

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

August 18, 2015
Tuesday, 10:15 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:33 a.m., Tuesday, August 18, 2015, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Donna P. Korn, Chair (absent); Dr. Rosalind Osgood, Vice Chair; Members Robin Bartleman, Heather P. Brinkworth, Abby M. Freedman (via teleconference periodically), Patricia Good, Laurie Rich Levinson, Ann Murray, Nora Rupert; Robert W. Runcie, Superintendent; and J. Paul Carland, II, Esq.

Call to Order The Vice Chair called the meeting to order.

Minutes for Approval Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the official minutes for the following Board Meetings: Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

August 4, 2015 – Special – Expulsions

Added/Changed Items The Superintendent requested that the Board permit the following changes to the agenda:

- Added - Speakers: Nathalie Lynch-Walsh, Brittney Sirkis, Michael Sirbola
- Revised - Consent Item: G-3
- Added - Open Items: AA-2, EE-5, LL-3
- Revised - Open Items: CC-1, CC-6, CC-9, II-1
- Withdrawn - Open Item: JJ-1

The Vice Chair approved the changes and announced the following: The changes to the Agenda proposed by the Superintendent were accepted by the Vice Chair after being determined that good cause had been established for said changes.

Close Agenda Upon motion by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, the Agenda was approved and declared closed. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Special Presentations

- Proclamation in Recognition of Impact Broward's 50th Anniversary of the Foster Grandparent Program
- Audit Committee's Annual Report for 2014-15
- Recognize the Army Cadet Command Instructor of the Year 2014-15

These recognitions may be viewed in their entirety at:

<http://www.browardschools.com/School-Board/Special-Presentations>

Reports The following report was presented:

- Employee Unions/ Group - Sharon Glickman, President/Broward Teacher Union

This report may be viewed in its entirety at:

<https://becon223.eduvision.tv/Default.aspx?q=d0F7qPKKlcfmtjfULqo9AQ%3d%3d>
(Click on School Board Meeting 8/18/15.)

Superintendent's Report

The Superintendent stated in one week, August 24, 2015, teachers and staff would welcome students and families back to school after a great summer break. This would be a special first day of school for the District as it celebrated 100 years of educational excellence. In honor of this milestone, events and activities would be taking place throughout the school year recognizing the importance of everyone's role in the lives of past, present, and future students. The first day of school was being captured with one of the most popular communication tools: social media. The Superintendent invited the families, community members, and employees to help kick-off the new school year by utilizing the hashtag, #firstdaybroward. He asked that this hashtag be used to share all the great things taking place across the District on Broward's first day of school. The Public Information Office set up a page on the District's website www.browardschools.com/firstdaybroward that would allow access to download the First Day Broward sign. For those in the boardroom, a copy of the sign was provided on each seat. The Superintendent thanked the Board Members for joining him in this campaign by writing personalized encouraging messages on their First Day Broward sign and invited them to join him for a group photograph holding their First Day Broward sign.

Speakers

Youssef Wardani
Michael Sirbola

Consent Agenda Following identification of those items Board Members and members of the public indicated they would like considered separately, motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the Consent Agenda for the remaining items (**identified by ***). Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

CONSENT ITEMS

A. RESOLUTIONS

B. BOARD MEMBERS

E. OFFICE OF STRATEGY & OPERATIONS

E-1. Pre-Qualification of Contractors - Superintendent's Recommendations Regarding Pre-Qualification Certification (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the recommendation by the Superintendent indicated in the Superintendent Recommendations - Tracking Report. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The Pre-Qualification Application process is in accordance with State Requirements for Educational Facilities, F.S. 1013.46, and Board Policies 7003 and 7003.1. This item approves recommendations by the Superintendent of Schools as set forth in the Superintendent Recommendations - Tracking Report. Further explanation is provided in the Executive Summary. The Qualification Selection Evaluation Committee (QSEC) convened on August 10, 2015, to review staff's recommendations concerning pre-qualification applications. Upon review of staff's recommendations, QSEC makes the recommendations to the Superintendent indicated in Superintendent Recommendations - Tracking Report.

Contractor Pre-Qualification Staff Application Review Executive Summaries are available online at:
<http://www.broward.k12.fl.us/supply/docs/contracts/PreQual-081015.pdf>

There is no financial impact to the District.

Mrs. Rupert inquired of the 25 firms certified as M/WBEs, were they new certifications or renewals.

Collen Robbs, Coordinator, Supplier Diversity & Outreach Program, replied 11 were new certifications.

Mrs. Rupert congratulated staff for the 11 new certifications.

A vote was taken on the item.

F. OFFICE OF ACADEMICS

G. OFFICE OF HUMAN RESOURCES

G-1. Personnel Recommendations for Instructional Appointments and Leaves for 2015-2016 School Year (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the personnel recommendations for the 2015-2016 appointments and leaves as listed in the attached Executive Summary and respective lists for instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The Personnel Recommendations for Instructional Employees include the following items:

1. Teacher Approvals
2. Instructional Leaves

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

Mrs. Rupert referred to the Pending New Teacher Hire Recommendations on the Back-up Summary and inquired how the 444 number would be effective in all categories. She was particularly concerned with Elementary Education vacancies, all core vacancies, the ESE teachers and Specialists. She asked staff if the numbers would be reduced substantially. In addition, she wanted to know how many substitutes were envisioned to be in these classes; what percent of classes would not have certified teachers to start the school year; what was the percentage, historically, compared to now; and what was the anticipated percentage goal of having certified teachers in classes and by when.

Susan Rockelman, Director, Talent Acquisition & Operations, replied they had been very aggressive in recruiting teachers, trying to fill the vacancies. The numbers have already been reduced; however, yesterday being the first day for teachers, some teachers did not report to work. Ms. Rockelman said they were working with those schools diligently to fill those positions. Historically, over the last four years, they had less than one-percent (1%) of their positions that had a substitute for school on the first day. Although the goal was always 100%, it was not realistic. They will continue to aggressively recruit teachers. She said they always try to keep below 1% for unfilled positions.

Mrs. Rupert asked what the percentage was now of filled vacancies.

Ms. Rockelman ran the figures that morning and said they were at 95% filled for core subjects.

Mrs. Rupert clarified there was a 5% vacancy, which staff was trying to reduce to below 1%, and staff answered in the affirmative. Mrs. Rupert stated she looked forward to updates and appreciated the work by staff.

The Vice Chair received input from the audience.

A vote was taken on the item.

***G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 2015-2016 School Year (Approved)**

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

The Personnel Recommendations for Instructional Employees include the following items:

1. Instructional Resignations and Retirements and Layoffs

There will be no financial impact to the District.

G-3. Personnel Recommendations for Non-Instructional Appointments and Leaves for the 2015-2016 School Year (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Good and carried, to approve the personnel recommendations for appointments and reassignments as listed on the attached Executive Summary, respective lists and individual appointments for Non-Instructional Employees. All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

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

1. Non-Instructional (Non-Managerial) Approval(s)/Reassignment(s)/Promotion(s)/Demotion(s)
 2. Non-Instructional (Non-Managerial) Substitutes/Temporary Employees
 3. Non-Instructional (Non-Managerial) Leave(s)-Layoff(s)
 4. Managerial/Professional/Technical (ESMAB, PBA, TSP) Recommended Appointments
 5. Reassignment of Current School-Based and District Managerial Appointments
 6. School-Based Managerial Personnel Recommended Appointments
 7. School-Based and District Managerial Acting/Special/Task Assignments(s) Personnel
 8. School-Based and District Managerial Leave(s)-Layoff(s)
 9. Salary Adjustment
- Funding has been budgeted in the 2015-2016 school/ fiscal year for all appointments through June 30, 2016.

Mrs. Rupert referred to the revised item, number 8, A. Smith, and the effective date was July 2015 for a Charter school leave. Her question was how the process worked since this was a retroactive date.

Eric Chisem, Director, Talent Acquisition & Operations, said the school year term starts July 1st and ends June 30th. When the application was made for the leave and entered into the system, it was for the entire school year.

Mrs. Rupert's follow-up question was whether the person would have received retroactive pay from July 1st.

Mr. Chisem replied there was no retroactive pay for the assistant principal because the pay period did not start until last week, even though the person was an employee on July 1st, at the beginning of the school year.

Mrs. Rupert requested staff to include in the future, "the current position/ location" where applicant was coming from after the "Recommended Position" on the Recommended Position and Summary of Advertise Position form.

Mr. Chisem stated they previously provided that information with the rationales, but could discontinue if the Board desired.

Mrs. Rupert said no, she would just prefer an extra line be added with the information so everything would be captured on one page. In reference to the qualified applicant pool, there was one with 82 applicants and only 7 were interviewed.

Mrs. Rupert was looking forward to an extensive conversation with the Wallace Foundation and the Office of School Performance & Accountability (OSPA), on the positive direction the District was moving, in order to move more people who were qualified from the pipeline into positions.

A vote was taken on the item.

Newly-appointed District personnel were recognized and congratulated by the Board.

G-4. Personnel Recommendations for Non-Instructional Separation of Employment and Discipline for the 2015-2016 School Year (Approved)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to approve the personnel recommendations for separation of employment and discipline as listed on the attached respective lists for Non-Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The Personnel Recommendations include the following items:

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

Employees contesting the recommended discipline may avail themselves of due process rights pursuant to their respective Collective Bargaining Agreements or School Board Policy 4015.

There is no financial impact to the District.

Mrs. Good gave tribute to her assistant, Linda Torlone, who was retiring.

A vote was taken on the item.

G-5. Supplemental Pay Positions List 4 (Approved as Amended)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rupert and carried, to approve the recommended supplemental pay positions of employees for the 2015/2016 school/fiscal year. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Employees are recommended for supplemental pay positions by Principal or Department Supervisor. Supplemental positions are listed alphabetically by last name, with location and supplement type. The Supplemental Pay Positions include the following type of supplements: department chairpersons, team leaders, grade level chairpersons, athletic supplements; general and supplements for the 2015-2016 school year.

Individuals listed meet the requirements for the supplemental positions. Funding has been budgeted in the 2015-2016 school/ fiscal year for all supplements through June 30, 2016.

The Vice Chair received input from the audience.

Mrs. Brinkworth realized the name of the person at Bayview Elementary was no longer at that location and asked staff to check. The Confidential that was listed went with the principal to Deerfield Beach Elementary.

Ms. Rockelman stated she would check. She said what probably happened was that the transfer had not been completed in the system at the time this was generated. The employee was being approved for the supplement and would be adjusted once the transfer went through the system.

Motion to Amend (Carried)

Motion was made by Mrs. Brinkworth, seconded by Mrs. Rupert and carried, to amend the 2015-2016 Supplement List #4, page 9 and change the school location name from Bayview Elementary to Deerfield Beach Elementary for Valerie Anne Jones. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

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

Ms. Murray requested a moment of privilege. She attended a Meet & Greet ceremony for the new Collins Elementary principal, Ms. Tracy Jackson, who is now Dr. Jackson, and wanted to congratulate her.

H. OFFICE OF THE GENERAL COUNSEL

I. OFFICE OF THE SUPERINTENDENT

J. OFFICE OF FACILITIES & CONSTRUCTION

J-1. Approve Joint Motion for Agreed Final Order for Broward County Tree Removal Violations NOV14-0046 and NOV14-0047 (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rupert and carried, to approve the Joint Motion for Agreed Final Order between Broward County, Green Horizon Services, Inc., R.V. Sprinkler & Landscape, Inc., and The School Board of Broward County, Florida for Broward County Tree Removal Violations NOV 14-0046 and NOV14-0047. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Green Horizon Services, Inc. ("Green Horizon") and R.V. Sprinkler & Landscape, Inc. ("R.V. Sprinkler") abused trees at two schools, and as a result, Green Horizon, R.V. Sprinkler and The School Board of Broward County, Florida (collectively, the "Respondents") have been fined. As set forth in the attached Motion and Agreed Order, the Respondents agreed to pay civil penalty and costs to Broward County in the amount of \$10,300. Further, the Respondents agree to perform the in-kind purchase and installation of twenty-seven (27) Florida Native Category One trees, or their equivalent in canopy credits, at Broward County's Quiet Waters Park. Lastly, Respondents agree to pay \$375 for each tree not installed within the specified timeframe within 180 days from the date of approval of the Respondents' planting plan by the Department (to be submitted within thirty (30) days from the date of rendition of this Agreed Final Order).

Broward County will execute the Agreement after School Board approval. There is no financial impact to the District, as both Green Horizon and R.V. Sprinkler (respectively) are obligated to pay for this infraction.

Mrs. Rupert asked staff if the agreed upon Final Order bundle with Green Horizon and R.V. Sprinkler obligated the District to pay the fine or if there was a place where it stated they would pay all fines and fees. It was not delineated in the Final Order.

Sam Bays, Director, Physical Plant Operations, replied the contractor, Green Horizons, gave them a letter confirming and restating the District was not obligated. The letter was not in the backup.

Mrs. Rupert stated it needed to be part of the backup. On page 2 of the Final Order, the School Board was bundled with Green Horizons and R.V. Sprinkler to pay the fine and there was a letter signed by the other two entities agreeing to it. She asked the General Counsel if Thomas Cooney, Assistant General Counsel had seen the letter and signed-off on the agreement.

Mr. Carland advised Mrs. Rupert that Mr. Cooney had the letter and did sign-off on the contract.

Mrs. Rupert said if Mr. Cooney had signed-off, she would be able to vote on the item; however, she expressed to staff the importance to include all information for the Board on any items they had to vote on. Mrs. Rupert then inquired about the planting of the new trees and the employed, certified arborist; how it would work; and if the District's participation was required.

Mr. Bays stated no, the District was not responsible. The contractor would buy the trees through the District and plant them. Failing to do that within 180 days, would subject them to penalties of \$375 per tree unplanted.

A vote was taken on the item.

K. OFFICE OF FINANCIAL MANAGEMENT

L. OFFICE OF PORTFOLIO SERVICES

L-1. Denial of Request of Wingate Oaks Conversion Charter School to Defer the Opening of Charter School Until the 2016-2017 School Year

Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve to deny the request of Wingate Oaks Conversion Charter to defer the opening until the 2016-2017 school year. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

On November 12, 2014, The School Board of Broward County, Florida, approved the conversion charter school application of Wingate Oaks Conversion Charter School, Inc., for the 2015-2016 School Year. A copy of all supporting documents is available at the Charter Schools Management/ Support Department on the 12th floor of the K.C.W. Administration Center.

A copy of all supporting document is available online via the Broward County Public Schools eAgenda at:
<https://webappe.browardschools.com/eagenda/>

See Supporting Docs for continuation of Summary Explanation and Background.

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

There is no financial impact to the District.

Mrs. Good said based on the information provided for this item and in light of the proposed programs to be provide to students, she verified these types of items have come to the Board before in the past. She understood the dilemma due to another successful program at that school and other issues. Mrs. Good stated she was not supportive of this item and believed the school should have one year to work out the concerns from the District and Charter schools' perspective.

Mrs. Bartleman was in full support of this item. The focus was a Charter school coming into the District's building and taking over. The issue was maintenance and fees. She said staff had taken the third step and went before a judge and asked staff to comment on what happened.

Mr. Runcie responded the real issue was the District was in a stalemate. Typically what happens is an agreement is reached with the Charter school application and then they have 75 days to have the contract executed. The District has gone beyond the 75 days of negotiations by 5 ½ months. Wingate Oaks Charter School decided not to pursue a hearing and he did not find good cause to prolong it any further. There was no impact on faculty and the resources would continue to be met to take care of the 57 students.

Mrs. Bartleman closed to say she had an issue with giving a building for free and not taking back the maintenance fees because that is money being taken away from the rest of the students in the District.

Mrs. Good wanted to be clear at no point did she say the Charter company should not pay appropriate maintenance costs for utilizing the District's facility. The issue was there was a disagreement between what the District staff felt the maintenance fee should be and what the Charter Company thought they should pay. Mrs. Good asked staff if they sent a letter indicating the Charter company was past their time limit.

Leslie Brown, Chief Portfolio Services Officer, replied yes, and the Charter company took action themselves by asking for mediation, which was their answer that they would not continue to consider the agreement. The Charter company sent an email stating they believed there was no resolution to this matter.

Mrs. Good was aware of the implications but believed the Charter company should have some opportunity to be provided notice that states they have X amount of time to have a Department of Administration Hearing (DOAH), and if not after such time, their application would cease to exist. Mrs. Good appreciated the efforts of everyone involved in trying to make this happen, but there was not a meeting of the minds. She was concerned as to what was or was not on record and what has or has not been provided to the Charter in writing.

Ms. Brown stated they were told the Charter organization was in the driver's seat. She said they approached legal to see if they could take the Charter to a DOAH and were advised no. Staff wanted a resolution as well.

Mrs. Good questioned the General Counsel if notification could be sent to the Charter provider indicating that the District had attempted mediation and to date they had not requested a DOAH, which had put them in default of policy and they were done.

Mr. Carland responded there was a requirement in Policy 1163 that specifically addressed a request for deferral, which would be subject to the Board's review. The applicant would have the right to appeal, but in this case they did not.

Mrs. Good said this was more complicated because it was in mediation and was not so cut and dry. She wanted to be sure the District was fully protected. Mrs. Good asked staff if notice could be given to the Charter company that they had X amount of days to request a DOAH hearing and if that did not happen, it would be finished.

Mr. Carland was not aware that was done before on a deferral.

Mrs. Good stated the District had never denied a Charter school before. This was very first Charter school being denied, which was very different and that was why she did not want it to be different.

Mrs. Rich Levinson remarked it was not the same and was a whole new area. She believed the deferral was up to the School Board. In her meeting with staff, they told her the maintenance costs were calculated on a square foot basis, which is the only way to determine the costs. She said she would support this item.

Mr. Runcie added that it would not be an estimate, but rather real costs.

Mrs. Bartleman stated the Chair of the Charter school company sent an email to the Board indicating she was aware of the situation and issues at hand. In addition, if staff determined it would cost X amount, she was going to stand by staff.

The Vice Chair received input from the audience.

Mrs. Good asked General Counsel if he felt satisfied that everything had been done in the process to protect the District as much as possible.

Mr. Carland replied yes and stated his Assistant General Counsel, Robert Vignola, had been involved to ensure the process and statutes were followed. The remedy to go to DOAH should have been one that the applicant exercised, which they did not, and that was what put the Board and Superintendent in this situation. It was no fault of the District that the Board was put in this position.

A vote was taken on the item.

OPEN ITEMS

AA. RESOLUTIONS

AA-1. Resolution No. 16-07, Regarding Future Development of Parcels A and B of the Triple H Wedge Property (Adopted)

Motion was made by Mrs. Good, seconded by Mrs. Bartleman and carried, to adopt Resolution No. 16-07, regarding future development of Parcels A and B of the Triple H Wedge Property. Ms. Korn was absent. (8-0 vote)

In August 2012, The School Board of Broward County, Florida (SBBC) approved the School Site Dedication and Impact Fee Agreement (Dedication Agreement) for School Site No. 1 and School Site No. 2, which enabled Triple H Ranch Property, Ltd. to convey elementary and middle school sites in the Wedge Area of the City of Parkland to the SBBC.

See Supporting Docs for continuation of Summary Explanation and Background.

Resolution No. 16-07 has been reviewed and approved as to form and legal content by the Office of the General Counsel.

Currently, the estimated financial impact to the SBBC is \$656,164.00. In the future and prior to when school(s) are slated for construction on the school sites, the funds needed to construct such school(s) would be contained and authorized in the then adopted Five-Year District facilities Plan.

Agenda Items AA-1 and LL-2 were discussed concurrently.

Mrs. Good was concerned about the amount of detail being requested in the exhibit for Item LL-2 because there has not been any specific plan developed for those sites. The requirements appeared to be very specific. She believed the note at the bottom of page 11 was the most important term and condition of this agreement.

Mr. Carland stated this was the form of an agreement required by the County. His office attempted extensively to negotiate with the County to include the qualifying language and other parts of the agreement to be more direct. The County would not agree to that change in the main body of the agreement. They have agreed that the qualifier did pertain to the entire agreement and everything would be contingent on whether or not the District proceeded.

Mrs. Good clarified if the improvements cost less, that it would be acceptable; the District was not obligated to pay the full amount.

Ms. Brown replied the District was not obligated and the costs were only an estimate.

Mrs. Good asked staff where that was stated in the contract.

Mrs. Brown responded it was in the Agenda Request Form (ARF) and resolution.

Mrs. Good stated she would prefer language included that read, "in the total estimated amount..."

Motion to Amend (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to amend Item LL-2, Installation of Required Improvements Agreement, by adding language on page 3, number 4. Security and Default. (a), "...in the **estimated** total amount of \$656,164.00." Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Mrs. Bartleman inquired if the change would present a problem to the County.

Ms. Brown replied they could expect challenges from the County. This would have to be platted within a certain timeframe.

Mr. Carland stated there was no guarantee how the County would respond.

Mrs. Bartleman wanted to know if the Board would still be protected with the current language.

Mr. Carland responded although the Resolution had the correct language, the contract did not have it.

Mrs. Bartleman inquired what was the timeline.

Chris Akagbosu, Director, Facility Planning & Real Estate, replied it was usually 18 months to record the plat but he did not know when the clock started.

Motion to Defer (Failed)

Motion was made by Mrs. Bartleman to defer Item LL-2 until after lunch. Motion died for lack of a second.

Mrs. Rupert voiced her concern with these items that had to do with ambiguity and ensuring the District would be protected on all levels. She agreed with her colleague regarding the language at the bottom page 11 not included in the contract.

Mrs. Good understood her colleague's concern and wanting to defer, but she did not believe the agreement and resolution agreed with each other. She asked the General Counsel if he thought by adding the word "estimated" would it be enough to protect the District.

Mr. Carland responded if staff did not think it would be enough, he would be concerned about the exhibit. If there were no concerns from staff, it would be more about what the cost would be once the project was more defined. He advised the Board the addition of the term "estimated" was reasonable and appropriate in that section. He was also comfortable with the contingency language at the bottom of the exhibit that made clear whenever the exhibit was referred to in terms of improvements, it would apply.

Mrs. Brinkworth offered a friendly amendment to clean up the language to read, ...in the "estimated" total amount..., which was accepted. She agreed with her colleague's comments with the unknown of what would exist at that time and would support the amendment.

Mrs. Rich Levinson also agreed.

Mrs. Bartleman did not have an issue with the language change, but rather she had one going into an agreement with the County, then having a resolution brought before the Board with a Board Member finding an issue with it. She was glad her colleague pointed out the discrepancy but felt it was late in the process to go back.

Dr. Osgood would not mind delaying it but did not want anyone to feel pressured to move forward because of a timeline. She was in support of the amendment.

A vote was taken on the Motion to Amend.

The Vice Chair received input from the audience.

A vote was taken on these items.

AA-2. Miscellaneous Resolutions for 2015-2016 - Resolutions 16-08 through 16-84
(Adopted)

Motion was made by Mrs. Rupert, seconded by Mrs. Bartleman and carried, to adopt Resolutions as presented to the Board. Ms. Korn was absent. (8-0 vote)

To assist schools with planning for their school year, and to allow schools the opportunity to incorporate Resolutions into their daily curriculum, it was determined that most Resolutions should be approved at an August School Board meeting. The School Board will continue to acknowledge the Resolutions during the month in which they actually occur.

There is no financial impact to the District.

The Vice Chair received input from the audience.

Mrs. Rich Levinson remarked there was a list of resolutions and it was sent to the schools each year. She suggested having it shared with PTA and other organizations.

BB. BOARD MEMBERS

CC. BOARD POLICIES

CC-1. Proposed New Job Description for the Chief Fire Official Position
(Approved as Amended)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to approve the proposed revised job description for the Chief Fire Official. Approval is requested to advertise the position after the first reading. This is the first reading. Mrs. Freedman and Ms. Korn were absent for the vote. Mrs. Bartleman voted no. (6-1 vote)

In order to reassign the District's Chief Fire Official designation, a redrafted revision to the Manager, Emergency Management & Chief Fire Official job description was made resulting in the creation of a new Chief Fire Official job description. The job descriptions were publicized for rule adoption in compliance with Florida Statutes on Saturday, July 25, 2015. See attached Executive Summary. Copies of all supporting documents are available at the Board Members' Office on the 14th floor of the K.C. Wright Administration Center and available online via the Broward County Public Schools eAgenda at: <http://webappe.browardschools.com/eAgenda/>.

See attached Executive Summary.

There is no additional financial impact to the District.

Mrs. Good commented during the re-organization, adjustments were made and, specifically, this position had a dash line added from the Chief Fire Official to the Superintendent. In light of the fact there was a dash line, she requested in the job description itself, under Reports To, that language be added after Chief Facilities Officer so the individual could bring concerns directly to the Superintendent for consideration. This would further clarify the Chief Fire Official would report to the Chief Facilities Officer and, if applicable, the individual could also meet directly with the Superintendent should it rise to that level. In addition, under Essential Performance Responsibilities, add another bullet that the individual would meet quarterly with the Superintendent and, hopefully, the Chief Building Official, to discuss any pertinent matters. Mrs. Good requested to make those two amendments and hear from her colleagues. She first offered the following amendment.

Motion to Amend (Withdrawn)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to amend the Proposed New Job Description for the Chief Fire Official Position by adding language on page 2, under Reports To: Chief Facilities Officer. "The Chief Fire Official may report any concerns directly to the Superintendent at their discretion."

Ms. Murray referred to the last page under Significant Contacts, and suggested the language about reporting to the Superintendent be added in that section.

Mrs. Good responded that would fall under her next motion. This motion was just for reporting purposes.

Mrs. Rupert appreciated the amendment; however, she would have preferred the reporting to be to the Chief of Staff. As a compromise, she would be willing to have a dotted line to the Superintendent.

Mrs. Bartleman indicated she would not support the amendment because she felt the Chief Fire Official should report to the Chief of Staff as well.

Mrs. Brinkworth asked General Counsel if this was in line with what the Grand Jury recommended having the Chief Fire Official reporting to the Chief Facilities Officer.

Jeffrey Moquin, Chief of Staff, said he was aware of the concerns voiced and had read the email regarding the Facilities Task Force's recommendation. He stated he had reviewed all three Grand Jury Reports and did not feel there was anything in the reports that precluded this job description from moving forward as recommended. In the first Grand Jury Report, there were a lot of discussions about the issues they saw that suggested the inspection procedures were overall inadequate and the recommendation was their ability of the inspectors to act independently.

Mr. Moquin stated the last Grand Jury Report had the most discussion about the building department and the inspection process overall. The irony was, all those issues came about while the building department reported to the Chief Operations Officer. The discussions from the Grand Jury Reports were largely about how the department functioned and not a reporting relationship. The recommendation from the third Report suggested the inspection process be turned over to local government, which he did not support. Mr. Moquin indicated it did not matter to whom they reported because they ultimately had jurisdiction.

Mrs. Brinkworth remarked she would be more comfortable having the General Counsel review this matter.

Mrs. Bartleman disagreed with Mr. Moquin. She said it was very important that the inspectors not fall under the Chief of Facilities' department. The Chief Fire Official should align with the Chief Building Official. She stated the Grand Jury's intent was independence.

Mrs. Good was concerned having everyone under one individual. She appreciated the comments she received. The way the positions function is critical. Mrs. Good did not want to delay this item but if it would give a comfort level to everyone, she was okay with that.

Mrs. Good removed her motion and Mrs. Rupert removed her second.

Motion to Table (Carried)

Motion was made by Mrs. Brinkworth, seconded by Mrs. Rupert and carried, to table the item until after lunch to give the General Counsel time to review the matter. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The Vice Chair received input from the audience.

A vote was taken on the Motion to Table.

Following the lunch break, this item was brought back to the table by motion made by Mrs. Good, seconded by Mrs. Rupert and acclamation of the Board.

After review of the three Grand Jury Reports, Mr. Carland wanted to cover what the Board's requirements were by statute in terms of fire inspection. Section 1013.371 of the School Code in general law, the Board would manage it through certified inspectors, both for the building side and fire. The School Code did not dictate through the Board any administrative components of that position, i.e., the organizational structure. The statute did provide the Board an option to provide for inspectors through internal staff, or it may contract those with appropriate certification.

Mr. Carland continued to say the Grand Jury Report recommendations did not address any changes to statute or additional authorities. He could not speak to the intent of those on the Grand Jury; however, he could speak to the language and what was a reasonable interpretation. In the first report from 1997, the Report addressed inspectors on a general level. There was a statement that it was vital inspectors had their independence to make appropriate decisions. The Grand Jury also noted it was concerned about the independence and did not dictate how that independence was to be maintained. The Board responded to that particular recommendation and stated that the senior supervisors for inspection would not report to the Director of Facilities. There was no distinction at that time between the building and the fire; it was more of a general discussion about inspectors.

Mr. Carland told the Board the 2002 Report stated on page 59 that the inspectors did not work under the Facilities division. The inspectors reported to the Building Official and that individual's supervisor reported directly to the Superintendent. There were problems with the current inspection program and the recommendation was to implement standardized protocols for inspections and the entire construction process, and for closing out completed school construction projects. It seemed at that time to be a programmatic problem. The 2011 Grand Jury Report also addressed the inspectors and inspections. Under the section Management Problems, it spoke about concerned in-fighting and disagreements between staff within the organization, not just outside. They note that concern was also discussed in 2002. In 2011, there were internal management problems plaguing the inspection process. The 2011 Recommendation #10 with regards to inspectors, was to push the program outside.

In closing, Mr. Carland said after looking at all three Grand Jury Reports, statute gave the Board discretion to work with its Chief Executive Officer (CEO) to establish the structure for those positions and how they do their work. The Board had the right to go outside if that was its decision. He advised the Board that it was an administrative decision and for it to give direction to the Superintendent as its CEO. The fire inspector is a licensed official and has final say on code issues. It is the Board's job description and it has the ultimate say how it is structured.

Mrs. Brinkworth commented this structure was amended by the Board to have the Chief Fire Official report to the Superintendent as needed and applauded the decision. In light of what the General Counsel said, it allows an independence that was not there before in the original presentation. By adding the dotted line to the Superintendent, it adds some of that independence. After hearing what the General Counsel said and having the assurance from the Superintendent that this would be an independent entity that has the opportunity to come to him with concerns, she would be able to support this item with the amendments. The Board needs to ensure this would be independent and that it functioned in that way.

Mrs. Rupert had concerns the revised copy did not include all the revisions as a strikethrough, e.g. #5 had language omitted. Continuing, Mrs. Rupert stated she would support the dotted line based on what the General Counsel said. She would also like to see where the safety responsibilities fall, as there were some missing from CC-1 and CC-2 when she compared the two.

Mrs. Good requested to make a motion to further strengthen and enhance the reporting of this position.

Second Motion to Amend (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to amend the Proposed New Job Description for the Chief Fire Official Position by adding language on page 2, under Reports To: Chief Facilities Officer. "The Chief Fire Official may report any concerns directly to the Superintendent at his or her discretion." Mrs. Freedman and Ms. Korn were absent for the vote. Mrs. Bartleman voted no. (6-1 vote)

Mrs. Bartleman stated she would not support this item unless the position reported to the Superintendent or Chief of Staff.

A vote was taken on the Motion to Amend.

Third Motion to Amend (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to amend the Proposed New Job Description for the Chief Fire Official Position by adding a number under Essential Performance Responsibilities to state: "The Chief Fire Official will meet quarterly with the Superintendent to discuss relevant issues or concerns." Mrs. Freedman and Ms. Korn were absent for the vote. Mrs. Bartleman voted no. (6-1 vote)

Mrs. Bartleman stated she would not support this item unless the position reported to the Superintendent or Chief of Staff.

A vote was taken on the Motion to Amend.

A vote was taken on the item.

CC-2. Proposed Revised Job Description for the Manager, Emergency Management Position (Approved)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to approve the revised job description for the Manager, Emergency Management position. Approval is requested to advertise the position after the first reading. This is the first reading. Mrs. Freedman, Ms. Korn, and Ms. Murray were absent for the vote. (6-0 vote)

In order to reassign the District's Chief Fire Official designation, a redrafted revision to the Manager, Emergency Management & Chief Fire Official job description was made resulting in the creation of a revised Manager, Emergency Management job description. The job descriptions were publicized for rule adoption in compliance with Florida Statutes on Saturday, July 25, 2015. See attached Executive Summary. Copies of all supporting documents are available in the Board Members' Office on the 14th floor of the K.C. Wright Administration Center and available online via the Broward County Public Schools eAgenda at: <http://webappe.browardschools.com/eAgenda/>.

See attached Executive Summary.

There is no additional financial impact to the District.

Mrs. Rupert stated, as in CC-1, the old number 7 had not been re-assigned, or the new number 15, as well as the reporting. Staff was requested to check on the duties that were not assigned and re-assign them.

Michael Anderson, Director, Compensation & Human Resources Information System (HRIS), replied in the affirmative.

A vote was taken on the item.

CC-3. Proposed Revised Job Description for the Chief Human Resources Officer Position (Approved as Amended)

Motion was made by Mrs. Levinson, seconded by Mrs. Bartleman and carried, to approve the revised job description for the Chief Human Resources Officer position. Approval is requested to advertise the position after the first reading. This is the first reading. Mrs. Freedman and Ms. Korn were absent for the vote. Mrs. Brinkworth, Mrs. Good, and Mrs. Rupert voted no. (4-3 vote)

Revisions to the job description for the Chief Human Resources Officer position were made in order to better align the job description with the duties associated with the position. The job description was publicized for rule adoption with Florida Statutes on Saturday, July 25, 2015. See attached Executive Summary. Copies of all supporting documents are available in the Board Members' Office on the 14th floor of the K.C. Wright Administration Center and are available online via the Broward County Public Schools eAgenda at: <http://webappe.browardschools.com/eAgenda/>.

See attached Executive Summary.

There is no additional financial impact to the District.

Agenda Items CC-3 and CC-4 were discussed concurrently.

Mrs. Rupert suggested the title be amended from Chief Human Resources Officer to Chief Human Resources and Equity Officer and stated several districts had moved in that direction.

Mr. Runcie said he would support that change.

Motion to Amend

Motion was made by Mrs. Rupert, seconded by Mrs. Good and carried, to amend the Proposed Revised Job Description for the Chief Human Resources Officer Position in CC-3 by adding language to the title to read, Chief Human Resources "& Equity" Officer. Mrs. Bartleman, Mrs. Freedman, Ms. Korn, and Ms. Murray were absent for the vote. (5-0 vote)

A vote was taken on the Motion to Amend.

Mrs. Rupert wanted to amend the second line under Position Goal to add, "providing substantial and effective leadership direction in oversight in Human Resources Department and for attracting, developing, retaining, and promoting staff recruitment and equity,"

Second Motion to Amend

Motion was made by Mrs. Rupert, seconded by Mrs. Good and carried, to amend the Proposed Revised Job Description for the Chief Human Resources Officer Position by adding language to page 2, under Position Goal: To enhance the success of the Broward County School Board in the deliverance of superior education to students by "providing substantial and effective leadership direction and oversight of the Human Resources Department, and for attracting, developing, retaining, and promoting staff recruitment and equity,"

A vote was taken on the Motion to Amend.

Mrs. Good referred to CC-3 through CC-9, and on page 1 a representative from Educational Support & Management Association of Broward, Inc. (ESMAB) was supposed to have been notified of the revised job descriptions request and a deadline date was provided for feedback. She asked if that had been done.

Mr. Anderson replied they would normally meet with Pete Tingom, Executive Director, ESMAB, but in this case they did not meet with him.

Mrs. Good expressed concern and would not support this item if the documentation stated a specific action would take place but was not done.

Mrs. Rich Levinson agreed but did not think this District could wait to hire someone for this position. As it was, these descriptions were taking too long for the Board to review.

Mr. Runcie said between now and the second reading, staff would have that conversation with ESMAB. He indicated they would like to begin advertising for this position but needed permission from the Board.

Mrs. Brinkworth remarked in regards to category, she remembered the Board had a discussion when the organizational chart was brought forward where there had been a unilateral change of category for all these jobs. She would like to know if this was reflecting that or not.

Mr. Moquin said she was correct. At the May 12th workshop as part of the recommendation for the organizational chart for the 2015-16 school year, they identified there was a disparity. There were five positions that reported to the Superintendent that were in the E Band and not the S Band. At that time the Superintendent withdrew that recommendation and went back to look at them individually. These two were coming to the Board because that had occurred. Through the revisions, and trying to source the Chief Human Resource Officer and compensation being an issue two times, the recommendation from the compensation process was to move them from the E to the S Band.

Mrs. Brinkworth stated it would have been better to have received the information and that a review should have been conducted. Having them removed from the recommendation and then brought back individually makes it a perception issue and she wanted to ensure the information was in the backup so it was clear to the Board why those decisions were being made.

Mrs. Good concurred and asked what was the point of meeting with the bargaining groups and sharing the job descriptions.

Mr. Anderson replied the meetings are a professional courtesy to show them what the Board is trying to accomplish.

Mrs. Good questioned if the bargaining group would be able to provide comments; in other words, what was the point of the conversations.

Mr. Runcie responded he meets monthly with ESMAB leadership in regards to matters that are taking place throughout the District or any concerns with positions or organizational structure they need to share with the Superintendent. That feedback is then taken and incorporated into their decision analysis in making recommendations to the Board.

Mrs. Good stated if it were advertised, there would be no opportunity for the Board to hear that feedback.

Mr. Chisem replied that was not true. If for some reason at the second reading there were additional changes, they would revise the job description and re-post. Most times it would be re-advertised and applicants would have the opportunity to reapply for the job. The vacancy could be posted again if changes took place.

Mrs. Good remarked having that comment in the Executive Summary impacts the trust factor. Although there may not be a lot of comments provided, once that trust factor has been hurt in some fashion it is hard to get it back. The issue was extremely important and she was somewhat disappointed it happened.

Mr. Anderson responded that they have a good rapport with Mr. Tingom and the ESMAB group, and this was an oversight on his part.

Mrs. Good acknowledged mistakes happen sometimes; however, these kinds of things that seem to be minor have broader implications. She questioned how the Human Resources (HR) department was working to ensure that the contractual obligations were being adhered to at every turn. She needed to receive assurances that it was happening on a regular basis.

Mr. Runcie stated that it did happen on a regular basis. The Labor Relations department was paired with legal support and they worked very closely with HR and other departments to ensure the collective bargaining agreements were followed.

Mrs. Good believed the intent and desire was there, but if it were happening, this would not have come before the Board.

Mr. Runcie restated this was not a contractual obligation; it was a professional courtesy.

Mrs. Good said she was speaking globally and was going to ask the same question on the last four positions, which was a different group and probably had a contractual obligation. She felt it was a verbalized commitment. This was a situation to prevent it from happening again. A simple check list from one group to another would have caught this.

Mr. Moquin remarked CC-3 and CC-4 were the two critical ones. He did not want to speak for Mr. Tingom, but recognizing the issue was the compensation band going from E to S, he was going to assume Mr. Tingom would not have a substantive issue against the wording. The changes to the Talent Development position were mainly updating it to bring it in line with what that position actually entails.

Potentially, Mr. Moquin said they could move those forward recognizing that they would have the conversation with Mr. Tingom before the second reading, and as far as the rest of the job descriptions and in order to honor that commitment, he would defer them until that had occurred.

Mr. Chisem shared he was advised some of the union groups were notified and would confirm that with the Board. He requested some consideration for approving those positions if that was the case.

Mrs. Rupert was very bothered by this and that the integrity of the process had just been called in line. When the Board talked about the cure process before, an integral part was full discussion and vetting of items by the Board, which is what this was. It was not to highlight any issues with certain departments. It was to ensure the Board was doing its due diligence because that is what it was elected to do. If the Executive Summary stated staff "would notify" or "would be notified" that is different, but it clearly said "was notified" in past tense, which meant it happened and now calls in to question did it or did it not happen. She would look to the Superintendent to review this matter.

Mr. Runcie was taken aback to hear that statement in an item with language that was not executed. He stated he would definitely get together with staff to ensure that it did not occur again.

Mrs. Rupert referred to CC-4, which states on page 1 of the Executive Summary that there was a financial impact of \$2,308, but it did not give an explanation as to why; was it because it was going from an E to an F.

Mr. Moquin responded yes, and commented when the item went forward, they had projected the impact over the term of when they expected the current individual, Dr. Calabrese, to remain in the position. There would not be a financial impact because her leave would occur before the final reading of this item.

Mr. Chisem added they were advised on Monday these items had already been presented. The financial impact was to carry through until October, but they were advised by Dr. Calabrese she would not be here for the entire period.

Mrs. Rupert reiterated when there are cross outs and changes, it needs to be across the board with all the cross outs and all the changes. These were open items for a reason and they needed to be clear and transparent.

Mr. Chisem asked if the Board were to approve the items the way they are right now, would it be appropriate to make amendments since the information on both items was incorrect.

Mr. Carland replied the information provided was by administration as part of the Executive Summary and was not officially what the Board would voting on, so staff would not have to make amendments to the Executive Summaries.

A vote was taken on these items.

CC-4. Proposed Revised Job Description for the Chief Talent Development Officer Position (Approved as Amended)

Motion was made by Mrs. Rupert, seconded by Mrs. Bartleman and carried, to approve the revised job description for the Chief Talent Development Officer position. Approval is requested to advertise the position after the first reading. This is the first reading. Mrs. Freedman and Ms. Korn were absent for the vote. Mrs. Brinkworth, Mrs. Good, and Mrs. Rupert voted no. (4-3 vote)

Revisions to the job description for the Chief Talent Development Officer position were made in order to better align the job description with the duties currently being performed by the incumbent. The job description was publicized for rule adoption with Florida Statutes on Saturday, July 25, 2015. See attached Executive Summary. Copies of all supporting documents are available in the Board Members' Office on the 14th floor of the K.C. Wright Administration Center and are available online via the Broward County Public Schools eAgenda at: <http://webappe.browardschools.com/eAgenda/>.

See attached Executive Summary.

There is an additional financial impact to the district of \$2,308.

Agenda Items CC-3 and CC-4 were discussed concurrently.

A vote was taken on these items.

CC-5. Proposed Revised Job Description for the Director, Teacher Professional Learning & Growth Position (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Bartleman and carried, to approve the revised job description for the Director, Teacher Professional Learning & Growth position. Approval is requested to advertise the position after the first reading. This is the first reading. Mrs. Freedman and Ms. Korn were absent for the vote. Mrs. Brinkworth, Mrs. Good, and Mrs. Rupert voted no. (4-3 vote)

Revisions to the job description for the Director, Teacher Professional Learning & Growth position are recommended in order to better align the job description with the position requirements and essential performance responsibilities associated with the teacher development role performed by the position.

The job description was publicized for rule adoption in compliance with Florida Statutes on Saturday, July 25, 2015. See attached Executive Summary. Copies of all supporting documents are available in the Board Members' Office on the 14th floor of the K.C. Wright Administration Center and are available online via the Broward County Public Schools eAgenda at: <http://webappe.browardschools.com/eAgenda/>.

See attached Executive summary.

There is no additional financial impact to the District.

Mrs. Good inquired if a discussion took place similar to Items CC-3 and CC-4.

Mr. Anderson replied no, with ESMAB it did not.

Mrs. Rich Levinson asked if there was someone currently in the position.

Mr. Anderson responded no.

Mrs. Rich Levinson questioned if these job descriptions would be in place in a timely manner for the future. She was concerned with this coming so late, as it would limit the choice of candidates and affect those schools from where teachers would be pulled away.

Mrs. Brinkworth asked how many positions were there that the Board had asked not to be moved to the S Band.

Mr. Moquin replied there were a total of five.

Mrs. Rupert referred to the bottom of page 3, Essential Performance Responsibilities, and asked if there were any programs that were crossed out. In addition, she wanted to know what happened to the programs; were they dissolved.

Elisa Calabrese, Chief Talent Development Officer, stated this was part of the organizational chart redesign in splitting this original department of Teacher Development into two departments. One being the Coaching and Induction Department and the second being Teacher Professional Learning & Growth, and these programs would be moved to the other department.

A vote was taken on the item.

CC-6. Proposed Job Description for the Master Coach Position (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rupert and carried, to approve the revised job description for the Master Coach position. Approval is requested to advertise the position after the first reading. This is the first reading. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The job description for the Master Coach position is recommended in order to support the Coach Credentialing Program and to provide support to underserved schools. The job description was publicized for rule adoption in compliance with Florida Statutes on Saturday, July 25, 2015. See attached Executive Summary. Copies of all supporting documents are available in the Board Members' Office on the 14th floor of the K.C. Wright Administration Center and are available online via the Broward County Public Schools eAgenda at: <http://webappe.browardschools.com/eAgenda/>.

See attached Executive Summary.
There is no additional financial impact to the District.

Mrs. Bartleman said she was not opposed to the Master Coach position; however, her concern was there were not enough "boots" on the ground to work with children. Principals and teachers would say that reading teachers were needed more. There needs to be more staff in the schools to pull the students out.

Dr. Calabrese did not disagree but said both types of positions were needed. The Master Coach position was to help the instructional leaders at the school, and additional teachers were needed as well. The position for Master Coach was grant-funded.

Mrs. Bartleman understood this was grant-funded, but she wanted to express how she felt at this time because there was no other time to discuss it with her colleagues.

Dr. Osgood concurred with her colleague and said there was a deficit for teachers nation-wide.

Mrs. Rupert asked staff if the union was notified.

Mr. Anderson replied yes, the Broward Teachers Union (BTU) was notified and he met with them as well.

A vote was taken on the item.

CC-7. Proposed Revised Job Description for the Space Planning Analyst Position (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rich Levinson and carried, to approve the revised job description for the Space Planning Analyst position. Approval is requested to advertise the position after the first reading. This is the first reading. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Revisions to the job description for the Space Planning Analyst position are recommended in order to better align the job description to the enhanced responsibilities and new technology associated with the role. The job description was publicized for rule adoption in compliance with Florida Statutes on Saturday, July 25, 2015. See attached Executive Summary. Copies of all supporting documents are available in the Board Members' Office on the 14th floor of the K.C. Wright Administration Center and are available online via the Broward County Public Schools eAgenda at: <http://webappe.browardschools.com/eAgenda/>.

See attached Executive Summary.

There is no additional financial impact to the District.

Agenda Items CC-7, CC-8, and CC-9 were discussed concurrently.

Mrs. Good asked if it was required to meet with BTU, in addition to the notifications sent to them, regarding the job descriptions.

Mr. Anderson replied no, but he sent notifications and met with BTU.

Mrs. Rupert inquired about the language on CC-7, under Additional Qualifications Required, where the Geographic Information System (GIS) was moved from "required" to "preferred" and she wanted to know the rationale for doing so.

Mr. Anderson responded that it was specific to the business process owner and the needs they had with this position. The change was made at their request.

Mrs. Rupert wanted to ensure they were happy with it placed under the preferred vs. the required.

Mrs. Brinkworth referred to CC-9, page 2, under Essential Performance Responsibilities, number 6, the word "in" was a scrivener's error and should be removed.

Motion to Amend

Motion was made by Mrs. Brinkworth, seconded by Mrs. Bartleman and carried, to amend the Proposed Revised Job Description for the Agenda Coordinator-Procurement Services Position on CC-9 by removing a scrivener's error on page 2, under Essential Performance Responsibilities, 6. Coordinate and submit agenda items ~~in~~ following the approved Board agenda process. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

A vote was taken on the Motion to Amend.

A vote was taken on these items.

CC-8. Proposed New Job Description for the Process Analyst - Procurement & Warehousing Services Position (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rich Levinson and carried, to approve the new job description for the Process Analyst - Procurement & Warehousing Services position. Approval is requested to advertise the position after the first reading. This is the first reading. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The job description for the Process Analyst - Procurement & Warehousing Services position is recommended in order to align the job description to needs of the department. The job description was publicized for rule adoption in compliance with Florida Statutes on Saturday, July 25, 2015. See attached Executive Summary. Copies of all supporting documents are available in the Board Members' Office on the 14th floor of the K.C. Wright Administration Center and are available online via the Broward County Public Schools eAgenda at:
<http://webappe.browardschools.com/eAgenda/>.

See attached Executive Summary.

There is no additional financial impact to the District.

Agenda Items CC-7, CC-8, and CC-9 were discussed concurrently.

A vote was taken on these items.

CC-9. Proposed Revised Job Description for the Agenda Coordinator - Procurement Position (Approved as Amended)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rich Levinson and carried, to approve the revised job description for the Agenda Coordinator - Procurement position. Approval is requested to advertise the position after the first reading. This is the first reading. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Revisions to the job description for the Agenda coordinator - Procurement are recommended in order to better align the job description to the needs of the department. The job description was publicized for rule adoption in compliance with Florida Statutes on Saturday, July 25, 2015. See attached Executive Summary. Copies of all supporting documents are available in the Board Members' Office on the 14th floor of the K.C. Wright Administration Center and are available online via the Broward County Public Schools eAgenda at: <http://webappe.browardschools.com/eAgenda/>.

See attached Executive Summary.

There is no additional financial impact to the District.

Agenda Items CC-7, CC-8, and CC-9 were discussed concurrently.

A vote was taken on these items.

DD. OFFICE OF THE CHIEF AUDITOR

EE. OFFICE OF STRATEGY & OPERATIONS

EE-1. Grant Applications - Post-Submission

(Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Good and carried, to approve the submission of the following grant applications (Items A - E):
A. GTECH After School Advantage Program, \$15,000 (requested)
B. LEGO Children's Fund, \$490 (requested) **C.** P3 Eco-Challenge School Recognition Program, \$2,100 (awarded) **D.** Toshiba Teacher Grants Grades 6-12, \$4,670 (requested) **E.** Toyota Family Learning, \$175,000 (requested). Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Copies of the grant applications and executive summaries are available at the School Board members' office on the 14th floor of the K.C. Wright Administration Center and online via the Broward Schools eAgenda at: <http://webappe.browardschools.com/eagenda/>

The potential financial impact if all projects are awarded is \$197,260 from various sources.

Mrs. Rupert wanted to ensure the green design would be incorporated into all areas throughout the District. She believed the District should move forward with more green initiatives.

Mrs. Rich Levinson asked how staff was working with schools to encourage more teachers to seek these grants and perhaps, train parents to obtain grants for their school.

Stephanie Pollard, Director, Grants Administration, replied they were in the process of hiring another person who would be responsible to increase the training, continue with the newsletter, and work with the grant liaisons. The Board will see more grants in the coming school year.

Mrs. Rich Levinson said the Parent Teacher Association (PTA) needed to be included so the parents could receive the training as well. She thanked District staff and the teachers that go above and beyond to apply for these grants.

A vote was taken on the item.

The schools and individuals, as noted in the agenda item, were recognized by the Board for going above and beyond to apply for and have grants awarded.

EE-2. Recommendation of \$500,000 or Greater - 16-017V - Consulting Services for Employee Benefits Program (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rupert and carried, to approve the recommendation to award the above contract. Contract Term: October 1, 2015, through December 31, 2018; 3 Years, 3 Months; User Department: Benefits & Employment Services; Award Amount: \$1,800,000; Awarded Vendor(s): Gallagher Benefit Services, Inc.; M/WBE Vendor(s): None. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The School Board of Broward County, Florida, receive done (1) proposal from Gallagher Benefit Services, Inc., in response to RFP 16-017V - Consulting Services for Employee Benefits Program.

See Supporting Docs for continuation of Summary Explanation and Background.

A copy of the RFP documents are available online at:
<http://www.broward.k12.fl.us/supply/agenda/16-017V-CSFEBP.pdf>

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

The estimated financial impact will be \$1,800,000 for the term of the initial contract period.

See Supporting Docs for continuation of Financial Impact.

Mrs. Good commented there was only one response to the bid.

Dildra Martin-Ogburn, Director, Benefits & Employment Services, replied that was correct and they had brought the item back to the Board to reject all bids.

Mrs. Good inquired in comparison from last year to this year, what was the cost comparison.

Dr. Ogburn responded one of the changes made was they went from an hourly billing to a flat fee. The hourly rates listed would be for special projects, outside the scope of services that were negotiated. There would be a flat fee on an annual basis for the three years of the contract. In comparison to the flat fee vs. the hourly fee, they fared very well. They were actually paying less with this contract than in previous years.

Mrs. Rupert thanked staff and commended them for reaching out to potential vendors, as well as reaching out after the process. She asked if staff could expand upon the suggestions by vendors. It was a great effort by staff.

Mrs. Brinkworth also thanked staff for working to obtain additional respondents. She wanted to know how many firms there were that were capable to conduct business with firms this large.

Dr. Ogburn said when they looked at the size of an organization that could handle the size of this organization, there may have been 7-10 companies that could compete with what was placed in the Request for Proposal (RFP). She said they were not looking for a small, start-up company that only consulted for a company with 300 employees, which would be problematic when conducting business.

Dr. Osgood questioned why the ARF indicated there were no M/WBE vendors.

Ruby Crenshaw, Director, Procurement & Warehousing Services, replied they only show whether one of the awarded vendors was an M/WBE vendor on the ARF. Since there was only one bidder awarded and they were not an M/WBE vendor, the ARF showed there were no M/WBE vendors. The awarded vendor was committed to M/WBE participation, which was why they were listed in the backup.

Dr. Osgood commented she would like to see the minority amounts increased.

A vote was taken on the item.

EE-3. Wallace Foundation Grant Agreement

(Approved)

Motion was made by Mrs. Rupert, seconded by Ms. Murray and carried, to approve the agreement between The School Board of Broward County, Florida and The Wallace Foundation. The agreement period is from July 1, 2015 through June 30, 2016. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Since 2000, The Wallace Foundation has sought to improve the effectiveness of principals, who are key to raising the quality of urban schools. Currently, a principal pipeline initiative is helping six school districts create a large corps of "instructional leaders" - principals whose main task is to improve teaching and learning. Through a four-year agreement with Wallace, approved by the School Board on June 9, 2014, the District will participate in the latest initiative to strengthen principal supervisors through enhanced training.

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

The positive financial impact of this project is \$1,700,000 from The Wallace Foundation.

Mrs. Rupert had questions on whether money was received last year and in what capacity the Wallace Foundation money would decrease next year.

Veda Hudge, Director, Office of Service Quality, replied the Wallace Foundation provides the amount upon the agreement, depending upon what the initiatives would be. The amounts are decreased each year by a percentage to eventually phase out the amounts.

Mrs. Rupert asked of the \$3 million, how much of that would the District expend over the lifetime of the grant.

Valerie Wanza, Acting Chief, Office of School Performance & Accountability, responded it had not been determined for next year yet, but they would know more in the spring. The approved amount was \$3.5 million and to date, the amount the District received was \$225,000.

Mrs. Rupert said this was a wonderful opportunity, but it should be looked at in a 3-5 year perspective as to what the District would receive and plan fiscally how much would be expended over the amount of the lifetime of the grant. She looked forward to this being implemented and that the first big training would take place in town in the spring. Mrs. Rupert thanked staff for all their hard work.

Mrs. Rich Levinson thanked staff as well. She was very excited about this opportunity. The grant was spoken about nationally and says a lot for this District to be awarded the grant. She acknowledged the work that staff had done already. Mrs. Rich Levinson commented that sustainability was always important and said as the grant goes on, staff needed to identify the different components and determine how to fund those components that worked. She believed this grant would be an asset to the District. In addition, she congratulated staff for the great initiative to have a conference in the spring and looked forward to hearing about the progress.

A vote was taken on the item.

EE-4. Recommendation of \$500,000 or Greater - 16-029R - Lamps, Ballasts, Battery Packs, and Related Electrical Supplies (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the recommendation to award for the above contract. Contract Term: August 19, 2015, through August 18, 2018, 3 Years; User Department: Physical Plant Operations (PPO); Award Amount: \$1,161,686; Awarded Vendors(s): Northgate Limited, Inc.; and Innovative Software Solutions, Inc.; M/WBE Vendors(s): Northgate Limited, Inc.; and Innovative Software Solutions, Inc. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The School Board of Broward County, Florida (SBBC), received nine (9) bids for Bid 16-029R, Lamps, Ballasts, Battery Packs, and Related Electrical Supplies. The purpose of the bid is to purchase lamps, ballasts, battery packs, and related electrical supplies for PPO's inventory stock. The lamps are used District-wide by the tradesmen and schools to replace lights in the schools and classrooms. The ballasts are used in the parking lots for security lighting during student activities. The battery packs are used in fire alarm panels and for emergency backup lights. The electrical supplies consist of assorted electrical hardware and supplies, exit signs, and emergency lighting.

The estimated financial impact will be \$1,161,686. Funding for this commodity will come from the department or school requesting services through PPO work orders. The financial impact amount represents an estimated contract value, however, the amount authorized will not exceed the estimated award amount.

Agenda Items EE-4, FF-1, II-1, and LL-1 were motioned concurrently.

No discussion was held by the Board on these items.

A vote was taken on these items.

EE-5. Recommendation of \$500,000 or Greater - 15-115C - Program Manager/Owner's Representative Services (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the recommendation to award the above RFP. Contract Term: August 19, 2015, through August 18, 2018, 3 Years; User Department: Facilities Office; Award Amount: \$16,200,000; Awarded Vendor(s): Heery International, Inc.; M/WBE Vendor(s): None. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The School Board of Broward County, Florida, received six (6) proposals in response to RFP 15-115C - Program Manager/Owner's Representative Services. This request is to recommend award to Heery International, Inc., to provide Owner's Representative Services.

A copy of the RFP documents are available online at:
<http://www.broward.k12.fl.us/supply/agenda/15-115C-PMORS.pdf>

A copy of the complete RFP documents are available at the School Board members' office on the 14th floor of the K.C. Wright Administration Center.

The recordings of past Program Manager Evaluation Committee meetings are available online at:
<https://becon223.eduvision.tv/Default.aspx?q=d0F7qPKKlcdZXDwQ3ebIrQ%253d%253d>

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

The estimated financial impact to the District will be \$16,200,000 for the initial three (3) year period. The funding source will come from Capital Funding. The financial impact amount represents an estimated contract value; however, the amount authorized will not exceed the estimated contract award amount.

Mr. Carland informed the Board that based on some of the comments regarding this item and underlining procurement, he recommended staff provide the Board with background information and a presentation. After the presentation he wanted to make a few comments as well.

Maurice Woods, Chief Strategy and Operations Officer, introduced Derek Messier (via telephone), Chief Facilities Officer; Mr. Moquin; and Ms. Crenshaw. He thanked the Board for the time certain for this highly anticipated General Obligation Bond (GOB) related contract and stated they submitted numerous documents online. He said they would provide an overview and sequence of events preceding the recommendation to approve RFP15-115C - Program Manager/Owner's Representative Services to Heery International, Inc.

Mr. Moquin spoke about the background and reminded the Board that staff issued an RFP15-085C for Program Management Office Services. On March 17, 2015 staff submitted a recommendation to reject all proposals related to that RFP based upon a business decision where staff wanted to revise the management approach on how to execute the SMART Capital Bond projects. Item E-5 was approved unanimously after discussion by the Board. The revised approach was to move from a single-program management office to a more distributed strategy, to mitigate risk and to add additional controls to protect the District's interest. Mr. Moquin said they identified a modified timeline at that time. There were two RFPs released on March 25, 2015, they wanted a recommendation of awards in April 2015, and ultimately have the Board approve the contracts in May 2015. RFP 15-114C, Cost and Program Controls, focuses on identifying a single firm to provide cost and program control services. The second RFP was 15-115C, Owner's Representative, which focused on procuring services of two firms to provide Owner's Representative for design and construction. Mr. Moquin stated there were two benefits for that strategy: The selection of two Owner's Representative firms to mitigate some of the risks where there would be an option for the District should one of the entities not preform to the standard; and secondly, by having two firms it created a healthy competitive environment.

Mr. Woods explained the Executive Summary had a detailed timeline. He stated during the June 2nd evaluation process there was an error that occurred, which was an oversight in publicly reading the scores during the evaluation meeting. At that time, scoring outcome for RFP 15-114C, Cost and Program Controls, was Atkins North America, the highest ranked vendor. The second highest RFP 15-115C, was Program Managers Owner's Representative, with the two vendors Skanska USA, Inc. and Heery International, Inc. Due to the error mentioned above, an allegation was made that there may have been a potential violation of the Sunshine Law.

Mr. Woods informed the Board, after consultation with the District's legal expertise on June 16th, in the abundance of caution the committee conducted a special meeting to ensure that if there were any violations to Sunshine Law, the District would remedy that situation. With the guidance of the legal department, the second evaluation committee meeting for a "cure" meeting was held to correct that error. It was conducted as if the first meeting did not occur; noticed and recorded as required by the Sunshine Law Section 1001.372 and 286.011 of The Florida Statutes. The meeting was attended by legal counsel to ensure all steps were followed and live-streamed for transparency. The scoring outcome of the "cure" meeting, for the record RFP 15-114C, Cost and Program Controls, the highest scoring vendor changed from Atkins North America to Skanska USA. For RFP 15-115C, Owner's Representative, the vendors remained the same, being Skanska USA and Heery International.

Mr. Moquin stated the firms routinely preformed all of the functions between the Owner's Representative scope services, as well as the cost control RFPs. The separation of duties between the two was established between the RFP documents. The attempt to make awards to three different firms was called out during the pre-bid meeting and through an addendum.

Mr. Woods reiterated there were multiple times in which the vendors were informed they would not be awarded both program management roles. He said Skanska chose the Owner's Representative role RFP 15-115C. Therefore, on the Cost and Program Controls RFP 15-114C, the committee then reconvened and recommended that Atkins North America become the successful bidder, due to Skanska choosing the Owner's Representative award. Mr. Woods stated the recommendation was to request to award the successful responsive responder as follows: RFP 15-115C, Owner's Representative to be awarded to Heery International, Inc. Staff was still in negotiations and hopefully in the very near future, they would bring the final two vendors to the Board for approval. Upon successful negotiations, would be Atkins North America for the Cost and Program Controls RFP and Skanska USA for the second vendor on the Owner's Representative RFP.

Mr. Carland stated his office was asked earlier by the Superintendent to be involved, review the Sunshine concerns, and to ultimately provide the Board with an opinion regarding solicitation and procurement process. He stated he would go through the analysis in this matter relative to those concerns as a result of what occurred in the June 2, 2015 meeting, which was the original meeting for the evaluation and selection of the proposer. The June 2nd meeting was noticed for the public, which was part of the packet, page 114 of the larger document. When the Board looked at all of the decisions in Florida government in the Sunshine Manual concerning these types of situations with an attempted cure, in every case the underlying problem was in fact a secret, un-noticed meeting or discussion.

Mr. Carland continued that the District had a published meeting on June 2nd. The problem that was cited was the quality and nature of the discussions at that meeting, and because of the nature of the concerns it was recommended in the abundance of caution to ensure public access to what was happening, and that the committee itself undertake the opportunity to cure the problem. The District sought to attack the cure at the step where it occurred, which was at the committee. His office consulted with Mrs. Gleeson, whom is a recognized expert in this area. They advised staff how to go about the cure meeting. This was made available to the extent in which the participants were advised what their obligation should be in the cure to re-evaluate, re-score, and give mental impressions for the justification as to how to reach those results.

Mr. Carland said the meeting on the 16th was comprehensive in nature, it was the cure being applied, and from there on in the process there was intention to making sure the meetings were noticed. This meeting was the final requirement in the Sunshine Law. There was concern expressed about the ability to give public comment at those earlier stages. Statute does not require that the public comment and input process be available at every single step. It does require that before the decision-maker makes the final decision on the item that the public is given an opportunity to provide feedback. That opportunity would be available today. The purpose of the Sunshine Law is to grant that access, the ability for the public to see what is happening and an opportunity to comment on it. It does not guarantee outcomes or if the District makes the same decision as the public. The option and statements are important as decisions are made, but the Sunshine Law is not the tool by which the public imposes its interpretations on the agency; it is up to the agency to make the final decision.

Mrs. Rupert referred to the Executive Summary on EE-5 under the "Objective" where it stated the Owner's Representative would be cost-effective and the staff was "scalable" according to work. It also stated scalable staffing is of particular interest to the District, as the capital needs and available funding varies from year-to-year. The contract is for three (3) years and will cost \$16,200,000 or roughly \$5,400,00 a year. The proposed agreement for this firm is for the contracted employees; 10 full-time employees, 12 part-time employees, for the amount of \$5,190,000 to be housed at District property; 60 offices were being renovated in the anticipation of this move. In reviewing Attachment A, the 10 full-time and 12 part-time workers is the \$5,390,000 or the average of \$245,000 per full-time positions.

Mrs. Rupert stated she found this ironic as it correlates with the cost-cutting objective. In 2012, the District had 63 full-time employees in the Facilities department and a facilities personnel cost of \$5,400,000. She questioned with this contract and the URS project in regards to management fees, where would it put the cost of in-house vs. outsourcing, as it was right now. If this contract was any indicator, how much more was spent on sub-contracting work that could have been handled in-house for less taxpayers' dollars. This was the first of three contracts to replace those 63 staff members and already equaled their salary with this one contract. Additionally, adding three consultants to the organizational chart and organizational chart changes that were voted on, the Facilities department would be larger than it was in 2009 when it oversaw a \$2 billion budget; also note the \$500 million of reimbursables and \$40,000 in relocation.

Mrs. Rupert stated she was concerned at the time that the District lost 63 employees to save money by outsourcing, only to hear the cost was more. If this firm is charging \$16,200,000, the other company is comparable, and the third company is \$10 million (low balling), that is \$42 million. She asked if it could have been done it for less and what would it cost if the District had its own 63 employees doing the work. She wanted to know if it would have been more cost effective with one or possibly two firms. Mrs. Rupert inquired if the District was still being cost effective sub-contracting these services for an unknown amount of dollars that have not been shared with the Board yet. She indicated the Board would be voting on this contract now with two more coming, without the minimum and maximum parameters clearly laid out to the Board. Mrs. Rupert asked the Superintendent if there was a totalled-contracted figure for all three firms at this moment.

Mr. Woods replied two of the firms were still in negotiations so they did not know what the final cost would be yet for those two firms.

Mrs. Rupert stated as a business referring to allocating dollars into the future, there has to be a maximum in mind in order to determine how much X was going to cost for all three firms over the amount of time. She said the Return on Investment (ROI) needed to be known.

Mr. Woods responded the estimated amount for the Cost and Program Controls contract and the total amount for the two vendors under the Owner's Representative, was approaching \$39 million.

Mrs. Rupert inquired what the percentage of the \$800 million did that represent.

Mr. Woods responded \$984 million is the SMART Initiative.

Mrs. Rupert stated \$39 million represents 5% of the \$800 million.

Mr. Moquin stated it is 3.9 % of the total program of \$984 million.

Mrs. Rupert referred to section 6.0 under Scope of Services for the RFP, which sets the Minority Women Business Enterprise (M/WBE) as 25% for minority business and only 5% to include women. She stated this contract exceeded those goals a little, which were set by the Facilities department and not the Board. The RFP did not come to the Board first and she stated she would like to bump costs up substantially, especially before the Board awards contracts for the Bond packages. She wanted to be on record that 25% of the minority business only had 5% dedicated to women, which was a discussion that had room for improvement.

Mrs. Bartleman thanked Mr. Carland for clarifying the Sunshine issues and ensuring the process was followed to protect the Board. She had some concerns in light of what her colleague spoke on, but wanted the Vice Chair to come back to her so she could collect her thoughts. She asked Mr. Carland if the Board was in total compliance.

Mr. Carland responded yes. This process cured any Sunshine problems.

Mrs. Brinkworth questioned if the expenditure for these contracts, which is estimated to be \$39 million, were dollars calculated into the budget for what was anticipated spending in the \$984 million.

Mr. Woods responded it was part of the \$984 million budget. He did not know if there was \$40 million going into the discussion with the vendors. It evolved over time the scope of the work was developed and when they began to negotiate with the vendors.

Mrs. Brinkworth stated when the Board received revised budgets for projects that were not able to cover the scope of work, were the dollars able to cover these contracts included in the numbers or were those costs over and above what was identified on each school page.

Mr. Messier replied what was developed for each individual project had soft costs added to the construction cost and change order costs were all included for all project budgets. Mr. Messier stated the assumption was that the District would have a program manager for all the projects that were in the SMART Program.

Mrs. Brinkworth asked what would happen if there was a project at a school that does not need the amount of work that was identified. She stated she was told the dollars would have to go back to capital reserves and wanted to know how to ensure that the District does not go over its budgeted numbers. In addition, who was putting those cost controls together and who is monitoring the funds.

Mr. Messier stated staff was responsible for that and stated as the preliminary design is developed, an estimate for that will be developed. The estimate varies significantly from the budget. Staff would come back to the Board to state whether the budget was less or more and ask the Board to approve it. If the budget was too much, then the funds would return to capital reserves, which would be used to fund the schools' scope of work that have a higher cost than expected. The commitment is to the scope of work not the dollars.

Mrs. Brinkworth inquired what level of commitment does the District have as far as resources to work with the Owner's Representative. There was approximately an addition \$1.3 million in salaries based on the organizational chart changes that were made by the Board. She asked how money was saved using this process. She expressed concern about how money was going to be saved using this approach.

Mr. Runcie explained this was not an apple-to-apple comparison. It was a process to essentially to establish a new structure to execute a scope of work, which has not existed in this District in over a decade. That would require a different structure, different resources, and a different skill set. The risk was about getting this work done right. Staff has put pieces in place that would maximize this District's capability to execute this work right. They moved in this direction to be able to deliver and have proper oversight, the right checks and balances, and skill sets in place to get the work done.

Mrs. Brinkworth remarked she had a very high expectation if the Board was going to agree and approve for this to happen. There was a high level of expectation of delivery and she did not want to hear about delays. She stated if this was approved by the Board there needed to be action with a very seamless process, and if not, it would reflect badly on the District and the companies that may be considered in hiring. She told the Superintendent the Board had a high expectation with this issue and she would hold him accountable.

Mr. Runcie replied he had the same expectation and would hold staff and the contractors accountable as well. Staff will move as quickly as possible and appropriately as they can to get the work done.

Mrs. Brinkworth mentioned at the end of a previous Board meeting, the Board had a consensus that they wanted to bring back the policy regarding the Qualification Selection Evaluation Committee (QSEC) and whether or not an Owner's Representative contract needed to come through QSEC. She noted she had read the policy differently than her colleague and was concerned when there was a policy where two Board Members view it differently. She felt it was something they needed to review. Mrs. Brinkworth believed there was consensus that the Board wanted to look at it again and she was looking forward for that to come back to the Board. She was disappointed that they had not had the opportunity to have that conversation prior to this meeting.

Mr. Runcie stated the QSEC item would be considered this fall at a workshop. He said they have continued to use QSEC for contractors and folks that are executing work, as well as work through the advice from legal counsel. This item was around the management of process and not the actual execution of the contract work.

Mrs. Brinkworth clarified the conversation the Board was going to have was whether or not an Owner's Representative contract should be included in a review of QSEC.

Mrs. Good remarked this was at a critical point and time and if District did not progress forward, it would find itself in real dilemmas. The result may be that projects will not commence as indicated, which is a critical component of everything being done as far as the public is concerned, especially adhering to timelines and timeframes. Everyone takes the element of this process seriously. Mrs. Good appreciated the concerns that were raised and hoped that this entire process ensured some type of established protocol in these types of meetings so that as a Board, they could be assured the potential for perceived violations do not reoccur.

Mrs. Good stated everyone has learned from this process. Staff tried to ensure the process was open to everyone and attempted to adhere to all the pertinent rules that were to follow. She reiterated Mr. Carland's comment that in an abundance of caution, they tried to cure the potential problem. She appreciated the effort of staff. She said what was before them today was the Program Manager Services to deal with the construction projects. She stated it was obvious when staff read The Grand Jury Report, that there were things happening within the departments themselves. There were some real challenges occurring.

Mrs. Good felt the Board was trying to tackle a multitude of things at the same time and was at the point to question every element of the process as it moved forward, but it gets to a point where a decision has to be made. Mrs. Good remarked she appreciated the clarification made earlier and it was important to understand the comparison that was being made by some of her colleagues. She did not necessarily agree, but they were adamant about those figures. She hoped there would be clear oversight, with Mr. Messier's assistance, on every aspect of this program services vendor, and that the Superintendent would provide the Board clear updates as to how it was progressing.

Mrs. Good stated it was important, as well as putting in place, any specific protocols to ensure that whatever perception issues were faced during the procurement process, that they would not have to deal with them again. She said she concurred with her colleague in regards to having that discussion as a Board and it should happen sooner than later because it was something critical to the discussion.

Mrs. Bartleman stated the work had to get done and move forward even though there were already delays. There are roofs that need to be fixed, as well as HVACs and kitchen cafeterias. She wanted to echo what everyone mentioned and she would also hold the Superintendent and Mr. Messier responsible for ensuring that this goes well, that money is not wasted but rather saved, and that there would be no further delays.

Mrs. Rich Levinson concurred with what her colleagues have said. There is a lot of work to do and it must get started. She stated this was to approve the recommendation of the award of the RFP. Mrs. Rich Levinson remarked when the board looked at an RFP they had to look at the way it was carried out. The District has gone above and beyond at looking into how this RFP was carried out and awarded. The General Counsel advised the Board that he looked at the Sunshine aspect of it and everything had been followed. Mrs. Rich Levinson said the Board would hold Mr. Runcie and staff accountable that things will be done on or before time and on or below budget. A decision was already made as a Board to move ahead this way, and it needed to make the award and get started on this long, anticipated program that the community had been waiting for, for many years.

Ms. Murray commented they had an opportunity now to do it right and they would only get one chance to do it right. The fact that 74% of the voters gave the District the \$800 million, expectations were very high about what they would receive. As a voter, it is their responsibility to ensure the money is where it is supposed to be. She said there was a large scope of people that needed to be responsible. She stated there were a lot of issues have been resolved. Companies that were an international firm had the reputation to get the job done. She told the Superintendent they were relying on him to get this job done right.

Mrs. Brinkworth referred to page 17 of 17, Cost Proposal Project Information and Assumptions, Attachment A. She inquired if the Value of 2015 Projects were for August 2015 – July 2016.

Mr. Messier responded the terms as shown in the contract were for a full calendar year. Assuming the Board approves the contract, the calendar year starts August of this year, year one, and would go through July of next year 2016. He stated staff would be undertaking projects in the first year of the SMART Program and the target was to get them out to bid in advance of this fiscal year and then start on the 2015-16 year projects.

Mrs. Brinkworth referred to #3, Biggest Project, it was listed as \$14.8 million and stated this gives her cause for concern as she was told the two projects that would be Owner's Representative first up, they both had totals that were higher.

Mr. Messier replied that the respondents were using documents to develop an estimate for their "not-to-exceed" amount. That was not the actual data of every single project they had; there was a distinction.

Mrs. Brinkworth referred to page 17 of 17, "Assumptions," and inquired if item numbers 1 through 4 were an estimate or would that be a number.

Mr. Messier responded that was an estimate. He stated they were using averages to develop the not-to-exceed amount. Staff will avail themselves to any deficiencies and had the flexibility in this contract to manage the staffing of the consultants.

Mrs. Brinkworth referred to Attachment A and inquired in program years two and three if they used numbers similar to this where the full program value would stay the same for all three years.

Mr. Messier responded affirmatively and stated they used some assumptions based on the first three years of the SMART Program. He stated this was not detailed out project by project and the packaging of projects would make a big difference in the actual staff time they had to spend on them.

Mrs. Brinkworth inquired if staff was anticipating this Owner's Representative to be managing almost half of the work or was it just an estimate and expect it will be less.

Mr. Messier responded that the target is for each Owner's Representative to work on half of the program and the reason for two Owner's Representative was they have an initial assignment of work and then after the initial assignments were completed, any additional assignments would be based on performance.

Mrs. Brinkworth inquired if all of the Owner's Representatives would be responsible for all of the \$984 million.

Mr. Messier responded affirmatively and said staff's goal was to have each of them manage half of the work.

Mr. Runcie clarified half of the work related to the non-technology component in the SMART Program was the initial plan. Staff would monitor and review the performance of these two entities, and based on performance, the mix of work may actually change. Regular updates would be provided to the Board as to how that was progressing, what the performance looked like, and where it was going with the mix. Initially it was estimated that it would be an even distribution.

Mrs. Rich Levinson fully supported more work being awarded based on performance. She inquired regarding the cost and said her colleague asked whether the cost for the Owner's Representative was built into the cost of each individual project in the SMART Program and staff responded, yes. She had some confusion based on the negotiation that occurred with the vendor on cost and the two forthcoming contracts that deal with cost. She asked staff if the costs were already built in if they could explain the negotiation with cost and how to ensure that it was the amount for each project.

Mr. Messier responded that staff used the percentage of the construction value to allocate cost for Program Management Services, which was included in the budget of every project. He stated in terms of negotiation, the key was staff negotiated the plan materials with the not-to-exceed amount, so staff would only be paying for the work received. It was the time the people spent doing the work up to 40 hours a week (if they were salary), times a multiplier. He said they could audit it to see if that was the actual rate the person was being paid, so it is very transparent. The key was to manage it by the not-to-exceed amount. It was the goal to provide the correct amount of support to make these projects happen. The District has the power to control staffing levels and the total cost of these services.

Mrs. Rich Levinson inquired if he is confident with the costs in this contract.

Mr. Messier responded in the affirmative.

Dr. Osgood stated she liked the performance-based idea. She had a question regarding the Owner's Representative where they were being assigned to multiple projects, and if that was the logic for how the RFPs were being released to actually perform the work.

Mr. Messier responded there were a couple different approaches. One approach was the packaging of projects together into a larger bid package or RFP. Another approach was to create a smaller or more discreet single-frayed package (under \$2 million) so that M/WBEs and small businesses could gain opportunities as a sub-contractor under larger projects, as well as on smaller projects. There was a two-tiered approach.

Mr. Runcie clarified the couple different levels for both the large and smaller projects. There would be basically two tiers in which that participation would occur. Relative to the amounts set, the District was undergoing a disparity study, and until that study was completed a specific percentage could not be mandated. He said goals could be set and they would try control the smaller pieces and work with M/WBEs and small business.

Dr. Osgood appreciated the efforts in this area. She stated she knew staff has tried to increase the M/WBE's participation and said this county was a minority majority. She wanted to ensure women and the minority groups get their share of business. She applauded staff for their continued efforts to address this issue. As efforts continue to work with the Urban League and Minority Builders, it puts the District in a position to be proud. Dr. Osgood said it was important to continue to help the community understand that there was a Project Management and Owner's Representative that oversee the work, and then there was another system for the work that would be put out for bid, and one for how the work was actually being delivered.

The Vice Chair received input from the audience.

A vote was taken on the item.

Mrs. Rupert informed the Chief of Staff she would email him the questions she stated previously that she would like follow-up on.

Mrs. Rich Levinson inquired when the other two Owner's Representative contracts would be coming forward so work could begin.

Mr. Woods replied it would be the next Board meeting. They were finalizing negotiations and it was contingent on coming to a consensus.

FF. OFFICE OF ACADEMICS

FF-1. Agreement with The Flying Classroom

(Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the new agreement with The Flying Classroom, LLC to provide STEM and literacy integrated digital curriculum, live in person and online interactions with Captain Barrington Irving, parent outreach and professional development services for selected Title 1 elementary schools. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The attached agreement between The Flying Classroom, LLC and The School Board of Broward County, Florida will provide access to a digital STEM and literacy curriculum, parent outreach and professional development to The School Board of Broward County, Florida. The Flying Classroom shall provide SBBC with a 12-month license and teacher professional development for 50 teachers.

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

The total financial impact is \$111,240. Funding is provided by Title 1 grant funds. There is no additional financial impact to the District.

Agenda Items EE-4, FF-1, II-1, and LL-1 were motioned concurrently.

No discussion was held by the Board on these items.

A vote was taken on these items.

GG. OFFICE OF HUMAN RESOURCES

HH. OFFICE OF THE GENERAL COUNSEL

II. OFFICE OF THE SUPERINTENDENT

II-1. Agreement with Learn360

(Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the proposed agreement with Facts On File d/b/a and The School Board of Broward County, Florida. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Learn360 is a nationally recognized K-12 educational content provider offering media on demand service for teachers and students. Learn360 promotes educational content to over 10 million teachers and students in their community of subscribers.

BECON produces original educational and instructional content. BECON desires to partner with Learn360 in a non-exclusive digital content, media streaming and downloading license agreement with a competitive royalty structure. The agreement will allow BECON to generate revenue and further promote BECON's educational content to the K-12 educational community.

There is a potential positive financial impact. The School Board of Broward County, Florida will receive royalties for digital content media streaming and downloads based on royalty calculations in the agreement.

Agenda Items EE-4, FF-1, II-1, and LL-1 were motioned concurrently.

No discussion was held by the Board on these items.

The Vice Chair received input from the audience.

A vote was taken on these items.

JJ. OFFICE OF FACILITIES AND CONSTRUCTION

**JJ-1. Partial Release of Retainage Fort Lauderdale High School Kaufman
Lynn Construction, Inc. Remodeling/Renovations Project No. P.000687
(f.k.a. 0951-27-01) (Withdrawn)**

KK. OFFICE OF FINANCIAL MANAGEMENT

KK-1. Request to Fund 2015-16 Adult with Disabilities Program and 21 Teacher Positions to Increase Class Size Compliance Percentage Initiatives (Approved)

Motion was made by Mrs. Good, seconded by Mrs. Rupert and carried, to approve to fund two items, 2015-16 Adult with Disabilities Program (includes operational costs associated with administering the program) in the amount of \$1,172,234 and 21 teacher positions to increase Class Size Compliance percentage in the amount of \$1,545,075. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

The School Board did not formally approve all the Superintendent and Cabinet's recommendations at the 1st Public Hearing on July 28, 2015 and requested a workshop to discuss all recommendations. The two items presented for approval today, Adult with Disabilities Program (includes operational costs associated with administering the program) and 21 teacher positions to increase Class Size Compliance percentage are urgent because schools are opening on August 24, 2015 before the scheduled 2nd Public Hearing on September 16, 2015.

Therefore, we are requesting an approval to fund the Adult with Disabilities Program in the amount of \$1,172,234 and 21 teacher positions to increase Class Size Compliance percentage in the amount of \$1,545,075 to ensure schools will be able to hire teachers before the start of the 2015-16 school year. Attached are the Executive Summaries explaining the need for these initiatives.

The financial impact in the total amount of \$2,717,309 is currently reserved/ set-aside in the tentative 2015-16 Budget.

Mrs. Rich Levinson requested that when the general fund budget comes to the Board that this amount for 21 teachers would be subtracted from the class size number in the analysis of the budget.

Mrs. Good concurred. In addition, she believed this could not have come at a better time for Seagull and Whispering Pines schools. She knew there were many concerns from parents and appreciated staff bringing this forward in a timely fashion. This was another legislative matter that needs to be followed-up on items to discuss.

Mrs. Bartleman remarked on the legislative matter and stated next year the Board would have to decide whether or not to fund a program like this one. It was not funded by the District in the past and would be a precedent decision.

Mrs. Bartleman believed a letter-writing campaign should be conducted to the legislature to state they cannot cut a program a few weeks before it is over, when people have not made provisions to have someone care for their children.

Mrs. Brinkworth concurred with her colleague regarding the legislative outreach and what would be done in the future. She thanked the Superintendent and staff for bringing this to the Board today.

Dr. Osgood stated this should be looked at in a local community forum. The Broward delegation should be able to meet here and be reached by families.

A vote was taken on the item.

LL. OFFICE OF PORTFOLIO SERVICES

LL-1. Premium Services Agreements Approval

(Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the Premium Services Agreements between The School Board of Broward County, Florida (SBBC), and specified governing boards. Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Copies of all supporting documents are available at the Innovative Programs Design/Support Department on the 4th floor of the K. C. W. Administration Center and online via the Broward County Public Schools eAgenda at: <https://webappe.browardschools.com/eagenda/>

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

See Supporting Docs for continuation of Summary Explanation and Background.

The estimated positive revenue to the District for these 2015-2016 Premium Service Agreements will be based on the actual number of services requested and delivered to the pertinent charter schools.

Agenda Items EE-4, FF-1, II-1, and LL-1 were motioned concurrently.

No discussion was held by the Board on these items.

The Vice Chair received input from the audience.

A vote was taken on these items.

LL-2. Installation of Required Improvements Agreement between The School Board of Broward County, Florida and the Broward County Board of County Commissioners
(Approved as Amended)

Motion was made by Mrs. Good, seconded by Mrs. Bartleman and carried, to approve the Installation of Required Improvements Agreement between The School Board of Broward County, Florida and the Broward County Board of County Commissioners. Ms. Korn was absent. (8-0 vote)

In August 2012, The School Board of Broward County, Florida (SBBC) approved the School Site Dedication and Impact Fee Agreement (Dedication Agreement) for School Site No. 1 and School Site No. 2, which enabled Triple H Ranch Property, Ltd. to convey elementary and middle school sites in the Wedge Area of the City of Parkland to the SBBC. Subsequently, District staff participated in the closing on the school sites and upon closing, the school sites were conveyed to the SBBC. The purpose for the dedication of the school sites was to mitigate the student impact anticipated from residential units proposed by pertinent residential developers in the Wedge Area of the City.

See Supporting Docs for continuation of Summary Explanation and Background.

This install of Required Improvements Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel, and upon approval by the SBBC, the City will execute the Agreement.

Currently, the estimated financial impact to the SBBC is \$656,164.00. In the future and prior to when school(s) are slated for construction on the school sites, the funds needed to construct such school(s) would be contained and authorized in the then adopted Five-Year District Educational facilities Plan.

Agenda Items AA-1 and LL-2 were discussed concurrently.

The Vice Chair received input from the audience.

A vote was taken on these items.

LL-3. Declaration of Seven (7) Portables Located at Stranahan Senior High School Depicted in Exhibit No. 1 as Surplus
(Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Brinkworth and carried, to approve the declaration of seven (7) portables located at Stranahan Senior High School depicted in Exhibit No. 1 as surplus with the intent to dispose of the portables (which includes demolition). Mrs. Freedman and Ms. Korn were absent for the vote. (7-0 vote)

Section 1013.28 (2) and 274.05, Florida Statutes, directs school districts to dispose of tangible property that is obsolete, or the continued use of which is uneconomical, inefficient, or which serves no useful function. The seven (7) portables depicted in Exhibit No. 1 have been declared unsatisfactory due to their deteriorated physical condition, and therefore carry zero student stations. However, before the portables can be demolished, they must be declared surplus to comply with the provisions of Sections 1013.28 (2) and 274.05, Florida Statutes.

The financial impact to demolish the portables is \$43,400.00 and this additional financial impact will come from the Capital Projects Reserve.

Ms. Murray stated this item was adding seven (7) more portables for demolition as portables that were unsatisfactory. A workshop was held that covered this item and now there are seven more portables that popped up. She said she was not against it and would support this item; however, she questioned why these seven portables at Stranahan High were added only to provide more green space. In District 1, at Bethune Elementary, she had 17 portables.

Ms. Murray said the range in years of the portables at Stranahan were from 26-57 years old. The portables at Bethune range from 25-40 and every one of them falls under the same FISH category as the ones at Stranahan, except they were labeled satisfactory. One of the Bethune portables was actually 46 years old and there was no way to justify that it was a satisfactory portable. Ms. Murray believed the report was incorrect and a review should be performed. In 2006, 20 additional classrooms were added at Bethune and the portables were supposed to be removed in order to provide a playground, which has not happened to date.

Mr. Moquin responded that when the discussion took place the focus was on portables in use, as opposed to those not in use. This item was a follow-up from the District Educational Facilities Plan (DEFP) where they were asked to go out and assess the portables. The annual assessment of portables would include all portables, not just the ones needed for the master schedule. As they go through that process, there will be potential revisions to the priority list for demolition.

Ms. Murray wanted to ensure when it came to educational value, that it was included in the formula.

Mrs. Bartleman acknowledged she supported this item. Many of the Board Members visited Stranahan to look at the portables, even though it was not in their district. She agreed the portables needed to be removed and appreciated staff bringing this forward.

Mrs. Rich Levinson stated she went to Stranahan to view the portables and agreed they needed to be removed.

Mrs. Brinkworth concurred with her colleagues and stated if there were other portables in as bad condition as those at Stranahan, she believed the rest of the Board would support having those portables removed as well. She looked forward to having more items come forward to ensure all portable issues would be addressed.

Ms. Murray wanted to reiterate that she supported this item and was well aware of where they were located; however, her point was that this was coming to the Board after the portable issue had already been addressed.

Mrs. Good concurred and believed at the workshop everyone agreed a second look at portables was needed, especially from a safety standpoint.

A vote was taken on the item.

Adjournment This meeting was adjourned at 6:04 p.m.

/dvn