclamation into the record congratulating and honoring Melinda Cunningham as a recipient of the 2012 Florida PTA Outstanding Principal Award for the state of Florida. Ms. Cunningham is a product of the Broward County school system, has worked in the district for 20 years, teaching at Lauderhill Paul Turner Elementary School, Silver Ridge Elementary School, Curriculum Specialist at Oakland Park Elementary, Assistant Principal and Principal at Hawkes Bluff since 2000.

The award, which recognizes a principal for exemplary service as a school administrator towards promoting and upholding the PTA mission and purpose, was presented at the Florida PTA 75th Annual Leadership/Convention at the Innisbrook Resort on July 15 – 17, 2011.

Mrs. Good said that Ms. Cunningham realizes the importance of a supportive and collaborative leadership in her school's PTA endeavors and acknowledges their vital contribution to her school and students successes.

On behalf of the School Board, Mrs. Good extended congratulations to Ms. Cunningham, a true leader.

Thanking the School Board for their recognition, Ms. Cunningham stated that she is honored to work with her team at Hawkes Bluff: Assistant Principal Christine Fernandez, PTA parents who support all endeavors and the students.

Mrs. Good stated it is a proud day for Broward County Public Schools and a wonderful way to acknowledge the best that the school system has.

Community Leaders Briefing Update: Washington, D.C. Visit

Ms. Latha Krishnaiyer provided a report to the Board regarding her briefing visit to Washington, D.C., indicating there was a heavy South Florida contingent for the briefing, including Florida representatives Debbie Wasserman-Schultz, Ted Deutsch and Frederica Wilson, representatives from Miami-Dade County and throughout the state.

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Highlights of her visit was meeting with department and agency officials, an East Wing tour, a general briefing on issues pertaining to Florida, such as education and jobs, and an education presentation on Early Childhood Education, K-12, and charter school issues. Small-group meetings included a meeting with Mr. John Carson, Director, Office of Public Engagement, with Ms. Krishnaiyer providing ideas of what Florida is thinking regarding education.

Ms. Krishnaiyer stated that President Obama spoke for ten minutes and reiterated that education was his top priority and he connected education with the Jobs Program, which would be launched after the Debt Ceiling talks were completed.

A comprehensive report was provided to the Board.

Thanking Ms. Krishnaiyer for attending the Community Leaders Briefing, Mrs. Rich Levinson stated that Ms. Krishnaiyer has been an advocate for public education in this state for over 30 years, a former president of Florida PTA and still very actively involved in the legislative agenda for PTA.

Mrs. Good thanked Ms. Krishnaiyer for her efforts in Washington, D.C. Mrs. Good stated that from the topics that were discussed and different perspectives that were discussed, there appeared to be a slight disconnect with Florida versus the nation.

Concurring, Ms. Krishnaiyer stated that in the general session there were a lot of directors, including the Director of NASA and others, who voiced concern about the direction of jobs, infrastructure; agency directors of every topic spoke at this level. Ms. Krishnaiyer said there was a great gap of what they envisioned would happen when their policies were passed and what actually happens with it comes to Florida.

Mrs. Good further stated it was a great opportunity for Ms. Krishnaiyer to provide important feedback on Florida education issues.

Ms. Dinnen stated that she has “watched” Ms. Krishnaiyer and lobbied with her for many years, in committee meetings and in Tallahassee, testifying and visiting with legislators. Ms. Dinnen thanked Ms. Krishnaiyer for attending the briefing in Washington, D.C. and for all she has done.

Remarking that she considers Ms. Krishnaiyer a personal friend, Mrs. Bartleman stated that the Board appreciates everything she does and going to Washington, D.C. Mrs. Bartleman stated that Ms. Krishnaiyer’s help is needed this year in Tallahassee and she looks forward to working with her this year.

Mr. Williams stated that Ms. Krishnaiyer is fantastic because she has done so many things for Broward County children, the state of Florida and the nation.

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REPORTS

Broward County Council PTAs/PTSAs – Linda Nestor and Renee Grutman

Ms. Nestor, newly-elected PTA President, reported that the Ann Murray Clothing Bank has been relocated to a modular at Thurgood Marshall Elementary School. The school year will begin with a grand opening on Saturday, August 20, 2011, beginning at 9:00 a.m. Last year, over 850 children were clothed throughout the school year.

Broward Leadership training will be held at Piper High School on Saturday, September 10, 2011, 8:00 a.m., for new and returning PTA board members on the rules and ethics of PTA.

Ms. Nestor referred to Policy 3.1 and stated that PTA is hopeful that the current fundraising difficulties will be worked out. She stated that PTA has always been and will continue to be a strong voice and advocate for all children.

Ms. Renee Grutman, Vice-Chair, PTA, thanked Mrs. Rich Levinson for assisting in acquiring the Thurgood Marshall location for the clothing bank.

A comprehensive written report was submitted to the Board.

Discussing fundraising issues, Mrs. Bartleman stated that she has received e-mails from the South Area and that supposedly Central and North areas are able to continue to fundraise. She stated this is an issue that needs to be addressed immediately.

Ms. Grutman responded that Dr. Joel Herbst, South Area Superintendent, had spoken at a meeting and all the South Area principals called their local units. The other two areas conducted their fundraising in a different manner. Ms. Grutman stated if the three areas would have met with PTA and discussed the issue it would have been worked out.

Mr. Carter informed that input has been received from PTA and several schools, Area Superintendents and district staff in terms of implementing the most efficient temporary policy until this item is workshopped at the August 23, 2011 meeting. Mr. Carter stated that by tomorrow a memorandum will be issued, stating what that procedure will be until a new procedure is developed.

Mrs. Bartleman inquired whether PTAs that hold book fairs and other fundraisers can continue.

Mr. Carter responded that they will continue, per policy, until a directive is issued in terms of how to proceed until the policy is changed.

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Ms. Murray stated that there are strong PTAs in the South Area, and they are very upset because they have functions that raise several thousands of dollars for September and October and they do not know what to do. Remarking that contracts have been made and deposits have been put out, Ms. Murray stated that PTA subsidize schools, as other groups, because of lack of funding from the state. She suggested that this issue be expedited so as not to discourage the community support.

Ms. Murray informed that she is not the Ann Murray as mentioned by the PTA. She stated that the Ann Murray Clothing Bank was started and named after someone who worked in the school district 70 years ago and retired in 1998 or 1999.

Mrs. Rich Levinson stated that she has spoken with Mr. Carter and Dr. Herbst to discuss this issue and concurred that there will be a procedure issued before the start of school. Mrs. Rich Levinson stated that parents may still hold fundraisers where parents are handling the money. According to Policy 3.1, the procedure is that staff should not be touching the money; the Superintendent will meet with auditors in order to find a way that will not hinder parent involvement or corruption of dues in the upcoming weeks. Mrs. Rich Levinson further stated that all fundraisers that involve parents collecting money will remain the same, parents will be able to collect money. She stated that Mr. Carter has indicated that a procedure will be implemented before the start of school that will permit fundraising as in the past.

Mrs. Good stated that the policy will be reviewed at a workshop to gather input from parents, community activists, internal auditors and district staff. The policy has been on the books for some time and it needs to be re-evaluated, and there is room to compromise to ensure that the ability to fundraise is not hindered within the schools.

Mrs. Good requested that whatever is implemented by staff, that they reach out to PTA so that Ms. Nestor can assist the Board in notifying the various schools. She stated that there are other clubs within schools that may not be aware of what is happening and principals should be notified so that they can advise those clubs what is the proper procedure and how it will be handled in the future.

Mrs. Bartleman stated that book fairs allow credit cards, ATM cards, and American Express. She stated that under the policy credit cards cannot be accepted if sales are run through the internal accounts.

Ms. Dinnen stated that several discussions have been held on this issue, the import being that policies conform to what the auditors say should be done, and in some cases that is being done. There is never an intent to discourage parent participation. Ms. Dinnen said she looked forward to a workshop discussion with significant input from the PTA; review what has been done and whether it can continue as it is, or whether it has to be modified or tweaked.

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ESOL Leadership Council – Zaura Climes-Lenchus

Ms. Climes-Lenchus reported that the Multicultural, ESOL department's Parent Outreach office held leadership training on July 16, 2011, for parents interested in actively participating in ESOL.

Ms. Climes-Lenchus attended the Florida Department of Education ESOL Rules Workshop in Orlando on August 4, 2011. She expressed some concerns with the new rules on the monitoring and implementation of the ESOL programs. She also attended the Re-engagement Fair that was attended by many guidance counselors and administrators who volunteered their time to help students that were unable to obtain a traditional high school diploma with over 200 persons in attendance.

The ESOL Leadership Council will hold its first meeting on September 21, 2011, at 6:30 p.m., at the KCW building. The topic will be Introduction to ESOL / Curriculum Changes.

A comprehensive written report was submitted to the Board.

Facilities Task Force – Charlotte Greenberg

Ms. Greenberg reported that the Task Force welcomed Barbara Alderman, South Area Representative, and Dr. Jermaine Fleming, Hallandale High School Representative.

Mr. Thomas Lindner, Acting Deputy Superintendent, Facilities and Construction Management, advised that in the last few years over 160 employees from Maintenance have been terminated. The bumping system leaves many employees in positions that drastically affect efficiency, especially in the summer months, as it is typically the time for facilities to work on schools without students present. It is noted that an employee in anticipation of being laid off will decrease efforts on the job, thus leaving more work for the person who is bumping into their positions. A motion was made and passed unanimously that the Task Force urge the Board to review the policies and contracts regarding bumping, with an eye toward changing the contracts. Mrs. Greenberg stated that the Task Force feels very strongly on this issue; just because it is in the contract now does not mean it has to stay in the contract, especially in a fiscal crisis.

Mrs. Greenberg reported on the Southwest Bus Facility Building and Physical Plant Operations building. The original facility, which was suppose to be about \$4 million to \$4.7 million, was enlarged in scope using change orders, something that the Task Force is being told state law prohibits if it is over \$200,000. The contract that the district is piggybacking on ran out some time ago. In addition, this pre-fabricated building has spent 6.5 months in plan review. Mrs. Greenberg said she can attest from being Chair and member of the CRC that the review has been ongoing for a long time.

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Other topics of discussion at the Task Force was that the CM at-Risk method is no longer being used, something the Task Force strongly suggested a few years ago; the availability of ADA money, over \$1 million; Capital budget has recovered \$25 million from closing out projects, which began a few years ago after the Task Force discovered about \$1.5 billion in unused funds. Also, high school projects were discussed and the need for Cooper City and Stranahan high schools.

The next Task Force meeting is September 1, 2011, at Nova Middle School Media Center, beginning at 7:00 p.m.

A comprehensive written report was submitted to the Board.

Diversity Committee – Roland Foulkes

Mr. Foulkes reported that two motions were moved unanimously by the committee at the August 4, 2011 meeting. The first motion was to adopt, implement, and live, annually in every aspect of Diversity Committee's and its sub-committee's work, the School Board of Broward County's "Resolution in Support of Pledge of Civility." That the School Board Members send to the Diversity Committee a full understanding of the fact that displays of anger, rudeness, ridicule, impatience, a lack of respect and personal attacks from the open exchange of ideas, prevent fair discussion of the issues and disrupt the flow of work and will neither be tolerated nor permitted nor accepted.

Motion two recognized Western High School Senior and Debate/Forensics Champion, Mr. Daniel Enrique Caballero with the Diversity Committee's 2011 "Diversity, Educational Equity, and Inclusive Leader-in-Action Award." This will be the third time this award has been given. Mr. Caballero has been invited to attend the Diversity Committee's next meeting on September 1, 2011, 6:30 p.m., in the Board Room of the K.C. Wright Building to receive his award and to address the committee.

At the August 4, 2011 Diversity monthly meeting, a discussion began on the resurgent problem of Segregation/Re-segregation of Broward's schools and neighborhoods – racially, socio-economically (class) and Linguistically. In anticipation of the Board workshops on Policy 1.7 (Membership on all School Board committees), on Tuesday, September 15, 2011 and Policy 1.5 at the Diversity Committee meeting on September 27, 2011, the Diversity Committee will be discussing the Future of the Diversity Committee at its September 1, 2011 monthly meeting from which recommendations to the Board will be forthcoming.

Mr. Foulkes informed that three resolutions will be brought to the School Board after the Diversity meeting on September 1, 2011: Fiftieth Anniversary of the United States Peace Corps; the United Nations 2011 "International Year for People of African Descent"; the Tenth Anniversary of the Broward County Commission's and municipalities' January 2012 as Broward Diversity and Inclusive Community Month.

A comprehensive written report was submitted to the Board.

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Mrs. Bartleman stated that Mr. Thomas requested that his appointees remain for the Diversity Committee and she will continue this request until the new appointments are made by the governor so that District 4 can continue to be represented.

Mrs. Rupert concurred with the requests by Mr. Thomas and Mrs. Bartleman.

Mrs. Rupert requested that the Budget Task Force Committee be added to the Agenda, that they be offered to give a report to the Board.

Mrs. Bartleman stated this discussion should take place at a future workshop to determine whether to make this a standing committee or a temporary committee, whether there is an officer and who will give the report. Mrs. Bartleman further requested that research be made into the models of Palm Beach and Miami-Dade county schools, and provide the information to the Board. She said that this discussion should not occur until the new superintendent is in place.

Concurring, Ms Dinnen stated that some of the appointees felt it was a temporary appointment.

Mr. Carter stated that the guidelines of the committee will also need to be determined, guidelines that determine the type of work that they should be doing. Mr. Carter informed that a lot of work that may come from the committee as a recommendation would be done by another committee or other staff.

Mrs. Good stated that there was a discussion during a Board workshop that discussion pertaining to the Budget Committee be held when the new superintendent is in place.

Ms. Dinnen stated that the committees are committees of the Board and they are not the Superintendent's committees. She said there needs to be clear distinction exactly whose committee this is, which would include the Superintendent in the formation of rules and guidelines.

BOARD MEMBERS

Mrs. Rich Levinson welcomed back new teachers in anticipation of the opening of the school year next week. She informed her colleagues that she met with the City of Sunrise school principals, stating that there are a lot of great things occurring between the district and the schools in Sunrise and they are looking forward to the school year.

Mrs. Rich Levinson attended a Cooper City principals meeting that Mayor Debby Eisinger had hosted, along with her colleagues that also represent that area, a very informative and useful meeting.

On August 4, 2011, Mrs. Rich Levinson visited Western High School to meet with their new principal, Mr. David Jones, and wished him much success at Western.

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Mrs. Rich Levinson attended a Meet and Greet event held at Griffin Elementary to meet their new principal, Ms. Gail Silig. The South Area was commended for hosting Meet and Greet events throughout the community, which provides the community an opportunity to meet the principals. Mrs. Rich Levinson requested that this practice be implemented for the Meet and Greet events at elementary schools, as it is very personable for everyone to get together and meet principals, and it promotes a community-neighborhood atmosphere.

On August 8, 2011, Mrs. Rich Levinson attended the Broward Teachers Union (BTU) Steward Training and political reception which provided an opportunity to meet and greet teachers and staff that were in attendance.

Mrs. Rich Levinson attended the Intern Principals Meeting on August 11, 2011; there are 20 new interns in the Principal Leadership Program that prepares them for becoming successful principals in the school system. On this same date, Mrs. Rich Levinson attended the Broward Education Foundation Scholarship reception. 165 scholarships were awarded to countywide students, ranging from \$1,000, two-year scholarships and four-year scholarships.

Mrs. Rich Levinson attended the Piper High School Welcome Back Teachers reception on August 15, 2011, and met with teachers.

Mrs. Rupert informed her colleagues that in the past two weeks she has had the pleasure of attending “fun” events in the district. She attended the Gritty Girl event, an organization in Coconut Creek that brings teen girls together to promote activities to find their own voice. The girls interviewed her and asked questions about the FCAT, special scheduling and how is it to run for office as a woman. Mrs. Rupert stated that the girls had very insightful questions and did a great job interviewing her.

Mrs. Rupert stated she was unable to attend Broward Education Foundation’s Scholarship reception because she attended the summer graduation at Pompano High School.

Mrs. Rupert met with Jodi Klein, the new District Advisory Council Chair and she provided an update on the new plans for DAC.

Mrs. Rupert also attended the final celebration at Rapids Water Park for Deerfield Beach High School College Tour Tutoring program, a wonderful grant by the J.M. Foundation.

Mrs. Rupert attended the League of Women Voters Re-districting hearing at Nova-Southeastern University, and welcomed newly-elected Deerfield Commissioner Ben Preston at this swearing in ceremony.

Mrs. Bartleman highlighted some of the major events that are pertinent to the district, even though she has attended several events.

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Mrs. Bartleman stated that when she met with the Cooper City principals the city was unaware of the Choice option that was occurring with the high schools (because of the Florida Department of Education). She stated that this needs to be included in the district's Legislative agenda and the fact that Choice is not funded, and getting the price after it is done. Mrs. Bartleman concurred with her colleagues that communication is needed through a pamphlet to the community because there are major issues in Cooper City, as far as whether there will be future boundary changes. She stated that high school choice will impact everyone and future boundaries.

Mrs. Bartleman stated that over the summer great things happened in regard to student mentoring; Hallandale has a great program and it serves a lot of students at Pines Middle called PreCision which is part of Visions and Images. The City of West Park Commissioner Felecia Bunton is involved in this project. Mrs. Bartleman informed that girls from throughout the county met with different role models and mentors who were able to set up a plan for their future. A ceremony was held that showcased their talent and a Ms. PreCision was crowned. Mrs. Bartleman stated that there are many great mentoring programs that need to be replicated, such as PreCision, and she will be recognizing Commissioner Bunton for this program.

Mrs. Bartleman congratulated Ms. Dinnen for being honored in June 2011 for Woman of the Year by the Northeast Democratic Club.

Mrs. Bartleman thanked everyone at the school level for everything they do on behalf of children. She stated that there is a lot of work and teachers work until the evening getting prepared for the students, and as a parent she appreciates it. Mrs. Bartleman expressed appreciation for the Open House events which provide a comfort level for students and parents on the first day of school. Gratitude was also expressed to BTU for inviting the Board to hear their concerns.

Mrs. Bartleman wished everyone a great school year and good luck to the Transportation department. She wished her former colleagues Mrs. Gottlieb and Mr. Thomas good luck and good health, and thanked them for their service to the School Board.

Mrs. Bartleman discussed the Harvest Drive, a drive where food and clothing is collected and corporate sponsors work with the school social workers to redistribute what is collected right back to the students in the South Area community. Mrs. Bartleman stated that they are having a hard time getting a start-up in the South Area.

Ms. Murray stated that schools are already in session in District 1, and year-round schools will begin in two weeks. She stated that students in McNicol Middle School Science, Technology Engineering and Mathematics (STEM) Academy will provide a fresh start to the implementation of the STEM magnet program at the school. The magnet school will highlight three houses of STEM curriculum: Forensic Science, Alternative Energy, and a STEM Paxton Lab. Ms. Murray stated that the Hallandale zone is working together to implement this program at all middle and high schools.

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Ms. Murray stated she has been involved in backpacks and school supplies throughout her district. Gratitude was expressed to all supports who helped her to provide over 3,000 students with backpacks and school supplies in District 1. Ms. Murray stated that the United Church of Iberia has participated in this event for the past 10 years, along with the City of Hollywood, and the Hollywood Jaycees and K-Mart at Oakwood provided needy children with a visit to the store to pick up supplies and clothing.

Ms. Murray further stated that supplies were also provided by Office Depot and Wal-Mart. United Neighbors of South Hollywood provided a Backpack Night on National Crime Watch Night. Boulevard Heights Neighborhood Association is providing backpacks and school supplies to all schools in the McArthur zone which will be delivered tomorrow, and help was also provided by the Broward Education Foundation.

Ms. Murray said that Big Mama was at Gulfstream's Open Day for School registrations and brought school supplies, school link with telephones for low-income families and their children; beauticians provided children with hairstyles; and food was supplied. Community-support groups also attended, along with the Hollywood Chamber of Commerce, and AT& T Supply.

Ms. Murray thanked everyone that has helped District 1 for their efforts in making sure that children who needed the help the most got it.

Ms. Murray attended the Meet and Greet events at three elementary schools with their principals and Hallandale High School (new principal Ms. Estella Eckhardt), which resulted in a good showing of parents. She stated that teachers and support staff came out to all schools and there was an average of 150 parents at each site, an inspiring and energetic showing by all new principals.

Mrs. Good commended the South Area for their Meet and Greet events in District 2. The community met six new principals at Perry Elementary, Perry Middle, Sunset Lakes, Pines Lakes and Pembroke Pines elementary schools, and Flanagan High School. The events were all well attended and there was a lot of energy from everyone. Mrs. Good stated that parents' and students' questions were answered and they left prepared to come back for the opening of school. She concurred that anything that the district can do to continue to reach out to parents and have them be participating with the principals at the schools is a great thing.

Mrs. Good congratulated Walter C. Young and Silver Trail middle schools for being selected one of the top five schools raising pennies to fight cancer. She stated that students at Walter C. Young boosted a life-saving cancer research with spare change and the school kicked off the program with a morning announcement, teacher presentations and a leadership meeting organized by the National Junior Honor Society. New faculty members shared their personal experiences related to blood diseases and how these diseases affected their lives. Mrs. Good informed that the PTSA was also involved, and pizza was provided to the 2nd and 3rd place winners.

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Mrs. Good further stated that students at Walter C. Young raised \$7,899.27 to the cause and second in the effort was Silver Trail Middle School, who competed for the pasta party which the students conducted at Olive Garden. The party was one of the biggest driving forces behind their efforts. Silver Trail was able to raise \$6,886. Mrs. Good praised the students for giving back to the community and to a cause such as this which affects everyone.

Mrs. Good extended best wishes to principals, assistant principals, and teachers in the new school year, and for their tremendous effort in the success of students.

Ms. Dinnen showed her colleagues the plaque of the Solar Car who won the National Championship in their category this year. She recalled the first meeting when the Solar Car decided to go to national competition by way of the district's flatbed trucks. She stated that a special presentation will be held in the future for the team.

Ms. Dinnen extended gratitude to the Greater Fort Lauderdale Alliance for including a section in the Sun Sentinel on July 31, 2011, related to the great features of Broward County public schools. She stated it was their promotion and they paid for the feature. Ms. Dinnen noted that the Chairman of the Alliance will be on the Broward Education Foundation.

Ms. Dinnen referred to McArthur High School's winning video competition promoting public schools and the benefits of public education. The video was shown to a group of state Presidents of School Boards Associations across the United States and the President of the National School Boards Association, which was praised and will be copied for use in their states. Ms. Dinnen stated that the video has been shown in school boards throughout the state.

Ms. Dinnen informed that Florida School Boards Association joined the Federal Education Association (FEA) and a number of other organizations challenging the ballot title and the summary language of the proposed Amendment 7 that was announced and which would allow the vouchers to come back into the school system.

Ms. Dinnen congratulated Mr. Jerry Graziose, Director, Safety and Chief Fire Official, who became a Commissioner in the City of North Lauderdale.

Ms. Dinnen gave a speech to the Broward Education Foundation on the budget and the Superintendent's Search, which generated a lot of questions at this round-table discussion. Ms. Dinnen reminded the community of the Kids in Need Resource Center, located on Copans Road, where teachers can get supplies and materials.

Ms. Dinnen congratulated teachers for the start of the school year and the start of school on Monday, August 22, 2011. She stated that the beginning of school is a wonderful time and the district has had a "tough" couple of years, but it has not made a dent in the quality of the school system.

Ms. Dinnen said she was unable to attend the BTU Legislative meeting due to illness.

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Ms. Dinnen praised Fort Lauderdale High School for being recognized as the top-ranked high school according to the Washington Post, one of the top schools in America and the highest ranking of any Broward high school in that category. She stated that 30,000 high schools are ranked and categorized, and Fort Lauderdale came in at 109 in the entire nation.

Mr. Williams thanked Mr. Carter for being the Interim Superintendent of Schools. He indicated that he has received phone calls from principals and teachers who praised Mr. Carter for the leadership he is providing to district staff and school-based staff for the opening of the school year.

Mr. Williams congratulated everyone, including the city municipalities for participating in the Million Father March. Last year, 38,000 fathers and men took their children to school on the first day. He stated that the committee is pushing to involve more than 38,000 fathers and men to take their children to school on the first day.

On behalf of the School Board, Mr. Williams welcomed back teachers and students for the opening of the most fantastic school year.

Speakers

Billy Davison
Wilnes Brunat

Following the Delegation of Speakers, Mr. Carter requested that Agenda Item EE-1 be pulled from the agenda in order to conduct additional evaluation to determine what the price impact would be on the reward recommendation, whether to include the amendment response criteria.

Mr. Carland advised that the Board has adopted the agenda so affirmative action would be needed to pull the item by re-opening the agenda.

Mrs. Bartleman inquired whether the item can be deferred to a time certain.

Mr. Carland stated that the recommendation will change.

Motion to Re-Open Agenda (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to re-open the agenda. (7-0 vote)

Mr. Williams acknowledged the request by Mr. Carter to pull Agenda Item EE-1.

Motion to Close Agenda (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to close the agenda. (7-0 vote)

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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. Murray, seconded by Mrs. Bartleman and carried, to approve the Consent Agenda for the remaining items (**identified by ***). (7-0 vote)

CONSENT ITEMS

A. RESOLUTIONS

- *A-1. Resolution in Support of Suicide Prevention Week – September 5-11, 2011 (Adopted)

Adopted Resolution #12-08, in supporting Suicide Prevention Week – September 5-11, 2011.

- *A-2. Resolution in Support of Brazil National Day – September 7, 2011 (Adopted)

Adopted Resolution #12-09, in support of Brazil National Day – September 7, 2011.

- *A-3. Resolution in Support of the International Day of Peace – September 21, 2011 (Adopted)

Adopted Resolution #12-10, in support of the International Day of Peace – September 21, 2011.

B. BOARD MEMBERS

E. CHIEF OPERATIONS OFFICER

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

- *F-1. Confidentiality Agreement between Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI) and The School Board of Broward County, Florida (SBBC) (Approved)

Approved the Confidentiality Agreement between SBBC and SACS CASI to make disclosures of personally identifiable information from student education records to accrediting organizations to carry out their accrediting functions.

SACS CASI will be conducting an accreditation review of SBBC's operations including an accreditation site visit scheduled for October 23-26, 2011, during which it will be necessary for SBBC to provide SACS CASI access to personally identifiable information from student education records for the purpose of school accreditation.

Approved in Open Board Meeting, October 4, 2011

The agreement will allow permission for SBBC to provide SACS CASI with access to personally identifiable information from student education records in accordance with applicable law.

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

This agreement will be executed after School Board approval.

There is no financial impact to the district.

- *F-2. Interagency Agreement with The School Board of Broward County, Florida, The Department of Juvenile Justice, and The Florida Department of Children and Families (Approved)

Approved the Interagency Agreement with The School Board of Broward County, Florida, The Department of Juvenile Justice and Florida Department of Children and Families for the purpose of sharing information regarding Children in Need of Services/ Families in Need of Services (CINS/FINS).

The Department of Juvenile Justice and Florida Department of Children and Families are required by Florida Statutes 1003.27(4), to enter into a cooperative interagency agreement with the School Board for the purpose of defining each department's role, responsibility and function in working with habitual truants and their families.

The district shall provide student information as per statute and rule and as defined by this agreement. The intent of all the parties is the reduction of truancy in Broward County.

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

There is no financial impact to the school district.

- F-3. New Charter School Agreement – Kathleen C. Wright Schools, Inc., (Kathleen C. Wright Leadership Academy) (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve a new charter school agreement for Kathleen C. Wright Schools, Inc., (Kathleen C. Wright Leadership Academy). **Mrs. Good was absent for the vote to meet with guests following the Special Presentation (page 3).** (6-0 vote)

Approved in Open Board Meeting, October 4, 2011

On November 9, 2010, The School Board of Broward County, Florida (SBBC), approved a charter application for Kathleen C. Wright Schools, Inc., (Kathleen C. Wright Leadership Academy). Pursuant to Section 1002.33, Florida Statutes, the terms and conditions for the operation of a charter school shall be set forth by the charter school and The School Board of Broward County, Florida, in a written contractual agreement. This agreement shall constitute a school's charter. On April 19, 2011, a charter agreement was approved for the operation and opening of a new charter school for school year 2011-2012.

This charter replaces the initial charter agreement between the parties that terminated on July 26, 2011 due to the charter school's failure to timely submit the required pre-opening documents. This new contract has been revised to acknowledge the charter school's subsequent provision of the required documents.

A copy of all supporting documents is available online via the Broward County Public Schools eAgenda at:
<http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda>.

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

There is no financial impact to the district.

This item was discussed concurrently with Agenda Item F-4.

Ms. Dinnen requested an explanation as to why the application was given extra time.

Dr. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services, responded that all of the applicants had to provide their information at that time and the information on the applications was incomplete. Dr. Harrison stated that the district had been contacted by the state to indicate that based on the fact there was still time for the Board to meet and take action, there was nothing in state statute that prohibited the district from allowing them to resubmit the documentation. She stated that the state did not want the district to put their own interpretation on the language that was in the statute.

Ms. Dinnen inquired whether the requirement of the special date was the district's requirement and not the state's requirement.

Dr. Harrison stated this was put in the contract because of the fact that it was unknown when schools were going to open and it did not allow for the district's public schools to know that the kids would show up at the charter school or at the public schools.

Approved in Open Board Meeting, October 4, 2011

Dr. Harrison stated that specific dates and language were put in the contract to ensure that everybody could be settled, the charter facilities and the district's facilities were secure and ready for the students to attend.

Ms. Dinnen inquired whether the state decided that the district's particular deadline was too inflexible.

Dr. Harrison responded that they encouraged the district to work with the charter school on that issue.

Ms. Dinnen stated that this is a state decision and not the school district's decision.

Concurring, Dr. Harrison stated that the district could not substantiate anything in the statute that prohibited this and Broward County has expectations and those expectations are going to be met. If they are not followed, the schools would not have been opened. Dr. Harrison further stated that staff was ready to pull any item at this meeting if appropriate documentation was not provided.

- F-4. New Charter School Agreement – Renaissance Charter School, Inc., (Renaissance Charter School at Coral Springs), formerly known as Renaissance Charter School of North Broward (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve a new Charter School Agreement for Renaissance Charter School, Inc., (Renaissance Charter School at Coral Springs), formerly known as Renaissance Charter School of North Broward. **Mrs. Good was absent for the vote due to meeting with guests following the Special Presentation (page 3). (6-0 vote)**

On November 9, 2010, The School Board of Broward County, Florida (SBBC), approved a charter application for Renaissance Charter School, Inc., (Renaissance Charter School at Coral Springs). Pursuant to Section 1002.33, Florida Statutes, the terms and conditions for the operation of a charter school shall be set forth by the charter school and The School Board of Broward County, Florida, in a written contractual agreement. This agreement shall constitute a school's charter. On May 17, 2011, a charter agreement was approved for the operation and opening of a new charter school for school year 2011-2012.

This charter replaces the initial charter agreement between the parties that terminated on July 26, 2011, due to the charter school's failure to timely submit the required pre-opening documents. This new contract has been revised to acknowledge the charter school's subsequent provision of the required documents.

Approved in Open Board Meeting, October 4, 2011

A copy of all supporting documents is available online via the Broward County Public Schools eAgenda at:
<http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda>.

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

There is no financial impact to the district.

This item was discussed concurrently with Agenda Item F-3.

G. HUMAN RESOURCES

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

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

The Personnel Recommendations for Instructional Employees include the following items:

1. Teacher Approvals
2. Instructional Leaves

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

***G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 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:

Approved in Open Board Meeting, October 4, 2011

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 as amended)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve the personnel recommendations for appointments and reassignments as listed on the Executive Summary, respective lists and individual appointments for Non-Instructional Employees. All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. **This item was amended to reflect additional names to page 12, Section 7; and add pages 14-15 to Section 8. (7-0 vote)**

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

1. Non-Instructional Approval(s)
2. Non-Instructional Reassignment(s) – Promotion(s)
3. Non-Instructional Reassignment(s) – Demotion(s)
4. Non-Instructional Substitutes/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 2011-2012 school/fiscal year for all appointments through June 30, 2012.

Referring to the selection of Non-Instructional personnel, Mrs. Good voiced concern over the composition of the Selection Committee to interview candidates and make a selection is not broad enough. She stated that in one case there were two individuals from the department and one person from Human Resources, and in another case there were four individuals that comprised the Selection Committee.

Approved in Open Board Meeting, October 4, 2011

Mrs. Good stated that selection committees should have diverse representation, race and gender, and that other individuals from other departments should be participating in the selection committees.

Mrs. Good inquired about the structure of the Selection Committee, whether it is set by policy or whether it is procedural.

Mrs. Victoria Kaufman, Director, Non-Instructional Staffing, informed that district staff or a supervisor who advertises the position indicates at the time of advertising the position who they would like to be on the interview panel. Mrs. Kaufman stated if there is a large number of resumes a secondary screening is made with an indication of who will be the screeners. The secondary screeners are separated from the interviewers and they are not the same panel.

Ms. Gracie Diaz, Associate Superintendent, Human Resources, informed that the number of the Selection Committee is not dictated in policy. She stated that procedurally there is generally an idea of the number of individuals from the supervisor, and a Human Resources representative as a neutral representative on the committee. On some occasions there are different people from different departments but it is not a set formula of individuals.

Mrs. Good voiced concern over the structure, as there is no requirement that the Selection Committee that interviews the individuals be diverse in any way.

Mrs. Kaufman responded that there is assurance of diversity as far as ethnicity and gender on each panel, and all the names under the Selection Committee in the agenda item have this composition.

Mrs. Good stated that when there is a supervisor of a department on the Selection Committee and maybe other individuals that work for the supervisor as part of that Selection Committee, there is a question of whether the process is open and fair. Questioning whether staff would go against a supervisor's recommendation, Mrs. Good stated that in order to not have that type of criticism and to be as transparent in the process, a review should be made of potentially expanding the selection committee so that the majority of the individuals are not from the department and including someone with a higher pay grade. She stated that individuals from outside of Human Resources should be part of the process.

Mrs. Good inquired whether Broward School District's standards are comparable to other districts' practices. She stated this might assist Broward County in having a more fair representation on the Selection Committee.

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Recalling that years ago it was all staff members from a department, Ms. Murray stated that depending on the level of responsibility of the job, the interview committee needs more people and staff needs to move in that direction.

Mrs. Rich Levinson stated that having representation from the area that someone is being hired for is most important because they understand that area and that a disinterested person from another area may not have any knowledge about the department's needs. Mrs. Rich Levinson said she has a level of trust that the manner in which it is currently being implemented includes adequate representation from the department in which the position will be filled, along with Human Resources representation.

Ms. Dinnen said she sees a problem with asking that the committee be broadened a little bit. Noting that she has served on a lot of committees mostly at a college level than a district level, Ms. Dinnen stated it is very useful to have individuals from the particular area because they know the job. She stated that although a supervisor and a member may be on the Selection Committee, the insight of a member of that group is needed; the department head or a supervisor's opinion is not needed. Ms. Dinnen further stated that she supports the manner in which people are placed in the given area of expertise on the committee, as they are the primary leaders.

Ms. Dinnen said she did not want the Board to begin getting into the choosing of personnel, as that is the Superintendent's job and the Board has been criticized in the past for that practice. Ms. Dinnen stated that concerns and ideas are being brought forward but it is the purview of the Superintendent to do the hiring and firing as it is the purview of the Board to hire and fire a superintendent.

Mrs. Bartleman stated that she trusts Human Resources to look into this issue and figure it out. She stated that as the district moves into a greater area of accountability among staff, especially in very technical positions in Education Technology Services, such as a web designer, the person who is directly supervising should be on the committee and that random people who do not know anything about the job description should not be on the committee.

Mrs. Bartleman further stated she wants greater accountability from supervisors over their staff. She concurred with reviewing what other school districts are doing and whether this district is within that, and see if any improvements can be made. Mrs. Bartleman said that supervisors know who they need and what skills they are looking for.

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Mrs. Bartleman stated that if too many people are brought in who know nothing about the job or the intricacies of that department or the demands, there will be a watered down process and not get the best candidate, especially as it pertains to those complicated positions that not everyone in the district knows about, such as ETS, procurement, financing and purchasing.

Mrs. Good stated that the Superintendent recommends to the Board who is to be on staff and it is not for the Board to decide. She reiterated that the Selection Committee should be broadened, to have individuals included in that committee structure that are not part of the department. Any question as to the validity of the selection cannot be questioned because there are individuals from schools or from other departments participating in that process. Mrs. Good concurred that the supervisor and other individuals from the department need to be involved because they have intimate knowledge of what happens within the department and their opinion is of value in the process. Mrs. Good further stated there would be a benefit from having principals or someone from the school's perspective that can bring that outside viewpoint as to who is on the committee. She said the intent is to broaden the selection process so it is more evident that the Board is looking for different perspectives on who is being selected.

Ms. Murray stated that currently the screening committees have three to five individuals from the level of the job and staff should ensure that there is diversity of people in the selection of the jobs.

Mr. Carter informed that during his tenure in the district and in other selection committees he has not seen the influence of a supervisor in determining the outcome of the selection. Mr. Carter stated that in every case he can recall it is almost impossible not to select the best person and the subsequent performance of the person bears this out.

Mr. Carter further stated that he has listed eight (8) traits which he thinks will take into consideration the concerns of the Board Members: department representation (which is already in place); balanced ethnicity (always had); the number of gender (there has to be a gender of subjectivity in the selection process, and the number cannot be determined based upon the position); the level of the individual making the selection has to be above the level that is being selected; the supervision should already be in place because the candidate may ultimately report or directed to a particular supervisor, and sometimes based on the position and the technical requirements of the position, the relationship of that position to the community will bring outside people to participate on the committee.

Approved in Open Board Meeting, October 4, 2011

Continuing, Mr. Carter stated that following an initial interview with the finalist(s), based on a particular position, a follow-up interview is held and the individuals are brought in for a drill-down interview. This interview is to better get to know the person, their detail on a particular job and from this interview a final selection is made. Mr. Carter further stated that a checklist of these categories are covered to ensure that any possibility of favoritism is eliminated toward a particular candidate.

Mrs. Rupert stated that three individuals on the Selection Committee is too little, but it is the purview of the Superintendent. Mrs. Rupert voiced concern that there was not enough diversity in the Selection Committee to give everybody a fair and equal access to the job. She suggested that Ms. Michaelle Valbrun-Pope, Director, Diversity and Cultural Outreach, be part of the discussion with Ms. Diaz regarding the process.

Following the vote on the item, Board Members recognized new staff appointments.

*G-4. Personnel Recommendations for Non-Instructional Separation of Employment or Discipline(s) 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 #2 (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.

Approved in Open Board Meeting, October 4, 2011

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.

H. ATTORNEY

H-1. Broward County School Board vs. Russell Pittman (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to (1) Consider the Recommended Order, rendered on December 22, 2010, by Stuart M. Lerner, Administrative Law Judge, in the matter of Broward County School Board vs. Russell Pittman, Case No. 09-2762, before the State of Florida Division of Administrative Hearings; (2) Rule upon Respondent's Exceptions to the Recommended Order and Petitioner's Response to Respondent's Exceptions to the Recommended Order; and (3) Render a final order based upon the actions in numbers (1) and (2) above. This motion was superseded by motions to deny exceptions (below). (7-0 vote)

On April 17, 2009, The School Board approved the recommendation from the Superintendent of Schools for the suspension without pay and termination of Mr. Russell Pittman, a band director at Pines Middle School. Mr. Pittman was charged with inappropriate conduct of a physical nature with two minor students. The legal basis for his termination was moral turpitude, immorality, and misconduct in office. Mr. Pittman 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 Recommended Order, recommending that The School Board "issue a final order terminating Respondent's employment as a professional service contract teacher with the School Board..."

Approved in Open Board Meeting, October 4, 2011

The Respondent, Mr. Pittman, through his counsel, filed Exceptions to the Recommended Order. The Petitioner (The School Board, by and through the Superintendent and his cadre counsel), filed a Response to Mr. Pittman's Exceptions.

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

There is no financial impact to the district.

Mr. Carland informed that that the Superintendent's recommendation to terminate employee Russell Pittman originally came to the Board in April 2009 and the employee requested a hearing to exercise his due process rights and the matter was referred and heard before an administrative law judge of the Division of Administrative Hearings in October 10, 2010 due to the fact there was a companion ongoing criminal case. Subsequent to the Administrative Hearing, the administrative law judge issued a recommended order on December 22, 2010.

Mr. Carland stated that the Board is to consider the Recommended Order and exceptions to certain findings of fact, certain conclusions of law and the recommendations which have been filed by Mr. Pittman's counsel, Mr. Steve Rossi, Esq. On behalf of the School Board, Ms. Carmen Rodriguez, Esq., filed responses to those exceptions, which are provided with the agenda item. Presentations will be made by both counsel; the Board is not taking testimony and will not hear from witnesses. Mr. Carland advised the Board to take the exceptions one at a time and rule on them separately.

Mr. Rossi informed that Mr. Pittman is present today during these proceedings. Mr. Rossi informed that the entire basis for the School District's investigation in this matter was predicated upon two criminal offenses that Mr. Pittman was charged with. Following the criminal cases by two separate juries and judges, Mr. Pittman was found not guilty. Mr. Rossi explained the process that was utilized during this investigation of the case, which was conducted by the police and not the school district, and this information was presented to the administrative law judge.

Mr. Rossi addressed Respondent's Exceptions to Finding of Fact 8, stating that based upon competent, substantial evidence that the proceedings on which the findings were based did not comply with essential requirements of law.

Approved in Open Board Meeting, October 4, 2011

Mr. Rossi reviewed the transcript record on page 44, lines 17-25, and stated that the record will demonstrate that the finding of fact is not based on competent, substantial evidence.

Ms. Rodriguez responded that the allegations in this case were misconduct in office, immorality and moral turpitude, matters that are violations of the district's code, independent of whether there had ever been criminal charges filed here. The standard in a criminal matter is different than the standard before the Board; the district is judged by a preponderance of the evidence standard and not the standard of criminal matters.

Ms. Rodriguez stated that unlike most district cases, this case did wait until the completion of the criminal matters before an administrative hearing was held. The administrative law judge did have the benefit of the criminal finding as to the lead case prior to hearing this case, which was admitted into testimony. Ms. Rodriguez stated there has never been any claim that there was any procedural impropriety or that Mr. Pittman was ever denied any opportunity to present any witnesses or present any matters.

Ms. Rodriguez stated that the credibility of the witnesses, the inferences and all those issues as to who to believe belongs exclusively to the Administrative Law Judge. Ms. Rodriguez said that the administrative law judge found that in paragraphs 63 and 64 that Mr. Pittman's explanation was extremely weak and entirely unpersuasive. The administrative law judge reviewed all the evidence, heard all the evidence, and Mr. Pittman was not denied any opportunity to present any credible evidence that he chose to.

Ms. Rodriguez further stated that Mr. Rossi is asking the Board to re-weigh the evidence and to make a different credibility decision, which the Board cannot do based on the statute and based on the applicable law. Ms. Rodriguez advised that there are no grounds for granting the Respondent's Exceptions to Finding of Fact 8, and requested a motion that Respondent's Exceptions to Fact 8 be denied as competent, substantial evidence supports the finding.

Mr. Carland advised that the Board has the option to deny the exception or, if the Board is going to consider granting the exception, the process would entail having a motion and a specific finding by the Board that there is no evidence in the record that could support the conclusion made by the hearing officer.

Motion to Deny Exception 8 (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to deny Exception 8. (7-0 vote)

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Mrs. Good referred to the conversations between the employee and student, as outlined in paragraphs 17 and 18, and monitored by the police department. Mrs. Good inquired whether the conversations were heard by the individual that generated these fact findings.

Responding affirmatively, Ms. Rodriguez stated that the tape of the controlled phone calls was introduced into evidence.

A vote was taken on the motion.

Addressing Exception 20, Mr. Rossi stated that a review of the entire record demonstrates that the finding of fact is not based on competent, substantial evidence. Mr. Rossi stated that a careful review of the record demonstrates that the portion of the controlled phone call was inaudible. Therefore, the finding of fact that Mr. Pittman referred to the student as "not spanking him" did not happen and should be rejected.

Ms. Rodriguez responded that the Board has the applicable law as to the admissibility of the tape and the law establishes that the tape was admissible, it was for the hearing officer to make the determination as to what was and was not understandable. She stated that Mr. Pittman had an opportunity to explain the tape, and the small parts of the tape that were inaudible does not take away the integrity of the entire document, and it is for the administrative law judge to make that determination. Ms. Rodriguez referred to footnote 26 and stated that the administrative law judge indicated that even absent this tape the witnesses who testified on behalf of the School Board were more credible.

Ms. Rodriguez further stated that the exception is without any factual or legal merit as to the actual conclusion that the termination is warranted. She requested that a motion be made, that Respondent's Exceptions to Finding of Fact 20 be denied, as competent, substantial evidence supports the finding.

Mr. Carland stated that the decision before the Board is to deny the exception, to consider granting it, or to make a specific finding that there is no substantial evidence to support the determination of the hearing officer.

Motion to Deny Exception 20 (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to deny Exception 20. (7-0 vote)

A vote was taken on the motion.

Approved in Open Board Meeting, October 4, 2011

Addressing Exception 21, Mr. Rossi stated that upon review of the entire record, specifically the controlled phone call, would demonstrate that the finding of fact is not based on competent, substantial evidence and is in fact inaccurate. The competent, substantial evidence supports a finding that Mr. Pittman never said that he would not have done what he did if he had thought about his son or wife finding out. This finding of fact should be rejected or modified to admit this portion.

Mrs. Good inquired whether the employee denied ever saying anything about the conversation.

Mr. Rossi responded that the administrative law judge indicated, "Asked by E.G. what would happen if his son or wife found out about what had happened, the Respondent responded that he had not thought about that at that time of the incident and, if he had thought about that, he would not have done what he did." Mr. Rossi indicated that is not what was reflected in that phone call, and an incorrect finding of fact by the administrative law judge.

Mr. Carland advised that the only facts for the Board to consider are those stated in paragraph 21.

Ms. Rodriguez responded that her argument goes to the validity, and the determinations as the tape and the weight and admissibility of the administrative law judge governs those decisions. Ms. Rodriguez stated the issue is competent, substantial evidence; that the tape corroborated by the witness is the competent, substantial evidence. She requested a motion that Respondent's Exceptions to Finding of Fact 21 be denied.

At the request of Mrs. Good, Mr. Carland stated that there is a different legal standard for judging the evidence than there is for an administrative law judge and a jury sitting in a criminal case. In a criminal case the jury is the finder of fact and is required to look at the evidence at the highest standard available under the law, beyond a reasonable doubt. In this type of civil, discipline matter the applicable standards for findings of fact would be preponderance of the evidence and that is the lowest standard for assessing evidence and making determinations based upon evidence.

Mr. Carland advised that finding 21 is not a direct quote, it is a determination of what the hearing officer believed the facts to be, based upon all of the evidence and not just the testimony.

Ms. Rodriguez stated that on page 24, paragraph 28 of the Recommended Order the administrative law judge has a very detailed explanation of what the preponderance is and how it applies to these proceedings.

Approved in Open Board Meeting, October 4, 2011

Motion to Deny Exception 21 (Carried)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to deny Exception 21. (7-0 vote)

A vote was taken on the motion.

Referring to Exception 25, Mr. Rossi stated that a review of the entire record demonstrates the finding of fact is not based on competent, substantial evidence. There is no evidence to support a finding that Mr. Pittman and the student were talking about an intentional inappropriate touching as described by the student; to the contrary, the record evidence, as set forth on page 55, lines 2-16, established by the student's own admissions that at no point in time during the recorded conversation did the student ever specifically ask Mr. Pittman why he inappropriately touched her. Referring to pages 57, lines 3-12, Mr. Rossi said that the student further admits that she never specifically asked Mr. Pittman what happened.

Ms. Rodriguez responded that the issues enumerated by Mr. Rossi are issues for the administrative law judge to determine, the context and the validity of the excerpts that he listened to. Ms. Rodriguez stated that what is being asked of the Board is inconsistent with how humans express themselves in the normal course of events. The administrative law judge heard the evidence in the context of what had transpired between the two individuals, and determined that the controlled call had substance and meaning. Ms. Rodriguez requested a motion to deny Respondent's Exception 25.

Motion to Deny Exception 25 (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to deny Exception 21. (7-0 vote)

A vote was taken on the motion.

Referring to Exception 29, Mr. Rossi stated that a review of the entire record demonstrates this finding of fact is not based on competent, substantial evidence. Mr. Rossi noted controlled phone calls are done with police supervision and they know what is taking place. The competent, substantial evidence supports the finding that Mr. Pittman was referred to an accidental and uncomfortable hug, that he felt bad about that as opposed to what the student was referring to, although she never specified this in her entire controlled phone call with him.

Approved in Open Board Meeting, October 4, 2011

Ms. Rodriguez responded that the controlled phone call did not take place as a result of a call from the student to Mr. Pittman; it was Mr. Pittman who called her and the student's mother took her to the police when the call was returned. Ms. Rodriguez stated there is competent, substantial evidence that supports this conclusion and this finding, and requested a motion to deny the Respondent's Exceptions to Finding of Fact 29.

Motion to Deny Exception 29 (Carried)

Motion was made by Mrs. Good, seconded by Ms. Murray and carried, to deny Exception 29. (7-0 vote)

A vote was taken on the motion.

Referring to Exception 31, Mr. Rossi stated that a review of the record demonstrates that this finding of fact is not based on competent, substantial evidence. Mr. Rossi reiterated that based upon the police monitored phone call, the student did not go into the particular, specific things that Mr. Pittman was doing, and the evidence does not lend credence to the student's story. The evidence supports a finding as to what the student is talking about during this phone call, and there is no evidence to establish that Mr. Pittman clearly understood what the student was referring to. Mr. Rossi stated there is no competent, substantial evidence to support a finding based upon this controlled phone call that he had touched the student inappropriately. Mr. Rossi further stated that a jury of six people heard the same evidence and the same controlled phone call and they found Mr. Pittman not guilty.

Ms. Rodriguez responded that the credibility of the witnesses, the weight and the testimony are within the administrative law judge's purview. There was competent, substantial evidence from which he could have made that determination, based on the administrative law judge's assessment, and the criminal proceedings does not have any bearing on the proceedings before the Board. Ms. Rodriguez stated there is competent, substantial evidence that supports this conclusion and this finding, and requested a motion to deny the Respondent's Exceptions to Finding of Fact 31.

Motion to Deny Exception 31 (Carried)

Motion was made by Mrs. Good, seconded by Ms. Murray and carried, to deny Exception 31. (7-0 vote)

A vote was taken on the motion.

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Referring to Exception 33, Mr. Rossi stated that a review of the record demonstrates that this finding of fact is not based on competent, substantial evidence. Mr. Rossi stated that a review of the entire record establishes that competent, substantial evidence supports a finding that Mr. Pittman and the particular student were never alone in a band room, therefore the student could not have been victimized in a manner that she had expressed. Not only did Mr. Pittman deny this ever occurring, but Ms. Larson, another teacher, clearly and competently testified that she has never entered a room where Mr. Pittman and the student were alone, as reflected in the transcript, page 104, lines 23-24. Mr. Rossi stated that the testimony from the teacher alone contradicts and casts doubt on the student's entire version of events.

Referring to Finding of Fact 15, Ms. Rodriguez stated that the administrative law judge found that approximately ten (10) days later for the first time since the evening of July 2, 2008, Mr. Pittman tried to call the student on her cell phone but there was no answer and Mr. Pittman left a message. The mother then drove directly to the Pembroke Pines police station.

Ms. Rodriguez further stated that this exception is predicated as the other exceptions; to weigh the evidence, come to a different credibility and determination which is not within the purview of the Board because the Board is not a fact finder.

Ms. Rodriguez stated there is competent, substantial evidence that supports this conclusion and this finding, and requested a motion to deny the Respondent's Exceptions to Finding of Fact 33.

Motion to Deny Exception 33 (Carried)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to deny Exception 33. (7-0 vote)

A vote was taken on the motion.

Referring to Exception 36, Mr. Rossi stated that a review of the record demonstrates that this finding of fact is not based on competent, substantial evidence.

Ms. Rodriguez stated there is competent, substantial evidence that supports this conclusion and this finding, and requested a motion to deny the Respondent's Exceptions to Finding of Fact 36.

Motion to Deny Exception 36 (Carried)

Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to deny Exception 36. (7-0 vote)

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A vote was taken on the motion.

Referring to Exception 39, Mr. Rossi stated that a review of the record demonstrates that this finding of fact is not based on competent, substantial evidence. Mr. Rossi stated that the student contradicted her earlier testimony that she had never discussed this case with anyone, as reflected in the transcript, pages 77-28, lines 24-25 and 1-3.

Ms. Rodriguez stated that the student responded "vaguely" when asked whether she had said something to her friend. There was no further questioning as to what exactly she told her friend, the scope of anything that would be inconsistent with her testimony. Ms. Rodriguez further stated that in order for the Board to disregard this finding, the Board would be required to make their own determination as to the witness' credibility and testimony. Ms. Rodriguez requested a motion to deny the Respondent's Exceptions to Finding of Fact 39.

Motion to Deny Exception 39 (Carried)

Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to deny Exception 39. (7-0 vote)

A vote was taken on the motion.

Mr. Carland stated that exceptions will be addressed as to the Conclusions of Law, paragraphs 61-65. Mr. Carland advised that similar to the Findings of Fact, the Board is required to rule on each exception, to deny the exceptions or to grant the exception. If the Board wished to reject the conclusion that the hearing officer made or somehow modify that conclusion, the Board would only be able to do so if it was with regard to an administrative rule or a law that the Board had substantive jurisdiction over or that the Board exclusively handles. Mr. Carland further stated that in rejecting or modifying a conclusion of law, the Board would have to articulate some rationale whereby the Board indicates how its interpretation of the law is more reasonable than that of the hearing officer.

Referring to Conclusion of Law 61, Mr. Rossi stated that a review of the entire record in conjunction with the references in the record and arguments made earlier, support a conclusion that the preponderance of the record evidence established that Mr. Pittman did not engage in inappropriate physical contact as alleged in the administrative complaint. Mr. Rossi further stated this substituted conclusion of law is as reasonable, or more reasonable, than what the administrative law judge recommended in his order.

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Specifically, when the administrative law judge heard this case Mr. Pittman had been found not guilty of the alleged incident involving the first student. It was not until after the hearing before the administrative judge that Mr. Pittman was again found not guilty as to the second alleged incident. The administrative judge did not have the benefit of this information at the time of that hearing.

Mr. Rossi further stated that there was one day's worth of testimony that was heard by the administrative law judge before recommending a Recommended Opinion to the Board. In both separate criminal cases, while there is a different standard, Mr. Pittman maintained his innocence and two separate juries found him not guilty. Mr. Rossi said this is contrary to the administrative law judge's opinion who found that Mr. Pittman did do what these students' allege, but he has to carry greater weight in this proceeding today. Mr. Rossi requested that the Conclusion of Law be modified to reflect that Mr. Pittman should not be found guilty of the administrative complaint.

Ms. Rodriguez responded that there are grounds to deny each of the exceptions because the Findings of Fact are supported by the substantial, competent evidence. At this juncture the substantial, competent evidence is applied to the applicable rules and procedures governing the conduct of teachers. Ms. Rodriguez stated that having found the findings were substantiated in the record evidence presented, requested that Respondent's Exceptions to Conclusion of Law 61 be denied.

Mr. Carland advised that Exception 61 is the ultimate conclusion by the hearing officer and it does not involve any exclusive area, law or rule, that the Board has jurisdiction over.

Motion to Deny Conclusion of Law 61 (Carried)

Motion was made by Ms. Murray, seconded by Mrs. Rupert and carried, to deny Exception 61. (7-0 vote)

Mrs. Rich Levinson inquired whether the two jury trials weigh into this case before the Board.

Mr. Carland advised that the criminal cases and the decisions in those case are not dispositive of the issues before the Board, they have no weight, there is a different trier of fact, and a different legal standard.

A vote was taken on the motion.

Referring to Conclusions of Law 62, Mr. Rossi stated that the same arguments will be made on this exception.

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Ms. Rodriguez requested a motion that Respondent's Exceptions to Conclusion of Law 62 be denied, for the same reasons previously noted.

Motion to Deny Conclusion of Law 62 (Carried)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to deny Exception 62. (7-0 vote)

A vote was taken on the motion.

Referring to Conclusions of Law 63, Mr. Rossi stated that the School Board should modify its conclusion of law following a review of the record. In conjunction with the references in the record and arguments made earlier, the preponderance of the record evidence establishes that Mr. Pittman's testimony was more credible than the student's, given the inconsistencies and lack of corroboration in the record. Mr. Rossi further stated that the substituted conclusion of law is reasonable or more reasonable than what the administrative law judge recommended in his order.

Ms. Rodriguez responded that Conclusion 63 is the ultimate conclusion on the credibility of the witnesses, both the student and M.S. were both credible and convincing, which is the basis on which the administrative judge predicates his conclusion of law. Ms. Rodriguez requested a motion that Respondent's Exceptions to Conclusion of Law 63 be denied.

Mrs. Good inquired under what circumstances could the Board accept an exception.

Mr. Carland responded that the Board could reject a conclusion and substitute its own conclusion, or modify the conclusion of law. The Board would have to articulate what conclusion is the proper conclusion and it would have to involve a statute or a law, or administrative rule over which the Board would have jurisdiction, such as a policy.

Ms. Murray stated that teachers are held to a higher standard and the Board has a moral obligation to students.

Mr. Carland stated there are professional principles at play with teachers when there is a review of their conduct. Specifically on this conclusion of law, the real objective of the hearing officer was to deal with the two main witnesses and make a finding as to their credibility. Mr. Carland further stated that the hearing officer has been specific in his report that he adjudged the credibility of the people as they testified and he commented how they withstood cross examination.

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Motion to Deny Conclusion of Law 63 (Carried)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to deny Exception as to Conclusion of Law 63. (7-0 vote)

A vote was taken on the motion.

Referring to Conclusion of Law 64, Mr. Rossi adopted his previous arguments as to Conclusion of Law 63.

For the same reasons, Ms. Rodriguez requested a motion that Respondent's Exceptions to Conclusion of Law 64 be denied.

Motion to Deny Conclusion of Law 64 (Carried)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to deny Exception as to Conclusion of Law 64. (7-0 vote)

A vote was taken on the motion.

Referring to Conclusion of Law 65, Mr. Rossi stated that the Board should modify this conclusion of law since a review of the entire record, in conjunction with the references in the record and arguments made earlier, more reasonably support a conclusion that the preponderance of the record evidence establishes Mr. Pittman did not engage in inappropriate physical conduct alleged in the administrative complaint, should be found not guilty of immorality and misconduct in office, and just cause does not exist to dismiss him from employment within the Broward County school system. Mr. Rossi further stated that this substituted conclusion of law is as reasonable or more reasonable than what the administrative law judge recommended in his order.

Ms. Rodriguez responded that the substituted conclusion of law would be inconsistent with the Findings of Fact, and for all of the reasons stated and as explained by Mr. Carland, the Petitioner would request a motion denying the exception to Conclusion of Law 65.

Motion to Deny Conclusion of Law 65 (Carried)

Motion was made by Ms. Murray, seconded by Mrs. Good and carried, to deny Exception as to Conclusion of Law 65. (7-0 vote)

A vote was taken on the motion.

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Mr. Carland informed that the only remaining exception to be addressed is the Respondent's exception to the recommended penalty of termination. In order for the Board to reject or modify the recommended penalty in this case, the Board would have to articulate the fact that it has reviewed the entire record and give specific reasons why the recommended penalty is more appropriate and justified, as opposed to that which has been recommended by the hearing officer.

Mr. Rossi stated that the legal basis for the exception is, as indicated in Mr. Pittman's exceptions, the findings of fact and conclusions of law, a review of the complete record indicates there is competent, substantial evidence in the record to establish a termination is not justified under the facts and circumstances of this case. Mr. Rossi said that the criminal charges and police reports are considered and utilized by the Professional Standards Committee and by the administrative law judge.

Mr. Rossi further stated that the record is clear and uncontested that Mr. Pittman has been employed by the Broward County School Board for approximately 22 years and during his career has never been disciplined for anything; has taught and mentored over 5,000 students in classroom settings and summer camps, has never been accused of an appearance of impropriety. There was evidence that was brought out long before Mr. Pittman went through the School Board investigation that neither the Professional Standards Committee or the administrative law judge had the benefit of, pertaining to the two not-guilty verdicts. Mr. Rossi informed that in the past, when the Professional Standards Committee knows that a teacher has been exonerated in a case or a criminal case has been dropped, usually that recommendation does not involve termination. The entire investigation was premised on police reports, the same police reports that resulted in Mr. Pittman being found not guilty by two separate juries.

Mr. Rossi requested the School Board to not accept the recommendation of the administrative law judge to terminate, to return Mr. Pittman to his career, as there is no criminal record and there has been no effect on his teaching certificate.

Ms. Rodriguez stated that the recommendation of the administrative law judge of termination of the Respondent is an application of the findings of fact to the considerable and substantial law interpreting the just cause standard. The administrative judge reviewed applicable cases, applicable standards and correctly applied just cause to that standard. Ms. Rodriguez informed that police reports were never admitted into evidence because the testimony of the witnesses was available and the administrative law judge assessed the credibility of the witnesses.

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Ms. Rodriguez further stated that the process has been followed and the findings of fact are consistent with applicable law defining just cause, which supports the conclusion for termination. Ms. Rodriguez requested a motion denying the objection to the conclusion for relief and sustaining the termination.

Mr. Carland advised the Board to make a motion to deny the exception for the recommended penalty or to modify the exception.

Motion to Deny Exception to Recommended Penalty (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to deny the Exception to the recommended penalty. (7-0 vote)

A vote was taken on the motion.

Motion to Adopt Recommended Order (Carried)

Motion was made by Mrs. Rupert, seconded by Mrs. Good and carried, to adopt the hearing officer's Recommended Order and enter a Final Order terminating the employee. (7-0 vote)

A vote was taken on the motion.

*H-2. Broward County School Board vs. Rachel Von Hagen (Adopted)

(1) Adopted the Recommended Order, rendered on June 21, 2011 by Claude B. Arrington, Administrative Law Judge, in the matter of Broward County School Board vs. Rachel Von Hagen, Case No. 11-0567 before the State of Florida Division of Administrative Hearings; and (2) render the Final Order in this cause.

On January 25, 2011, The School Board approved the recommendation from the Superintendent of Schools for the suspension without pay and termination of Ms. Rachel Von Hagen, a teacher at West Glades Middle School. Ms. Von Hagen was charged with retail theft and possession of a controlled substance. The legal basis for her termination was immorality, gross insubordination/willful neglect of duties, moral turpitude, misconduct, and violation of School Board Policy 2405 (failure to self-report). Ms. Von Hagen challenged The School Board's action and requested an administrative hearing before the State of Florida Division of Administrative Hearings.

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Following the administrative hearing, the Administrative Law Judge issued a Recommended Order, recommending that The School Board enter a final order (1) finding Respondent guilty of committing acts reflecting immorality and moral turpitude; (2) finding Respondent guilty of misconduct in office; and (3) that the final order terminate Respondent's professional service contract. No exceptions to the Recommended Order were filed by either party.

The School Board of Broward County, Florida must take final agency action by rendering a final order in this matter. Attached hereto as Exhibit 2 is a Final Order that has been approved as to form and legal content by the Office of the General Counsel.

There is no financial impact to the district.

I. OFFICE OF THE SUPERINTENDENT

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

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

Ms. Gloria Manjarres, a Professional Service Contract teacher, received an unsatisfactory IPAS evaluation, dated May 31, 2011, for failure to correct noted performance deficiencies within the ninety-day (90) calendar day performance probationary period during the 2010-2011 school year. Ms. Manjarres received formal assistance, support and feedback in compliance with provisions contained within The School Board of Broward County, Florida, and the Broward Teachers Union Collective Bargaining Agreement. This action is being taken in accordance with Section 1001.51, 1012.27(5), 1012.33 and 1012.34, Florida Statutes.

The cadre attorney prepared the Administrative Complaint, and timely notice was sent to the employee that a recommendation for suspension without pay and termination of employment would be presented to the School Board on August 16, 2011.

There is no financial impact to the school district.

***I-2. Petition For Formal Proceedings (Received)**

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

Approved in Open Board Meeting, October 4, 2011

The Professional Standards/Special Investigative Unit (PS/SIU), completed an investigation into allegations of aggravated child abuse. 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 16, 2011.

There is no financial impact to the school district.

J. FACILITIES AND CONSTRUCTION MANAGEMENT

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

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on July 27, 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:

AFCO Constructors, Inc. – Issue Pre-qualification Re-Certification
Gulf Building, LLC – Issue Recommendation to Not Certify
**Koldaire, Inc. – Issue Recommendation to Not Re-Certify
*/**Lebolo Construction Management, Inc. – Issue Pre-qualification Certification
*/**Lemartec Engineering & Construction Corporation – Issue Pre-qualification Certification
Sprinklermatic Fire Sprinklers and Fire Alarms, Inc. – Issue Pre-qualification Re-Certification

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

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

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

- J-2. The Dedication of an Elementary and a Middle School Site in the Wedge Area of the City of Parkland to the School Board
(Approved as amended)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve acceptance of the dedication of an elementary and a middle school site in the Wedge Area of the City of Parkland to the School Board as mitigation for the student impact anticipated from the residential developments proposed in the Amerigo Bruschi Family Limited Partnership (Bruschi Family), and the Triple H Ranch Property, Ltd., and Debuys Property Investment Group, Ltd., (Triple H and Debuys) lands. This motion was superseded by a Motion to Amend (page 46). (7-0 vote)

The annexation agreements between the City of Parkland and the Bruschi Family, and between the City of Parkland and Triple H and the Debuys requires the Bruschi Family to dedicate up to a 12-acre elementary school site, and for Triple H and Debuys to dedicate between a 15-20 acre middle school site to the School Board to mitigate the student impact anticipated from residential units that would be proposed in the properties. As required by the specific agreements, the locations of the school sites were jointly identified by the City and the School District staffs (see Exhibit 4). However, due to land constraints and other identified issues regarding the Bruschi Family, (now known as the Standard Pacific), property, the elementary school site was located in Triple H property as shown in Exhibit 4.

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The resultant elementary school site would be approximately 8.75 +/- net acres, and the middle school site would be approximately 17.16 +/- net acres because of the North Springs Improvement District (NSID) requirements which mandate that all undeveloped lands in the Wedge Area be constructed with a minimum of eighteen (18%) percent lake or water retention area. However, Triple H has acknowledged in writing that water from the school sites would be run-off into adjacent Triple H land.

A total of 600 single-family units were proposed in the Bruschi Family LUPA application and staff's review of the application indicates the units would generate a total of 302 additional students into Broward County Public Schools (BCPS). Also, a total of 1,346 single-family units were proposed in the Triple H and Debuys LUPA application, and staff's review indicates the units would generate a total of 678 additional students into BCPS. However, Triple H has since submitted a plat application which proposed a total of 570 single-family units which would generate a total of 288 additional students. Both properties impact Heron Heights Elementary, Westglades Middle and Stoneman Douglas High Schools in the 2010/11 school year.

A binding agreement between the School Board, the property owners, and the City will be scheduled for a future Regular School Board Meeting in 2011 to enable formal conveyance of the school sites to the School Board. At the minimum, the agreement will specify the value of the sites, and per the Second Amended Interlocal Agreement for Public School Facility Planning (SILA) and School Board Policy 1161, credits to address public school concurrency requirements that are due the property owners. Also, per provisions of the Policy, the Proportionate Share Mitigation Acceptance Group (PSAG), met on July 12, 2011, and voted to recommend that the School Board accept the dedicated school sites.

Appraisal of the school sites are currently underway, and the value of the sites and subsequent financial impact will be noted when the binding agreements for the sites are scheduled for School Board approval. Therefore, this item does not require a collaboration form from the Capital Budget Department at this time.

Pertaining to the elementary school and middle school sites, Mrs. Good stated that the owner who will ultimately convey the property is also going to be handling the water retention, which is pretty substantial.

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Concurring, Mr. Lindner stated that this was required by the Water Control Board and it impacts 18 percent of the site. Mr. Lindner stated that it is the city's desire to do it as soon as possible, and it will be followed closely because the district is still involved in the high school issue. The district is awaiting the city's timeline prior to announcing the district's timeline. Mr. Lindner further stated that part of the original agreement is to de-muck and fill the site.

Mrs. Good requested that whatever is needed to ensure that the property is properly compacted and filled.

Mr. Chris Akagbosu, Director, Growth Management, stated that the contractor will be getting credit for any de-mucking work and any associated fee that the contractor has in terms of going through the process.

Mr. Lindner added that it does not cost the district any money but it does work against the impact fees, credits.

Mrs. Good stated the importance of the fact that the reverter provision that was in the original agreement be specifically excluded from the conveyance document. Mrs. Good informed her colleagues that this was one of staff's concerns and understanding, that the reverter specifically had the fact that if it was not included within the Five-Year Plan within a short time frame that it would potentially revert to a charter school. Mrs. Good stated if conveyed to the district and accepted by the Board, it will be in the Land Use Inventory for future planning purposes.

Responding that it has been a demand from the beginning, Mr. Lindner stated that after several meetings the contractor agreed with that.

Mrs. Good informed that she asked the Planning Council to provide additional information to the total amount of units permitted on the property. She stated there is the potential to be about 2,400 or 2,500 dwelling units on the entire Wedge.

Mr. Lindner responded that the proposed Development Student Impact Plan shows 3,424 proposed single-family units and the possibility of generating, based on current student generation models, 1,725 students.

Mrs. Good inquired whether the recreational parcels located adjacent to the site will be located adjacent to the school site.

Responding affirmatively, Mr. Lindner stated that the possibility of mutual use agreements and mutual development has been broached.

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Mrs. Rupert inquired whether both properties impacted Heron Heights Elementary, Westglades Middle and Stoneman Douglas High schools last year.

Mr. Akagbosu responded that these are the schools that are affected this school year, not 2010-11 school year.

Mrs. Rupert inquired about the cost to maintain the property for one year.

Mr. Lindner responded that the cost is \$3,800 a year, for the two sites. The maintenance crew does this work on all vacant properties.

Ms. Murray stated she would like the issues the Board has discussed today be put in writing, so that a history is provided for future School Boards.

Mr. Lindner informed that there is a letter from their attorney saying that the reverter clause is out of play, it just has not been presented. The agenda item is stating that the district agrees to the dedication and is willing to move forward. Mr. Lindner further stated that the property does not convey until the conveyance document is prepared, which is reviewed by legal counsel. The agenda item is the planning document.

Mrs. Bartleman inquired whether the land belongs to the district.

Mr. Lindner responded that the district will own the land when the conveyance documents are executed and approved by the Board.

Mrs. Bartleman asked whether the conveyance documents will have any stipulations that tie the Board's hands.

Mr. Lindner responded that there is nothing that is not presented in this agenda item; there will be nothing that controls or requires the district to do anything with the land other than put a school on it. It will be zoned for public use and accepted; there is no timeline. Mr. Lindner stated that twenty years from now if the district wants to sell the land the district will have to sell to someone who wants to build a school because it will be zoned for public use. He stated that the City of Parkland will not change the zoning if the district wants to build something other than a school.

Mrs. Bartleman voiced concern that twenty years from now the district may have another use for the land, such as an administrative office. She stated the district should have as much flexibility as possible. If future students do not come, the district should have the ability to build for some other use.

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Mr. Lindner responded that he was not certain of the zoning requirements; as long as it was public use the district would probably be able to negotiate with the municipality. Mr. Lindner informed that the land is being given in place of impact fees, and there will be students generated out of this property. The issue becomes, is there sufficient capacity at the adjacent schools, students would have to be bused to those schools, and is there a need to do something else with that property. Mr. Lindner stated that the actual need is based on concurrency and concurrency is what is driving the dedication of the land. He stated that would be the "bottom line" that the city would fall back on in the event the district would decide, twenty years from now, that the property was not used but an office building on the site is what is needed.

Mrs. Bartleman inquired whether there is vacant land in Davie that the district took in lieu of impact fees that was never built on.

Mr. Akagbosu responded that the property was for Middle School NN and he is uncertain whether it was taken in lieu of impact fees. He informed that developers are using this land to satisfy their school impact and state law requires that the city may be part of this agreement. The city desires school sites to be there. Mr. Akagbosu stated he would need to research what occurred with the land in Davie.

Mr. Lindner stated that the district could sell it to another educational facility but could not sell it to anybody else.

Mrs. Bartleman stated that she wants to put the Board in the best position possible.

Mr. Lindner concurred.

Mrs. Good inquired whether the property will be appraised as public use or whether it will be appraised as residential property, which is quite higher.

Mr. Akagbosu responded that the land is zoned residential and it will be appraised knowing that it will be utilized for a public facility.

Remarking that the property is being proffered and it is not being conveyed to the district, Mrs. Good inquired whether the policy requires that the appraisal be done at the time of proffer and not at the time of conveyance.

Mr. Akagbosu responded that the appraisal has to be done before it is conveyed to be able to determine the value.

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Mrs. Good stated that the Requested Action is to approve acceptance of the dedication of the elementary and middle school site within the Wedge area, but there is no mention of the removal of the reverter provision. Mrs. Good said that she is very supportive of this item and it is great planning to have land banked for future school purposes. She said she wants to ensure that this Board is not put in a predicament whereby the acceptance of the dedication is approved and then for whatever reason the reverter provision is not removed. Mrs. Good inquired whether the Board has the ability to approve this item and amend it further to include that the provision of the reverter is removed.

Mr. Carland advised that an amendment would be sufficient, approve the Requested Action, and include verbiage: subject to a later approved dedication document. Mr. Carland stated this will ensure that the other terms that the Board has discussed as necessary elements in this transaction are in that dedication document. The record will be clear that the Board agrees to the dedication but it is being done subject to the specifics to come in a later document.

The following motion was made upon the advice of the Board Attorney.

Motion to Amend (Carried)

Motion was made by Mrs. Good, seconded by Ms. Dinnen and carried, to amend Requested Action, to indicate: Approve the dedication of an elementary and a middle school site in the Wedge Area in the City of Parkland to the School Board, subject to a later approved conveyance or dedication document. (7-0 vote)

Mrs. Bartleman referred to the last paragraph of the agenda item: "A binding agreement between the School Board, the property owners, and the City will be scheduled for a future Regular School Board Meeting in 2011 to enable formal conveyance of the school sites to the School Board." Mrs. Bartleman stated she does not know if an amendment is needed, but if it is not in future documents, in the subsequent agenda item that will come forward, she will vote no.

Mrs. Good stated that sometimes the Requested Action does not mention the rest of what is included in the Summary Explanation. She said she has seen other agreements that have been executed and recorded and the verbiage should be within the Requested Action as a formal record so that it is clear.

A vote was taken on the Motion to Amend, followed by a vote on the item as amended.

Approved in Open Board Meeting, October 4, 2011

J-3. Grant of Utility Easement to Florida Power and Light (FP&L) at Pompano Beach Middle School (Approved)

Motion was made by Ms. Murray, seconded by Mrs. Good and carried, to approve the grant of a Utility Easement to FP&L at Pompano Beach Middle School. (7-0 vote)

The proposed 15 foot utility easement is required by FP&L for a wooden pole and guy wire located on the south side of the bus loop to Pompano Beach Middle School. This pole and guy wire is used as a support for the AT&T equipment on the power pole at NE 2nd Avenue.

In May 2010, staff petitioned the City of Pompano Beach to vacate the retained utility easement within NE 3rd Avenue and NE 5th Street right-of-way vacated by City Ordinance No. 99-6. The Planning and Zoning Board agency review revealed that AT&T objected to the vacation.

In order to resolve the issue and obtain the City's approval and adoption of an Ordinance to vacate the underlying Utility Easement within the vacated NE 3rd Avenue and NE 5th Street right-of-way, the Board must grant the proposed 15-foot utility easement to FP&L. AT&T utilizes FP&L poles and easements for their overhead communication lines and equipment.

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

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

Acknowledging that the item is requesting that the Board grant a utility easement for the new location, Mrs. Good inquired whether the original easement that was located within 3rd Avenue was ever released. She further inquired whether it matters that there is a vacated right-of-way with an easement.

Mr. Akagbosu responded that the Board approved a hold harmless agreement addressing the city's acceptance of the construction of the new facility. Mr. Akagbosu stated that AT& T is the only "hold out" and once this action is taken it will cure everything. He concurred with Mrs. Good's statement, that it will vacate the original easement and then grant the new utility easement.

K. OFFICE OF CHIEF FINANCIAL OFFICER

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

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

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve the renewal of the School Board's membership in the Council of the Great City Schools. Mrs. Bartleman voted "no." (6-1 vote)

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

The Council of the Great City Schools has been enormously productive this year and remains the best and most aggressive advocate for urban schools in the nation. The Council of the Great City Schools is an organization that belongs solely to urban educators for urban education and urban kids – all the time.

The financial impact to the district is \$50,682. The source of funds is the School Board Members' department budget.

Mrs. Good inquired about the benefits derived to the district by participating in this particular organization. Mrs. Good stated that sometimes there are additional expenditures that the district incurs on a membership.

Mr. Carter responded that the organization provides a network for school districts, sharing common problems to exchange information and best practices, as well as they collectively address new challenges as they merge to deliver high leverage opportunities for urban youth. Council of Great City Schools is an integral advocacy for urban students through legislation, research and new relations, including the 65 large districts. They enforce urban education through a unified approach to voice any issues critical to supporting student performance. Mr. Carter stated that the Council uses the collective strength of the urban district membership and Washington-based support to monitor and enforce national school reform discussion and drive policymaking to foster achievement in urban districts. The Council conducts, facilitates and disseminates research, providing concrete guidance and support to member districts to improve education outcomes and reduce achievement gaps.

Approved in Open Board Meeting, October 4, 2011

Mr. Carter further stated that the Council provides key performance indicators on district operational functions, district assessment, as requested, performed by member district experts and council personnel. They publish the Urban Educator which is an award-winning monthly newsletter on the latest national and state development in the field of urban education. The Council produces an annual report, Beating the Odds which is an important tool for monitoring progress in the nation's urban school districts on state reading and assessments, student achievement by grade, race, ethnic and economic status and English language proficiency. Mr. Carter stated that they provide a conference and professional development on key national agenda issues and they provide awards and recognitions for all districts' membership.

Mrs. Rupert, who reminded her colleagues that she is a key representative for the Council, stated that as an educator the membership provides the fact, data-driven information to ascertain how to increase literacy and the graduation rates and what the other school districts around the country are doing. Mrs. Rupert stated that a lot of the questions she raises on curriculum issues come from information from the council. Mrs. Rupert further stated that this information is invaluable to her and in order to move students and to be on the cutting edge she would support affiliation with this organization and others because they are helping the district.

Ms. Dinnen stated that the Council of Great City Schools is the most prestigious organization, representing school districts of an urban or large size in America. Its lobbying force is extensive under the leadership of Michael Casserly and it has been very helpful, especially in a crisis. Ms. Dinnen further stated that due to the reauthorization of the Elementary and Secondary Education Act it is crucial that the district not withdraw from the most effective lobbying force in Washington, D.C. as it is an effective organization for educational issues. She said this is an opportunity to have Superintendents and School Board Members together and not being a member of the Council would be penny-wise and pound foolish.

Informing her colleagues that she has attended two of their sessions, Ms. Murray stated that educated people come together, leaders who have worked together and bring best practices to the table. She stated that some of the ideas have come from other sources and has helped to shorten the gap in student achievement. Ms. Murray further stated that the district has gained from its relationship with the Council, guiding the district to be more successful.

Approved in Open Board Meeting, October 4, 2011

Mr. Carter informed that staff uses the Council on a daily basis for any issue related to the operation of the school district, instructional or non-instructional, best practices, copies of legislative bills, contracts, best practices. Also, the district reviews analyses, reports, which can be provided at a moment's notice through a "blast" to the entire membership and responses are provided which could not be done through a consultant. Mr. Carter stated that many awards the district receives or is in competition for is by virtue of its membership in the Council.

BB-2. Affiliation with Florida School Boards Association, Inc. (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Good and carried, to approve 2011-2012 Membership in the Florida School Boards Association (FSBA). (7-0 vote)

Florida School Boards Association will continue to provide a variety of valuable services to local School Board Members. These services include publications, newsletters, research, on-site and regional workshops and training sessions, state educational conferences, and representing your views before the State Board of Education, the Department of Education, the Florida Legislature, Congress, and other organizations interested in public education. Additionally, FSBA provides all members of our Association with a \$100,000 accidental death and dismemberment insurance policy.

The financial impact to the district is \$22,718. The source of funds is the School Board Members' department budget.

For the record, Mrs. Bartleman stated that she supports affiliation with Florida School Boards Association during these tough budget times because the district has signed up to partake in the Master Board Association training.

Mrs. Good stated she was not aware of all the benefits of membership in the Council of Great City Schools and certainly it seems to be an asset to staff and to the district as a whole. She stated that FSBA is a local organization and the Board has seen value with this entity. Mrs. Good further stated that the Master Board training will be held and since the group is local it will minimize expenses.

Ms. Dinnen stated that the major organizations in Florida represent different entities and the School Boards Association does represent all the school boards throughout the state, an opportunity to meet with colleagues and find out what they are doing in large and small districts, and it is the most vocal lobbying force in Tallahassee for school board issues.

Approved in Open Board Meeting, October 4, 2011

Ms. Dinnen said it is not the most influential education lobbying group because there are others that are just as influential, but this one is important and the fees have not been raised in three or four years. Ms. Dinnen further stated that the district needs to influence state policy and the district has stopped some harmful legislation through its affiliation with this group.

Concurring, Ms. Murray reminded her colleagues that one of the contests that the FSBA has won by McArthur High School who received \$5,000. She said the group provides help and there is return on the cost of membership.

CC. BOARD POLICIES

CC-1. Proposed Revised Job Description, Minimum Qualifications, and Job Title for the Plans Examiner/Inspector Position for The School Board of Broward County, Florida (Not adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert, 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. (7-0 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. Bartleman commented that she agrees with the Facilities Task Force, that the Board continue to work with the unions and Ms. Diaz to make sure that the "bumping" issue is resolved to make sure that the most qualified person is in the position. Mrs. Bartleman stated that everything must be done to "fix" this, even if it means going all the way through the collective bargaining process. She said that the item is being voted down so that staff can continue to work on it.

Ms. Diaz responded that the union has since agreed to move the job description forward and it will be brought to the next Board meeting.

Mrs. Bartleman requested that Mr. Lindner send an e-mail on this issue to the Facilities Task Force.

Approved in Open Board Meeting, October 4, 2011

Mrs. Rich Levinson reiterated that discussion on the resolution of the bumping issue needs to continue and to ensure that the most qualified people are in positions where it is not detrimental to the district's organization.

Ms. Dinnen stated that in the past several of the bumping procedures were included in contracts as a protection and because it was more financially feasible to lay off someone who was older because they were getting a higher salary. Ms. Dinnen said the district wants to be represented well by people who know how to do the job, but there is a long-standing habit within a lot of corporations to write people off if their salary gets to a higher level.

Mr. Williams stated there is memorandum to vote it down.

Motion to Vote Down (Carried)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rupert and carried, to vote down Agenda Item CC-1. (7-0 vote)

CC-2. Proposed Revised Job Description and Minimum Qualifications for the Automotive and Truck Mechanic (Journey person) Position for The School Board of Broward County, Florida (Not adopted)

Motion was made by Ms. Dinnen, seconded Mrs. Bartleman, to adopt the proposed revisions to the job description and minimum qualifications for the Automotive and Truck Mechanic (Journey person) position for The School Board of Broward County, Florida. This is the final reading. (7-0 vote)

The current job description for the Automotive and Truck Mechanic (Journey person) 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.

Ms. Dinnen stated that the item is similar to Agenda Item CC-1, to vote down the item.

Approved in Open Board Meeting, October 4, 2011

Motion to Vote Down (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to vote down Agenda Item CC-2. (7-0 vote)

CC-3. Proposed Revised Job Description and Minimum Qualifications for the Automotive and Truck Mechanic (Journey person) Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Dinnen, seconded Mrs. Rupert and carried, to adopt the proposed revisions to the job description and minimum qualifications for the Automotive and Truck Mechanic (Journey person) position for The School Board of Broward County, Florida. This is the final reading. (7-0 vote)

The current job description for the Automotive and Truck Mechanic (Journey person) 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. 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 thanked Ms. Diaz for a great job on the revisions.

Concurring, Mrs. Rupert inquired whether the job description reflects the changes by FOPE.

Responding affirmatively, Ms. Diaz stated that staff met with FOPE and they supported the changes.

CC-4. Proposed Revised Job Description, Minimum Qualifications and Job Title for the Executive Director, Public Relations & Governmental Affairs Position for The School Board of Broward County, Florida (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve the proposed revised job description, minimum qualifications and job title for the Executive Director, Public Relations & Governmental Affairs position for The School Board of Broward County, Florida 2011-2012 Organizational Chart. This is the first reading. (7-0 vote)

Approved in Open Board Meeting, October 4, 2011

During the development of the 2011-2012 Organizational Chart, Broward Educational Communications Network (BECON) was aligned with Public Relations and Government Affairs; therefore, the accountability and responsibilities of the Executive Director, Public Relations & Governmental Affairs 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. 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. Good referred to the minimum qualifications for the Executive Director for Public Relations and stated that in the Executive Summary the title was changed to Public Information Officer.

Ms. Diaz responded that when the job description is approved by the Board the new name of the position will be known as the Public Information Officer.

Mrs. Good stated that this position is well needed in the district, having someone advocate for the district and have a direct role to the media, highlighting all the positive aspects of the district while addressing concerns that may arise. Mrs. Good said she looked forward to selecting an individual to fill this position.

Mrs. Rich Levinson, who concurred that this position is crucial for the district, inquired whether this individual will be responsible for marketing the district in general.

Responding affirmatively, Ms. Diaz stated there are many references regarding branding and promoting the district, serving as the spokesperson in matters related to public relations.

Mrs. Rich Levinson requested that as a search is being made for this individual that they have a marketing background as well, in order to provide these skills to the district.

Mrs. Rupert stated that she welcomes a point person to take control of situations that may arise with district issues, rather than news reporters calling the Board to find answers. Mrs. Rupert said she is hopeful that a spokesperson will be in place and that there will be a partnership between the Board and the media. She requested Mr. Carter to meet with the media and try to make the relationship a little better, and that the new superintendent will forge a better partnership than has occurred in the past.

Approved in Open Board Meeting, October 4, 2011

Mrs. Bartleman stated that because the e-mails were very public, that staff was following the protocol that was given to them and there was confusion. Mrs. Bartleman stated that employees were told what to do by the former superintendent and she looks forward to someone coming in that will create a better process for communication.

Mrs. Rupert stated that the Board is not always aware of policies and she concurred that staff was professional and above board.

Remarking that there has not been a focal point for a while, Ms. Dinnen praised staff for "running the show," as it has been by design and not by the lack of effort on the part of employees. Ms. Dinnen said it is frustrating when there is no coherent, focal area for a reporter or a member of the media to approach. Ms. Dinnen further stated she trusts that staff will do its utmost to interview the most qualified people.

Ms. Murray stated that the job description is very clear and concise about the roles and responsibility of the position. It indicates that the person will be in charge and be a brand set up for the district, something which the district has not had in the past two or three years. Ms. Murray stated this position requires a valuable person in the system because the district needs to turn its image around.

Mr. Carter informed that the job description was brought at this time in an effort to have the job description approved by the October arrival of the new superintendent, and there was a delay of the communication strategic plan to allow the Public Information Officer and the superintendent to review it before submitting it to the Board for final review and approval. Mr. Carter stated it is important to move it forward and to get the thinking of a person in that position as it relates to becoming the face of the district and to share that person's marketing and branding expertise. He stated this will be a gigantic step forward for the district and hopefully it will have a major positive impact.

Mrs. Bartleman inquired whether procedures have been placed in writing and whether the newspaper reporters know the process.

Mr. Carter responded that staff will follow up with the Miami Herald and the Sun Sentinel to hear their concerns and compare those concerns with the district's process in order to come up with an equitable process that everyone will be satisfied with.

Mrs. Rich Levinson noted that there is no additional financial impact to the district, as this was a consolidation of positions by the former superintendent.

DD. OFFICE OF THE CHIEF AUDITOR

EE. CHIEF OPERATIONS OFFICER

EE-1. Bid Recommendation \$1,000,000 or Greater (Withdrawn)

EE-2. APEX Learning Digital Curriculum Solutions (Approved)

Motion was made by Ms. Dinnen, seconded Ms. Murray and carried, to approve the authorization of the issuance of a Purchase Order to APEX Learning Digital Curriculum Solutions for the continuation of APEX Learning Digital Curriculum and Services. (7-0 vote)

APEX Learning provides digital curriculum solutions for secondary education and related services. APEX Learning has sought to increase access to high quality educational alternatives for all students through online learning. APEX Learning recognizes that a successful online learning experience depends on the quality of the curriculum and its ability to meet the unique needs of each student.

To ensure that APEX Learning is meeting the requirements of its users, the scope and sequence of each course is created based on national and state content standards. The result is a complete course of study, a digital curriculum, that comprises standards-based instructional content specifically developed for online delivery, with assessment opportunities integrated throughout, scaffolding to support learning for all students, and resources to support effective teaching.

The School Board of Broward County, Florida (SBBC), desires to continue to provide its teachers, staff and students access and use APEX Learning's Digital Curriculum Solution courses with *volume flex* access to all "ClassTools Achieve" courses. Volume flex access to all "ClassTools Achieve" courses will be accessible from September 2011 through August 2012, based on the purchase of access for approximately 4,591 students.

Purchasing Policy 3320, Part II, H, authorizes the purchase of any type of copyrighted materials, instructional materials, and computer software without competitive solicitations. Purchases in the excess of \$50,000 for commodities or services which competitive solicitations have been waived require School Board Approval. The Quotation has been reviewed and approved as to form and legal content by the Office of the General Counsel.

The financial impact to the district is \$390,235. The funding sources are Instructional Materials – \$158,000 and Workforce Funds – \$232,325.

Approved in Open Board Meeting, October 4, 2011

Noting that access to the curriculum is based on approximately 4,591 students and the table indicates that 13,164 students were involved, Mrs. Rich Levinson inquired who would actually have access to this curriculum and what happens to the remaining students.

Dr. Leontine Butler, Deputy Superintendent, Curriculum, responded that the ½ credit in 2010-2011 totaling 14,012 were the courses that students completed. The credits could be taken by the same students and they do not necessarily dictate how many students are enrolled in the course.

Dr. Marie Wright, Executive Director, Core Curriculum, responded that the 4,591 seats can be used multiple times. If a student takes one of those seats and the course is finished, for instance, in October, the student can enroll in another course in November and enroll in another course in January. Or if a student finishes the course now, another student can come in and use that seat for the remainder of the year, hence more students are shown than there are necessarily seats.

Mrs. Rupert stated that the APEX situation at the schools involve a proctor in the room who is not subject certified and that students have questions of a subject area the teacher and/or proctor cannot answer. Mrs. Wright further stated that each site is run differently; at Fort Lauderdale High School the department chairs were responsible for the students in that APEX course, even though the teacher was dually certified in several subjects. The department chair for all of those courses was the point of contact for students and they offered office hours so the students could come to them for assistance.

Mrs. Rupert requested that staff consider sharing best practices with schools.

Dr. Butler informed that every year there are training opportunities and sharing of best practices. She stated that the community schools and career and adult high schools are the models before they are used in traditional high schools.

Mrs. Rich Levinson stated that the Board was given information on the graduation rate for October 11, 2011, which is not yet available, and everyone anticipates hearing how successful the program was. Mrs. Rich Levinson noted that there was an increase of 3.8 percent from 2008-2009 to 2009-2010, which illustrates that it is an effective program.

Mrs. Good stated that the Board has received wonderful feedback from principals at the schools on how effective this program is working with students. She stated that the program is targeting a certain student population and they are really succeeding with the use of this tool.

Approved in Open Board Meeting, October 4, 2011

Mrs. Bartleman, who referred to the Florida Statutes regarding online courses for credit recovery, inquired whether this will be an avenue for Broward Virtual/Florida Virtual. Mrs. Bartleman stated that not every child can take the online courses independently.

Dr. Butler responded that there is a committee that is bringing those recommendations to the Instructional Council on August 26, 2011, and when the presentation is made on graduations and the common course standards at a workshop, an update can be provided to the Board.

FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

FF-1. Supplemental Educational Services (SES) Agreements – First Round, Part 1 (Approved)

Motion was made by Ms. Murray, seconded Mrs. Good and carried, to approve the first round of agreements for SES providers required under No Child Left Behind (NCLB). (7-0 vote)

There are currently 226 State-approved vendors who are eligible to offer SES services in Broward County and have expressed an interest.

The current agreements are for the following providers:

1) A+Markem, Inc., 2) After School Programs Inc., 3) All About Achieving Learning Centers, 4) Bari's Tutoring, Inc., 5) Empowerment Tutoring, LLC, 6) Empowering Youth, 7) Golden Apple Tutors Inc., 8) Ivy League Tutoring, 9) Paramount Healing Services, 10) Smarty Pants Learning Academy, 11) Superb Kidz, 12) Study Zone of South Florida, Inc., 13) The Community Learning Center, Inc.

Vendors can receive up to \$1,356 per pupil for student tutoring services. This is equal to the per pupil appropriation given the District under the Title I program. Based on the required Title I set aside for SES, it is anticipated that 6,680 students can potentially be served in the 2011-2012 school year. There will be additional contracts forthcoming due to the high volume of approved providers.

Copies of the full agreements are available at the Board Member's office on the 14th floor of the K. C. Wright Building.

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

The financial impact for this initiative is up to \$1,356 per approximately 6,680 students. The source of funds is the District's Title I SES federal required set aside of \$9,058,337. There is no additional financial impact to the district.

Approved in Open Board Meeting, October 4, 2011

Mrs. Rich Levinson inquired whether the Board must approve all the state-approved vendors who expressed an interest in doing business with the school district.

Mrs. Luwando Wright-Hines, Director, Title I, Migrant and School Improvement, responded that the district is required to approve state-approved vendors, as they have adhered to the district's contractual requirements. Ms. Wright-Hines concurred that there will probably be additional vendors that expressed an interest, and several more items are coming forward for the Board's approval.

Mrs. Good inquired that of the 226 state-approved vendors there are currently how many vendors.

Mrs. Wright-Hines responded that the agenda item includes part one and the vendors are submitted in a series and they have a window period to bring in their contracts to the district. Mrs. Wright-Hines stated that at the next subsequent Board meetings there will be a minimum of three separate agenda items. She stated that of the 226 vendors, approximately 185 vendors have contracts in her office waiting to be approved.

Mrs. Bartleman stated that there is little accountability with these tutors, as some of them use degreed teachers and some use people with high school diplomas. Also, the charge per hour is determined by them and there is very little regulation. Mrs. Bartleman further stated that accountability cannot be measured because the children go to these providers, spend the whole day at the school and are getting double and triple dosed by degreed and highly qualified teachers at school, and some go to Saturday school and some go to after school tutoring. Mrs. Bartleman said you do not know who to attribute a child's success to because if a child's FCAT score went up, did the child improve because of the school's efforts or the SES provider's efforts. The private provider will get the credit; however, there is no way to truly measure the success of the SES provider program.

Mrs. Bartleman stated that \$9 million would be better spent in the school system with highly qualified teachers. She stated when doing the set aside and the set aside for Choice, that is taking money away from needed schools because money is being pulled directly from the Title I schools. Mrs. Bartleman further stated that even with Choice, a child can have a perfect score in the FCAT and the district is going to pay for them to go to a different school, which is mismanagement.

Mrs. Rupert inquired whether all the vendors that are a part of the SES agreement go through the Supplier Diversity Committee.

Approved in Open Board Meeting, October 4, 2011

Mrs. Wright-Hines responded that the vendors do not go through the Supplier Diversity Committee. As long as the vendors are state-approved they do not have to go through the district's Purchasing or Diversity agreement process.

- FF-2. Continuation of Agreement with Community-Based Organizations for the Provision of Educational Services for At-Risk Youth, Grades 1-12
(Approved)

Motion was made by Mrs. Bartleman, seconded Ms. Murray and carried, to approve the agreement with community-based organization for provision of educational services for at-risk youth, Grades 1-12.
(7-0 vote)

The proposed agreement provides for the delivery of educational services to youth participating in a program serving delinquent, abused, neglected, substance abuse, and /or dependent children in foster care. Students participate voluntarily or are assigned by court action. The program meets the definition of Educational Services' Dropout Prevention Programs as defined in Florida Statute 1003.53.

Under the direction of the Department of Children and Families, two programs, Fort Lauderdale Hospital and High Point, merged in an effort to utilize community resources more efficiently. The combined program is located at Atlantic Shores Hospital. This new program location will accommodate a total of 28 youth, all under the age of 19. This will be an increase of 6 youth able to be served. Services rendered will be the same as those previously provided under the two separate programs.

The program has a Direct Service Agreement with Broward County Public Schools. The Direct Service Agreement provides educational services through District-hired teachers/ staff. The program is assigned to the principal of Whispering Pines for administrative and contractual oversight. The program targets runaway youth and youth in substance abuse treatment centers.

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

All costs incurred are generated and funded through student FTE. The generated FTE is approximately \$646,218 per year. There is no additional financial impact to the district beyond the FTE.

Mrs. Rich Levinson thanked staff for providing the Executive Summary, as it is extremely helpful. Mrs. Rich Levinson inquired what FTE allocation is provided to the district for these students.

Responding that it depends on the grade level, Mrs. Kathrine Francis, Executive Director, stated that the FTE is the same allotted for every student. There is not a difference because it is a residential program and there is not a weighted formula, not unless the student is an exceptional education student or other category. Mrs. Francis further stated it would be student specific whether they are in a residential setting or in general setting.

Mrs. Rich Levinson stated that it works out to be approximately \$23,000 per youth but the district does not receive FTE near this amount per student.

Mrs. Francis responded that it depends if the student has an IEP, or if it is a weighted program it would be a little higher. It depends on the student, the type of student, and based on how many students go in and out throughout the year. Mrs. Francis stated that 28 beds are available in this particular program; they can go in for three months and come out. Mrs. Francis noted the similarities to the APEX item; there are allotted beds and within that school year there can be several students in and out of a program, and there can be many more students than actual beds. She stated that it is time spent that dictates the numbers.

FF-3. Grant Applications (Approved)

Motion was made by Ms. Dinnen, seconded Mrs. Good and carried, to approve the submission of 15 grant applications, (see Table of Contents), totaling \$153,304,177. (7-0 vote)

The major grant applications included in this board item, both formula and competitive, have been reviewed by the Executive Leadership Team to ensure that proposed grant projects align with District Strategic Plan objectives. Descriptions and supplementary information about each grant project are provided in the Executive Summary.

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 \$153,304,177 from various sources. There is no additional financial impact to the school district.

Mrs. Rich Levinson referred to the Financial Impact section of the agenda item and suggested that the word "potential" be included into the financial impact. Mrs. Rich Levinson stated that it appears as if there is a positive financial impact of \$153,304,177. She stated this is the application phase and there should be clarification in future grant application agenda items.

Approved in Open Board Meeting, October 4, 2011

Concurring, Dr. Harrison stated that knowing the district is going to receive an amount is how the application is formulated, as compared to different times of the year it is not known whether money will be taken away or if funds will be increased.

Referring to the English Literacy and Civics Education, Mrs. Rupert stated this is a fabulous opportunity and a wonderful grant, as are the other grants, and that this will be implemented in some of the centers.

FF-4. Continuation of the College Board SpringBoard Contract (Approved)

Motion was made by Ms. Murray, seconded Mrs. Rupert and carried, to approve the continuation of the College Board SpringBoard contract. (7-0 vote)

SpringBoard is a comprehensive curricular support program built upon national standards necessary for success in college. The program provides in-depth training for all English teachers, student and teacher consumable texts, on-line support and assessment, curriculum, and ongoing mentorship through the College Board. The goal of the program is to prepare students for the rigor of high school advanced/honors course work. Curriculum is aligned to the Common Core Standards and vertically aligned to Advanced Placement and the Standards for College Success.

The program will be implemented in all language arts classrooms of 31 Title 1 middle schools and two Title 1 charter schools, (Smart School and Eagle Academy).

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

There is a financial impact of \$689,921 to the district. The source of these funds is Title 1. There is no additional financial impact to the district.

Remarking that she is a firm believer in the College Board SpringBoard program, Mrs. Rich Levinson inquired what will be provided in terms of teacher training at the Required Workshops.

Ms. Cynthia Park, Director, Advanced Academic Programs, responded that teachers were trained in Basic Level I and Level II in June 2011 by a contract approved by the Board in April 2011. Throughout the school year supplement training will be offered to administrators and filling the gaps for teachers who move from school to school who were not trained.

Approved in Open Board Meeting, October 4, 2011

Remarking that it is a wonderful program that prepares students very well for Advanced Placement (AP) programs, Mrs. Rich Levinson inquired about the possibility of the remaining middle schools being able to take part in this program sometime in the future.

Ms. Park responded that it is coming from Title I money and Title I middle schools are being funded. She informed that every day people from non-Title I schools, middle and high school, ask about this program. Ms. Park stated that when going into the next adoption cycle for Language Arts, the College Board will submit this curriculum for approval. It is anticipated that there will be no issues with it being adopted by the state of Florida because it has been adopted in very strong states that are aligned to the common core. Ms. Park further stated that if teachers vote to adopt, it will no longer be an issue.

Responding to Mrs. Good's inquiry, Ms. Park stated that the agreement is for a one-year subscription with student textbooks for consideration, supplemental teacher editions, and an online license for assessments.

Noting that the agreement has renewal provisions and a 30-day notice, Mrs. Good requested that the agreement come forward in a timely manner, before the renewal notification goes into place, noting that the agreement begins as of July 1, 2011.

Concurring, Ms. Park stated there is a strict timeline and negotiations begin in December. She informed that it was not known whether funding would be available until a later date and this will not present any issues because the district has a strong partnership with the CollegeBoard.

- FF-5. Amendment to the Agreement between The School Board of Broward County, Florida (SBBC) and Nova Southeastern University (NSU) to Implement the Early Reading First (ERF) Contract with the U.S. Department of Education (DOE) (Approved)

Motion was made by Ms. Dinnen, seconded Mrs. Rupert and carried, to approve the amendment to the agreement between SBBC and NSU dated March 3, 2009. (7-0 vote)

The amended agreement replaces Article 2, section 2.01 Term of Agreement with the following: Unless terminated earlier pursuant to Section 3.04, of this Agreement, the term of this Agreement shall commence September 1, 2008, and conclude June 30, 2012. All other terms and conditions remain in full force and effect.

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

Approved in Open Board Meeting, October 4, 2011

The positive financial impact to the district is \$146,864. The source of funds is the U.S. Department of Education. There is no additional financial impact to the district.

No discussion was held on this item.

FF-6. Modified Agreement with MDRC (Approved)

Motion was made by Ms. Dinnen, seconded Mrs. Good and carried, to approve a modified agreement with MDRC. (7-0 vote)

The Agreement from MDRC is to modify the Original Agreement, in order to identify SBBC's new Research Specialist [Diego DeRose] and provide for the Research Specialist's tasks.

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

The positive financial impact is up to \$100,000 per year from MDRC. There is no additional financial impact to the school district.

No discussion was held on this item.

GG. HUMAN RESOURCES

HH. ATTORNEY

II. OFFICE OF THE SUPERINTENDENT

II-1. Affiliation with Florida Association of District School Superintendents
(Approved)

Motion was made by Ms. Dinnen, seconded Mrs. Bartleman and carried, to approve membership in the Florida Association of District School Superintendents (FADSS) for the period of July 2011 through June 30, 2012. (7-0 vote)

The cost of the FADSS affiliation is \$23,640. The source of funds is the Superintendent's budget.

Mrs. Good inquired whether this membership can be decided upon when the new superintendent is selected.

Mr. Carter responded that membership in this organization is clearly warranted, as the organization is akin to the School Boards organization and the state organization for superintendents. The membership provides relatively the same types of benefits and absent this membership would be a detriment to the district.

Approved in Open Board Meeting, October 4, 2011

Mrs. Good requested additional information regarding the membership and whether participation will generate additional expenses for the district.

Mr. Carter responded that the organization provides the Florida School Superintendents Leadership Development Program, relatively the same as the Master's Program for Board Members; organization and management reviews; specialized studies for school districts, including an economic recovery plan, academic recovery and enhancement, and targeted studies to meet needs of individual districts. Membership provides the Florida Education Investment Fund which serves as the Internal Revenue Code 115 Qualified Trust to provide districts the alternative investment option to School Boards Association as a local government investment pool.

Membership also provides General Counsel updates on issues with statewide impact to school districts; provides the purchasing consortium which coordinates purchasing and maximizes buying power; provides extensive lobbying services, weekly reports and a final report; provides meetings to discuss recommended actions to the Commissioner of Education and superintendents to take back to their districts on current issues; and it provides the communication link between superintendents, state and federal governments.

Mrs. Bartleman stated that she will support this organization, as the Superintendent is the Board's hire and this is the Superintendent's professional organization. She stated that things are very different in Florida, "we" seem to take our own spin on federal laws and take things to the "max." Mrs. Bartleman further stated that the new superintendent should hit the ground running and should have experience in this professional organization, more so than the Council of Great City Schools.

Mrs. Bartleman informed that many times at the FSBA the Commissioner of Education will speak with the superintendents rather than board members. She stated that traveling is part of a superintendent's job and this organization is where they will find common issues for discussion and resolution.

Mrs. Bartleman said that the new superintendent should be given every resource possible in order to move the district forward and preserve public education statewide.

Ms. Dinnen stated that several times superintendents have conference calls rather than meetings, and they meet in conjunction with the December meeting of the School Boards Association and they have their own sessions during that meeting. Ms. Dinnen further stated that superintendents meet in Tallahassee and lobby together a lot and it is vital that the big districts get together on certain issues and if Broward is not there, "our voice" might get lost.

JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

- JJ-1. Reduction of Retainage – James A. Cummings, Inc. – 15-Classroom Addition – Lauderdale Manors Elementary School, Fort Lauderdale – Project No. P.000775 (f.k.a. 0431-27-01) (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve the recommendation to reduce retainage now being held on Lauderdale Manors Elementary School, 15-Classroom Addition, Project No. P.000775, for James A. Cummings, Inc., from \$101,917 to \$62,840. (7-0 vote)

In accordance with School Board Policy 7005, the Superintendent of Schools is recommending that the retainage be reduced from \$101,917 to \$62,840 which is equivalent to 5% to 3%. This project has an executed OEF 110b and an OEF 209. The amount being withheld represents a potential claim by the District for additional sales tax credit on materials purchased by the District.

The funds being released totaling \$39,077 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, page 51.

Mrs. Bartleman requested a response regarding Mr. Carter's initials on these types of agenda items.

Mr. Carter informed that the item had already been posted prior to his signature being affixed and he has subsequently reviewed both and is in agreement with the recommendation. Mr. Carter stated that everything aligns with the policy, the amount and the reasoning. He stated that if the Board deems necessary he can sign the official copy for the file and going forward his initials will be affixed to these items.

Approved in Open Board Meeting, October 4, 2011

- JJ-2. Reduction of Retainage – James A. Cummings, Inc. – 30-Classroom Addition and Culinary Lab – Blanche Ely High School, Pompano Beach – Project No. P.000068 (f.k.a. 0361-27-01) (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the recommendation to reduce retainage now being held on Blanche Ely High School, 30-Classroom Addition and Culinary Lab, Project No. P.000068, for James A. Cummings, Inc., from \$323,010 to \$174,819. (7-0 vote)

In accordance with School Board Policy 7005, the Superintendent of Schools is recommending that the retainage be reduced from \$323,010 to \$174,819 which is equivalent to 5% to 2.7%. This project has an executed OEF 110b and an OEF 209. The amount being withheld represents a potential claim by the District for additional sales tax credit on materials purchased by the District.

The funds being released totaling \$148,191 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, page 87.

Mrs. Good inquired whether the official copy will be signed by Mr. Carter, as was done with Agenda Item JJ-1.

Mr. Carter responded affirmatively.

Remarking that there was discussion regarding the marquee, Mr. Williams inquired whether Cummings was responsible for reviewing this item.

Mr. Lindner responded that the marquee is not part of this project but he will research and provide the information to the Board.

- JJ-3. Agreement for Open End Services – Cost Estimating Services – Atkins North America f/k/a PBS&J (Approved)

Motion was made by Ms. Murray, seconded by Mrs. Bartleman and carried, to approve the Agreement for Open End Services with Atkins North America f/k/a PBS&J for Cost Estimating Services. The Qualification Selection Evaluation Committee recommended, and on January 25, 2011, the Board selected Atkins North America f/k/a PBS&J. Fees will be negotiated in accordance with Article 5 of the Agreement on a per-project basis if and when such a need arises. In accordance with written division procedures, Staff is authorized to review and approve change-orders and Construction Services Minor Projects estimates up to \$100,000. Such items exceeding \$100,000 require the review of outside Cost Estimating consultants. (7-0 vote)

Approved in Open Board Meeting, October 4, 2011

The Professional Liability Insurance has been agreed upon pursuant to Article 8 of the Agreement. Risk Management has approved the insurance including the Professional Liability Insurance.

This is a three (3) year Open End Agreement with a not to exceed amount of \$500,000. The agreement may be extended for one (1) year and/or \$100,000.

The Office of the Chief Auditor has reviewed this agreement, and the Office of the General Counsel has approved it as to form and legal content.

The maximum financial impact is \$500,000 unless extended with Board approval by \$100,000. There is no financial impact at this time. Use of this contract is subject to the need and the availability of funds included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015 for any projects needing this service. This item is not affecting the overall budget; therefore, it does not require a collaboration form from the Capital Budget Department.

Mrs. Rich Levinson stated that she will speak to this item and to Agenda Item JJ-4. Remarking that two companies have an open-end contract for items over \$100,000, Mrs. Rich Levinson inquired why each item is not reviewed, have two companies bid, and then select the lower bid.

Mr. Lindner responded that an attempt is made to have three available, sometimes giving work to one company while another company is working on a separate project. The item is bid and the lowest bidder is picked, and work is passed out based on who has so much work. Mr. Lindner explained that sometimes issues arise where staff may put something out to one contractor and they are heavily involved in another item and may not be able to turn around as fast as staff would like. He stated this provides flexibility to send it to another contractor if they cannot meet the district's response time. Mr. Lindner further stated that many times when working on change orders/estimates, an attempt is made to shorten the timeline instead of leaving it in the hands of the contractor. It allows for district control.

Concurring with shortening the timeline, Mrs. Rich Levinson stated she wants assurance that it is not open-end in terms of how they charge. Mrs. Rich Levinson inquired whether it depends on the particular project that they are estimating.

Responding affirmatively, Mr. Lindner stated that it depends on the complexity of the project and what is involved in that estimate. It requires the preparation of a multi-phase schedule, and a QA (Quality Assurance) is done to make sure the charges are not exorbitant. He said that fair pricing was given on these types of contracts.

Approved in Open Board Meeting, October 4, 2011

Mr. Lindner informed that these services will not be accessed very much over the next two years, but they need to be in place in the event they are needed.

Mrs. Rich Levinson stated she would prefer to have two contractors bid on a job and have the lower-bid contractor perform the work.

Mr. Lindner responded that an attempt is made to perform this work in-house but normally it is accessed for larger change orders and larger projects, over \$100,000, that the district has to send outside, per statute.

Mrs. Good stated that once it is established that one entity is selected over another they are not allowed to bid against each other.

Responding affirmatively, Mr. Lindner stated that the pricing from the contractors is normally in line, within "pennies on the dollar" and they cannot be bid against each other. Mr. Lindner stated that the contractors did bid against several other contracts to be chosen for this contract; taking the top two or three, depending on the anticipated work load.

Mrs. Good requested an explanation of the review of an outside cost estimating consultant and whether there is an associated cost.

Mr. Lindner responded that there is a cost to the project that they are working on. As an example, Mr. Lindner stated that when a project is being built there may be a need to access a cost estimator to review a large change order and staff would bill that cost against the project cost, not against the Capital Funds reserve. This allows access to the vendor against that project cost, which is already voted and approved in the District Educational Facilities Plan (DEFP). Mr. Lindner further stated there is an open-end agreement for \$500,000 and, if needed, it can be extended for a year for an additional \$100,000.

Mrs. Good inquired whether there is a range as to how much over \$100,000 can be extended.

Mr. Lindner responded that it can go up to \$5 million. As an example, Mr. Lindner stated that if a project was going to cost \$65,000 and a cost estimate was needed, this project would be done in-house. If a project is needed that costs over \$100,000, it needs to be sent out for a cost estimate. If it is a borderline amount, Plant Operations routinely estimates work and the ballpark figure is known; there is a QA against that, and the actual estimate that is used by the contractor is prepared a third party. Mr. Lindner stated that this item is the third party.

Approved in Open Board Meeting, October 4, 2011

JJ-4. Agreement for Open End Services – Cost Estimating Services – ONM&J and Zabik J-V (Approved)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to approve the Agreement for Open End Services with ONM&J and Zabik J-V for Cost Estimating Services. (7-0 vote)

The Qualification Selection Evaluation Committee recommended, and on January 25, 2011, the Board selected ONM&J and Zabik J-V. Fees will be negotiated in accordance with Article 5 of the Agreement on a per-project basis if and when such a need arises. In accordance with written division procedures, Staff is authorized to review and approve change-orders and Construction Services Minor Projects estimates up to \$100,000. Such items exceeding \$100,000 require the review of outside Cost Estimating consultants.

The Professional Liability Insurance has been agreed upon pursuant to Article 8 of the Agreement. Risk Management has approved the insurance including the Professional Liability Insurance.

This is a three (3) year Open End Agreement with a not to exceed amount of \$500,000. The agreement may be extended for one (1) year and /or \$100,000.

The Office of the Chief Auditor has reviewed this agreement, and the Office of the General Counsel has approved it as to form and legal content.

The maximum financial impact is \$500,000 unless extended with Board approval by \$100,000. There is no financial impact at this time. Use of this contract is subject to the need and the availability of funds included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015 for any projects needing this service. This item is not affecting the overall budget; therefore, it does not require a collaboration form from the Capital Budget Department.

No discussion was held on this item.

JJ-5. Amend Professional Services Agreement – Zyscovich, Inc. – School Replacement – Lanier James Education Center – Project No. P. 000077 (f.k.a. 0405-99-01) (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Rupert and carried, to approve the Second Amendment to the Professional Services Agreement with Zyscovich, Inc., for Lanier James Education Center, Replacement School, Project No. P.000077, dated April 10, 2007, previously amended on February 20, 2008. (7-0 vote)

Approved in Open Board Meeting, October 4, 2011

The Second Amendment to the Professional Services Agreement (PSA) adds Construction Administration for Phase II of construction to the PSA, extends the overall duration of Construction Administration to October 22, 2011, and increases the Construction Administration fees by \$108,034. Project phasing was not included in the original PSA. The demolition of the existing building upon completion of the new building resulted in the need to phase the project. No additional bidding and award is necessary as the project scope has not changed.

This Second Amendment is required to add Construction Administration for Phase II of construction because Construction Administration for Phase II was not part of the original PSA. This Second Amendment also extends the overall duration of Construction Administration because of delays during Phase I of construction and a delay between completion of Phase I and commencement of Phase II of construction. Such delays resulted from the delayed issuance of a Notice to Proceed with the Construction Phase, a defect in the District's boundary survey of the property, complex project phasing, an insufficient staging area for construction operations and the performance of asbestos abatement prior to demolition.

The Risk Management Department and the Office of the Chief Auditor have reviewed the Second Amendment. The Second Amendment has been reviewed and approved as to form and legal content by the Office of the General Counsel.

The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, page 102.

Referring to the Summary Explanation and Background, Mrs. Good inquired how it was contemplated that demolition would be required and, as such, the project would have to be phased. She stated this is somewhat similar to what is going to occur at Cooper City High School.

Mr. Lindner responded that when the project was originally scheduled in 2007-2008 the building would be built and then build another building. Mr. Lindner informed that during the first building it was discovered there was not enough room to stage construction for the second building unless they removed the building that they were replacing; build/build/demo. They realized they could not follow this process and instead they had to build/demo/build. Mr. Lindner stated that the job had to be re-planned, re-phased, which involved other work that came up with the city regarding drainage. When the demo occurred there were asbestos removal issues, and the amendment compensates the consultant for the construction administration associated with the phasing, additional drainage and asbestos removal, as well as the time that was caused by those delays.

Approved in Open Board Meeting, October 4, 2011

Mrs. Good inquired whether the district will be incurring additional costs.

Mr. Lindner responded that enough funds have been budgeted for the project but the manner in which it is done was changed, the sequence of events.

JJ-6. 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. (7-0 vote)

<u>Colbert Elementary</u>		Change Order 06	\$18,421
Consultant Error	\$13,380		
Consultant Omission	\$5,041		
<u>Lanier-James Education Center (SAAC)</u>		Change Order 08	\$77,181
Consultant Error	\$7,295		
Consultant Omission	\$1,944		
Owner Request	\$67,942		
<u>Stirling Elementary</u>		Change Order 03	\$0
Unforeseen Condition	\$0		

There is no additional financial impact. All projects have been appropriated in the Adopted District Educational Facilities Plan (September 7, 2010), and in the District's Capital Budget.

Ms. Murray referred to Change Order 08, Lanier-James Education Center, and inquired about the Owner Request amount.

Mr. Lindner responded that in the past practice of construction the building was built and after the Certificate of Occupancy was issued, all the Information Technology (IT) infrastructure was installed. Mr. Lindner stated that specifications were changed and during plan review an opportunity was provided to add this request as part of the original construction. It was not part of the contractor's original scope of work; this was the district's request to have the contractor take care of this as part of the initial construction. Mr. Lindner further stated that this is what drives the cost and that is where the change order, additional cost, was an Owner Request. It allowed the district to do the construction in accordance with the district's new specifications that required that to be part of the original construction rather than an add-on after the fact.

Responding to Mrs. Good's inquiry about the code requirements, Mr. Lindner stated that it was not code requirement; this was IT infrastructure, cables for computer equipment.

Approved in Open Board Meeting, October 4, 2011

Mrs. Good stated that the second change for the project was a rack designed for a room was too small and had to be done elsewhere. She inquired why this type of situation does not come up at Plan Review in dealing with installation items.

Mr. Lindner responded that when the project is designed, for example, in 2005, by the time the equipment is ready to be installed the equipment is changed and up to date, such as the sound system at Boyd Anderson High School; the equipment that was specified was no longer manufactured.

Mrs. Good inquired that as a system what can be done to ensure that individuals that are programming the specifications are keeping on the capital side and project managers informed of any changes along the way.

Mr. Lindner responded that they need to be involved in the planning process before the project begins, which is currently being done.

Ms. Dinnen stated that in moving forward the planning should be more comprehensive and she is glad that this is happening.

Referring to Lanier-James, Ms. Murray noted that when the hard bid came considerably under the original bid of the other two prototype schools, even with the changes the figures are still under.

Mr. Lindner informed that this was the last hard bid and it was bid by a smaller company. The project has gone fairly smoothly despite some of the district's scheduling issues and they have done an excellent job.

Mrs. Bartleman requested information on how the bathrooms were constructed, since there are multiple grade levels. She stated there will be future discussions regarding the size and what it fits.

Mr. Lindner responded that it was built to the current school specifications for that grade level.

Ms. Murray stated that she did a walk-thru and she was impressed with the quality of work, and the softball field was not completed.

KK. OFFICE OF CHIEF FINANCIAL OFFICER

Following the action of Agenda Item CC-3, the following Attorney-Client Session commenced at 11:30 a.m.

Approved in Open Board Meeting, October 4, 2011

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 16, 2011, 11:30 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: Thermal Concepts, Inc. vs. The School Board of Broward County, Case No.: 10-45492(05), before the Circuit Court of the 17th 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, Laurie Rich Levinson, Nora Rupert,; Interim Superintendent Donnie Carter; Eugene K. Pettis, Esq.; Thomas Cooney, Esq.; Marylin 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 1:15 p.m.

Adjournment This meeting was adjourned at 5:15 p.m., by way of motion by Ms. Dinnen and seconded by Ms. Murray.

RT