

Approved in Open Board Meeting, October 20, 2009

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

October 6, 2009
Tuesday, 10:15 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:17 a.m., Tuesday, October 6, 2009, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Maureen S. Dinnen; Vice Chair Jennifer Leonard Gottlieb; Members: Robin Bartleman, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, (Dr. Robert D. Parks was absent), Benjamin J. Williams, Superintendent James F. Notter, and Edward J. Marko, Esq.

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

Minutes for Approval Motion was made by Mrs. Hope, seconded by Mrs. Gottlieb and carried, to approve the official minutes for the following Board Meetings: Dr. Parks was absent. Mrs. Kraft and Ms. Murray had not yet assumed their seats on the dais. (5-0 vote)

September 1, 2009 – Regular School Board Meeting
September 3, 2009 – Special – Final Amendments to the 2008-09 Budget
September 3, 2009 – Special – 2nd Public Hearing – Final Budget and Millage Levy for Fiscal Year 2009-2010
September 10, 2009 – Special – Student Expulsions
September 10, 2009 – Regular School Board Meeting

Added Items – Two (2) speakers and F-6

Close Agenda Upon motion by Mrs. Gottlieb, seconded by Mrs. Bartleman and carried, the Agenda was approved and declared closed. Dr. Parks was absent. Mrs. Kraft had not yet assumed her seat on the dais. (6-0 vote)

SPECIAL PRESENTATION

Rafael Giraldo, History Teacher, Tequesta Trace Middle School

Mrs. Hope introduced Mr. Giraldo, a teacher who traveled from San Francisco, California to Weston, Florida on a recumbent trike, the Manifest Destiny.

Mr. Giraldo informed the Board that he used his summer vacation to teach a lesson for his students, keeping in contact with students while he journeyed through 11 states, starting in California, Nevada, Utah, Colorado, Kansas, Missouri, Arkansas, Tennessee, Mississippi, Alabama and Florida, a total of 3,800 miles, via technology.

Mr. Giraldo explained that he used quite a bit of technology – a satellite beacon from his website: Tourofdiscovery.com so that students could actually know where he was, within a 15 minute delay. He also used photography, video, and taking the American landscape and turning it into a classroom. Mr. Giraldo's message to students is the importance of staying in school, as it is a long distance to travel. He said he taught by example, using the tools, technology and getting students engaged.

Board Members individually thanked Mr. Giraldo for sharing his story.

Ms. Dinnen thanked Mr. Giraldo for his dedication to students.

REPORTS

Broward County Council PTAs/PTSAs - Bernie Kemp

Mr. Kemp reported that on August 24, 2009 he attended the first day of school with Board Member Ben Williams, Superintendent Notter, National PTA President, Chuck Saylor, and various district personnel in the Million Father March, Take a Child to School. Mr. Kemp said he believes this successful event left an impression to males of the community to get involved and remain involved with their child's education.

Mr. Kemp informed that the Broward Leadership Training (BLT) on September 12, 2009 was a huge success, with many new and returning officers attending Piper High School. Over 20 classes were offered, geared towards team work while carrying out their responsibilities as officers and committee chairpersons. A new feature was added this year: Elementary, Middle and High School PTA roundtable discussions which was received positively by participants.

Florida PTA presented awards during the general meeting: West Broward High PTSA, Dolphin Elementary PTA, Lauderdale Manors PTA, Eagle Ridge PTA, Tamarac Elementary PTA, Central Park Elementary PTSA, Silver Lakes, PTSA, Pioneer Middle, PTSA, Welleby Elementary PTSA, Discovery Elementary PTA, Heron Heights PTA, and Broward County Council PTA received several discussion study awards.

On November 13 - 14, 2009, Florida PTA will host the annual Florida PTA State Convention for all PTAs and PTSAs throughout Florida. All local units are encouraged to participate in sending members from their unit to attend this exciting event. The business of PTA will be discussed, where resolutions are passed, there are elections of officers, when necessary, and members are "fired up" to continue advocating for all children.

As always, PTA looks forward to working with the School Board, Superintendent, and all hard-working teachers, administrators and staff for a successful school year.

ESE Advisory Council

Ms. Dinnen informed that a written report will be submitted to the Board from ESE Chair, Robert Mayersohn.

Broward County Association of Student Councils and Student Advisor to the Board – Eti Raz and Sara Saxner

Eti reported that BCASC has held its annual Ethics Forum, taking classes that teach students how to make ethical decisions, either in school, workplace, or family settings. Gratitude was extended to Mr. Marko for attending the Ethics Forum to discuss the sexting issue.

BCASC will be holding a Middle School Leadership Workshop, where National Honor Society and Student Government Association students from the middle schools attend and learn qualities to promote their school's student government.

Gratitude was extended to Superintendent Notter for sending a letter concerning the activities of the county, as there were problems with students not being able to go to certain field trips or activities because of strict school policy on field trips. A clarification was made by Mr. Notter, if there is a county sponsored event in a School Board building there is no need to have specific criteria for the students to attend.

Eti thanked the School Board for recognizing his suggestion about the Strategic Plan, including activities in the Strategic Plan.

Facilities Task Force – Nick Sakhnovsky

Mr. Sakhnovsky reported that the report submitted to the Board includes information of the September and October 2009 meetings, as well as the annual submission of members.

In September, members of the Task Force held their quarterly meeting with the Superintendent and make progress on instituting some pilot projects to assess efficiencies in pupil transportation as they relate to facilities. A meeting with appropriate district personnel is pending.

On September 3, 2009, the Task Force heard a presentation on the relationship between the boundaries process and the interlocal agreement presented by Mrs. Leslie Brown, Executive Director, Educational Programs, which was very well received. This information will be followed by a presentation in November by Mr. Chris Akagbosu, Director, Growth Management. The Task Force also heard information regarding the AshBritt audit.

A vote was made, and passed 11-2, that the Task Force supports the independence of the internal auditors. It was clarified at the October meeting that the motion did not imply that the auditors were infallible and the motion did not address any given audit's status as a draft document or a public record.

A second motion was made, and passed 21-0, that calls upon the School Board to discontinue use of the QSEC process in the selection and awarding of contracts until the Board conducts a thorough and open review, with unfettered public input, as an agenda in regular session.

Mr. Sakhnovsky reminded the Board that two years ago this month the Task Force asked the Board to review the QSEC process, and from October 2007 forward a consistent request was made to the Deputy Superintendent, Facilities and Construction Management, when this issue would be workshopped. He stated it remains unclear what method must be followed in order to be permitted to speak at a workshop, as the Task Force has never been told.

Mr. Sakhnovsky stated it is hopeful that the process will lead to reform and improvement. He stated that a united Task Force urges its sincere consideration of requests which will lead to reform and improvement of the contract selection and award process.

Responding that he will meet with the sub-group of the Facilities Task Force and address their concerns, Mr. Notter stated that the Board took the initiative to set up an independent group of Facilities Task Force with Board Members' appointees. One of the primary purposes of setting a governance model that way was to get the input from the direct end-users from the community and from the Board's direct appointees.

The Superintendent stated that he meets with executive committees to encourage – even if there is a perceived barrier - and share information, to make sure it has gone through the vetting process of the executive committees.

Mrs. Kraft concurred that the Board needs to look at the QSEC process, but said she was frustrated at the timing. Mrs. Kraft relayed information about a school in Taravella that was awarded a contract years ago for a physical education building that they have been waiting for 11 years. Because it took so long to bring it to the forefront, the attorney indicated the job had to be re-bid because the scope of work and the price had changed significantly. She voiced frustration that the school has to wait another year for a project that they have been waiting for, and they cannot move forward with the stadium until the P.E. building is built. Mrs. Kraft stated when a review is made of QSEC it is going to be a long process.

Mr. Sakhnovsky responded he was concerned about projects that were already in the pipeline, and the Taravella project is the only remaining one, and stated there has to be date certain and public input in this process.

Ms. Dinnen stated this issue will be discussed more fully, and suggested that he meet with the Superintendent about the process and about the communications difficulties.

Mrs. Kraft requested that Mr. Sakhnovsky meet with Mr. Notter to ascertain whether some interim procedures can be put in place so that one project can go forward, and then embark on a more in-depth investigation.

Mrs. Bartleman requested that the Board be provided with the new suggestions by the Facilities Task Force, in the previous meeting report regarding Mr. Garretson.

Concurring, Mr. Sakhnovsky stated the Task Force would definitely like to present some ideas.

BOARD MEMBERS

Mrs. Hope highlighted missing child Lee Spencer, white male, 5'5, 180 pounds, date of birth January 21, 1992. Anyone with information can call the local police or the National Center for Missing and Exploited Children.

Mrs. Kraft discussed the news article regarding the issue with volunteers and the BankAtlantic Center. Explaining that she worked on this issue with Mr. Damian Huttenhoff, Executive Director, Athletics and Student Support, and thanked him for taking the lead on this and making sure that the district implement new procedures with regard to volunteers. Mrs. Kraft stated that last spring it was noted that there was a lack of training for the volunteers; a lot of volunteers in booster clubs volunteer at the BankAtlantic Center and other venues where they work concessions for a percentage of the profits that go back to the booster club.

Mrs. Kraft further stated that one of the volunteers had been caught in a sting operation with an underage person being sold alcohol, although the person was carded but it was a fake I.D. Mrs. Kraft said that Mr. Huttenhoff worked with the center to ensure that before any volunteer on behalf of the school district is placed in a concession, that they get training so they know what to look for with regard to carding these individuals.

Mrs. Kraft clarified that district policy does not allow any students, whether or not they are 18, to serve alcohol.

Mrs. Kraft attended a legal seminar on how to write policies for the use of social media in employment situations. She stated one of the requirements on the job description for the Public Relations position is that the individual be equipped and experienced in using social media as a means of communication. Mrs. Kraft stated it is important that the Board have a policy on the use of social media, and the current technology policy has not caught up with the new use of social media. Twitter and Facebook can be an advantage when publicizing events and it would be a great communication tool for the district.

Mrs. Kraft stated it is important to start working on a policy for the district to use social media, as it is difficult to use this type of social media in schools with the firewalls that are in place; when it is allowed and who can be using it. In addition, policy needs to be set regarding whether to curtail the use of this during work hours. Mrs. Kraft further stated she will be working with Mr. Marko's office and the new Public Relations person to share materials she has gotten with regard to this issue. She said it will be a tremendous help to take a look at district policies and to re-write those policies, to allow this media for limited purposes.

Mrs. Bartleman attended the 9-11 memorial service for the victims of the attacks at Western High School. She stated that retired Bob Sporino has constructed a memorial to the victims of 9-11, a very moving memorial service that included firefighters and police officers from many counties.

The 10 foot concrete replicas of the World Trade Center were surrounded by a pentagon-shaped wall and a flagpole planted in a base shaped like the outline of the state of Pennsylvania, where one of the hijacked planes crashed.

Mrs. Bartleman informed that each year the school sends firehouses in New York a flag from the ceremony, this year sending 10 to 13 flags. Currently, 29 out of 72 New York firehouses have a flag from Western High School. She stated the ceremony was greatly appreciated by the firefighters and police officers, and they explained the 13 points to folding the flag to the audience and elementary school students. Mrs. Bartleman thanked Mr. Scott Fiske, Principal, and firefighters and police officers who put their lives on the line.

Mrs. Bartleman attended Atlantic West Elementary School's PTA meeting which featured the school as being one of the few schools participating in a pilot program sponsored by the Green Schools Challenge by the U.S. Green Council. The school is recording how much electricity is being saved and their recycling is weighed. There were two interpreters at the meeting for parents who spoke other languages.

Mrs. Bartleman and Mr. Notter attended the Just Do It! Awards at Wannado City, recognizing Exceptional Education students for reaching their individual goals, each Elementary, Middle, Pre-School, High School and Adult students receiving awards. Mrs. Bartleman thanked Eileen and her committee for sponsoring this event.

Mrs. Bartleman requested a moment of silence, which was observed, for student Christina Chaiken, 12th grader at West Broward High School, who was recently killed in a car accident.

Ms. Murray informed her colleagues that the City of Hollywood Schools Showcase event will be held on Saturday, October 24, 2009, 2:00 to 6:00 p.m. at the new Boulevard Heights Community Center at 6770 Garfield Street. She and Mrs. Gottlieb will be judges and pick the best presentations from district schools. This 2nd annual event will include entertainment by an elementary school orchestra.

Ms. Dinnen announced that she serves on the Historical Commission and they are celebrating Pioneer Days on October 17, 2009, in the City of Hallandale. Broward pioneers will be honored at this meeting.

Ms. Dinnen attended Oktoberfest in the City of Oakland Park, and Oakland Park Main Street, the two sponsors. Oakland Park Main Street has been a partner of Northeast High School with their architecture department.

Ms. Dinnen requested a moment of silence, which was observed, for Mr. Lamont Anderson, 40-year educator and art professor at BCC, who passed away last week; and a good friend of the district, Mr. Jack Cooney, a member of the Broward business establishment and a great supporter of Broward schools. His son, Tom Cooney is a Assistant General Attorney for the school district and his daughter Mary works for the Supervisor of Elections.

Ms. Dinnen announced that Congressman Ron Klein visited South Plantation High School's Environmental Science magnet program, Everglades Restoration. The Congressman observed the water bus and solar car projects, and met with students and held a round-table discussion and answered any question students wished to ask.

Ms. Dinnen paid tribute to teacher Alice Culpepper and Principal David Basile for their efforts on this wonderful magnet program. She noted that two South Plantation faculty members are competing as finalists in the Governor's Green School competition: Pamela Krauss and Alan Phipps. Ms. Dinnen thanked Ms. Fran Klauber for putting together a wonderful program at South Plantation, using district people as liaisons with the Congressman's office. She noted that Alan Phipps is a Florida finalist for the Presidential Award for Excellence in math and science.

Ms. Dinnen said she was privileged to attend the Broad Foundation awards, along with other Board Members. Ms. Dinnen stated that the accolades for the district by the national press and the amount of information attendees picked up by watching the five finalists, Superintendents discussing different issues of prominence in urban education, including Mr. Notter, was very eloquent. Ms. Dinnen stated the district is proud to bring back \$250,000 in scholarship funds so that Broward County students can enjoy going to higher education. This second year recognition has resulted in \$500,000 in scholarship funds for the district.

Ms. Dinnen further stated the recognition illustrates the hard working, excellent employees in the district, and the recognition was earned very firmly by the five finalists.

Ms. Dinnen informed that a "team" visited the school district from San Diego, California, looking at all the different aspects of our district because they want to imitate the district and learn. Ms. Dinnen stated this should make everyone proud, especially during these tough times for the district.

Acknowledging that there has been bad publicity lately for the district, Ms. Dinnen stated that everyone needs to take a look at the fact that Broward Schools is the largest employer in Broward County and there are a lot of worthwhile people working their hearts and souls out.

Mr. Williams stated that he met with Mrs. Broad, who indicated she recognized Broward County School Board last year in the delegation, and indicated she would like to substitute her school board for Broward School Board.

Mr. Williams requested a moment of silence, which was observed, in memory of Mrs. Juanita Williams, wife of retired principal, Norbert Williams. Mrs. Williams was a retired Broward Schools educator and one of the few survivors of the 1985 airplane crash that took the life of Dr. Kathleen C. Wright.

Mr. Williams recognized Eric Brown, an 11th grader at Stranahan High School, who attends the Medical Magnet Program. Eric has been designated as the student to participate as his designee on the Community Involvement Roundtable for the Metropolitan Planning Organization. Eric, a resident of Ft. Lauderdale, is a bright young man, taking several rigorous courses such as Advanced Placement classes and a Dual Enrollment Class at Broward College.

Speakers

Fredrick Lewis
Nick Sakhnovsky
Mary Fertig
William Barkins
Ron Boss
Mark Lubelski

Ms. Dinnen requested that staff meet with Mr. Lewis to discuss his being fired without cause.

Ms. Dinnen requested staff to meet with Mr. Boss regarding the Design/Build proposal and evaluation process for Blanche Ely High School.

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. Gottlieb and carried, to approve the Consent Agenda for the remaining items. Dr. Parks was absent. (7-0vote)

CONSENT ITEMS

A. RESOLUTIONS

- A-1. Resolution in Support of American Education Week – November 15-21, 2009 (Adopted)

Motion was made by Mrs. Bartleman, seconded by Mr. Williams and carried, to adopt Resolution #10-28, in support of American Education Week – November 15-21, 2009. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

Ms. Dinnen stated that the district celebrates different ethnic groups and entities, and it is important to designate a week to celebrate the education system in the United States. She noted that many countries do not have a public education system, which has been the foundation of this country.

A-2. Resolution in Support of National Educational Support Personnel Day – November 18, 2009 (Adopted)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to adopt Resolution #10-29, in support of National Educational Support Personnel Day – November 18, 2009. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

Mrs. Bartleman thanked Non-instructional support staff members who take care of the upkeep and appearance of buildings and grounds, health and safety of children, and individuals working in the food and nutrition programs. In addition, employees provide delivery of goods and services, and they provide safe and efficient transportation services and contribute to the overall atmosphere of the educational setting.

Mrs. Bartleman stated that the district has done a great job in bringing teachers back to work but there are still 213 Non-instructional staff that was a part of the reduction in force, including 77 aides and 5 teacher assistants who have been laid off.

A-3. Resolution in Support of Disability Mentoring Day – October 21, 2009 (Adopted)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to adopt Resolution #10-30, in support of Disability Mentoring Day – October 21, 2009. Dr. Parks was absent. (7-0 vote)

Following the reading of portions of the resolution, Mrs. Bartleman introduced Mrs. Karen Dickerhoof, former School Board Member, who currently runs the Center for Independent Living; works with individuals with disabilities and ensures that they are able to receive gainful employment.

Mrs. Dickerhoof thanked Mrs. Bartleman for continuing support of Disability Mentoring Day, to Mr. Notter, a long-standing advocate for children with disabilities, and commended School Board Members for their support of youngsters in the school district with disabilities. Mrs. Dickerhoof stated that the solution for helping people with disabilities to become independent and sufficient is having a job. All the research shows that intervention and prevention includes the important activity of mentoring.

Ms. Shanae Thomas, Director, Youth Services Program, Center for Independent Living, reported that as of today Broward County has the highest number of mentors registered, 80 participants, through the school system and local job seekers who will participate in this event. 40 local businesses will also participate.

Job seekers and students will be matched and paired up with close to their field of career interest, going on job shadowing with the companies, and groups will tour jobs of different companies. These companies include visits of the Sheriff's Office, Florida Department of Education, Agency for Persons with Disabilities, WorkForce One, Lighthouse of Broward, City of Pembroke Pines, Hyatt Regency, Jewish Foundation of Broward, Olive Garden restaurant, Sam's Club, and others.

Mrs. Dickerhoof informed that each year the Broward Business Leadership Network works together with employers, non-profits as well as representatives of the job-seeker community to put on a Connections event. Enterprise Rental, WorkForce One, United Way, and Nova Southeastern University participate in making this event successful. She said this year there are no jobs, so employers have been offered an opportunity to learn how employing someone with a disability increases their bottom line, that they can become an Employment Network, a designation given by the Social Security Administration whereby the company can collect cash because the individual has gone to work and is no longer receiving cash benefits.

Mrs. Dickerhoof further stated that vocational rehabilitation has received federal funds and is being devoted to on-the-job-training salaries, and the Steps program will allow for summer internships of youngsters who have disabilities without a cost to the employers. She stated the job fair will be held on October 30, 2009, Nova-Southeastern University.

Mrs. Bartleman, who informed that a job fair is held every year, requested that the school district look into possibly partnering in this endeavor. She informed that a Ribbon Cutting event will be held for the Open Door Café, students with disabilities will work and get paid by the Dan Marino Foundation, held at the KC Wright building.

A-4. Resolution in Support of a School Impact Fee Waiver for Northwest Gardens I (Adopted)

Adopted Resolution #10-31, which states that the School Board does not oppose action by the Broward County Board of Commissioners under provisions of the Broward County Land Development Code, waiving approximately \$43,258 in school impact fees due for the construction of 10 (two-bedroom) and 4 (three or more bedroom) very low-income garden apartment units in Northwest Gardens I. Located both on the East and West side of NW 10th Avenue between NW 6th Street and NW 8th Street in the City of Fort Lauderdale, and proposed by Carlisle Development Group on behalf of the City of Fort Lauderdale Housing Authority.

The proposed development will consist of 10 (two-bedroom) and 4 (three or more bedroom) very low-income garden apartment units, which will provide affordable housing for very low-income individuals as defined in Division 6 of the Broward County Land Development Code Definitions. Therefore, as proposed, the 14 very low-income garden apartment units are eligible for consideration of a school impact fee waiver as cited under Section 5-184(b)(4) of the Broward County Land Development Code.

Under this Section, a school impact fee waiver can be granted based on percentages in the following manner: Very Low Income – 100 percent, Low Income – 75 percent and Moderate Income – 50 percent.

The Broward County Housing and Community Development Division certified the proposed development as 14 very low-income affordable garden apartment (10 two-bedroom, and 4 three or more bedroom) units. Based on the current school impact fee ordinance (Ordinance 97-40, effective June 2, 2009), the total school impact fee due for the project is approximately \$43,258. Based on criteria cited in Section 5-184(b)(4) of the Broward County Land Development Code, the total \$43,258 qualifies for school impact fee waiver. Schools affected in the 2008-09 school year are Sunland Park Elementary, Sunrise Middle, and Fort Lauderdale High Schools.

Carlisle Development Group, a co-developer with the Housing Authority of the City of Fort Lauderdale is not registered as a 501(C)(3) Not for Profit entity, as defined by law.

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

There is a potential loss of approximately \$43,258 in school impact fees. This item does not require a collaboration form from the Capital Budget Department.

D. OFFICE OF THE CHIEF AUDITOR

D-1. Audit Reports for Internal Funds at 10 Schools in the North Area
(Received)

Motion was made by Mrs. Hope, seconded by Mrs. Gottlieb and carried, to receive Audit Reports for Internal Funds at 10 Schools in the North Area. Dr. Parks was absent. (7-0 vote)

Audited the Internal Funds of the schools listed below for the fiscal years ended June 30, 2007 and 2008 as authorized by the State Board of Education Rule 6A-1.087(2), Florida Administrative Code and School Board Policy 1002.1.

<u>Schools</u>	<u>Fiscal Year(s)</u>
*Charles Drew Elementary School	2008
*Coral Park Elementary School	2008
*Coral Springs Elementary School	2008
*Cresthaven Elementary School	2008
*Cross Creek School	2008
*Liberty Elementary School	2008
*Palmview Elementary School	2008
*Park Ridge Elementary School	2008
*Park Springs Elementary School	2007 and 2008
*Park Trails Elementary School	2008

*Denotes Schools With No Audit Exceptions

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's September 3, 2009 meeting.

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

Mrs. Mary Fertig addressed her positive experiences with the Audit Committee and interaction with staff members. She relayed the many exceptions found in area schools and said she has seen better audit reports, highlighting the June 2009 Annual Audit Report which lists some of the ways the district has saved money or recovered money. Mrs. Fertig stated the district saved money with findings resulting in changed policies and practices, recovered over-paid moneys to vendors, and trained district employees to follow policies and sound business practices which have resulted in potential savings of millions of dollars.

Ms. Dinnen noted there were 10 schools with no exceptions.

Mrs. Bartleman thanked Mr. Pat Reilly, Chief Auditor, Office of the Chief Auditor, and Mr. Mark Magli, Auditor, for their hard efforts. She stated that the process and detailed information they provided to principals has been reviewed and training has been provided. Mrs. Bartleman further stated if it has not already been done, it is hopeful that Mrs. Grazie Diaz, Assistant Superintendent, Human Resources, will train the up and coming administrators on the process. She said that there is a detailed process in accounting for the property and it needs to be implemented with fidelity.

Ms. Murray stated that the auditors need to review the auditing process, items under \$1,000 not having an audit number, minor items that can easily disappear. She stated the key is training, staff reinforcing responsibility at every level, and principals and directors need to be responsible for everything that happens under their direction, including a follow-up by the team members.

D-2. Audit Reports for Internal Funds at 6 Schools in the Central Area
(Received)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to receive Audit Reports for Internal Funds at 6 Schools in the Central Area. Dr. Parks was absent. (7-0 vote)

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

<u>Schools</u>	<u>Fiscal Year(s)</u>
*Country Isles Elementary School	2008
*North Side Elementary School	2008
*Plantation Elementary School	2008
*Rock Island Elementary School	2008
*Sunland Park Elementary School	2008
*Westwood Heights Elementary School	2008

*Denotes Schools With No Audit Exceptions

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's September 3, 2009 meeting.

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

Mrs. Fertig addressed the the professionalism and dedication of the Audit Committee.

D-3. Audit Reports for Internal Funds at 14 Schools in the South Area
(Received)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to receive Audit Reports for Internal Funds at 14 Schools in the South Area. Dr. Parks was absent. (7-0 vote)

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

<u>Schools</u>	<u>Fiscal Year(s)</u>
*Chapel Trail Elementary School	2008
*Colbert Elementary School	2008
*Collins Elementary School	2008
*Driftwood Elementary School	2008

October 6, 2009

Minutes of Regular Meeting
Page 13 of 61

*Hawkes Bluff Elementary School	2008
*Hollywood Park Elementary School	2008
*McNicol Middle School	2008
*Oakridge Elementary School	2008
*Panther Run Elementary School	2008
*Silver Lakes Elementary School	2008
Silver Trail Middle School	2008
*Sunshine Elementary School	2008
*The Quest Center	2008
*West Hollywood Elementary School	2008

*Denotes Schools With No Audit Exceptions

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's September 3, 2009 meeting.

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

Mrs. Fertig addressed the lack of documentation of vendors who owe money to schools with exceptions, and whether there is one standard for internal school audits and another standard for outside vendors.

Ms. Dinnen noted there was one school with an exception, out of 29 schools, and credit was given to the principals and schools who are doing a much better job.

D-4. Internal Property Audit – Report Property and Inventory Audits of Selected Locations 2009-2010 (Received)

Motion was made by Mrs. Bartleman, seconded by Mrs. Hope and carried, to receive Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2009-2010. Dr. Parks was absent. (7-0 vote)

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

The Audit report represents 31 locations in which a total of 20 locations had no exceptions and 11 locations had exceptions. The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's September 3, 2009 meeting.

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

The following individuals addressed this item:

Mary Fertig
Charlotte Greenberg

Mrs. Kraft voiced concern with inaccurate records, whether items are being carried away, stolen, or whether there is bad record keeping. She inquired what staff is doing to change the way schools are doing business. Mrs. Kraft stated every school needs to be responsible for knowing what they have in their inventory, identify the problem and how to solve it.

Mr. Reilly responded that the remedy is management involvement at each location, identify the key things to do when buying equipment, how to maintain it and how to surplus it. Mr. Reilly noted that there are 31 locations under this report and 20 do not have any audit findings. He stated that controls have been put in place; staff has a data base and property passes are printed, and surplus items are documented in a form.

Mrs. Kraft, who discussed a missing golf cart and large items, stated there should be a paper trail that is turned into SIU, and that property audits should have reported missing items and which items are unaccounted for.

Mrs. Gottlieb thanked staff for their level of thoroughness and detail that has been demonstrated in the audit. Mrs. Gottlieb stated that she supports independent audits and thoroughness, and opined that staff is performing these functions for the benefit of the district. She expressed gratitude to Mr. Joseph Epstein, CPA, her appointee to the Audit Committee, for his hard work.

Ms. Dinnen stated that the district has work to do and it is doing better, which is a tribute to the Audit department and schools and departments learning how to be more efficient.

Mrs. Bartleman described the comprehensive booklet developed by Mr. Magli for administrators, including months of the year and dates that sites are suppose to check their property. Mrs. Bartleman suggested when a new principal comes in and there is a turnover in administration, that a process be put in place such as writing additional guidelines. She thanked Mr. Duane Wolter, CPA, her appointee to the Audit Committee.

D-5. Internal Audit Report – Audit of the AshBritt, Inc., and C&B Services Invoices for District Portable Repairs Related to Hurricane Wilma
(Received)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to receive Internal Audit Report – Audit of the AshBritt, Inc., and C&B Services Invoices for District Portable Repairs Related to Hurricane Wilma. Dr. Parks was absent. (7-0 vote)

In accordance with the 2008-2009 Audit Plan, and at the request of the Audit Committee, the Office of the Chief Auditor has performed an audit of the AshBritt, Inc., and C&B Services Invoices for District Portable Repairs Related to Hurricane Wilma.

The objective of this audit was to: determine whether or not the necessary internal controls were in place during administration of C&B Services' scope of work; ascertain whether the district was charged fairly, even though the services were performed during an emergency repair period; determine and explain the relationship between The School Board of Broward County, Florida (SBBC), and C&B Services, as well as to determine the relationship between the SBBC and AshBritt, Inc.; perform assessment and analysis to determine the appropriateness of the transactions due to the unusual nature of the invoicing and payment related procedures; identify the actual scope of work to ensure that the final invoices paid by the district were properly reviewed and approved in a responsible manner; and report recommendations to the administration, if needed.

In our opinion, the F&CM Division staff identified significant problems with invoicing practices, job costs and licensing status of C&B Services early in their documented work period. AshBritt, Inc., was later selected to process the invoices for C&B Services. The illogical insistence on the part of some F&CM staff that C&B was a subcontractor to AshBritt, Inc., while processing C&B Services' invoices raised questions and suspicions, as some of the F&CM staff making that claim were involved in the request, approval and issuance of P.O. No. 2600018029 to C&B Services. AshBritt was not issued a P.O. until January 5, 2006. Records show that C&B Services was nearly completed with their authorized scope of work by the middle of January, 2006. Therefore, the required P.O. request and approval process was documented, but later denied by F&CM staff after the C&B Services' licensure issue was exposed.

A documentation trail was provided to enable F&CM and Capital Payments Review staff to approve and recommend that the invoices be paid, but there were clear signs of coercion and falsified documentation to facilitate the approvals and ultimately the recommendation to process payments to AshBritt, Inc. As a result of identified payments for work not performed, overbilling and double billing, the district should seek reimbursement in the total amount of \$765,608.15.

Additionally, we believe that the final documents submitted for payment were falsified and inflated and that the issue should be reported to FEMA, the IRS and other state and federal authorities for an investigation.

The five detailed audit observations/recommendations were presented to F&CM Division staff which identified overbilling and double-billing by AshBritt, Inc., and significant improvement opportunities regarding internal controls.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's July 23, 2009 meeting.

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

Mrs. Kraft voiced concern about the process of the audit, that releasing the audit prematurely interferes with the ability of the Audit Committee to accurately get a response from staff. Mrs. Kraft stated that some of the responses might have been tainted and it was not a clean process, that comments should have been discussed prior to a public discussion and responses should not have been provided to the press.

Mrs. Kraft further stated her concern regarding the manner in which the Audit Committee was able to discuss the results. She stated there is an opportunity for the Audit Committee to fully discuss the contents of the audit and the response by the department. Mrs. Kraft further stated it is imperative that the Board have a Workshop to discuss the audit itself. Acknowledging that the Board is only receiving the audit, Mrs. Kraft said the Board needs to discuss a lot of the issues brought up in the audit.

Mr. Marko stated that the Auditor and staff would be available to the Board to discuss and ask questions. He stated that he and General Counsel will review documentation in order to ascertain whether a sum is agreeable with the company. Mr. Marko stated a determination to seek outside auditing help will be made after district counsel has reviewed the documentation, which consists of over 8,000 pages.

Mrs. Kraft stated the Board needs to get a handle on how things occurred and how it can be prevented in the future, possibly having more oversight and establish a tighter process. Mrs. Kraft stated she previously requested more oversight on contractual issues in the Facilities department.

Remarking that the district became reactionary following the hurricanes, Ms. Murray requested that staff review how the district is structured and the responsibility of the areas.

Ms. Dinnen stated that the October 27, 2009 Workshop discussion will be an opportunity to ask questions and to put in new procedures that the Board feels are necessary, either in the way of communication or procedures. Noting that audits will be received and they are not approved or not approved, Ms. Dinnen stated the audits ought to be a proactive document that allows the Board to put in oversight procedures that will be helpful in the future.

The following individuals addressed this item:

Michael Moskowitz, AshBritt
Alana Mersinger
Nick Sakhnovsky
Mary Fertig
Charlotte Greenbarg

Ms. Dinnen stated there has been a lot of disclosure in the public eye that have not accompanied other audits and the process needs to be reviewed, whether or not it impeded a satisfactory conclusion. She stated that a full explanation will be provided at the Board Workshop and discussion on what remedies should be put into effect; if they were not done correctly, how they can be done correctly in the future.

Mr. Notter informed the Board that he will listen to the Board discussion and ultimately have suggestions and recommendations.

Mrs. Bartleman stated she would like the Superintendent's opinion on how some systems can be put in place in Facilities, and Mr. Garretson may have some suggestions. Mrs. Bartleman stated that something should come out of a productive discussion to improve the process, not to go back to the way things are. She stated that Mr. Marko can proceed with the legal process and put provisions in place.

Mr. Williams requested that the Board Workshop discussion include process, that auditors provide information, questions asked and directions will be given.

Mr. David Rhodes, Auditor, Office of the Chief Auditor, said that based on the fact there was not a specific contract other than the Notice to Proceed and the references the Notice to Proceed gave, the five-year statute of limitations might take effect from the last payment made which would ultimately allow a little bit more time, if necessary.

Mr. Marko responded that he has not read the material to make a legal opinion as to the statute of limitations; he was asked whether or not there was a statute of limitations and he indicated it was five years under a contract. Mr. Marko indicated he did not make a determination that was the absolute date for the issue of the statute of limitations on this case.

E. CHIEF OPERATIONS OFFICER

E-1. SUNCOM Network Services Agreement (Approved)

Approved the SUNCOM Network Services Agreement.

The Florida Department of Management Services requires that all districts that utilize the SUNCOM network must periodically update their agreement with the State. The School District utilizes the SUNCOM network for a portion of the Internet connection provided to all students, teachers, and administrators. This competitively priced Internet connection is offered to and utilized by school districts, libraries, and other educational institutions in the State. The School District has utilized the SUNCOM network connection to the Internet since 1994, when the first district Internet connection was established. Once this agreement is executed, the State will assign an "agency ID" to Broward Schools for use in the ordering process.

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

The financial impact will be approximately \$157,581 per year from the ETS Operating Budget.

E-2. Approval of FPL Interconnection Agreement for Customer-Owned Renewable Generation Tier 2 Greater Than 10kW and Less Than or Equal to 100kW (Approved)

Approved and authorized the execution of the FPL Interconnection Agreement for Customer-Owned Renewable Generation Tier 2, Greater Than 10kW and Less Than or Equal to 100kW.

This Interconnection Agreement is for the solar panel system, which was installed at Heron Heights Elementary, designed to be a green building. The solar panels, mounted on the overhangs around the school, have already been installed and now need to be connected to the school's grid system.

The lifespan of the panels is almost indefinite; inverters usually have an effective lifespan of 20 or more years. The majority of the power needed for the school will be provided by FPL in the traditional way; however, the solar system will provide approximately 41.5kW per hour. Any excess power provided will be measured with a bi-directional meter and sold back to FPL at the standard rate.

This aligns with the Environmental Strategic Plan Goal AS-1: Build a collaborative partnership through innovative, environmental school programs.

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

The financial impact to SBBC is \$400 for the interconnection application.

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

F-1. Service Delivery Agreement between The School Board of Broward County, Florida (SBBC), and the Young Men's Christian Associations of Broward County Florida, Inc., (YMCA) (Approved)

Motion was made by Ms. Murray, seconded by Mr. Williams and carried, to approve the New Agreement between the SBBC and the YMCA. Dr. Parks was absent. Mrs. Hope was absent for the vote. Mrs. Bartleman abstained from voting. (5-0 vote)

The SBBC and the YMCA jointly applied for five years of 21st Century Community Learning Center (CCLC) grant funding for Riverland Elementary School.

The grant award in the amount of \$772,420 (\$175,550 for years one and two, and \$140,440 for years three through five) will provide academic enrichment and remediation services to over 99 at-risk students per year. In addition, the A.D. Henderson Foundation will contribute an additional \$10,352 in the 2009-10 school year to provide the Roots to Wings parent component, and the PassPort to Peace Character Education Program to actively participating 21st CCLC students and their parents at Riverland Elementary School. The 21st CCLC program at Riverland Elementary School will serve 99 students after school, and 97 students during the summer and on Saturdays.

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

The positive financial impact to the district during the 2009-10 school year is \$185,902. The sources of funds are \$175,550 from the 21st CCLC grant, and \$10,352 from the A.D. Henderson Foundation. There is no additional financial impact to the district.

Mrs. Bartleman informed that she is abstaining from voting on the 21st Century grant, as she is a member of the YMCA Regional Board, a non-for profit board, even though there is no personal gain.

Mrs. Kraft's inquired about voting on the Children's Services Council issues, as Mrs. Bartleman serves on the Children's Services Council.

Mr. Marko responded if there is a reservation about the issue, he recommended that the Board Member abstain from voting. He could not give specific advice because he has not had an opportunity to review the issue.

Ms. Murray informed that this grant was implemented by former President Lyndon Baines Johnson in 1966 and has continued on and is being taking advantage of by over 20 schools. The district is very fortunate to have this competitive grant and for the YMCA to provide the opportunity for students to get tutoring which will help the graduation rate. Ms. Murray thanked the Grant department for being proactive.

A vote was taken on the agenda item.

Motion to Re-Open Agenda (Carried)

Motion was made by Mrs. Kraft, seconded by Mrs. Gottlieb and carried, to re-open the agenda to reconsider Agenda Items F-3 and F-4. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

F-2. Service Delivery Agreement between The School Board of Broward County, Florida (SBBC), and After School Programs, Inc. (ASP)
(Approved)

Approved the New Agreement between the SBBC and the ASP. The SBBC and the ASP jointly applied for five years of 21st Century Community Learning Center (CCLC) grant funding for Watkins Elementary School.

The grant award in the amount of \$767,502 (\$174,432 for years one and two, and \$139,546 for years three through five) will provide academic enrichment and remediation services to over 96 at-risk students per year. In addition, the A.D. Henderson Foundation will contribute an additional \$10,352 in the 2009-10 school year to provide the Roots to Wings parent component, and the PassPort to Peace Character Education Program to actively participating 21st CCLC students and their parents at Watkins Elementary School.

The 21st CCLC program at Watkins Elementary School will serve 96 students after school, and 91 students during the summer and on Saturdays.

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

The positive financial impact to the district during the 2009-10 school year is \$184,784. The sources of funds are \$174,432 from the 21st CCLC grant, and \$10,352 from the A.D. Henderson Foundation. There is no additional financial impact to the district.

F-3. Service Delivery Continuation Agreement between The School Board of Broward County, Florida (SBBC), and Children's Service Council of Broward County (CSC) (Approved)

Motion was made by Mrs. Kraft, seconded by Mr. Williams and carried, to approve the Continuation Agreement between the SBBC and the CSC. Dr. Parks was absent. Mrs. Hope was absent for the vote. Mrs. Bartleman abstained from voting. (5-0 vote)

The SBBC and CSC are in the final year of their three year partnership to operate a 21st Century Community Learning Centers (CCLC) grant for Coconut Creek, Dillard, Hallandale, and Stranahan High Schools. The grant funds will be used to provide academic enrichment and remediation services to students at the four schools who perform at or below the 40th percentile on the FCAT. The CSC administered 21st CCLC program will serve 172 students at Coconut Creek High School, 340 students at Dillard High School, 150 students at Hallandale High School, and 165 students at Stranahan High School after school and during the summer. In addition, 90 students at Coconut Creek High School and 50 students at Dillard High School will be served on Saturday.

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

The positive financial impact to the district is \$579,831. The sources of funds are \$421,579 from the 21st CCLC grant and \$158,252 in funds contributed by the CSC. There is no additional financial impact to the district.

Mrs. Bartleman informed that she is the School Board appointee to the Children's Services Council, and out of an abundance of caution will abstain from voting on this agreement with the Children's Services Council.

A vote was taken on the item.

F-4. Service Delivery Agreement between The School Board of Broward County, Florida, (SBBC) and The Children's Service Council of Broward County, (CSC) (Approved)

Motion was made by Mrs. Kraft, seconded by Mr. Williams and carried, to approve the New Agreement between the SBBC and the CSC. Dr. Parks was absent. Mrs. Hope was absent for the vote. Mrs. Bartleman abstained from voting. (5-0 vote)

The SBBC and the CSC jointly applied for five years of 21st Century Community Learning Center (CCLC) grant funding for Blanche Ely High School and Northeast High School.

The grant award in the amount of \$1,539,648 (\$349,920 for years one and two, and \$279,936 for years three through five) will provide academic enrichment and remediation services to over 175 at-risk students per year. In addition, the CSC will contribute \$150,000 (\$30,000 per year) to the five year program, and the A.D. Henderson Foundation will contribute an additional \$18,249 in the 2009-10 school year to provide the Roots to Wings parent component at both high schools.

The 21st CCLC program will serve 85 students at Blanche Ely High School and 90 students at Northeast High School after school, during the summer and on Saturdays.

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

The positive financial impact to the district during the 2009-10 school year is \$398,169. The sources of funds are \$349,920 from the 21st CCLC grant, \$30,000 from the CSC, and \$18,249 from the A.D. Henderson Foundation. There is no additional financial impact to the district.

Mrs. Bartleman reiterated that she is the School Board appointee to the Children's Services Council, and out of an abundance of caution will abstain from voting on this agreement with the Children's Services Council.

A vote was taken on the item.

Motion to Close Agenda (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Williams and carried, to close the agenda. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

F-5. Supplemental Education Services (SES) Agreement – Fifth Round
(Approved)

Approved the fifth round of agreements for Supplemental Educational Service providers required under No Child Left Behind (NCLB).

There are currently 105 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. Apex Systems, Inc., 2. Chancellor Supplemental Educational Services, LLC, 3. The Community Learning Center, Inc., 4. Divine Sports, Inc., 5. Envision America, Inc., 6. Focus Learning Academy, Inc., 7. Helping Emotions and Learning Partners, LLC, 8. Kumon North America, Inc., 9. Learning Emporium, Inc., 10. Leap for Learning LLC, 11. Pour Penmanship Inc., 12. Second 2 None Educational Services, Inc., 13. Universal Learning Concepts, LLC, 14. Urban League of Broward County, Incorporated.

Vendors can receive up to \$1494 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 6,041 students can potentially be served in the 2009-10 school year. There will be additional contracts coming forward this year due to the later release date by the state of approved SES providers. The timeline provides an overview of the process employed for the new school year.

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

Copies of the full agreements are available at the public stand in the lobby of the K. C. Wright Building, and at the Board Members' office on the 14th floor of the K. C. Wright Building.

The financial impact for this initiative is up to \$1,494 per approximately 6,041 students. The source of funds is the District's Title I SES set aside which has recently been revised by the state to \$9,025,260. There is no additional financial impact to the district.

F-6. Memorandum of Agreement with the Broward County Health Department (BCHD) for H1N1
(Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to approve the Memorandum of Agreement with the BCHD to provide the opportunity for H1N1 vaccinations to all Broward County Public School students. Dr. Parks was absent. (7-0 vote)

The Broward County Health Department (BCHD) has extended an opportunity for the administration of the H1N1 vaccinations to all students in the Broward County Public School system. The opportunity for receiving the vaccine on selected school sites will be publicized to all students and parents through the browardschools.com website, Parent Link messages, media releases, and flyers home with students.

This agreement documents the responsibilities of each party and complies with the legal requirements as confirmed by the School Board Attorney's office.

There is no financial impact.

Mr. Notter stated that a lot of pre-planning has been made for this endeavor and staff members have spent numerous hours on this agreement and keeping the focus on children.

Dr. Paula Thaqi, M.D., Director, Broward County Health Department, stated the country is in the midst of an H1N1 pandemic, which is becoming more widespread now that school has started. Children are a top priority group for vaccination, as children can spread germs among themselves and to the more vulnerable members of the community. A mass vaccination campaign is being lead by the Health Department in partnership with many community partners and the school district. It is hopeful that a voluntary in-school vaccination effort will be possible, during the school day, with completion of a consent form by the parent. The Health Department will be working with district staff and individual schools to minimize any disruption to the educational process. Gratitude was extended to the Board for their support.

Mrs. Leah Kelly, Executive Director, Student Support Services, informed the priority of the process was to minimize any disruption to the educational process and making this a priority, giving all students an opportunity to participate in the service. Mrs. Kelly stated that volunteers are needed in the schools as a part of the process.

Mr. Paul Eichner, Esq., informed that he worked with Mr. Marko and Mr. Vignola in drafting the agreement. Mr. Eichner asked the Board's support that will help the children of Broward County.

Remarking that protecting children is the first line of defense, Ms. Dinnen stated it is very important that children have a safe learning environment.

Responding to Mrs. Kraft's inquiry, Dr. Thaqi stated that the state of Florida has provided some funding from the federal government for community vaccination efforts. The vaccination is free, and syringes and alcohol swabs, if needed, will come from the federal funding and the rest will be allocated by local funding.

Dr. Thaqi further stated that parents will check off on a consent form with respect to certain issues pertaining to their child and there will be a Medical Screener position at each of the schools. She stated that parents wishing to be present when the vaccination is given would need to be coordinated with the school. Dr. Thaqi said that most parents will not be present, particularly since most children will be able to have the intra-nasal formulation.

Dr. Thaqi informed that the Swine flu is one strain of the flu and because of the timing of the pandemic that strain could not be included in the seasonal flu vaccine, which includes the three strains that scientists think are going to be circulating in the next flu season. The doctor emphasized that people need to get both the seasonal flu and the H1N1 vaccine when available. The vaccinations will begin October 19, 2009 and will be completed within four weeks in South Florida.

Responding to Mrs. Gottlieb's inquiry, Dr. Thaqi stated that all charter schools and private schools will have the vaccinations available to students.

Ms. Dinnen thanked everyone for their hard work in this worthy cause.

G. HUMAN RESOURCES

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

Approved the personnel recommendations for the 2009-2010 appointments and leaves as listed on the Executive Summary and respective lists for Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida.

The Personnel Recommendations for Instructional Employees include the following items:

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

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

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

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

The Personnel Recommendations for Instructional Employees include the following items:

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

There will be no financial impact to the school district.

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

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

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

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

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

Newly-appointed district personnel (2) were recognized and congratulated by Board Members.

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

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

The Personnel Recommendations include the following items:

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

There is no financial impact to the school district.

G-5. Supplemental Pay Positions – List #6 (Approved)

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

Employees are recommended for supplemental pay positions by Principals or Department Supervisors and approved by the Area Superintendent or appropriate Division Head. Supplemental positions are listed alphabetically by last name, with location and supplement type. The Specific Supplemental Pay Positions include the following type of supplements: Secondary department chairpersons high school; secondary department chairpersons and/or team leaders middle school; elementary grade level chairpersons and/or team leaders; athletic supplements; general supplements; and special supplements for the 2009-2010 school year.

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

Individuals listed meet the requirements for the supplemental positions. The total number of Supplements recommended in this item is 1,804.

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

G-6. Approval of Teachers Teaching Out-of-Field (Approved)

Motion was made by Mrs. Kraft, seconded by Mrs. Gottlieb and carried, to approve the list of teachers to teach out-of-field in the Broward County Public Schools. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

This recommendation is made with the understanding that the individuals indicated will comply with all regulations of the State Board of Education and The School Board of Broward County, Florida. A total of 1,792 (1.7%) courses are identified as being taught by a total of 1,310 out-of-field teachers. One Hundred Sixty-Six (166) of the out-of-field courses are being taught at Charter Schools and the remaining 1,626 out-of-field courses by School Board employees.

State Board of Education Rule (SBER) 6A-1.0503 Definition of Qualified Instructional Personnel requires out-of-field teachers to take at least six (6) semester hours towards certification or take and pass the appropriate subject area exam. Teachers out-of-field due to the English for Speakers of Other Languages (ESOL)/Multicultural Education Training Advocacy (META) Agreement are required to follow the established timeline.

There is no additional financial impact to the school district. Funding is allocated in the budget.

Referring to page 9, Mrs. Kraft inquired about the reference of Math Grade K.

Mrs. Susan Cassone-Benack, Manager, Certification, responded that several years ago the Course Code directory had a special course number for only math and science at the kindergarten level.

Mrs. Kraft inquired whether a teacher is certified in elementary education is certified to teach kindergarten through 6th grade.

Mrs. Cassone-Benack responded that a lot of the people represented on this report have two certifications: Elementary, grades 1-6 and Early Childhood Education. She stated that the Department of Education indicated that Early Childhood Education certification was never appropriate to teach kindergarten, it was only appropriate for Pre-Kindergarten. In addition, the competency and skills required for that teacher certification did not include a content focus and it was not appropriate for the next generation of Sunshine State standards; the content for math and science were both rigorous and they required high levels of content knowledge.

Mrs. Cassone-Benack further stated that because it has gone fully programmatic, it has come to the district's attention. She stated that individuals teaching out of field in that particular subject area will have to take the Subject Area examination so they can become in-field. They have been duly noticed and they have one year to become certified.

Referring to page 32, Mrs. Kraft inquired about the reference of M/J.

Mrs. Marilyn Strong, Associate Superintendent, Human Resources, stated it is a reference to Middle School/Junior High.

Mrs. Kraft stated her understanding is that teachers certified in Elementary are certified through 6th grade but if they are teaching 7th or 8th grade, they have to be certified in middle or junior high.

Responding affirmatively, Mrs. Cassone-Benack stated the out-of-field teacher only has elementary 1-6 grades certification and is teaching 7th or 8th grade.

Mrs. Strong responded that many times these classes are pick-up classes, there are other courses they teach, because sometimes they represent part of a team and if they were not certified they became certified. It is really a scheduling situation at a middle school. Mrs. Strong stated that inquiry would need to be made to the school as to their rationale for placing that teacher out of field.

Mrs. Kraft said she was more concerned about teachers teaching advanced classes, especially out of field. Referring to Comprehensive Science 3 and Comprehensive Science 3 Advanced, Mrs. Kraft inquired whether there is a guarantee that the teacher has the sufficient training and background to teach that level if she is only certified for elementary.

Mrs. Strong, who stated that staff can research any of the out-of-field positions, informed the Board that because of the economy and individuals facing financial hardships, in order for the teacher to be considered in-field they have to meet the required course work and in order for it to count, they must pay the \$75 fee to the Department of Education to get it on their certification. According to DOE auditors, if the district cannot show evidence that the teacher does not have it on their certificate an audit exemption will be indicated. Mrs. Strong stated many teachers have indicated they cannot afford the \$75 and staff is reviewing other provisions in the BTU contract to allow them to use Teacher Directed Improvement Funds (TDIF) funds to appropriate the out-of-field payments.

Mrs. Kraft voiced concern with teachers teaching Advanced Placement courses, Advanced Placement Calculus, a challenging college-level course. She said there needs to be a comfort level that students are not being short-changed. In addition, a teacher certified in math and teaching Advanced Placement Physics, and an Elementary certified teacher teaching Geometry Honors in middle schools, which is a high school course that is being offered in middle school. She stated it is important that students taking advanced math or GEM have highly qualified teachers in those areas.

Other areas of concern by Mrs. Kraft were noted on pages 69, South Plantation High, a teacher certified in math, teaching Advanced Placement Physics; page 93, Business Education, Economics and Math, Hollywood Hills High School, Advanced Placement Physics; page 107, Elementary, Emotionally Handicapped, ESOL Mentally Handicapped, teaching Middle School Comprehensive Science 3 and Language Arts 3.

Mrs. Strong noted that many times those teachers are qualified, they are just not certified. She said staff will provide a response to the Board on these inquiries.

Mrs. Bartleman inquired about the Out of Area Intensive Reading and whether it is an add-on certificate when teaching Level 1 and Level 2.

Mrs. Cassone-Benack responded that it refers to a course for which they are identified out of field, and the reading endorsement is needed and/or reading certification.

Mrs. Strong stated that many people are close to achieving their goal, taking 300 hours to get their certification.

Mrs. Maria Yen, Certification Administrator, informed that when discussing ESE certified, these are individuals teaching reading above the 6th grade level. Regarding working with universities, Ms. Yen stated they are already developing and working with their state-approved teacher preparation programs having certain reading competencies. Some have one or two competencies in their program and some have gone on to five of the six competencies. Mrs. Yen stated this is a fairly recent development and the Florida DOE is guiding the district in this; depending on when they graduated and what program they graduated from, how many of those competencies are translatable into maybe completing the program through the state-approved district program.

Mrs. Bartleman inquired about an occurrence whereby a secondary teacher can be assigned a reading class and the principal assigns a block of reading, whether they are required to get a certificate.

Ms. Yen responded that it does occur, but essentially the schools are looking for someone who has the foundation for teaching reading courses, English certified. Some have other certifications but these are teachers working on the reading endorsement. Ms. Yen stated, as far as assigning reading to somebody who does not already hold a reading certification, they mainly assign that to teachers who they feel have the foundation to be able to teach those reading courses while they are pursuing the reading certification.

Ms. Yen further stated, every year that a teacher is out of field for reading, within 12 months of being placed out of field they need to complete a minimum of two of the five reading courses, 120 in-service points when completed through the program. By the third year and they are still out of field for reading, they finish the final course to be able to add the reading endorsement to the certificate.

Mrs. Bartleman voiced concern over the timeline for their certification.

Mrs. Strong responded that the abundance of people who are certified in reading is very slim and the district continually recruits to get certified teachers into the district so there is not the dilemma of someone being out of field. Mrs. Strong stated at this time the district has hired everybody who has applied for a position who are qualified for positions that meet students needs.

Mrs. Strong further stated there has not been any decrease in course offerings for reading and ESOL.

Ms. Dinnen voiced concern with out-of-field teachers teaching government or history courses. Referring to page 67, Seagull School, ESOL certification in varying exceptionalities and the person will be assigned to American Government, American History, and World History.

Mrs. Strong stated that part of what occurs at Seagull School are teachers who service home-bound students. She said she would research this and provide information to the Board.

Ms. Yen stated because Seagull works with hostile home-bound, some students may be on ESE and IEPs and others may be on the General Education track. Teachers as in this example are assigned a group of ESE courses and they are assigned a group of General Education courses, with a vast majority of Seagull teachers being ESE certified only. For those General Education courses, they do not hold the appropriate certification. Ms. Yen said it is seen also in Montessori programs, such as in Sunrise Middle School, several teachers out of field for core subject areas.

Ms. Dinnen voiced concern with page 45, four individuals whose certification is Elementary or English Reading and they are all teaching History courses, one teacher teaching Algebra Honors. She requested information on this issue.

Ms. Dinnen voiced concern with page 46, a center school, Elementary certification and the teacher is teaching History and Government; page 72, Sunrise Middle School, two English certifications, both teaching History and one History is Advanced; page 78, Whiddon-Rodgers, certification in Reading, teaching Government, History, Economics, and Geography; page 79, English certification, teaching History, Geography.

Ms. Dinnen requested that these be checked and make sure the individuals are in the process of getting their certifications.

Mrs. Strong stated that a report will be provided to the Board on the specific concerns.

G-7. Recommendation(s) for Instructional/Noninstructional Discipline for the 2009-2010 School Year (Approved)

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

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

There is no financial impact to the school district.

G-8. Re-opener for the Third Year of the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Police Benevolent Association for the 2009-2010 School Year (Adopted)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Kraft and carried, to adopt the amendments to the Collective Bargaining Agreement between The School Board of Broward County, Florida and the Police Benevolent Association (July 1, 2006 – June 30, 2010). Dr. Parks was absent. (7-0 vote)

This Agreement provides for no wage increase for the 2009-2010 school year. The Board will pay 100% of the health insurance premiums for HMO and Consumer Driven Plan coverage for the individual employee for the term of this Agreement. A sick leave buy-back program was added which is identical to that contained in all other collective bargaining agreements in the District.

There is no additional financial impact. The cost of health insurance is already included in the budget.

Mrs. Strong thanked Mr. Rowe for working with staff during negotiations, Mrs. Susan Dumala, Director, Employee Relations, and Chief Negotiator, and the negotiating team. Mrs. Strong encouraged the Board approve the item, as the 18 SIU Investigators ratified the agreement unanimously.

Mr. Gary Rowe, Chief Negotiator, Police Benevolent Association, thanked the School Board, realizing during these economic times the union understands what everyone is facing. Mr. Rowe commended Mrs. Strong and staff for a pleasant negotiation. He requested that the Board reconsider the buy-back sick time, as it would be a big savings in the future, the ability to buy back larger amounts of sick time at the employees current salary rate versus when they retire. Mr. Rowe further stated that many employees' spouses are not working and would be willing to sell back 100 or 200 hours at today's rate, which would be a savings to the Board.

Mrs. Bartleman thanked the PBA and SIU for all they do to keep children and employees safe, and to the negotiating team.

G-9. 2009-2010 Administrative, Supervisory, Professional & Technical Salary Schedule for Educational Support and Management Association of Broward, Inc. (ESMAB) (Adopted)

Motion was made by Mrs. Bartleman, seconded by Mrs. Kraft and carried, to adopt the 2009-2010 Administrative, Supervisory, Professional & Technical Salary Schedule for the Meet and Confer group, Educational Support and Management Association of Broward, Inc., (ESMAB). This schedule represents no change from the 2008-2009 salary schedule. Dr. Parks was absent. (7-0 vote)

This Agreement provides for no wage increase for the 2009-2010 school year. The Board will pay 100% of the health insurance premiums for HMO and Consumer Driven Plan coverage for the individual employee for the term of this Agreement. ESMAB employees will be brought to parity with all other groups by allowing them to use up to six (6) days per year of accumulated sick leave for personal reasons.

There is no additional financial impact. The cost of health insurance is already included in the budget.

This item was discussed concurrently with Agenda Item G-11.

Mrs. Strong informed that G-9 represents two of the employee Meet and Confer groups, which include 235 non-union administrators in the Educational Support and Management Association, and 302 clerical support, non-union support. Mrs. Strong stated Mr. Pete Tingom was not able to be present, but on his behalf he is expressing his gratitude to the Board. Mrs. Strong thanked Mrs. Dumala and the negotiating team for their efforts.

Mrs. Strong stated that staff works with parity for all groups and letting them know when there are benefits in one group they can have those same benefits in another group. She noted this group has earned two additional personal leave days, and this is a no pay increase salary schedule for Administrative and Confidential personnel.

Mrs. Bartleman thanked everyone for all they do.

G-10. 2009-2010 School-Based Administrators Salary Schedule for Broward Principals and Assistants Association (BPAA) (Adopted)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to adopt the 2009-2010 School-Based Administrators Salary Schedule for the Meet and Confer group, Broward Principals and Assistants Association (BPAA). This schedule represents no change from the 2008-2009 salary schedule. Dr. Parks was absent. (7-0 vote)

This Agreement provides for no wage increase for the 2009-2010 school year. The Board will pay 100% of the health insurance premiums for HMO and Consumer Driven Plan coverage for the individual employee for the term of this Agreement.

There is no additional financial impact. The cost of health insurance is already included in the budget.

Mrs. Strong stated this Meet and Confer groups serves 664 Principals and Assistant Principals who meet regularly with Superintendent and staff. On behalf of the group, Ms. Lisa Maxwell, Executive Director PBAA, Mrs. Strong read a letter to the Board on her behalf, which conveys support of the proposed salary schedule for school-based administrators; understanding the Board's efforts to save jobs throughout the school district; and commended the Board's determination to maintain efforts to improve student achievement in the face of the deepest and most reaching budget deficits in the history of the district.

Ms. Maxwell further indicated in her letter an appreciation to the Board and Superintendent for keeping job layoffs to a minimum and to redirect resources, limited as they may be, to keeping the focus on improving student achievement. Gratitude was expressed to the Board for their commitment to all employees, parents and students.

Mrs. Strong encouraged the Board to approve the salary schedule for school based administrators, and thanked Mrs. Dumala who continually meets with Lisa and her team to reach agreements and resolve issues that occur.

Mrs. Bartleman thanked school administrators for all they do, especially during this tough year, having to lay off over 400 teachers and deciding which budget cuts would have to be made.

G-11. 2009-2010 Clerical Salary Schedule for Confidential Office Personnel Association (COPA) (Adopted)

Motion was made by Mrs. Bartleman, seconded by Mrs. Kraft and carried, to adopt the 2009-2010 Clerical Salary Schedule for the Meet and Confer group, Confidential Office Personnel Association (COPA). This schedule represents no change from the 2008-2009 salary schedule. Dr. Parks was absent. (7-0 vote)

This Agreement provides for no wage increase for the 2009-2010 school year. The Board will pay 100% of the health insurance premiums for HMO and Consumer Driven Plan coverage for the individual employee for the term of this Agreement.

There is no additional financial impact. The cost of health insurance is already included in the budget.

This item was discussed concurrently with Agenda Item G-9.

G-12. Re-Opener for the Second Year of the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Federation of Public Employees (Secretarial/Clerical) Effective July 1, 2007 – June 30, 2010 (Adopted)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Kraft and carried, to adopt the amendments to the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Federation of Public Employees (Secretarial/Clerical) effective July 1, 2007 – June 30, 2010, as contained in the Memorandum of Agreement dated September 23, 2009. Dr. Parks was absent. (7-0 vote)

This Agreement provides for no wage increase for the 2009-2010 school year. The Board will pay 100% of the health insurance premiums for HMO and Consumer Driven Plan coverage for the individual employee for the term of this Agreement.

There is no additional financial impact. The cost of health insurance is already included in the budget.

This item was discussed concurrently with Agenda Items G-13 and G-14.

Mrs. Strong stated these agenda items represent the collective bargaining that staff has worked with the FOPE union. She stated she personally spoke with Mr. Dan Reynolds, President, FOPE, and he shared that his employee groups ratified these contracts.

Mrs. Strong introduced members of FOPE, Mr. Jim Silvernale, Field Service Representative, and Ms. Marilyn Swank, currently serving as the Secretary/Treasurer.

Acknowledging these economic times, Ms. Swank stated that the union is looking forward to working on implementing the Retirement Achievement program. Ms. Swank requested that the district discontinue the practice of hiring people back after they have retired, although the Florida Retirement System allows this practice. She stated the practice allows people to move up and come back into the system, and many people have been waiting to step up. In addition, there are many people remaining on the layoff list, including between 80 and 90 clerical staff.

Mr. Silvernale that FOPE is the foundation of the school district, maintaining facilities, busing students to school, and keeping students fed and safe; representing over 7,000 employees. Mr. Silvernale stated that employees are concerned about layoffs and many employees are in foreclosure. Acknowledging the economic situation, Mr. Silvernale asked the Board to approve the items and that after today Employee Relations be directed to sit down with labor management to discuss outstanding issues that need correcting. He thanked the School Board for their support.

Mrs. Bartleman thanked the union and members for all they do for the schools and students.

Mrs. Strong introduced Ms. Linda Lewis, Transportation, who serves on the bargaining team, and Roy Jerick, FOPE Liaison. Gratitude was expressed to Mrs. Dumala, Lorenzo Calhoun, and Dorothy Davis, serving as Chief Negotiators for the FOPE bargaining unions.

Ms. Murray thanked the union for negotiating during these economic times, staff carrying through the message from the Board that no one be laid off. Ms. Murray stated that staff is making a concerted effort to bring everyone back to work.

Ms. Dinnen stated it has been an excruciating year, making difficult decisions, while still maintaining the goal of keeping people employed and valuing people even though a raise could not be given this year. Ms. Dinnen stated it will be a slow recovery and rewarding employees when the recovery occurs, as has been done in the past. She thanked everyone for the hard work on both sides; the Board believes in the collective bargaining process which takes hard work at the table. Gratitude was extended to Mrs. Strong for her encouragement and explanation of the process.

Following the vote on the items, Mr. Notter thanked all unions to be able to come together in a collective bargaining atmosphere through this year, knowing that last year everyone enjoyed a 3.25 percent raise and this year the Board being unable to approve raises. Mr. Notter stated that the Board did pay this year for 100 percent of each employee's health insurance which is approximately \$11.5 million. In addition, the Board kept the commitment to no furloughs, whereas other municipalities and county government recently implementing five-day furloughs.

Mr. Notter further stated he was extremely proud of the unions, the negotiating team, and the Board for getting the district through an extremely difficult year, knowing that the Board would accept the 3.25 percent raise from last year, no increase this year, no furlough this year, and an increase in the health insurance with the Board picking up the increase cost for this year.

G-13. One Year Extension of the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Federation of Public Employees (Food Service) Effective August 15, 2009 – August 14, 2010 (Adopted)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Kraft and carried, to adopt the amendments to the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Federation of Public Employees (Food Service) effective August 15, 2009 – August 14, 2010, as contained in the Memorandum of Agreement dated September 23, 2009. Dr. Parks was absent. (7-0 vote)

This Agreement provides for no wage increase for the 2009-2010 school year. The Board will pay 100% of the health insurance premiums for HMO and Consumer Driven Plan coverage for the individual employee for the term of this Agreement.

Language was changed to reflect a new salary system for food service managers, however, the change is cost neutral. Minor housekeeping changes were also made.

There is no additional financial impact. The cost of health insurance is already included in the budget.

This item was discussed concurrently with Agenda Items G-12 and G-14.

- G-14. One Year Extension of the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Federation of Public Employees (Facilities Service, Maintenance, Transportation, Security Specialists/Campus Monitors) Effective July 1, 2009 – June 30, 2010 (Adopted)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Kraft and carried, to adopt the amendments to the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Federation of Public Employees (Facilities Service, Maintenance, Transportation, Security Specialists/Campus Monitors) effective July 1, 2009 – June 30, 2010, as contained in the Memorandum of Agreement dated September 23, 2009. Dr. Parks was absent. (7-0 vote)

This Agreement provides for no wage increase for the 2009-2010 school year. The Board will pay 100% of the health insurance premiums for HMO and Consumer Driven Plan coverage for the individual employee for the term of this Agreement.

There is no additional financial impact. The cost of health insurance is already included in the budget.

This item was discussed concurrently with Agenda Items G-12 and G-13.

H. ATTORNEY

- H-1. Broward County School Board VS. Jeremy Shamash (Approved)

(1) Approved the Recommended Order, rendered on May 5, 2009, by Stuart M. Lerner, Administrative Law Judge, in the matter of Broward County School Board, Petitioner vs. Jeremy Shamash, Respondent, Case No. 08-2655, before the State of Florida Division of Administrative Hearings; and (2) approved the Final Order in this cause.

In May 2008, The School Board voted to terminate Jeremy Shamash from his position as a teacher. Mr. Shamash requested an administrative hearing before the State of Florida Division of Administrative Hearings.

The Administrative Law Judge issued a Recommended Order to which the Petitioner and Respondent filed exceptions. Those exceptions were subsequently withdrawn by each party.

The School Board of Broward County, Florida must take final agency action in this matter. Attached hereto as Exhibit 3 is a Final Order that has been approved as to form and legal content by The School Board Attorney's Office.

There is no financial impact to the district.

I. OFFICE OF THE SUPERINTENDENT

J. FACILITIES AND CONSTRUCTION MANAGEMENT

J-1. Change Orders (Approved)

Approved change orders as listed for various school projects, and approve additional appropriation of \$12,745 from the Capital Projects Reserve.

<u>Anderson, Boyd H. High</u>	Change Order 16	\$8,543
Consultant Omission	\$1,650	
Owner Request	\$6,893	
<u>Embassy Creek Elementary</u>	Change Order 03	\$-7,047 (CREDIT)
Owner Request	\$-7,047 (CREDIT)	
<u>Hawkes Bluff Elementary</u>	Change Order 03	\$10,092
Unforeseen Condition	\$10,092	
<u>Heron Heights Elementary – Elementary Z New School</u>	Change Order 05	\$109,095
Consultant Error	\$46,411	
Consultant Omission	\$38,688	
Unforeseen Condition	\$23,996	
<u>Markham, Robert C. Elementary</u>	Change Order 03	\$46,858
Consultant Error	\$46,858	
<u>Forman, Blanche (Nova) Elementary</u>	Change Order 01	\$2,881
Consultant Error	\$1,007	
Owner Request	\$758	
Unforeseen Condition	\$1,116	
<u>Eisenhower, Dwight David (Nova) Elementary</u>	Change Order 01	\$1,649
Unforeseen Condition	\$1,649	
<u>Sheridan Hills Elementary;</u>	Change Order 01	\$9,202
Owner Request	\$9,202	

<u>Sunset Lakes Elementary</u> Unforeseen Condition	Change Order 01 \$1,145	\$1,145
<u>West Central Bus Complex</u> Consultant Omission	Change Order 34 \$0	\$0
<u>Wingate Oaks Center</u> Owner Request	Change Order 03 \$40,699	\$40,699

Financial Impact: Anderson, Boyd H. High – Project No.: P.000326 \$8,543; Sheridan Hills Elementary – Project No.: P.000351 \$4,202. An additional financial impact of \$12,745 will come from the Capital Projects Reserve. There is no additional financial impact to the district for the remaining projects.

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

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on September 16, 2009, 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:

- **Ampco Electric, Inc. – Issue Pre-qualification Re-Certification
- *Atlantic Southern Paving and Sealcoating Co. – Issue Pre-qualification Certification
- CB Constructors, Inc. – Issue Pre-qualification Re-Certification
- **Comfort Tech Air Conditioning, Inc. – Issue Pre-qualification Re-Certification
- Grove Masonry Maintenance, Inc. – Issue Pre-qualification Re-Certification
- *Herman Construction Services, Inc. – Issue Pre-qualification Certification
- Sprinklermatic Automatic Fire Sprinkler, Inc. – Issue Pre-qualification Re-Certification
- Weiss & Woolrich Contracting Co., Inc. – Issue Pre-qualification Re-Certification
- **Zurqui Construction Service, Inc. – Issue Pre-qualification Re-Certification

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

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

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

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

J-3. Grant of Bill of Sale to the City of Sunrise for Water System Improvements at Flamingo Elementary School (Approved)

Approved the grant of a bill of sale to the City of Sunrise, for water system improvements at Flamingo Elementary School.

The proposed bill of sale is required by the City of Sunrise to dedicate improvements related to the city water connection.

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

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

J-4. Final Construction Documents which Include Authorization to Advertise for Bids – New Ball Fields – Hallandale Elementary School – Project No. P.000753 (f.k.a. 0593-99-02) (Approved)

Approved Final Construction Documents, which include Authorization to Advertise for Bids for New Ball Fields, Project No. P.000753 (f.k.a. 0593-99-02)

Project Consultant: Flynn Engineering Services, P.A.
Scope of Work: Remove existing baseball field and existing light poles; construct new multi-purpose fields, install new field lighting, sidewalks, and drainage; and re-stripe existing parking lot. The City of Hallandale has offered to take responsibility for funding the lighting portion of the project and will determine the amount of lighting which is implemented based on the bid results up to an amount not to exceed \$500,000. The field lighting will be an Additive Alternative Bid.
Contract Estimate: \$1,287,211

Final Construction Documents, which include the advertisement for bids are available for review at the Facilities and Construction Management Division.

The funds are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013 to 2014, page 64. Based on the PFA, there will be an additional financial impact in an amount not to exceed \$500,000 which will come from the City of Hallandale as per Exhibit 3.

- J-5. Grant of Bill of Sale, Final Release of Lien, and an Affidavit at Colbert Elementary School to the City of Hollywood (Approved)

Approved the grant of a bill of sale, final release of lien, and an affidavit at Colbert Elementary School to the City of Hollywood.

The bill of sale, final release of lien, and affidavit is required by the City of Hollywood to close out permits for the installation of utilities at Colbert Elementary School. The School Board agreed to provide these documents when it executed a Conveyance Agreement with the City of Hollywood on April 10, 2007, requiring them.

The School Board Attorney has approved the documents as to form and legal content.

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

- J-6. Lease Agreement between CPI West, LLC and The School Board of Broward County, Florida (Approved)

Approved the lease agreement between CPI West, LLC and The School Board of Broward County, Florida.

The School Board currently leases a parking lot located at 6600 NW 15th Avenue, Fort Lauderdale, owned by CPI West, LLC, which relieves the congested parking situation at Physical Plant Operations, Zone 1 Maintenance Department, located across the street. The lease expires October 31, 2009.

The new owner of the property wanted a significant increase in rent. Staff negotiated the lease price down from his original demands of \$2900 per month, or \$34,800 per year. This new lease extends the term for three years and increases the annual rent from \$13,200 to \$30,000 for the term.

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

The financial impact to the school district is \$30,000 per year. The source of funds is the Zone 1 Maintenance Department budget; therefore, this item does not require a collaboration form from the Capital Budget Department.

J-7. Land Lease Agreement between The School Board of Broward County, Florida, and the City of Pembroke Pines for a Portion of School Board Property at 172nd Avenue and Pines Boulevard (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to approve the land lease agreement between The School Board of Broward County, Florida and the City of Pembroke Pines for a portion of School Board property at 172nd Avenue and Pines Boulevard. Dr. Parks was absent. (7-0 vote)

The City of Pembroke Pines desires to enter into a 30-year lease agreement with the School Board for the use of a portion of School Board owned property at 172nd Avenue and Pines Boulevard for parking in support of the planned expansion of the City's Community Center on its property immediately to the South. The expansion would result in the Broward County YMCA providing programs at that location under an agreement with Pembroke Pines. The YMCA has reached out to the local schools to coordinate programs which will be beneficial to the schools as well as the general community.

The leased portion consists of approximately 2.0 acres located at the southeast quadrant of the School Board owned property located at 172nd Avenue and Pines Boulevard in Pembroke Pines.

The City has requested the School District to waive the rental fee for the lease site, therefore, the lease provides for an annual rental fee of \$1.00. The City would incur all costs associated with the construction of the parking facility. This parking facility would be available to the School District, should it develop the remainder of the site surrounding the South Area Portable Annex, pursuant to the parties' Reciprocal Use Agreement. There is no termination clause because the City and the School District have a history of working together to promote the development and cross-utilization of both educational as well as recreational facilities. This is evidenced not only by the Reciprocal Use Agreement but also by the City's construction of the Walter C. Young facility occupied by the school district at minimal to no cost to the district.

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

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

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

Commissioner Iris Sipple, City of Pembroke Pines, thanked the Board for this item and said the City looks forward to another successful partnership between the School Board and the City of Pembroke Pines, and its new partner YMCA of Broward County.

Ms. Sheryl Woods, President, CEO, YMCA of Broward County, thanked the School Board for their consideration in this partnership endeavor. She stated this is an opportunity to serve the community and no one is turned away due to their inability to pay through this opportunity. The YMCA is passionate about providing programs and services to children in the community, as well as the teachers in wellness. Ms. Woods stated the school district will have use the facilities and parking space should the district develop that portion of land.

Ms. Woods further stated the city is investing over \$5 million in this project and the YMCA will invest from now until eternity in the development of programs and services to the community.

Ms. Dinnen thanked Ms. Sipple for her continuing cooperation as a Commissioner from Pembroke Pines.

Mr. Notter noted that one Board Member sits on the YMCA board and this Board item is solely between the City of Pembroke Pines and the Broward County School Board.

Mr. Marko concurred that there are only two parties to the agreement, dealing directly with the City of Pembroke Pines. Mr. Marko stated when the School Board is contracting directly with the YMCA, the Board Member sitting on the YMCA board would have to abstain from voting on that issue.

- J-8. Final Acceptance and Release of Retainage – Padula & Wadsworth Construction, Inc. – 24-Classroom Addition – Hollywood Hills High School – Project No. P.000300 (f.k.a. 1661-23-01) (Approved)

Approved the Final Acceptance of the Hollywood Hills High School, 24-Classroom Addition, Project No. P.000300, and release the balance of retainage in the amount of \$258,446.

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

The funds being released totaling \$258,446 are included in the Adopted District Educational Facilities Plan Fiscal Years 2009-2010 to 2013-2014.

- J-9. Final Acceptance and Release of Retainage – Padula & Wadsworth Construction, Inc. – 16-Classroom Addition – Sandpiper Elementary School, Sunrise – Project No. P.000551 (f.k.a. 3061-23-01) (Approved)

Approved the Final Acceptance of the Sandpiper Elementary School, 16-Classroom Addition, Project No. P.000551, and release the balance of retainage in the amount of \$290,396.

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

The funds being released totaling \$290,396 are included in the Adopted District Educational Facilities Plan Fiscal Years 2009-2010 to 2013-2014.

- J-10. Reduction of Retainage – Padula & Wadsworth Construction, Inc. – 28-Classroom Addition – Hollywood Hills Elementary School, Hollywood – P.000014 (f.k.a. 0111-21-01) (Approved)

Approved the recommendation to reduce retainage now being held on Hollywood Hills Elementary School, Project Number P.000014 from the Contractor, Padula & Wadsworth, Inc., \$323,964 to \$10,000.

In accordance with the School Board Policy 7005, the Facility and Construction Management Division is recommending that the retainage be reduced from \$323,964 to \$10,000.

This project has reached Substantial Completion. The amount of \$10,000 is being withheld at this time pending completion of final paperwork.

Subsequent to final completion, this project will be brought back to the Board for Final Acceptance and Release of Retainage.

The funds being released totaling \$313,964 are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014.

- J-11. Reduction of Retainage – James A. Cummings, Inc. – Replacement School – Pines Middle School, Pembroke Pines – P.000370 (f.k.a. 1881-23-01) (Approved)

Approved the recommendation to reduce retainage now being held on Pines Middle School, Project Number P.000370 from the Design Build Contractor, ~~Padula & Wadsworth~~, James A. Cummings, Inc., \$341,369 to \$168,681.

In accordance with the School Board Policy 7005, the Facility and Construction Management Division is recommending that the retainage be reduced from \$341,369 to \$168,681.

This project has reached Substantial Completion. The amount of \$168,681 is being withheld at this time pending final completion of this project.

Subsequent to final completion, this project will be brought back to the Board for Final Acceptance and Release of Retainage.

The funds being released totaling \$172,688 are included in the Adopted District Educational Facilities Plan Fiscal Years 2009-2010 to 2013-2014.

- J-12. Amend Professional Services Agreement – Tercilla, Courtemanche Architects, Inc. – New Kitchen/Cafeteria – Plantation High School – Project No. P.001063 (f.k.a.1451-23-01) (Approved)

Approved this Second Amendment to the Professional Services Agreement with Tercilla, Courtemanche Architects, Inc., for Plantation High School, New Kitchen/Cafeteria, Project No. P.001063 approved by the Board on March 16, 2004, first amended on March 4, 2008.

Scope of Work: Addition of an off-site turn lane. The turn lanes were generated by the architect for safety purposes during the Master Planning meetings held with the School Board staff and the City of Plantation. Subsequently, the Florida Department of Transportation required the additional turn lanes in its review of the project.

Tercilla, Courtemanche Architects, Inc., and Project Management negotiated an increase in fees totaling \$12,950 for the addition of an off-site turn lane.

The fees in Article 5 are amended as follows: Fees increased for Phase I by \$647, Phase II by \$647, Phase III by \$6,476, Phase IV by \$647, Phase V by \$4,274, and Phase VI by \$259, resulting with a total increase of \$12,950.

The Schedule is also amended, specifying the following: substantial completion date of October 2010, final completion date of December 2010, and warranty completion of December 2011.

This Second Amendment also amends Article 9.2.2 (including all sub-parts) of the Agreement revising the requirements from project specific to practice policy.

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

The financial impact for this item is \$12,950 for Basic Services. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 160.

- J-13. Final Acceptance and Release of Retainage – Hyvac, Inc. – HVAC Additions and Alterations – Deerfield Beach Elementary, Deerfield Beach – Project No. P.000868 (f.k.a.0011-99-05) (Approved)

Approved the Final Acceptance of the Deerfield Beach Elementary, HVAC Additions and Alterations, Project No. P.000868 and release the balance of retainage in the amount of \$62,355.

The contractor, Hyvac Inc., has completed the project scope of work within the contract limits.

The funds being released totaling \$62,355 are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2009-2010 to 2013-2014.

- J-14. Reduction of Retainage – Skanska USA Building, Inc. – New School – Heron Heights Elementary, Parkland – Project No. P.000847 (f.k.a.3961-25-02) (Approved)

Approved the recommendation to reduce retainage now being held on Heron Heights Elementary School, Project No. P.000847 for the Contractor Skanska USA Building, Inc. from \$850,528 to \$160,845.

In accordance with School Board Policy 7005, the Facilities and Construction Management Department is recommending that the retainage be reduced from \$850,528 to \$160,845. The amount of \$160,845 is being withheld pending final completion of the project.

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

The funds being released totaling \$689,683 are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2009-2010 to 2013-2014, page 65.

- J-15. Final Acceptance and Release of Retainage – Padula & Wadsworth Construction, Inc. – 24-Classroom Addition – Forest Glen Middle School, Coral Springs – Project No. P.000300 (f.k.a. 3051-25-21) (Approved)

Approved the Final Acceptance of the Forest Glen Middle School, 24-Classroom Addition, Project No. P.000300 and release the balance of retainage in the amount of \$159,599.

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

The funds being released totaling \$159,599 are included in the Adopted District Educational Facilities Plan Fiscal Years 2009-2010 to 2013-2014.

- J-16. Final Acceptance and Release of Retainage – Padula & Wadsworth Construction, Inc. – 12-Classroom Addition – Walter C. Young Middle School, Pembroke Pines – Project No. P.999216 (f.k.a. 3001-26-02)
(Approved)

Approved the Final Acceptance of the Walter C. Young Middle School, 12-Classroom Addition, Project No. P.999216 and release the balance of retainage in the amount of \$117,220.

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

The funds being released totaling \$117,220 are included in the Adopted District Educational Facilities Plan Fiscal Years 2009-2010 to 2013-2014.

- J-17. Final Acceptance and Release of Retainage – Padula & Wadsworth Construction, Inc. – Central Park Elementary School, Plantation – General Purpose Classroom (16) Two Story – Project No. P000437 (f.k.a. 2641-99-01)
(Approved)

Approved the Final Acceptance of the Central Park Elementary School General Purpose Classroom Project No. P000437, and release the balance of retainage in the amount of \$59,245.

The contractor, Padula & Wadsworth Construction, Inc., has completed the Classroom Building portion of project scope of work within the contract limits. The Facilities and Construction Management Division is recommending that the retainage be released in the amount of \$59,245.

The funds being released totaling \$59,245 are included in the Adopted District Educational Facilities Plan, Fiscal Years, 2009-2010 to 2013-2014.

- J-18. Final Acceptance and Release of Retainage – James B. Pirtle Construction, Inc. – 18-Classroom Addition – Embassy Creek Elementary School, Cooper City – Project No. P.000686 (f.k.a. 3191-28-01)
(Approved)

Approved the Final Acceptance of the Embassy Creek Elementary School, 18-Classroom Addition, Project No. P.000686 and release the balance of retainage in the amount of \$195,765.

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

The funds being released totaling \$195,765 are included in the Adopted District Educational Facilities Plan Fiscal Years 2009-2010 to 2013-2014.

K. OFFICE OF CHIEF FINANCIAL OFFICER

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

CC. BOARD POLICIES

- CC-1. Repeal Policies 5001, 5003, and 5004 In Their Entirety and Establish A New Innovative Programs/School Options Policy In Its Entirety
(Approved)

Motion was made by Mrs. Gottlieb, seconded by Mr. Williams and carried, to approve the recommendation to repeal Policies 5001, 5003, and 5004, and establish a new Innovative Programs/School Options Policy, at this first reading. Dr. Parks was absent. (7-0 vote)

School Board Policy 5001 – Reassignment of Students

School Board Policy 5003 – Nova Schools – Admissions and Withdrawal

School Board Policy 5004 – Magnet Programs

At the August 11, 2009 School Board Workshop, the Board reviewed the above policies and a proposed new policy for Innovative Programs that consolidates three policies into one. As a result of the School Board Workshop, the proposed consolidation of current policies is being brought forward for approval. Through this new Innovative Programs/School Options Policy, all components including: timelines, application processes, criteria, priorities, and parent/student notification will be unified.

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

There is no financial impact to the district.

Mrs. Kraft informed that she requested at the Workshop that a review of schools be made, schools that were suppose to have been migrating from the in-bound to the out-bound, from Choice to the OPTIONS programs, or changed to OPTIONS. She stated these were supposed to be phased out over the next three to five years.

Ms. Dinnen stated that this may want to be included in the study for the future, for changing designations, as there are many re-assigned students going to their school which increases their numbers. When there is a program of this nature, receiving national acclaim, a review needs to be made of the disruption of a program of this magnitude.

Mrs. Bartleman stated when discussion is held regarding varying reassignments, with data provided and schools are reviewed, it is important to review how many reassignments are in a school even if they are not an innovative program. These numbers need to be separated from the CHOICE numbers; how many students are just being reassigned.

CC-2. 2009-10 School Attendance Areas/Boundaries and School Usage Recommendations – Elementary Schools (Adopted)

Motion was made by Mrs. Kraft, seconded by Mrs. Gottlieb and carried, to adopt an emergency rule (“policy”) pursuant to the Superintendent of Schools’ recommendation, in order to create an elementary school attendance area for the 2009-10 school year for a geographic area that has been incorporated within Broward County and to make the finding, pursuant to Section 120.54(4), Fla. Stat., that there exists an immediate danger to the public health, safety or welfare requiring this action and that this emergency amendment to School Board Policy 5000 is effective immediately and for a period no longer than 90 days from the date of adoption. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

A new geographic area has been incorporated into Broward County and is described in the supporting materials. Pursuant to Section 1001.49, Fla. Stat., the Superintendent is required to submit recommendations to the School Board on school usage and attendance areas which would include the new area that has been incorporated within Broward County. The item represents the Superintendent’s recommendation to adopt an emergency amendment of the existing boundary in order to provide school boundaries that will serve the newly incorporated area within Broward County.

Pursuant to Section 120.54 (4), Fla. Stat., The School Board is requested to adopt the written statement of the facts and reasons to support its finding that an immediate danger to the public health, safety or welfare requires this emergency action and that this procedure is fair under the circumstances. This emergency rule becomes effective immediately on the date it is adopted.

See Financial Impact Statement in the 2009-10 School Attendance Areas/Boundaries and School Usage Recommendations document.

Remarking that staff will provide an update on the items, Mr. Notter stated that a piece of property has been annexed to the school district which must now be boundaried.

Mrs. Brown informed the Board that as of September 24, 2009, the former Palm Beach County Land Area known as the Wedge has been annexed into Broward County. As a result, the school district must provide immediate attendance areas to the children living within this Wedge area. Currently there are 8 students at the elementary level, 3 in the middle school level, and 3 at the high school level; three different agenda items were prepared for each school level. Mrs. Brown stated this will allow the district to use a 90-day emergency rule to allow these children to attend school in Broward County if they so choose.

Responding to Mrs. Bartleman's inquiry, Mrs. Brown stated that an interlocal agreement is being prepared by the attorneys to allow the students to finish their year in Palm Beach County if they choose.

Mr. Marko stated that the students are no longer residents of Palm Beach County and they are residents of Broward County. As a result, students must attend the school district of which they are a resident. Due to the uniqueness of this issue, Mr. Marko stated that the district needs to set a boundary so that the children could be identified to go to a particular school. Attorneys are working with Palm Beach County to enter into an agreement which would provide a student options. Mr. Marko further stated that the money is the issue and staff is working on how the dollars would be spent by one county or another because the student is a Broward County student.

Responding to Mrs. Bartleman's inquiry, Mrs. Brown stated there are two 9th graders and one 10th grader.

Mrs. Bartleman, who inquired whether the FTEs can be worked out, opined that it is unfair to uproot the child since school has already begun.

Mr. Robert Vignola, Esq., responded that Palm Beach County will place an agreement regarding the FTE on their agenda at their next meeting, which has been sent to Broward district's staff and counsel. The agreement will be placed on the district's October 20, 2009 Regular School Board meeting.

Mrs. Bartleman requested an update on what Class Size will look like for next year and whether this will be included in any of the Board's discussions. Mrs. Bartleman stated if the penalties do not change, the choices are to lose money, double sessions or year-round classes.

Ms. Dinnen stated those concerns will be held at the Workshop on October 27, 2009.

Mrs. Bartleman stated that at the last Workshop discussion, which she did not attend, the Board set which schools were to do the boundaries and began the process, and the Class Size numbers were not presented. Mrs. Bartleman stated this should have been discussed in the first Boundaries workshop.

Mrs. Kraft, who asked whether the agenda sets the boundaries, stated she received concerns from Park Trails/Heron Heights areas as to why the students were being placed in Park Trails rather than Heron Heights.

Mr. Notter responded that the boundaries will be set within 90 days during the boundary process for Elementary, Middle and High schools. The emergency rule under this item is enacted for 90 days which allows the district to meet the timelines for advertisement and setting of two boundary meetings. Mr. Notter stated that the residents will have an opportunity to address their concerns during the regular boundary process.

Mr. Marko informed that the emergency rule amends the boundaries for elementary, middle and high schools, to include the Wedge annexation, and identifies where those students will attend school during the next 90 days. Mr. Marko concurred that the students are now Broward County students and the elementary students are being temporarily assigned to Park Trails Elementary School for 90 days.

Mr. Notter noted that the Wedge has been integrated into the boundary process, and these students will be treated no differently than the other students during the 2010-2011 boundary process.

Mrs. Bartleman stated she will not ever support moving a child, of the 14 Wedge students who may or may not want to be reassigned, three times in a year to three different schools.

Ms. Dinnen stated that the Broward district is not moving them the first time. The decision to change the county line is not within the purview of Broward County School Board.

Mrs. Kraft stated the reality is that Park Trails and Heron Heights are both 300+ students under-enrolled. If any of the Wedge students are reassigned, if they want to go from one school to another they will be allowed.

Mrs. Bartleman stated the students are being placed in a school that may or may not be a logical choice for them, but it is not fair to move a child three times in two years because of the process.

Mrs. Kraft stated the Board should not make a decision right now that is going to potentially affect hundreds of students when the development is built up, to not move 8 students. The 8 students would have the opportunity to be reassigned, which normally happens during the boundary process.

Ms. Dinnen stated that the discussion is premature.

CC-3. 2009-10 School Attendance Areas/Boundaries and School Usage Recommendations – Middle Schools (Adopted)

Motion was made by Mrs. Gottlieb, seconded by Ms. Murray and carried, to adopt an emergency rule (“policy”) pursuant to the Superintendent of Schools’ recommendation, in order to create a middle school attendance area for the 2009-10 school year for a geographic area that has been incorporated within Broward County and to make the finding, pursuant to Section 120.54(4), Fla. Stat., that there exists an immediate danger to the public health, safety or welfare requiring this action and that this emergency amendment to School Board Policy 5000 is effective immediately and for a period no longer than 90 days from the date of adoption. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

A new geographic area has been incorporated into Broward County and is described in the supporting materials. Pursuant to Section 1001.49, Fla. Stat., the Superintendent is required to submit recommendations to the School Board on school usage and attendance areas which would include the new area that has been incorporated within Broward County. The item represents the Superintendent’s recommendation to adopt an emergency amendment of the existing boundary in order to provide school boundaries that will serve the newly incorporated area within Broward County. Pursuant to Section 120.54 (4), Fla. Stat., The School Board is requested to adopt the written statement of the facts and reasons to support its finding that an immediate danger to the public health, safety or welfare requires this emergency action and that this procedure is fair under the circumstances. This emergency rule becomes effective immediately on the date it is adopted.

See Financial Impact Statement in the 2009-10 School Attendance Areas/Boundaries and School Usage Recommendations document.

No discussion was held on this item.

CC-4. 2009-10 School Attendance Areas/Boundaries and School Usage Recommendations – High Schools (Adopted)

Motion was made by Mrs. Kraft, seconded by Mrs. Gottlieb and carried, to adopt an emergency rule (“policy”) pursuant to the Superintendent of Schools’ recommendation, in order to create a high school attendance area for the 2009-10 school year for a geographic area that has been incorporated within Broward County and to make the finding, pursuant to Section 120.54(4), Fla. Stat., that there exists an immediate danger to the public health, safety or welfare requiring this action and that this emergency amendment to School Board Policy 5000 is effective immediately and for a period no longer than 90 days from the date of adoption. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

A new geographic area has been incorporated into Broward County and is described in the supporting materials. Pursuant to Section 1001.49, Fla. Stat., the Superintendent is required to submit recommendations to the School Board on school usage and attendance areas which would include the new area that has been incorporated within Broward County. The item represents the Superintendent’s recommendation to adopt an emergency amendment of the existing boundary in order to provide school boundaries that will serve the newly incorporated area within Broward County. Pursuant to Section 120.54 (4), Fla. Stat., The School Board is requested to adopt the written statement of the facts and reasons to support its finding that an immediate danger to the public health, safety or welfare requires this emergency action and that this procedure is fair under the circumstances. This emergency rule becomes effective immediately on the date it is adopted.

See Financial Impact Statement in the 2009-10 School Attendance Areas/Boundaries and School Usage Recommendations document.

No discussion was held on this item.

- DD. OFFICE OF THE CHIEF AUDITOR
- EE. CHIEF OPERATIONS OFFICER
- FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT
- GG. HUMAN RESOURCES
- HH. ATTORNEY
- II. OFFICE OF THE SUPERINTENDENT

JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

- JJ-1. Final Guaranteed Maximum Price (GMP) – Total Program Manager (TPM) Agreement – Weiss & Woolrich Southern Enterprises, Inc. – Re-Roofing (Group 3) – Charles W. Flanagan High School, Pembroke Pines – Project No. P.000835 (Approved)

Motion was made by Mrs. Gottlieb, seconded by Ms. Murray and carried, to approve the Final Guaranteed Maximum Price of \$3,055,698 for the re-roofing at Charles W. Flanagan High School to Weiss & Woolrich Southern Enterprises, Inc., Project No. P000835. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

Scope: The re-roofing of Buildings No. 1, 2, 6, and 9, and walkways A through F, approximately 188,805 square feet.

The Board previously approved TPM fees of \$846,721 (\$331,916 for Walter C. Young Middle School and \$514,805 for Charles W. Flanagan High School) and construction budget of \$5,039,757 (\$1,971,676 for Walter C. Young Middle School and \$3,068,081 for Charles W. Flanagan High School).

This item results in a Final GMP of \$3,055,698, including TPM fees of \$462,300 and Cost of Work of \$2,593,398 solely for Flanagan High School.

The financial impact of this item is \$2,540,893. The funds for this item are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014 Appendix E, page 11. This project will come from the Districtwide Roofing and is financed with the Qualified School Construction Bonds and will comply with the Davis Bacon Wage Act.

No discussion was held on this item.

- JJ-2. Guaranteed Maximum Price – Padula & Wadsworth Construction, Inc. – Concurrent Phased Replacement II – Colbert Elementary School, Hollywood – Project No. P. 000039 (f.k.a. 0231-25-01) (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Bartleman and carried, to approve the Final Guaranteed Maximum Price (GMP) in the amount of \$12,293,316, for Padula & Wadsworth Construction, Inc., Concurrent Phased Replacement II, Colbert Elementary School, Project No. P. 000039. Approve an additional appropriation in the amount of \$3,362,210 which will come from the remaining balance of Phase I. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

The scope of this GMP includes Concurrent Phased Replacement II at Colbert Elementary School, Project No. P. 000039.

The Board previously approved Construction Manager fees of \$2,490,000, (Phases 2A and 2B) and a Construction Budget of \$13,994,272. The addendum dated December 16, 2008, approved partial GMP amount of \$4,597,374, which included Construction Manager fees of \$693,160. This item decreases the Construction Manager fees in total from \$2,490,000 to \$2,171,843 and approves the cost of work of \$6,748,730 for phase 2B of the phased replacement.

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

The financial impact is \$6,748,730, including the Cost of Work. This project is included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014 for \$13,442,459 on page 47. There is an additional financial impact in the amount of \$3,362,210 which will come from the remaining balance of Phase I.

No discussion was held on this item.

- JJ-3. Guaranteed Maximum Price – Hewett-Kier Construction Inc. – Kitchen/Cafeteria – Cypress Elementary School, Pompano Beach – Project No. P. 000346 (f.k.a. 1781-24-01) (Approved)

Motion was made by Mrs. Gottlieb, seconded by Ms. Murray and carried, to approve the Final Guaranteed Maximum Price (GMP) in the amount of \$8,704,000 for Hewett-Kier Construction, Inc., Kitchen/Cafeteria Project, Cypress Elementary School, Project No. P. 000346. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

Project Consultant:	Zelch & McMahon, Architects
Project Scope:	The scope of this GMP includes the construction of a new kitchen/cafeteria and remodeling the existing cafeteria into custodial equipment storage, primary skills lab, material storage, music lab, itinerant office, textbook storage and PE office; communications, electrical, and mechanical rooms and associated corridors, upon completion of new; provide fire sprinkler protection in Building 1; replace fire alarm; install new emergency generator; remodel parent pick up/drop off; new covered walkways at parent pick-up/Drop-off; construct 2 new intermediate playcourts; air-cooled chiller plant improvements.

The Board previously approved Construction Manager's fees of \$1,200,000 and a Construction Budget of \$8,704,000. This item results in Cost of Work of \$7,504,000 and CM fees of \$1,200,000, with a Final GMP of \$8,704,000.

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

The financial impact is \$7,504,000, which is the Cost of Work. This project is included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014 on page 52.

No discussion was held on this item.

- JJ-4. Guaranteed Maximum Price – Hewett-Kier Construction Inc. – Kitchen/Cafeteria - Palmview Elementary School, Pompano Beach – Project No. P. 000207 (f.k.a. 1131-23-01) (Approved)

Motion was made by Mrs. Gottlieb, seconded by Ms. Murray and carried, to approve the Final Guaranteed Maximum Price (GMP) in the amount of \$7,255,000 for Hewett-Kier Construction, Inc., Kitchen/Cafeteria, Palmview Elementary School, Project No. P. 000207. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

Project Consultant: Zelch & McMahon, Architects

Project Scope: The scope of this GMP includes the construction of a new kitchen/cafeteria and remodel existing to teacher planning office, custodial receiving, student activities and career rooms; and other spaces including music lab, itinerant office, textbook storage, and PE office; corridors, communications, electrical, and mechanical rooms; provide fire sprinkler protection in building 2; replace fire alarm; install new emergency generator and enclosure; construct new elementary playground and 2 new intermediate playcourts.

The Board previously approved Construction Manager's fees of \$1,104,000 and a Construction Budget of \$7,255,000. This item results in Cost of Work of \$6,151,000 and CM fees of \$1,104,000, with a Final GMP of \$7,255,000.

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

The financial impact is \$6,151,000, which is the Cost of Work. This project is included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014 on page 88.

No discussion was held on this item.

- JJ-5. Final Guaranteed Maximum Price (GMP) – Total Program Manager (TPM) Agreement – Advanced Roofing, Inc. – Re-Roofing (Group 2) – South Plantation High School, Plantation – Project No. P.000841
(Approved)

Motion was made by Ms. Murray, seconded by Mrs. Gottlieb and carried, to approve the Final Guaranteed Maximum Price of \$3,233,375 for the re-roofing at South Plantation High School to Advanced Roofing, Inc., Project No. P000841. Approve an additional appropriation in the amount of \$3,142,587 which will come from the Districtwide Roofing. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

Scope: The re-roofing of Buildings No. 1 and 2, approximately 257,582 square feet.

The Board previously approved TPM fees of \$630,496 and construction budget of \$4,185,707. This item results in a Final GMP of \$3,233,375 comprising TPM fees of \$630,496 and Cost of Work of \$2,602,879.

The financial impact of this item is \$2,602,879, which is the Cost of Work. The funds for this item are included in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014 Appendix E, page 11. Approve an additional financial impact in the amount of \$3,142,587 which will come from the Districtwide Roofing and is financed with the Qualified School Construction Bonds and will comply with the Davis Bacon Wage Act.

- JJ-6. Royal Concrete Concepts, Inc. – Proposal for Six (6) Modular Classrooms and One (1) Modular Bathroom Unit for Seminole Middle School, Plantation – Use of Contract for Palm Beach County Public Schools – Project No. P.000769
(Deferred)

Motion was made by Mrs. Gottlieb, seconded by Ms. Murray, to approve the proposal for Six (6) Modular Classrooms and One (1) Modular Bathroom Unit for \$1,230,025 from Royal Concrete Concepts, Inc., for Seminole Middle School, utilizing the Contract for Palm Beach County Public Schools under Project No. P.000769. This motion was superseded by a Motion to Defer (page 60). Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

The scope of this project includes the design and construction of the new building, including all site-construction costs, reusing the Palm Beach County School Contract with Royal Concrete Concepts, Inc. The Royal Concrete Concepts, Inc., Palm Beach County Contract is available for review at the Facilities and Construction Management Division.

The financial impact is \$1,230,025. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 137.

Mr. Michael Garretson, Deputy Superintendent, Facilities and Construction Management, requested a deferral of the item so that he can meet with Deputy Counsel to discuss the form of the proposal that is attached.

Motion to Defer (Carried)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Kraft and carried, to defer the agenda item to the October 20, 2009 Regular School Board meeting. Dr. Parks was absent. Mrs. Hope was absent for the vote. (6-0 vote)

KK. OFFICE OF CHIEF FINANCIAL OFFICER

Following the action of Agenda Item D-4, the following Attorney-Client Session commenced at 12:15 p.m.

Announcement by Chair

"The School Board of Broward County, Florida, will meet in an Attorney-Client Private Session in accordance with Florida Statutes, Section 286.011(8), today October 6, 2009, 12:00 Noon. 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: Broward County School Board vs. Charlene Rebecca Blackwood, Before the State of Florida Division of Administrative Hearings, Case No. 05-002288; and Charlene Rebecca Blackwood vs. School Board of Broward County, Florida, Before the District Court of Appeals of Florida, Fourth Circuit, Case No. 4D08-199. A Certified Court Reporter will record the entire session.

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

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

The Attorney-Client Session recessed at 1:00 p.m. The Regular School Board meeting reconvened at 1:20 p.m.

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

RT