

Approved in Open Board Meeting, November 9, 2010

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

September 21, 2010  
Tuesday, 9:45 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 12:07 a.m., Tuesday, September 21, 2010, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Jennifer Leonard Gottlieb; Vice Chair Benjamin J. Williams; Members, Robin Bartleman, Maureen S. Dinnen, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, (Dr. Robert D. Parks was absent), Kevin P. Tynan, Esq., Superintendent James F. Notter, and Edward J. Marko, Esq.

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

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

August 17, 2010 – Regular School Board Meeting  
September 8, 2010 – Special – Student Expulsions

**Close Agenda** Upon motion by Mr. Tynan, seconded by Ms. Murray and carried, the Agenda was approved and declared closed. Dr. Parks was absent. (8-0 vote)

**SPECIAL PRESENTATION**

New Approved Curriculum, WET in the City

Mrs. Gottlieb informed that WET in the City is an environmental education curriculum with the emphasis on water stewardship. Ms. Joretta Hawthorne, Executive Director, and Mr. Marc LeFebre, Senior Program Manager, were introduced.

Commissioner Don Rosen of the City of Sunrise introduced Mr. Harold Aiken, Board Member, Council for Environmental Education, who made a brief opening statement, indicating that the goal of the Council is to bring the WET in the City program to Broward County.

Ms. Hawthorne and Mr. LeFebre provided handouts and a PowerPoint presentation was made to the Board. Ms. Hawthorne informed that WET stands for Water Education for Teachers, and the program revolves around conserving water resources and water quality.

Mr. LeFebre, who informed that he was a former teacher, stated that the workshops teach educators how to tailor their use of WET in the City activities to whatever subject matter they teach. In addition, a series of interviews and focus group discussions are held directly with educators in the schools to ascertain what has worked well, what improvements can be made, and what can be done with the activity guide to make it a better product.

Ms. Hawthorne thanked Commissioner Rosen for getting the program started in the city of Sunrise.

Commissioner Rosen stated that the City of Sunrise has pledged \$25,000 toward the continuance of the program and he will continue to promote the program. He stated that principals in the Piper zone have indicated they have training dollars which they would be willing to give through a public/private partnership, and every other cost related to it is paid for.

Mrs. Hope thanked Commissioner Rosen for his dedication to this program and to the community of Sunrise, and thanked the representatives from the Council for Environmental Education for bringing forward this program.

Ms. Dinnen stated that this is wonderful example of a coordinated partnership enterprise between the city and the School Board. She thanked everyone for their hard work, using their own funds and effort into the program.

Mrs. Bartleman thanked the City of Sunrise and Commissioner Rosen for stepping up to the plate and bringing this program to the school system. She noted that Sunrise is the first city who will hold a Teacher of the Month recognition.

Mrs. Kraft praised the program and the initiatives that the City of Sunrise has in bringing this forth, and the commitment to the students in the city.

Mrs. Gottlieb thanked everyone for their appearance and for providing an excellent presentation. She informed that the program has passed through the Superintendent's Screening Committee, it is an approved curriculum, and a pilot program will be held in the Sunrise water service area in conjunction with the Water Management District.

## **REPORTS**

### **ESE Advisory Council** – Robert Mayersohn

Mr. Mayersohn reported that ESE held its first meeting of the school year last evening.

Gratitude was extended to guests: Board Members Mrs. Bartleman and Mrs. Hope; Dr. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services; Mr. Scott Jarvis, North Area Assistant Director; and Mrs. Katherine Hinden-Francis, Executive Director, Student Support Services and Exceptional Student Education.

Mrs. Denise Rusnak, Director, Exceptional Student Education, spoke about the ESE realignment from three areas to one, and a handout was provided to the membership to explain what area their school now aligns with and who to contact. She also addressed a few legislative changes that affect ESE students, including Senate Bill 4 which revises the high school graduation requirements and will require students to pass End of Course (EOC) exams. ESE students who do not pass the exam may have the option of receiving a waiver, however the student must demonstrate competency of the subject matter.

The Legislature approved House Bill 1073, Seclusion and Restraint, which requires all school districts to report incidents and collect data when seclusion and/or restraint is used to de-escalate behavior. The legislation now prohibits the use of manual or physical restraint that restricts a student's breathing. Additionally, the Department of Education will be providing further direction to resolve the confusion when students need to use service animals in school.

Mr. Mayersohn further reported that Garrett Mayersohn announced to the advisory about his newly-formed PDAB group at Stoneman Douglas High School. They are currently working on creating an educational piece that creates awareness in relation to the social, emotional and physical barriers that ESE students are challenged with. Once the piece is complete, Garrett will share this with Advisory to possibly incorporate at other schools.

The Joe DiMaggio Children's Hospital Family Resource Fair and Teens Transition to Life Summit will be held on Saturday, September 24, 2010, at the Signature Grand; the Dyslexia Association will hold their fall conference at Barry University on October 10, 2010; Breaking Barriers, the 31<sup>st</sup> Annual Disabilities Expo will take place at Nova Southeastern University; and October 4 and 15, 2010, is Disability History and Awareness weeks.

A comprehensive written report was submitted to the Board.

Mrs. Bartleman informed that some issues pertaining to students with disabilities will be developed by Mrs. Rusnak so they can be placed on the Legislative platform. She stated there are some issues in the bill that will hurt ESE students.

Broward County Association of Student Councils and Student Advisor to the Board – Maria Rincon and Graham Rabinowitsch

Maria reported that the BCASC held a meeting on Thursday, September 16, 2010, at Monarch High School. The organization is working on the following projects: Destination Diploma, Youth Ethics Forum, and Middle School Leaders Day. All these projects have a serving chair. The officers of BCASC will meet on September 28, 2010, at Lockhart Stadium for their monthly board meeting. On Saturday, September 25, 2010, the student councils of Broward, Monroe and Miami-Dade counties will meet at a District 6 meeting at Everglades High School.

A comprehensive written report was submitted to the Board.

## **BOARD MEMBERS**

**Mrs. Kraft** announced, through a slide presentation, that as part of her leaving the school district she has created the Supporting Arts for Kids fund, through the Broward Education Foundation, which was started with some seed money from her office account. Mrs. Kraft stated she is hoping to use her retirement from the School District as a way to “kick-off” this initiative.

Mrs. Kraft stated that the fund is also designed to provide funds to assist students who may not ordinarily be able to afford to attend the national, state district or local competitions, exhibitions or performances. A kick-off event will be held to donate to the initiative; a retirement reception and a fund kick-off on Tuesday, November 9, 2010, following the Regular Board Meeting in the Pre-Function Room of the K.C. Wright Building. A retirement celebration will also be held on November 11, 2010, at the Coral Springs City Center, who opened up their center for this event.

Mrs. Kraft stated that this fund will be her lasting legacy with the school district.

**Ms. Dinnen** informed her colleagues that Virginia Shuman-Young Elementary School has been celebrated as a Blue Ribbon school, one of seven schools in Florida and the only school in Broward County. She attended the celebration event, with the Principal Dr. Mark Strauss thanking faculty members for making this possible.

Ms. Dinnen stated that the City of Plantation presented her with a proclamation on Choose Peace Stop Violence Week that supports the school district. The School Board passed a resolution to promote this cause at the September 8, 2010 Board meeting. She thanked the Mayor and the City Council for being an excellent example for their young people.

Ms. Dinnen attended the School Boards Association Retreat, noting that the Association paid for her room and meals, and she paid for her transportation. Ms. Dinnen stated this was an opportunity to talk to other school districts and to receive excellent information on the topics of the day. She stated that the Association has presented some excellent sessions that have provided up-to-date information about occurrences throughout the state of Florida.

Ms. Dinnen stated she has met with a committee associated with Fort Lauderdale’s Centennial Celebration. She and Mr. Williams represent the education component and have been meeting and conferring with the Centennial Committee, chaired by former Congressman E. Clay Shaw. Ms. Dinnen and Mr. Williams will be meeting with principals from the City of Fort Lauderdale’s schools tomorrow to ascertain what the school district can do and what students would like to do to celebrate the 100<sup>th</sup> year anniversary of the City of Fort Lauderdale.

Ms. Dinnen stated that South Plantation High School teacher Pamela Krauss is a finalist for the second year in a row for the prestigious Governor's Green School Award. Ms. Krauss and her students built a solar powered irrigation plant for their school garden which raises edible plants. Ms. Dinnen stated that the school district was recognized for their inter-active environmental website, Live Green Learn Green.

Ms. Dinnen informed that New River Middle School is joining the international coastal clean-up effort, More Splash Less Trash, an event held at John Lloyd Park, Leatherback Pavilion on Saturday, September 25, 2010, 9:00 a.m. – 12:00 Noon.

On behalf of Dr. Parks, Ms. Dinnen stated that Deerfield Middle School will join Florida Power and Light's energy initiative, through the efforts of Ms. Maureen Wilt, member of the Broward Education Foundation, who has been very instrumental in getting this project going at the school.

Ms. Dinnen praised the district and the leadership of Mrs. Kraft for their devotion to the arts.

**Mr. Williams** stated that all Broward School students will benefit from the Supporting Arts for Kids fund.

**Mrs. Bartleman** discussed the issue of bonus based on the Tennessee Standardized Exam which uses part of the No Child Left Behind system. She stated the Board needs to look at this in a more comprehensive manner and not look at bonuses as a "quick fix."

Mrs. Bartleman attended the PTA training and vendors fair, attended by students and Mr. Notter. She praised the leadership of Mr. Bernie Kemp, PTA president and thanked parents for volunteering at the schools.

Mrs. Bartleman attended the kick-off event of the Kids in Science Club in Plantation, funded and sponsored by Mr. Eric Hammond. Two lactose-intolerant students suggested to the School Board that water be made available to these students, and ascertain whether this is an issue at other schools.

Mr. Notter stated he will address the issue.

Mrs. Bartleman informed that a proclamation was provided by the City of Sunrise in support of the School Board's efforts of Choose Peace Stop the Violence Week, Stand Up for Peace Across Broward. Mrs. Bartleman stated that the city regularly recognizes a Deputy of the Month, Fireman of the Month and City Employee of the Month. They are also recognizing a Teacher of the Month, a teacher from Banyan Elementary School. Mrs. Bartleman stated that this is a Best Practice and she called on other cities to follow this idea.

Mrs. Bartleman requested the Superintendent to review how some schools are scheduling and "packing" art classes for one person to supervise.

**Mrs. Hope** thanked family and staff of Piper High School for hosting Broward County PTA training for incoming PTAs, with attendance by PTA presidents from throughout the county.

Mrs. Hope stated that she was unable to attend the City of Sunrise support of the Choose Peace and Stop Violence proclamation, due to her attendance at a debate. She thanked Mrs. Bartleman and Amalio Nieves, Coordinator, Student Support Services, for attending on behalf of the district.

Mrs. Hope showcased missing child, Joseph Ezra Martin, white male, date of birth March 9, 1994, brown hair and eyes. Anyone with information please contact your local police or the National Center for Missing and Exploited Children.

**Mrs. Murray** informed that the City of Hallandale presented a proclamation to her regarding Support Peace and Stop the Violence Week, September 20 – 24, 2010. The City of West Park also presented a proclamation in support of the school district's initiative.

Ms. Murray announced that Orange Brook Elementary received the Wachovia/Wells Argo Community Needs Grant. Ms. Gretchen Atkins, teacher, has been identified by the Foundation for Excellence as a contender for the 2010 State of Florida Excel Award. The award recognized up to 110 exceptional Florida educators whose students demonstrated the greatest gains on the FCAT over a three-year period.

Ms. Murray stated that she was invited this morning to attend a South Dade Chamber of Commerce breakfast at Sun Life Stadium, who recognized Senator Federica Wilson and Miami-Dade School Board Member Wilbert "Tee" Holloway.

Ms. Murray stated that she was unaware of a program in Miami-Dade, the Beautiful Girls Club, who work with girls in after-school programs, career counseling, extra curricular activities, sports, community service and school clubs. She stated the program assists low-income students. Ms. Murray further stated that teachers from Hallandale Elementary and Watkins Elementary are participants in this program and they were recognized for their efforts to change the lives of students within their community.

Ms. Dinnen noted that Mr. Holloway is a ex-legislator and is the Legislative Chair for the Florida School Boards Association for this year.

## **SUPERINTENDENT**

Mr. Notter reminded Board Members that the National School Boards Association announced four urban school district finalists for their Urban School Board of Excellence Award. The Superintendent praised the Broward School District for the quality of its education, a two-time Broad national finalist, the top five in America. The district is now a second-time finalist for the National School Board of Excellence.

The judging panel conducted independent research and spoke with the four school boards in their states: Houston; Portsmouth, Virginia; Baltimore, Maryland; and Broward County Public Schools.

Mr. Notter stated that Broward County School Board was judged on excellence in School Board governance, building civic capacity, closing the achievement gap/equity in education, and demonstrated success of academic excellence. The Superintendent stated that he was proud to work for the School Board. Mr. Notter stated that on September 7, 2010, a press release was submitted about this recognition.

### **Speakers**

Andrea Schenck-McKinnon

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

### **CONSENT ITEMS**

#### **A. RESOLUTIONS**

- \*A-1. Resolution in Support of National Red Ribbon Week – October 23-31, 2010 (Adopted)

Adopted Resolution #11-33, in support of National Red Ribbon Week – October 23-31, 2010.

- A-2. Resolution No. 11-34 – Tax Anticipation Notes, Series 2010 (Adopted)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to adopt Resolution No. 11-34, which authorizes and provides for the issuance, sale and application of the proceeds of not exceeding \$125,000,000, aggregate principal amount of Tax Anticipation Notes, Series 2010. Dr. Parks was absent. (8-0 vote)

Tax Anticipation Notes (TANs) are issued by the District pursuant to Section 1011.13 of the Florida Statutes. TANs are a form of short term borrowing (for a period of less than 1 year), supported by property tax revenues and are issued to overcome an expected General Fund cash flow deficiency during the first half of the current fiscal year. This borrowing occurs because of the timing of the receipt of property taxes compared to the timing of expenditures.

The resolution provides the Board's authorization for the District to enter into the agreements necessary to carry out the sale of the TANs, and it includes the Board's covenant to provide sufficient funds in fiscal year 2010-11 to repay the TANs.

The TANs are being sold via competitive bid to insure the lowest possible net interest cost. Once the sale of the TANs has occurred, this resolution authorizes the Superintendent or his authorized designee to award the sale of the TANs to the bidder offering the lowest bid. District staff is then authorized to take the necessary steps to close the sale and receive the funds. The authorizing resolution requires net interest cost to be below 4.00%. The expected closing date for the TANs will be on or about October 19, 2010.

Borrowing operating funds by issuing the TANs overcomes the expected cash flow shortfalls during the first half of the current fiscal year. The District will incur an interest cost expense. Since the District can invest all or a portion of the TANs proceeds prior to repayment, the investment income will offset a portion of the interest expense.

Mrs. Bartleman inquired whether this is money that was borrowed until the state funds are received. She further inquired whether the potential penalty for the Class Size will affect this loan.

Responding affirmatively, Mr. I. Benjamin Leong, Chief Financial Officer, stated that the district will not collect funds until December 2010. This is a temporary cash flow borrowing for three months, until the tax collection starts to arrive in December. Mr. Leong stated that any potential penalty will not come out of the incoming dollars.

Mr. Notter clarified that the penalty dollars and the dollars the district gets back from the 75 percent money is within an extremely tight time frame.

Mr. Leong informed that the penalty for Class Size will be calculated in January 2011 and the Board will have to submit a plan by February 15, 2011; sometime in February they will return the money. He stated that at the end of October the district will not have any more General Fund cash left, so this loan will be paid sometime in January. Mr. Leong concurred with the Superintendent, that this is standard operating procedure in the organization and it is not due to a unique downturn in the economy.



A-3. Resolution Articulating Proposed Constitutional Amendment 4  
(Adopted)

Motion was made Mrs. Kraft, seconded by Ms. Dinnen and carried, to adopt Resolution #11-35 articulating the adverse impact to Broward County Public Schools of passage of Constitutional Amendment 4 Referenda Required for Adoption and Amendment of Local Government Comprehensive Land Use Plans. Dr. Parks was absent. (8-0 vote)

This proposed amendment will require that, before a local government may adopt a new comprehensive land use plan or amend a comprehensive land use plan, the proposed plan or amendment must be subject to a vote of the local electors of the local government. This proposed constitutional amendment will appear on the November 2010 ballot and will have detrimental impact on Broward County Public Schools. Please see text of the resolution.

There is no financial impact to the district at this time, however if Amendment 4 is passed, there will be a financial impact.

Motion to Reopen Agenda (Carried)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to reopen the agenda. Dr. Parks was absent. (8-0 vote)

Mrs. Kraft requested that Agenda Items A-4 and A-5 be pulled for discussion along with Agenda Item A-3.

Motion to Reconsider (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to reconsider Agenda Items A-4 and A-5. Dr. Parks was absent. (8-0 vote)

Motion to Close Agenda (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to close the agenda. Dr. Parks was absent. (8-0 vote)

Agenda Items A-3, A-4, and A-5 were discussed concurrently.

Mrs. Kraft stated that her concerns were related to the district taking a position rather than articulating an adverse impact.

Ms. Dinnen stated that in the past the Board took a position on Amendments 5, 7 and 9.

Concurring, Mr. Marko responded that the Board through resolution opposed proposed amendments. Mr. Marko informed that he recently attended a presentation by Mr. Gary Holland, Assistant General Counsel, the state of Florida department who handles the electioneering issues for the Florida Secretary of State, on the issues pertaining to Florida Statutes Chapter 106, the election laws wherein districts would use public funds to advocate a position, which is illegal. He stated that Mr. Holland forwarded an email to him indicating that if a district expressly advocates the approval or rejection of an item, this falls within the definition of taking an affirmative or negative position of affirmative. Additionally, the use of funds for that purpose could put any district in jeopardy. Mr. Marko advised, to have a resolution distributed to the public through any communication media, as defined in Statute 106.113, may be a violation of the statute.

Mr. Marko further stated, if the Board just passes the resolution without making copies for distribution, that would be acceptable. The problem begins when the district starts to expend funds and makes copies for distribution; whether that could be interpreted that the district was in violation. Mr. Marko advised that he would not be comfortable if the Board were to pass the resolution and start printing volumes of the material and handing it out.

Ms. Dinnen stated it will be effective for the Board to indicate how this resolution will enhance or hurt the district. Ms. Dinnen requested that information about Mr. Holland be sent to her.

Mr. Tynan stated he is not in support of Agenda Items 4 and 5. He inquired if the Board Attorney concurred with the verbiage of Agenda Item A-5.

Mr. Marko concurred.

Motion to Separate (Carried)

Motion was made by Mr. Tynan, seconded by Mr. Tynan and carried, to separate the agenda items for separate vote. Dr. Parks was absent. (8-0 vote)

A vote was taken on the Motion to Separate.

Motion (Carried)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried to vote on Agenda Item A-3. Dr. Parks was absent. (8-0 vote)

A-4. Resolution Articulating Proposed Constitutional Amendment 5  
(Adopted)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to adopt Resolution #11-36 articulating the favorable effect of Constitutional Amendment 5 "Standards for Legislature to Follow in Legislative Redistricting." Mr. Tynan voted "no." Dr. Parks was absent. (7-1 vote)

This proposed amendment will prohibit legislators from drawing legislative districts or districting plans which favor or disfavor an incumbent or political party. Equitable representation benefits Broward County Public Schools by ensuring that issues and concerns are fairly represented before the Legislature.

This proposed constitutional amendment will appear on the November 2010 ballot and will work to establish constitutionally mandated fairness standards in drawing legislative districts.

There is no financial impact to the district.

This item was discussed concurrent with Agenda Items A-3 and A-5.

Motion (Carried)

Motion was made by Ms. Dinnen, seconded by Mr. Williams and carried to vote on Agenda Item A-4. Mr. Tynan voted "no." Dr. Parks was absent. (7-1 vote)

A-5. Resolution Articulating Proposed Constitutional Amendment 6  
(Adopted)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to adopt Resolution #11-37 articulating the favorable effect of Constitutional Amendment 6 "Standards for Legislature to Follow in Congressional Redistricting." Mr. Tynan voted "no." Dr. Parks was absent. (7-1 vote)

This proposed amendment will prohibit legislators from drawing congressional districts or districting plans which favor or disfavor an incumbent or political party. Equitable representation benefits Broward County Public Schools by ensuring that issues and concerns are fairly represented before Congress.

This proposed constitutional amendment will appear on the November 2010 ballot and will work to establish constitutionally mandated fairness standards in drawing congressional districts.

There is no financial impact to the district.

This item was discussed concurrent with Agenda Items A-3 and A-4.

Motion (Carried)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried to vote on Agenda Item A-5. Mr. Tynan voted "no." Dr. Parks was absent. (7-1 vote)

**B. BOARD MEMBERS**

**D. OFFICE OF THE CHIEF AUDITOR**

**E. CHIEF OPERATIONS OFFICER**

\*E-1. Wellness Policy Annual Evaluation 2008 – 2009 (Received)

Received the Annual Wellness Policy Evaluation 2008 – 2009.

The Child Nutrition Reauthorization Act of 2004 mandates the federally required District Wellness Policy, School Board Policy 5314, be evaluated annually and the results of that evaluation be submitted to the School Board.

Typically, the Wellness Policy Annual Evaluation for the school year is presented to the School Board at the conclusion of the calendar year. The 2008-2009 evaluation was delayed due to a change in the evaluation format. The District's Wellness Committee enhanced the evaluation to more clearly identify wellness initiatives, explain data which supports achievements/objectives, and provide a more outcome-driven evaluation format. It is anticipated the policy evaluation for the 2009-2010 school year will be submitted to the School Board at the conclusion of the calendar year as in years past.

There is no financial impact to the district upon accepting this report.

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

\*F-1. Grant Applications (Approved)

Approved the submission of grant applications to:

- A. Autism Speaks Family Services Community Grant, \$23,186
- B. Broward County Sheriff's Office Law Enforcement Trust Fund, \$38,895
- C. Carol M. White Physical Education Program, \$1,803,158
- D. Dollar General Youth Literacy Grants, \$5,000

- E. Florida Inclusion Network, \$212,000
- F. Health Foundation of South Florida Administrative Grant, \$19,045
- G. High School Graduation Initiative, \$5,265,537
- H. The Lois Lenski Covey Foundation, Inc., \$3,000
- I. Mary Turner and Nancy France Fund Grant Applications, \$14,421
- J. Mentoring and Student Assistance Initiative, \$203,108
- K. NEA's Green Across America, \$866
- L. School Improvement Grants 1003(g), \$2,277,879
- M. Smaller Learning Communities (SLC), \$4,451,379
- N. Target Community Giving Grants Program, \$4,000

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

The positive financial impact is \$14,321,474 from various sources. There is no additional financial impact to the school district.

\*F-2. Amendment 1 to Contract with MDRC (Approved)

Approved Amendment 1 to the existing contract with MDRC. The contract amendment from MDRC will amend the original contract in which MDRC receives a grant from the U.S. Department of Education and subcontracts a portion of the grant to the District. The modification affects the "Disbursement of Funds by MDRC and SBBC's Reporting Requirements" section. This section previously indicated that MDRC would make an annual disbursement of funds to the District contingent upon MDRC's approval of the District's performance. This section will be modified to indicate that MDRC will make an annual disbursement of funds to the District once the U.S. Department of Education has appropriated funds to MDRC. The original contract was approved by the Board on August 18, 2009 (F-1).

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

There is no financial impact to the school district.

\*F-3. Supplemental Education Services (SES) Agreement – Third Round Part 1 (Approved)

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

There are currently 191 State-approved vendors who are eligible to offer SES services in Broward County and have expressed an interest.

The current agreements are for the following providers: 1) Combined Expertise, Inc., 2) 4th Ave., Church of God, Inc., 3) Digital Network Group, LLC, 4) Hamilton and Harris Educational Consulting Group LLC, 5) Florida Group Learning Centers, LLC, 6) Michael Hennessy Tutoring, 7) Ready 2 Learn, Inc., 8) T and T Learning Center, Inc., 9) Abecedarian, Inc., 10) All Stars Day School, 11) Eagle Wings International Cathedral Ministries, Inc., 12) ILearned Online, L.L.C., 13) Light of Life Worship Center, Inc., 14) Learning Emporium Educational Services.

Vendors can receive up to \$1,502 per pupil for student tutoring services. This is equal to the per pupil appropriation given the District under the Title I program. Based on the required Title I set aside for SES, it is anticipated that 6,255 students can potentially be served in the 2010-2011 school year. There will be additional contracts forthcoming due to the high volume of approved providers.

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

The School Board Attorney has approved all agreements as to form and legal content.

The financial impact for this initiative is up to \$1,502 per approximately 6,255 students. The source of funds is the District's Title I SES federal required set aside of \$9,395,383. There is no additional financial impact to the district.

\*F-4. Agreement between The School Board of Broward County, Florida, and Carlton Palms Educational Center Incorporated, (M.Z.B.) (Approved)

Approved the Agreement between The School Board of Broward County, Florida, and Carlton Palms Educational Center Incorporated. M.Z.B., is an elementary school student with eligibilities under Autism Spectrum Disorder, Deaf or Hard of Hearing, Language Impaired and receives Occupational Therapy. The student is a client of the Agency for Persons with Disabilities (APD). APD has independently agreed to place this student in a residential facility (Carlton Palms). The District has determined that this student does not need residential placement for educational purposes. Rather, the District has developed an IEP that provides an appropriate program at one of the center schools.

While the student's IEP reflects that a residential placement is not required in order for the student to benefit from special education that can otherwise be provided by the District through the day, 6A-6.0361 FAC **Contractual Agreements with Non Public Schools** allows the District to contract with a residential facility when another public agency has placed the student for non-educational purposes.

This Contract outlines the agreement to provide for the costs associated with the provision of special education of the student at the residential facility where APD has recommended placement for non-educational reasons. The source of the funding for the education of the student is from the Florida Education Finance Program (FEFP). Invoicing for payment will be from the enrollment date of M.Z.B., at Carlton Palms. The agreement limits the District's financial responsibility to only those funds generated by the student for a twelve-month period to end on June 30, 2011.

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

The annual financial impact is \$18,355, paid in monthly installments. The source of funding is the student's allocation from Florida Education Finance Program (FEFP).

- \*F-5. Agreement between The School Board of Broward County, Florida, and WorkForce One Employment Solutions (Approved)

Approved the new Agreement NO. 2010-2011-CR-2334-ICON between The School Board of Broward County, Florida, and Workforce One Employment Solutions.

The School Board of Broward County, Florida, has been awarded a grant in the amount of \$310,423, to implement the Introduction to Construction (ICON) Program funded by the Workforce Investment Act Grant (WIA) through the Broward Workforce Development Board. This program integrates a project based learning model and leadership development activities into an afterschool program. Through collaboration with Helping Abused, Neglected, Disadvantaged Youth, Inc., (HANDY Inc.,) and the ACE Mentor Program, ICON will provide life skills/leadership training and remedial enrichment for the participants in the ICON Program at McArthur, Plantation, Blanche Ely, and South Broward High Schools. The Grant funds will be used to provide afterschool and summer leadership experiences for 140 high school Juniors and Seniors. The afterschool program will operate October 1, 2010 – May 31, 2011, (Monday – Thursday); the summer program will run from June 13, 2011 – June 30, 2011, (Monday – Friday), and will include a week-long leadership camp at the Florida Sheriffs Youth Ranch.

WorkForce One funded programs serve economically disadvantaged students, but the student selection criteria differs from program to program. The ICON program serves eligible 11th and 12th grade students. The District has operated programs with similar components since the 1997-98 school year.

Workforce One evaluates the programs quarterly and all performance measures have continuously met or exceeded the evaluation benchmarks. Performance measures include: enrollment of the required number of students who met the WIA eligibility criteria, student participation, attainment of a high school diploma, and a transition to a positive postsecondary activity, such as employment, the military, or advanced training.

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

The positive financial impact to the district is \$310,423. The source of the funds is Workforce Investment Act Grant. There is no additional financial impact to the district.

- \*F-6. Service Delivery Agreement between The School Board of Broward County, Florida, (SBBC), and Hispanic Unity of Florida, Inc., (HUF)  
(Approved)

Approved the 21st Century Community Learning Centers, (CCLC), Service Delivery Continuation Agreement between the SBBC and the HUF.

The SBBC and HUF are in the third year of their five-year partnership to operate a 21st CCLC program at Olsen Middle School. The grant funds will be used to provide academic enrichment and remediation services to students at the schools who perform at or below the 40th percentile on the Florida Comprehensive Assessment Test (FCAT). The program will serve 80 students at Olsen Middle School after school and on Saturdays. The after-school program will operate Monday – Friday, August 30, 2010 – June 3, 2011. The program will operate for eight Saturdays throughout the year at Olsen Middle School.

A portion of the 21st CCLC funds will be used to hire an outside evaluator to conduct an ongoing formative evaluation. This data will be used by the school and HUF to ensure the program's compliance with its objectives.

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

The positive financial impact to the district is \$138,950. The source of funds is the 21st CCLC grant. There is no additional financial impact to the district.



- \*F-7. Service Delivery Agreement between The School Board of Broward County, Florida, (SBBC), and the Young Men's Christian Associations of Broward County Florida, Inc., (YMCA) (Approved)

Approved the 21st Century Community Learning Centers, (CCLC), Service Delivery Continuation Agreement between the SBBC and the YMCA.

The SBBC and YMCA are in year three of their five year partnership to operate a 21st CCLC program at New River and Crystal Lake Middle Schools, and year two of their five-year partnership to operate a 21st CCLC program at Riverland Elementary School. The grant funds will be used to provide academic enrichment and remediation services to students at the schools who perform at or below the 40th percentile on the Florida Comprehensive Assessment Test (FCAT). The after-school program will serve 105 students at Crystal Lake Middle School, 90 students at New River Middle School, and 94 students at Riverland Elementary School. During the summer, the program will serve 105 students at Crystal Lake Middle School, 90 students at New River Middle School, and 94 students at Riverland Elementary School.

The program will serve 90 students at New River Middle School before school, and 94 students on Saturday at Riverland Elementary School. The after-school program will operate Monday – Friday, September 7, 2010 – May 23, 2011, at Crystal Lake Middle School. The after-school program will operate Monday – Friday, September 20, 2010 – May 27, 2011, at New River Middle School. At Riverland Elementary School the after-school program will operate Monday – Thursday, August 30, 2010 – May 12, 2011. The summer program will operate Monday – Thursday, June 20, 2011 – July 14, 2011, at New River Middle School and Riverland Elementary School. The summer program will operate June 20, 2011 – July 28, 2011, at Crystal Lake Middle School. The program will operate for six Saturdays prior to FCAT at Riverland Elementary School.

A portion of the 21st CCLC funds will be used to hire an outside evaluator to conduct an ongoing formative evaluation. This data will be used by the schools and YMCA to ensure the program's compliance with its objectives.

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

The positive financial impact to the district is \$449,950. The source of funds is the 21st CCLC grant. There is no additional financial impact to the district.

- \*F-8. Service Delivery Agreement between The School Board of Broward County, Florida, (SBBC), and After School Programs, Inc., (ASP)  
(Approved)

Approved the 21st Century Community Learning Centers, (CCLC), Service Delivery Continuation Agreement between the SBBC and ASP.

The SBBC and ASP are in the third year of their five year partnership to operate a 21st CCLC program at Oriole Elementary School, and year two of their five-year partnership to operate a 21st CCLC program at Watkins Elementary School. The grant funds will be used to provide academic enrichment and remediation services to students at the schools who perform at or below the 40th percentile on the Florida Comprehensive Assessment Test (FCAT). The program will serve 96 students at Oriole Elementary School, and 106 students at Watkins Elementary School, after-school. The program will serve 68 students at Oriole Elementary School during the summer and 66 students at Watkins Elementary School during the November intersession. In addition, Watkins Elementary School will have a Saturday program that will serve 66 students.

The after-school program will operate Monday – Thursday, August 30, 2010 – June 2, 2011 at Oriole Elementary School. At Watkins Elementary School the after-school program will operate August 23, 2010 – May 26, 2011. The summer program will operate Monday – Thursday, June 20, 2011 – July 28, 2011, at Oriole Elementary School, and November 15, 2011 – November 23, 2011, at Watkins Elementary School during their intersession. The program will operate for six Saturdays prior to the FCAT at Watkins Elementary School.

A portion of the 21st CCLC funds will be used to hire an outside evaluator to conduct an on-going formative evaluation. This data will be used by the school and ASP to ensure the program's compliance with its objectives.

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

The positive financial impact to the district is \$321,092. The source of funds is the 21st CCLC grant. There is no additional financial impact to the district.

- \*F-9. Service Delivery Continuation Agreement between The School Board of Broward County, Florida, (SBBC), and Children's Service Council of Broward County, (CSC)  
(Approved)

Approved the 21st Century Community Learning Centers, (CCLC), Service Delivery Agreement between the SBBC and the CSC.

September 21, 2010

Minutes of Regular Meeting  
Page 18 of 48

The SBBC and CSC are in the second year of their five-year partnership to operate a 21st CCLC program at Northeast and Blanche Ely High Schools. The grant funds will be used to provide academic enrichment and remediation services to students at the schools who perform at or below the 40th percentile on the Florida Comprehensive Assessment Test (FCAT). The program will serve 101 students at Northeast High School and 96 students at Blanche Ely High School, after-school. The program will serve 101 students at Northeast High School and 100 students at Blanche Ely High School during the summer. Blanche Ely High School will have a Saturday program that will serve 100 students.

The after-school program will operate Monday – Thursday, September 13, 2010 – May 5, 2011, at Blanche Ely High School. At Northeast High School the after-school program will operate August 30, 2010 – April 24, 2011. The summer program will operate Monday – Thursday, June 20, 2011 – July 28, 2011, at Northeast and Blanche Ely High Schools. The program will operate for six Saturdays prior to FCAT at Blanche Ely High School.

A portion of the 21st CCLC funds will be used to hire an outside evaluator to conduct an ongoing formative evaluation. This data will be used by the school and CSC to ensure the program's compliance with its objectives.

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

The positive financial impact to the district is \$379,920. The source of funds is \$349,920 from the 21st CCLC grant and \$30,000 from the CSC. There is no additional financial impact to the district.

## G. HUMAN RESOURCES

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

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

The Personnel Recommendations for Instructional Employees include the following items:

1. Teacher Approvals
2. Teacher – Recall from Layoff
3. Temporary Hourly Teacher Approvals
4. Instructional Leaves

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

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

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

The Personnel Recommendations for Instructional Employees include the following items:

1. Instructional Resignations/Retirements/Layoffs

There will be no financial impact to the school district.

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

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

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

1. Non-Instructional Approval(s)
2. Non-Instructional Reassignment(s) – Promotion(s)
3. Non-Instructional Reassignment(s) – Demotion(s)
4. Non-Instructional Substitutes/Temporaries
5. Non-Instructional Leave(s)-Layoff(s)
6. District Managerial/Professional/Technical

7. Reassignment of Current School-Based /District Managerial/Professional Technical Personnel
8. School-Based Managerial
9. School-Based /District Managerial Acting /Special /Task Assignment(s)
10. School-Based /District Managerial /Professional /Technical Leave(s) – Layoff(s)
11. Salary Adjustment

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

Newly-appointed district personnel were recognized and recognized by Board Members Ms. Dinnen, Mrs. Gottlieb, Mr. Tynan and Mr. Williams

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

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

The Personnel Recommendations include the following items:

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

There is no financial impact to the school district.

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

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

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

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

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

Individuals listed meet the requirements for the supplemental positions. The total number of Supplements recommended in this item is 784.

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

- \*G-6. Recommendation(s) for Instructional/Noninstructional Discipline for the 2010-2011 School Year (Approved)

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

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

School Board processes for disciplinary action. The requested action(s) is listed on the attachment.

There is no financial impact to the school district.

## H. ATTORNEY

- \*H-1. Second Amendment to Employment Agreements for Deputy General Counsels Robert Paul Vignola and Marilyn Batista-McNamara; and Assistant General Counsels, Barbara J. Myrick, Thomas C. Cooney, and Ana I. Segura (Approved)

Approved the Second Amendments to the Employment Agreements for Deputy General Counsels Robert Paul Vignola and Marilyn Batista-McNamara; and Assistant General Counsels, Barbara J. Myrick, Thomas C. Cooney, and Ana I. Segura.

The School Board's Legal Services Committee met on September 7, 2010, concerning the Employment Agreements of the Deputy General Counsels and Assistant General Counsels, which expire on October 31, 2010.

The Legal Services Committee recommends the approval of the Employment Agreements of the Deputy General Counsels and Assistant General Counsels for the period of November 1, 2010 through October 31, 2011. The Second Amended Employment Agreements do not provide for an increase in compensation. All other provisions of the Employment Agreements remain in full force and effect.

The Second Amended Employment Agreements do not provide for an increase in compensation, therefore, there is no additional financial impact to the district. The source of funds is the General Counsel's department budget.

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

### **\*I-1. Self-Assessment: Safety & Security Best Practices (Approved)**

Approved Broward's Self-Assessment: Safety & Security Best Practices 2009-2010.

The Safety & Security Best Practices was developed by the Office of Program Policy Analysis & Government Accountability (OPPAGA) and approved by the Commissioner of Education and the Partnership of School Safety & Security in 2001. Since 2001, each school district must use the Safety & Security Best Practices to conduct a self-assessment of the school district's current Safety & Security Practices. Each superintendent shall report the self-assessment results and school board action to the Commission of Education within thirty (30) days following the School Board meeting.

There is no financial impact to the school district.

### **\*I-2. Renewal of Partnership Agreement with Center for Independent Living of Broward, Inc. (Approved)**

Approved the renewal of the Partnership Agreement with the Center for Independent Living of Broward, Inc.

The Center for Independent Living (CIL) provides training to individuals with disabilities.

CIL's High School/High Tech program was designed by the Center in cooperation with school board staff. It serves students with disabilities between the ages of 14-22. The program prepares these students to enable them to live independently as adults. Program services include: Corporate and educational site visits, mentoring, assistive devices, employment skills training and student internships, independent living skills training, and transition from school to adulthood. Services are provided at both CIL's facility and the school site.

The school board attorney has approved this agreement as to form and legal content.

There is no financial impact to the district.

I-3. Agreement for Lobbying Services with Colodny, Fass, Talenfeld, Karlinsky & Abate, P.A. (Approved as amended)

Motion was made by Mrs. Hope, seconded by Mr. Tynan and carried, to approve agreement for lobbying services with Colodny, Fass, Talenfeld, Karlinsky & Abate, P.A., to provide services to June 30, 2012. This motion was superseded by a Motion to Amend (page 27). Dr. Parks was absent. (8-0 vote)

The firm of Colodny, Fass, Talenfeld, Karlinsky & Abate, P.A., for the past eight years, has been part of The School Board of Broward County, Florida's lobbying team and has provided access to the Governor's office, Cabinet offices, legislative leadership and state agency personnel. This agreement will enable The School Board of Broward County, Florida, to continue to call upon the firm for legislative services as directed by the Board and Superintendent to assist in overall lobbying efforts.

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

Compensation for Colodny, Fass, Talenfeld, Karlinsky & Abate, P.A., is \$40,000 for services as needed. This is a \$20,000 per year reduction, therefore, a \$40,000 reduction over the two-year term of the agreement.

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

The financial impact to the District is \$40,000 per year. Funds for this agreement will be available in the 2010-2011 and 2011-2012 Public Relations and Governmental Affairs Department budget.



Responding to Mrs. Kraft's inquiry, Mr. Notter stated that the agreements would be brought forward, after he spoke with each entity, to adjust the cost and then ultimately having all three legislative contracts in place. Moving into the following year a discussion would ensue regarding how many lobbying firms would be needed.

Mrs. Kraft stated that she is not prepared to move forward with the items because she needs to see some concrete data on exactly what services they have provided and what the results of the services have been. She said she would prepare to review the data in a workshop setting as opposed to on the dais.

Mr. Tynan reminded his colleagues that the Board previously debated two contracts at a higher fee, which were approved. He noted that these two firms have cut their rates in half to provide service, an "amazing" reduction and it also brings the political balance that is necessary in the district's lobbying team. Mr. Tynan concurred that there has to be a cohesive team approach in how the district does its lobbying.

Referring to the scope of representation on both contracts, Mrs. Gottlieb stated that the firms have not reduced their scope as much as she would have expected them to with the reduction of the salary that they agreed to. Mrs. Gottlieb further stated that on her visits to Tallahassee she has observed the Colodny firm providing both sides of the aisle representation which is critical in Tallahassee, locally at the state level. She relayed an incident whereby she called the Colodny firm and within 30 minutes they had arranged a meeting with the Governor's office with members of the cabinet. Mrs. Gottlieb said that the firm was very proactive in making sure that if the School Board needed appointments they were ready to assist and help. In addition, they provide monthly updates to the Board which is very useful, knowing what is going on in other school districts throughout the state.

Concurring, Ms. Dinnen stated if this particular firm has not performed it is due to the Board's failure to tell them exactly what the Board wants them to do. She stated when she has called the firm the response has been very quick. Ms. Dinnen further stated that the coordination of the district's lobbying effort should be reviewed and discussed at a workshop. The firm has cut their fee in half and there is a cancellation clause included in the agreement.

Mr. Tynan stated that he did not previously know the firm but has since met and talked with them. He stated, they are good lobbyists and the firm covers all spectrums of the political aisle, which is needed.

Mrs. Kraft stated she does not want to spend any money when it is unknown what the return is on the investment. She said the district should not go forward with any contract when the services provided are unknown. Mrs. Kraft requested a deferral so that a report of services can be provided to the Board, what their activities were over their last contract.

Motion to Defer (Withdrawn)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman, to defer the agenda item to the October 5, 2010 Regular Board Meeting.

Mrs. Murray stated that it behooves the Board to have as many people speaking on behalf of the Board, to keep the Board informed as to what is going on in Tallahassee. Ms. Murray said she would support the agreement.

Mr. Williams stated that both firms play an important part in Tallahassee and can reach people that others cannot reach. He said the Board needs to approve the contract and get a report on what services have been provided to the district.

Ms. Dinnen stated that in addition to the workshop the firms should be given a "laundry list" from the Board; set up a meeting and some general parameters laid out for both firms. She stated if the Board wants to change direction and the Board wants something more concrete, the firms need to be informed of that desire.

Mr. Notter stated that the Colodny firm is an access group and a group that will call, as Mr. Michael Colodny often does call him to ask about a potential bill. In addition, the firm has provided great customer service. Referring to the McKee firm, Mr. Notter stated that the firm has provided, and takes credit for, the \$30,000 that BECON received last year and he keeps a close watch on the WorkForce funding. In addition, there is a relationship between the Department of Juvenile Justice and the Florida Department of Education. Mr. Notter further stated that the main lobbyist contract is with Ms. Georgia Slack, the day-to-day operations person, and these two firms are specialists to help out the district. Mr. Notter said he would not prefer a deferral to a workshop for debate and then brought back to the Board.

Mr. Tynan stated that the Board can move forward today but an overall plan is needed before the next Legislative Session.

Mrs. Kraft stated she would remove her Motion to Defer and substitute it with a Motion to Amend.

Mrs. Bartleman withdrew her second to the Motion to Defer.

Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to approve the Agreement contingent on the Superintendent requesting the Lobbying firm to prepare a report and the School Board receiving the report that would detail what their activities were for the past year. Dr. Parks was absent. (8-0 vote)

Mrs. Bartleman stated that in tight budget times, with limited dollars, when entering into contracts there must be justification for the expenditures.

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

I-4. Agreement for Lobbying Services with McKee Communications, Inc.  
(Approved as amended)

Motion was made by Ms. Dinnen, seconded by Mr. Williams and carried, to approve agreement for lobbying services with McKee Communications, Inc., to provide services to June 30, 2012. This motion was superseded by a Motion to Amend (page 28). Dr. Parks was absent. (8-0 vote)

Clarence McKee, President of McKee Communications, has been a part of The School Board of Broward County, Florida's lobbying team since March of 2007, and has provided access to the Governor's office, Cabinet offices, legislative leadership and state agency personnel. This agreement will enable The School Board of Broward County, Florida, to continue to call upon McKee Communications, Inc., for legislative services as directed by the Board and Superintendent to assist in overall lobbying efforts. The agreement is for a two-year period, July 1, 2010 to June 30, 2012, with provisions for a 30-day cancellation.

Compensation for McKee Communications, Inc., is \$40,000 for services as needed. This is a \$20,000 per year reduction, therefore, a \$40,000 reduction over the two-year term of the agreement.

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

The financial impact to the district is \$40,000 per year. Funds for this agreement will be available in the 2010-2011 and 2011-2012 Public Relations and Governmental Affairs Department budget.

Mrs. Kraft stated that she was more comfortable with this agreement because she is aware of what the firm has been doing; keeping the Board advised and bringing in money for BECON. She said she would nonetheless make the same motion as in Agenda Item I-3.

Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to approve the Agreement contingent on the Superintendent requesting the Lobbying firm to prepare a report and the School Board receiving the report that would detail what their activities were for the past year. Dr. Parks was absent. (8-0 vote)

Mr. Tynan stated that with all vendors for the district there should be diversity across the Board, as with this minority provider.

Mrs. Gottlieb informed that Mr. McKee has indicated to her that he listens very closely to the conversations regarding his contract. She stated Mr. McKee is a great lobbyist and has an excellent firm. She requested that Mr. McKee make more of an effort to work with all Board Members and other district lobbyists in the future. Mrs. Gottlieb informed her colleagues, on the record, that Mr. McKee made certain appointments and she personally felt excluded from certain meetings.

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

**J. FACILITIES AND CONSTRUCTION MANAGEMENT**

J-1. Change Orders (Approved)

Motion was made by Mr. Tynan, seconded by Mr. Williams and carried, to approve change orders as listed for various school projects, and approve an increase of \$1,076,797 to the Capital Projects Reserve. Dr. Parks was absent. (8-0 vote)

<b><u>Pembroke Pines Elementary</u></b>		Change Order 04	\$7,810
Consultant Error	\$1,482		
Consultant Omission	\$630		
Owner Request	\$5,698		
<b><u>Seagull School</u></b>		Change Order 02	\$14,951uip[
Consultant Error	\$9,221		
Consultant Omission	\$5,730		
<b><u>Tropical Elementary</u></b>		Change Order 02	\$1,076,797 (CREDIT)
Owner Request	\$1,080,817 (CREDIT)		
Unforeseen Condition	\$4,020		

Financial Impact: Tropical Elementary – Project No.: P.000138 \$1,076,797 (CREDIT). The resulting financial impact shown above will increase the Capital Projects Reserve by \$1,076,797. There is no additional financial impact to the District for the remaining projects.

Referring to Seagull School Consultant Error, Ms. Dinnen inquired whether the district is going to investigate the possibility of recovering the cost from the consultant.

Mr. Tom Lindner, Acting Deputy Superintendent, Facilities and Construction Management, responded that the district will be seeking recovery from the consultant of the damages to the district for the loss of competitive bidding for this work, which is standard practice for the Facilities department with all Error and Omission change orders.

Responding to Mrs. Kraft's inquiry about the credit of \$1 million from Tropical Elementary, Mr. Lindner responded that the funds will go into the Capital Funds Reserve and it is available to be re-programmed for any other capital need in the district.

Remarking that the district assesses projects by need, Ms. Dinnen requested a list of where the credits have come from.

- J-2. Lease Agreement between N/S Sawgrass Office Associates, LLC., and The School Board of Broward County, Florida, for Building "H" at Sawgrass Technology Park (Approved)

Motion was made by Ms. Murray, seconded by Mr. Tynan and carried, to approve the Lease Agreement between N/S Sawgrass Office Associates, LLC., and The School Board of Broward County, Florida, for Building "H" at Sawgrass Technology Park. Dr. Parks was absent. (8-0 vote)

The South Area Superintendent's Office, Central Area Superintendent's Office, Enterprise Resource Planning (ERP), Capital Budget and Financial Reporting Departments, and the Office of the Chief Auditor have occupied 114,928 square feet of office space within Building "H" at the Sawgrass Technology Park (Sawgrass) under sublease agreements with ABN AMRO Mortgage Group, Inc., and Mortgage Systems International (MSI), LLC., for the past five (5) years. The sublease agreement with MSI expires on November 15, 2010, and the ABN AMRO sublease agreement expires on December 31, 2010.

In April 2009, the School Board sold the Hortt Administrative Center Site to the City of Fort Lauderdale and leased back the property from the City of Fort Lauderdale for a period not to exceed two (2) years. Thus, Hortt must be vacated by April 27, 2011.

Over the past three (3) years, staff has searched the marketplace for properties to either purchase or lease, to accommodate the relocation of these administrative offices at the Sawgrass office location, and the Facilities Department at the Hortt Complex. At the direction of the Superintendent, staff explored the use of existing portable facilities at New River Circle in the City of Sunrise, and 172nd and Pines Boulevard in the City of Pembroke Pines for potential use as administrative offices for the South Area Superintendent's office. A presentation of Administrative Sites made at a School Board Workshop on June 7, 2010, revealed that it would be more economical to continue leasing space at Sawgrass than to relocate the administrative offices to other facilities within the District. Of the two options presented at the SBBC Workshop the School Board selected Option 2, which was to continue to lease space in Building "H" at Sawgrass Technology Park and relocate the Central Area Superintendent's office to the TSSC Annex.

N/S Sawgrass Office Associates, LLC (Landlord) has agreed to lease the space for three (3) years at a below market rental rate, with the first three (3) months of the lease rent-free. The initial \$8.85 rental rate will increase by \$0.50 per rentable square foot on January 1st each year. Operating expenses are fixed at \$7.68 per rentable square foot, excluding janitorial and utility costs.

The Landlord requests the School Board to execute the Lease Agreement first.

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

The financial impact to the School District is \$5,617,393. The source of funding is in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, Appendix E, page 48. There is no additional financial impact to the School District, therefore this item does not require a Collaboration Form from Capital Budget Department.

Responding to Mrs. Kraft's request, Mr. Lindner provided a synopsis of the Board Workshop discussion on this issue. Mr. Lindner stated that the district is currently leasing office space at Sawgrass which houses two Area Offices and several departments. Staff is also located at the Hortt Center and the lease for Hortt, from the City of Fort Lauderdale, will require the district to vacate by the end of March 2011. Staff will begin vacating in December 2010.

Mr. Linder informed that an analysis has been conducted regarding occupying portable sites and a determination was made that the cost over three years to equip the portables to function as office space was \$3 million more than renewing the lease of the existing space and moving additional people into that space.

The district is renewing the lease for the space that is already occupied and moving those people into that space, and finishing the job at the TSSC annex which the district owns and are required to update to code. Mr. Lindner stated that the most cost-effective decision was to renew the lease which is already occupied, and make arrangements to put staff in that existing space by renewing the lease for 3 years, with an option to continue. Mr. Lindner further stated that a study is being made for staff to occupy space at the K.C. Wright building. He stated that Sawgrass will be a "tight" space, particularly for the next 18 months, as there will be more people in the same amount of space.

Responding to Mrs. Bartleman's inquiry about the cost analysis of the use of portables, Mr. Lindner stated there would be developmental issues required with building infrastructure in a portable which includes telephone servers, large area network capability, and parking issues for 700 people. Additionally, a significant amount of money would be needed to put permanent infrastructure into temporary buildings which are also highly vulnerable to hurricane damage and vandalism.

Mr. Lindner concurred with Mrs. Bartleman that this is a temporary situation, for five years.

Mr. Williams inquired how many people will be housed at the K.C. Wright building.

Mr. Lindner responded that half a floor is open right now, with approximately 35 staff members. A floor plan is being developed, with space landing to accommodate these staff.

Mrs. Hope inquired whether notice was provided to local business owners to let them know the district was looking for space at a good rate. She stated there is a lot of empty office space in the downtown area.

Mr. Lindner stated that there was not as large a space that the district could use. He concurred that the district started the process almost a year ago and the negotiations for this lease took six months and the infrastructure was already in place at Sawgrass.

Ms. Murray requested that the district set a goal of three years to get out of the lease business.

Mr. Tynan stated that long-term leasing at Sawgrass is not good business sense in the long term but in the short term, because of the Capital dollars that are not available it is a smart financial decision at the moment.

Mrs. Kraft stated that the landlord has agreed to lease the space to the district at a below market level which is significant, and the first three months of the lease are rent free.

Mr. Lindner stated that the district is currently in the fifth year of a 5-year lease. He stated this rental rate for the new lease is a below-market rate.

The following individual addressed this item:

Patti Good, Board Member-Elect

Ms. Good commented regarding the opportunity for the district to utilize under-enrolled facilities and the lack of a cancellation provision in the 3-year lease.

Mr. Lindner responded that this issue was brought up during negotiations through the ability to sub-let which was part of the lease; the term of the lease was reduced from 5 to 3 years. Mr. Lindner opined that in three years the district will be ready to start moving staff to satellite locations and converted classrooms based upon the Board's commitment to conduct boundary changes. He stated there are no plans to leave the facility within the next three years, default on the lease, or the need to sublet.

Mr. Linder informed that he visited two school districts, in Atlanta and Seattle, where they turned schools into rental properties and teacher housing. He concurred that Broward School District should move in the same direction, eventually.

Mr. Marko advised that with a short-term lease arrangement usually there is no cancellation clause because the person goes through an expense to negotiate; for a two or three-year lease there is not usually a cancellation clause.

Ms. Dinnen stated that it was unknown in 2007 that there would be a massive decline in 2008, other than by finance experts, and it was unknown that the decline of enrollment would level off or bottom out. Remarking that in the next four years there will be 7,000 student decline, Ms. Dinnen said that long-range planning on issues must continue despite the uncertainty in this economic climate.

A vote was taken on the item.



\*J-3. Approve Contract Extension – District Wide Relocatable Buildings – Site Adaptation – Bid No. 2009-03-FC (Approved)

Approved the contract extension for District Wide Relocatable Buildings – Site Adaptation, Bid No. 2009-03-FC for one additional year.

The School Board of Broward County, Florida, approved the award of contracts for District Wide Relocatable Buildings – Site Adaptation on October 20, 2009, with a contract period of one (1) year from the date of execution, and may, by mutual agreement between The School Board of Broward County, Florida, and the Contractor, upon final School Board approval, be extended for two additional one-year periods, at the sole discretion of The School Board of Broward County, Florida, as per the Invitation to Bid – Section 4, Special Conditions – Contract Extension.

Contractor: M.V.P. Contractors, Inc.  
Scope of Work: The purpose of this bid is to establish a term contract for all associated site work for relocatable buildings.

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

\*J-4. Final Construction Documents which include Authorization to Advertise for Bids – District Wide Relocatable Buildings – Bid No. 2010-04-FC (Approved)

Approved Final Construction Documents, which include Authorization to Advertise for Bids for District Wide Relocatable Buildings, Bid No. 2010-04-FC.

Project Consultant: Facilities and Construction Management Division, Design Services Department  
Scope of Work: The purpose of this bid is to establish a term contract for the purchase of pre-engineered and pre-manufactured Concrete, Steel, and/or Alternative Construction Relocatable Buildings.

Final Construction Documents are available for review at the Facilities and Construction Management Division.

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

\*J-5. Pre-Qualification of Contractors – Approval of Application and Issuance of Certification (Approved)

Approved the recommendations of the Superintendent indicated in Exhibit 1. The Qualification Selection Evaluation Committee (QSEC) convened on September 8, 2010, to review Contractor Pre-Qualification Staff Application Review Executive Summaries received for the following contractors and makes the following recommendations to the Superintendent of Schools:

Ampco Electric, Inc. – Issue Recommendation to Not Re-Certify  
Comfort Tech Air Conditioning, Inc. – Issue Recommendation to Not Re-Certify  
Crowther Roofing & Sheet Metal of Florida, Inc. – Issue Recommendation to Not Re-Certify  
Elkins Constructors, Inc. – Issue Recommendation to Not Re-Certify  
G.E. Development of So. Fla., Inc. – Issue Recommendation to Not Re-Certify  
JMW Construction Corporation – Issue Pre-qualification Re-Certification  
Klewin Construction, Inc. – Issue Recommendation to Not Re-Certify  
Sprinklermatic Fire Sprinklers and Fire Alarms, Inc. – Issue Pre-qualification Certification  
Universal Electric of Florida, Inc. – Issue Pre-qualification Re-Certification

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

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

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

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

J-6. Amendment to the Educational Mitigation Agreement Regarding the City of Coconut Creek Regional Activity Center (Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Williams and carried, to deny the Amendment to the Educational Mitigation Agreement regarding the City of Coconut Creek Regional Activity Center. Dr. Parks was absent. (8-0 vote)

In 2005, the City of Coconut Creek filed application with Broward County to change the land use designation of land within the City from commercial and industrial uses to a Regional Activity Center (RAC) designation to enable the development of 2,700 residential units and specific non-residential uses. In the review of the application, District staff determined that the proposed residential units would generate a total of 554 (290 elementary, 130 middle and 134 high school) students and impact the then critically overcrowded Winston Park Elementary, Lyons Middle and Monarch High Schools. Based on the then effective voluntary mitigation program, and consistent with the then effective provisions of the Interlocal Agreement for Public School Facility (ILA) and School Board Policy 1161, the City voluntarily committed to mitigate the anticipated student impact via payment of the cost per student station.

The Broward County Commission approved the application recognizing the City's voluntary commitment and subsequently required the City to enter into a Tri-Party Educational Mitigation Agreement (Agreement) between the City, School Board and Broward County to enable legal enforcement of the commitment. The Agreement was executed by the City, the School Board and finally by Broward County in June 2006.

(See Attachment A for continuation of Summary Explanation and Background.)

Therefore, it is recommended that the School Board should deny the amendment to the Educational Mitigation Agreement regarding the City of Coconut Creek Regional Activity Center.

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

The following individuals addressed this item:

Lisa Aronson, Mayor, City of Coconut Creek  
Michael Moskowitz, Esq.  
Nancy Cousins, Assistant City Attorney, Coconut Creek

Mr. Moskowitz and representatives of Coconut Creek informed the Board that the amendment should not go forward, as the School Board has not had sufficient time, resources, or advice from legal counsel to make an informed decision. They requested the delay of the vote of the School Board, and continue the item to a future date whereby study and careful consideration can be given.

Mr. Tynan inquired whether the purchase by the developer affects how the Board should review this issue; whether the agreement was already in place prior to the time of the purchase or after.

Mr. Alan Gabriel, Esq. responded that the relevant factor would be when the change occurred that started the voluntary mitigation analysis. This was when the city came forward and was seeking to change the land use approval for the property, either commercial or industrial, and seeking a change to residential use. Mr. Gabriel stated that the change to residential is what created the impact to the school district and started the requirement for the mitigation review.

Mr. Tynan stated there is great disparity between the district's and the city's projections as to actual students heading to schools, 554 students versus 400 students.

Mr. Chris Akagbosu, Executive Director, Growth Management, responded that 554 students are anticipated from the total 2,700 residential units, based on the type of residential units. He informed that generation rate studies change every three years based on the interlocal agreements so development review is based on a snapshot in time. Mr. Akagbosu stated that the 2,700 units were reviewed in 2005 to different generation rates and those numbers were captured in the agreement. The mitigation for the project is based on the total number of students generated by 2,700 units for the impact to the school system.

Remarking that at a Board Workshop a discussion was held that exceptions should not be made, Mr. Tynan stated that he has compassion for someone who would like to do a development, putting jobs into the community, putting tax dollars back on the rolls that the schools district could collect from.

Mr. Akagbosu informed that the district's numbers are strictly based on the plat application that was submitted to Broward County. He stated that the same development type is generating 219 students today. The development will include 764 units: 7 townhouse units consisting of 1 one bedroom unit; 5 two bedroom units, 1 three bedroom unit, plus 757 high-rise units.

Responding to Mrs. Hope's inquiry, Mr. Akagbosu stated that the application by the City of Coconut Creek Regional Activity Center was reviewed by the school district in 2005 and finalized in 2006 at the county level. He stated that no mitigation fees have been paid. Mr. Akagbosu further stated that an additional 3,750 units has been added within the boundary by a different owner.

Responding to Mrs. Hope's inquiry, Mr. Gabriel stated that fees have not been paid because they are not due yet on any of the developments. Under the agreements the fees would be due when the building permits are pulled. Mr. Gabriel stated that under concurrency the mitigation review is determined at the time of platting or at the time of site planning, so there are different times in which those fees are required.

Mrs. Kraft, who remarked that it does appear that there is a disparate application and a major discrepancy, inquired about the downside in moving forward.

Mr. Gabriel responded that circumstances have changed since the review was initially done years ago, but there is going to be actual impacts to the school system as these developments come forward. There are benefits that the different developers receive because the developer is able to move forward and not worry about mitigation; they are vested and will not be stopping development. As other new developments would be under concurrency, they would not be permitted to move forward until mitigation was actually accomplished. Mr. Gabriel said that the developer will be able to go forward without space necessarily being available just by paying the fee and moving forward.

Mr. Gabriel stated there is one developer compared to another developer in concurrency, which is the same scenario countywide. He said if the Board wants to change the process, his recommendation would be that the process must be changed to all other Regional Activity Centers and all interlocal agreements. Mr. Gabriel further stated that the numbers were different at that time, they were compared at the time for school impacts at each location, with some schools having greater impacts than other schools.

Mr. Akagbosu informed that there are ten other interlocal agreements with cities similar to this agreement and there are 39 individual developers who have not fulfilled their voluntary mitigation.

Stating that a 10 minute workshop discussion is not sufficient time to make a determination, Mrs. Hope suggested a deferral of the item.

Motion to Defer (Removed)

Motion was made by Mrs. Hope to defer the agenda item.

Due to the lack of a second, Mrs. Hope removed her motion from the table.

Mrs. Bartleman stated that she is uncomfortable not taking the advice of the Board Attorney, as to what is best for the school district and the children. She said that she trusts the recommendations of this issue by staff.

The following individual further addressed this item:

Lisa Aronson, Mayor, City of Coconut Creek

Mrs. Gottlieb stated if there are legal questions or information by the Board, they will be answered by School Board Counsel.

Concurring, Ms. Dinnen stated that the City Council would not ask Mr. Marko to provide legal advice to their city.

Mrs. Gottlieb stated that the Board will approve denial of the item; if there is an opportunity for the city to present the district with additional information, a motion to reconsider at another time may be taken.

Mr. Marko advised that the Board will vote to approve the recommendation.

**K. OFFICE OF CHIEF FINANCIAL OFFICER**

**OPEN ITEMS**

**AA. RESOLUTIONS**

**BB. BOARD MEMBERS**

**CC. BOARD POLICIES**

CC-1. Revisions to Policy 5.1: Enrollment and Withdrawal (Withdrawn)

CC-2. Policy 6000.1: Student Progression Plan (Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve revisions to Policy 6000.1: Student Progression Plan, at this first reading. Dr. Parks was absent. (8-0 vote)

There have been amendments to Florida Statutes 1003.4156 and 1003.42, as well as newly adopted legislation from Senate Bill 4. The School Board previously decided that all legislative changes are not required to follow the traditional process for policy adoption (i.e., Workshops), as they are legally required elements of our policies and therefore discussion is not necessary.

These policy changes must be enacted immediately as they impact students who have already begun the 2010-11 school year. Therefore, Policy 6000.1 is being amended to align with the legislative changes. This language will be added to the Policy.

There is no financial impact.

Remarking that the Board discussed some of these issues at yesterday's workshop, Ms. Dinnen requested the substance of the discussion, how much it will cost the district to implement and when the DOE is going to have the End of Course (EOC) test ready.

Dr. Harrison informed that staff is working closely with Dr. Leontine Butler, Deputy Superintendent, Curriculum, and in the future Dr. Butler will be handling the Curriculum side of Policy 6000.1.

Mrs. Bartleman stated she would like to see the long-term effects and the options provided in writing. Addressing the End of Course exams for students on the Block schedule, Mrs. Bartleman stated that EOC exams should be given at the end of the course. She requested that a letter be written to the Education Commission stating the district's position, that an educational decision is being made that makes no sense and can be modified.

Dr. Harrison responded that she and staff have spoken with the Commissioner and the Chancellor of Education to address these issues. Discussing the Algebra issue, Dr. Harrison stated that the same issue occurs the first year of any new EOC exam.

Responding to Mrs. Bartleman's inquiry about inappropriate courses, such as Chemistry or Physics, Mr. Ralph Aiello, Coordinator Guidance, BRACE, & Academic Advisement, Student Support Services, informed that the graduation requirements are going to apply to anybody who is pursuing a standard diploma. Mr. Aiello stated that as the increased rigor courses are phased in, students will have to continue to pass these courses.

Ms. Dinnen requested that a letter from the Board Chair and the Superintendent to the Commissioner of Education would back up the district's educational platform.

Concurring, Mrs. Gottlieb stated that the letter will also be copied and sent to the Broward Delegation.

Referring to the 3<sup>rd</sup> Grade Inventory Retention, Mrs. Bartleman stated that even though counselors are not placed at all elementary schools the 3<sup>rd</sup> Grade counseling program should be available for retained students. She opined that this should be in conjunction with the Fidelity of Implementation (FOI).

Responding to Mrs. Kraft's inquiry, Dr. Harrison concurred that the key points of the issue can be outlined in school newsletters, such as "blurbs" as was done with the Class Size Amendment, and reviewing how this can be expanded as a vehicle for communication. In addition, staff will meet to review whether all the groups are being notified and how to continue to provide this information as the information is changing. Dr. Harrison stated that the Board will be provided bullet points so that accurate information can be given to their communities.

Ms. Dinnen stated that it will be useful, when the Board begins to receive inquiries and in order that the public understands that the initiative was not on the part of the Board, that the sponsors of Senate Bill 4 be reviewed and its House accompaniment; that contact information be provided for the sponsors, Speaker of the House, President of the Senate, or anyone associated with the passage of this legislation.

Dr. Harrison suggested that a brief be developed for the Board to respond to their constituents, highlighting some of the key points, outlining the origination of the issue, with contact information.

Responding to Mrs. Bartleman's inquiry, Mr. Aiello clarified that the first year of any EOC exam – the exam will count for 30 percent of the student's overall grade. During the second year it will move to a pass/fail format and no longer will require a 30 percent of the student's overall grade. The middle school students will not be impacted in any way by the 30 percent. The students can be impacted next year with pass/fail because they can pass the course with an "A" and fail the exam and not receive credit.

Mrs. Bartleman suggested that the information be placed on Virtual Counselor, or a hyperlink.

Mr. Aiello informed that this is the Secondary Redesign Act which is redesigning all the secondary graduation requirements; TERMS system, Virtual Counselor, report cards, interim reports, senior letters; anything that touches credits, GPAs and graduation. Mr. Aiello stated that everything will have to be realigned to match the new legislation.

The following individual addressed this item:

Robert Mayersohn

September 21, 2010

Minutes of Regular Meeting  
Page 40 of 48



CC-3. Revisions to School Board Growth Management Policy 1161 (Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Williams and carried, to approve the proposed revisions to School Board Growth Management Policy 1161, at this first reading. Dr. Parks was absent. (8-0 vote)

On December 15, 2009, the School Board approved Agenda Item No. J-27, which authorized the formal initiation of proposed amendments to the Amended Interlocal Agreement for Public School Facility Planning (ILA). The proposed amendments were twofold: 1. To change the Level of Service Standard (LOS) from 110% permanent FISH capacity to 100% gross capacity (to enable the use of relocatables) from school year 2010/11, and sunset the use of relocatables in school year 2018/19, while retaining the concurrency service areas (CSA's) as individual school boundaries; and 2. To include amendments proposed by the Staff Working Group (SWG) to address pertinent timeframes and processes in the Amended ILA. The proposed amendments were codified in the Second Amended ILA.

As required by provisions of the Amended ILA, the Second Amended ILA was approved by the School Board, Broward County and 22 municipal signatories to the Agreement, and transmitted to the Florida Department of Community Affairs (DCA) for review and determination of whether the amendments met the requirements of state statutes. In a letter dated August 4, 2010, the DCA notified the School Board, Broward County and the 22 municipalities of its intent to find the Second Amended ILA consistent with the minimum requirements of state statutes. The DCA also advised that the intent would be published in the Florida Administrative Weekly on August 13, 2010, and as defined by state statutes any affected parties have 21 days to challenge the DCA's findings. If no challenge is filed within the designated timeframe, the DCA's findings become final.

School Board Policy 1161 must be changed to enable the District to implement the provisions contained in the Second Amended ILA, hence the proposed revisions to the Policy. A Summary of the proposed revisions to the Policy is articulated in Exhibit 2. The revisions before the Board were generated by staff in coordination with School Board Cadre Attorney Alan Gabriel, and the Board Item including the amendments were subsequently reviewed by Mr. Gabriel and approved as to form and legal content by the School Board Attorney. Therefore, it is recommended that the School Board should approve the revisions to the Policy, at this first reading.

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

Remaking that she was provided a list of individuals who were instrumental in obtaining this ILA, Ms. Dinnen expressed gratitude to everyone for their efforts, by going to a series of municipal and Oversight meetings to get his proposal passed. Ms. Dinnen, who informed that she attended to a few of the Committee meetings, thanked Mr. Chris Akagbosu, Director, Growth Management, and staff for working hard and attending these evening meetings.

CC-4. Revision to Policy 7003 – Pre-Qualification of Contractors and Selection of Architects, Engineers, Design Builders, Construction Managers, and Total Program Managers Pursuant to the Consultants Competitive Negotiation Act (Approved)

Motion was made by Mrs. Bartleman, seconded by Mr. Tynan and carried, to approve revision to Policy 7003 and policy 7003.1, at this first reading. Dr. Parks was absent. (8-0 vote)

Replace existing Policy 7003 and policy 7003.1 (Contractor Pre-Qualification Application Form), with revision. Policy 7003, with 7003.1, was brought to the School Board Workshops on November 3 and December 8, 2009, and June 8, 2010. Staff provided Board Members with recommended changes to review revisions and obtain School Board Member feedback. At the direction of the Board, those changes and changes directed by the Board are reflected in these policy revisions.

Revisions include update of statutory reference, restate and revise language to add clarity, correct employee job titles per organization chart, revise composition of QSEC to eliminate School Board Member participation for pre-qualification of contractors and replace School Board Member participation for selection for award of contracts with community member appointed by Chief Operations Officer and Minority Builders Coalition representative, appointee from the general public to be appointed by the school principal for site specific selections and by the Superintendent of Schools for pre-qualification of contractors and county wide selections, quorum to be six for pre-qualification of contractors, broaden article for lobbying to include Cone of Silence, add language that public officers and employees comply with state Code of Ethics, replace financial disclosure form with Conflict of Interests Form, and revise contractor pre-qualification application to reduce time staff spends reviewing.

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

Responding to Mrs. Kraft's inquiry, Mr. Lindner stated that this policy will be brought back once the Ethics policy is in place, so that provisions can be placed in the QSEC policy. Mr. Lindner stated that he sits on the committee and everyone has worked hand-in-hand to make sure that the policies are in alignment.

CC-5. New Job Description and Minimum Qualifications for the General Counsel Emeritus for The School Board of Broward County, Florida  
(Approved)

Motion was made by Ms. Murray, seconded by Mrs. Hope and carried, to approve the job description and minimum qualifications for the General Counsel Emeritus position for The School Board of Broward County, Florida. This is the first reading. Dr. Parks was absent. (8-0 vote)

The job description, for General Counsel Emeritus, has been created to serve the Broward County School District, the General Counsel, and the Superintendent of Schools as a consulting and advisory resource regarding legal and procedural issues of importance to the School District. See Executive Summary.

There is no financial impact to the district.

The following individual addressed this item:

Bernie Schultz

Mrs. Gracie Diaz, Acting Associate Superintendent, Human Resources, informed that the job description normally includes a pay grade but a pay range is not usually included. Mrs. Diaz stated there is no financial impact when submitting the job description. Once the position is filled a salary amount will be included in the board item.

**DD. OFFICE OF THE CHIEF AUDITOR**

**EE. CHIEF OPERATIONS OFFICER**

EE-1. Bid Recommendations \$1,000,000 or Greater (Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve these Bid recommendations as stated on the award recommendation. Dr. Parks was absent. (8-0 vote)

<u>BID</u>	<u>Title – Location – Amount</u>
11-001N	School and Department Furniture – Various – Amount: \$25,000,000

M/WBE VENDOR(S)

Includes an award recommendation to four certified M/WBE Vendors: Advanced Filing Systems d/b/a Florida Office Systems (White Female M/WBE: Fort Lauderdale, Florida), Apricot Office Interiors, Inc. (African American M/WBE: Miami, Gardens, Florida), Office Elements, Inc. (White Female M/WBE: Pompano Beach, Florida), Office Gap, Inc. (Hispanic American M/WBE: Fort Lauderdale, Florida)

- 11-011R Maintenance and Repair of Elevators and Wheelchair Lifts – Physical Plant Operations – Amount: \$2,500,000
- 11-022R Supply and Install Insulation Materials – Physical Plant Operations – Amount: \$1,900,000
- 11-023R Maintenance and Repair of Athletic Tracks and Playground Surfaces – Physical Plant Operations – Amount: \$8,600,000

Board approval of these Bid recommendations does not mean the amount shown will be spent. This amount represents the estimated contract value and may be spread among the awarded vendors through the term of this contract from available funds already included in various school/department/center budgets.

The financial impact of each Bid Recommendation is indicated on its respective exhibit.

Responding to Mrs. Bartleman’s inquiry, Mr. Donnie Carter concurred that old furniture is being recycled and not a lot of new furniture is being purchased. He stated this is a continuing practice of what was previously implemented.

- FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT**
- GG. HUMAN RESOURCES**
- HH. ATTORNEY**
- II. OFFICE OF THE SUPERINTENDENT**
- JJ. FACILITIES AND CONSTRUCTION MANAGEMENT**

**KK. OFFICE OF CHIEF FINANCIAL OFFICER**

KK-1. Federal Education Jobs Fund – Public Law No. 111-226 (Approved)

Motion was made by Mr. Tynan, seconded by Ms. Dinnen and carried, to authorize the Superintendent of Schools to spend Federal Education Jobs Fund dollars in the following manner: hiring core teachers to move toward class-size requirements (\$13 million), recall teachers (\$5.1 million), recall other staff (\$10 million), reinstate programs (\$15.1 million), and reinstate furloughs (\$4.9 million). Dr. Parks was absent. (8-0 vote)

The District priorities for these funds include hiring core teachers to move toward class-size requirements (\$13 million), recall teachers (\$5.1 million), recall other staff (\$10 million), reinstate programs (\$15.1 million), and reinstate furloughs (\$4.9 million). These amounts are estimated. Broward would receive approximately \$54 million, of which an estimated \$5 million would be eligible for charter schools. The State has not yet published the allocations for school districts.

This bill includes provisions to ensure that states use these funds, among other things, for preservation of jobs serving elementary and secondary education and will be funded through reimbursement. Even though the state will be determining the allocation on the Base Student Allocation (BSA), the funds will be transferred to districts through a reimbursement method.

The financial impact will be approximately \$54 million to the District's share of the Federal Education Job Fund. Approximately \$5 million will go to charters.

The Chair indicated that discussion on the item will be postponed momentarily.

Motion to Postpone (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to postpone until after the 2:00 o'clock time certain. Dr. Parks was absent. (8-0 vote)

Motion to Bring Item to Table (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to return the item to the table for consideration. Dr. Parks was absent. (8-0 vote)

Ms. Dinnen stated that the item will allow the Board to start spending the money as outlined in two different workshops; the reinstatement of programs, including art and physical education, and magnet programs; reinstatement of furloughs, recalling staff, teachers, and the Class Size requirements. Remarking that she reviewed the prohibition of state funds through Tax Watch, Ms. Dinnen stated it is clear language exactly what this money is suppose to be used for and she supports this item. Ms. Dinnen further stated that if the Board does not take advantage of these funds, does not follow the spirit of the law and the letter of the law, it would be a disservice to students and teachers. She noted that the funds will come directly to the district and not to the state, which illustrates the intent of the law.

Mrs. Hope requested that the verbiage in the item, "recall other staff" be changed to include non-instructional staff.

Concurring, Mr. Notter responded that the intent of the language was to include non-instructional staff.

Mrs. Kraft stated that the Board is allowed to use the Jobs bill to hire new teachers, subject to working with the BTU and that the collective bargaining process has to be followed. Mrs. Kraft stated that the .25 mills will only be used for core classes, not go toward re-establishing any electives or specials. Mrs. Kraft stated that filling the other core classes with new teachers would allow returning some of the specials or elective teachers to their positions.

Mrs. Bartleman stated that initially she was excited about receiving the funds and she would have preferred spreading the money over two years. She said that spreading the funds over two years will help to mitigate what occurs next year. Mrs. Bartleman further stated that individuals being hired should be informed that the money and the .25 mills for Class Size is only good for one year, and their jobs may be in jeopardy next year.

Mr. Tynan stated that the money is available and it is appropriate to spend it.

Mrs. Gottlieb stated that the money was given to be used to bring people back to work, to stimulate jobs and the economy, and it is not rational to save the money when there are people who need jobs. Mrs. Gottlieb stated that she is proud of the district for utilizing these funds in the best manner, with the intent of how the funds were to be used.

Responding to Mrs. Hope's inquiry, Mrs. Diaz stated that any school-related positions are permissible with these funds, and the language includes the reinstatement of furloughs.

Ms. Diaz said that those positions that have been added for Class Size have been advertised as one-year only positions. The advertisement for these funds will indicate that the positions will be for one-year only. Ms. Diaz further stated that staff is working closely with the Budget and Area offices, as the Jobs bill funds must be tracked.

Mr. Leong informed that the state will be informing the district about the allocation within one or two weeks.

Mr. Notter informed that staff has worked tirelessly to achieve what the Board expects in the use of these funds.

Mrs. Hope stated that the Board should consider not spending all the funds. She stated that as the district went through the budget process the district was \$30 million short in the budget. The Board approved the .25 mills which will result in \$33 million to fill this shortfall. Subsequently, the district received \$49 million from the Jobs bill. Mrs. Hope opined that accounting should indicate a plus and not a minus and there are sufficient funds to put away for next year.

The following individual addressed this item:

Bernie Schultz

Mrs. Bartleman stated that other large school districts in Florida are preparing for the future and are not using all the funds.

Ms. Murray acknowledged that there were increased insurance costs but the district absorbed some of those costs, equating approximately \$580 per employee.

Following the Call to Order of the Regular School Board Meeting, the following Attorney-Client Sessions commenced at 12:07 p.m.

### **Announcement by Chair**

#### **First Session**

“The School Board of Broward County, Florida, will meet in an Attorney-Client Private Session in accordance with Florida Statutes, Section 286.011(8), today September 21, 2010, 11:20 a.m. The Attorney-Client Session will be held in the Board Room of the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

"The purpose of this Attorney-Client Session is for the School Board and Counsel to discuss pending litigation relative to the following case: DiPompeo Construction Corporation vs. The School Board of Broward County, Florida, Case no.: 10-31869, before the Circuit Court of the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida, A Certified Court Reporter will record the entire session.

"The following persons will attend the Attorney-Client Session: Chair Jennifer Leonard Gottlieb; Vice Chair Benjamin J. Williams; Members, Robin Bartleman, Maureen S. Dinnen, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, (Dr. Robert D. Parks was absent), Kevin P. Tynan, Esq., Superintendent James F. Notter; Neil H. Levinson, Esq.; Thomas C. Cooney, Esq.; and Edward J. Marko, Esq.

### Second Session

"The School Board of Broward County, Florida, will meet in an Attorney-Client Private Session (second session) in accordance with Florida Statutes, Section 286.011(8), at the conclusion of the first session. The Attorney-Client Session will be held in the Board Room of the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

"The purpose of this Attorney-Client Session is for the School Board and Counsel to discuss pending litigation relative to the following case: Liberty Mutual Insurance Company vs. The School Board of Broward County, Florida, before the United States District Court for the Southern District of Florida, Case no. 09-CV-61400. A Certified Court Reporter will record the entire session.

"The following persons will attend the Attorney-Client Session: Chair Jennifer Leonard Gottlieb; Vice Chair Benjamin J. Williams; Members, Robin Bartleman, Maureen S. Dinnen, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, (Dr. Robert D. Parks was absent), Kevin P. Tynan, Esq., Superintendent James F. Notter; F. Malcolm Cunningham, Jr., Esq.; Thomas C. Cooney, Esq.; and Edward J. Marko, Esq.

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

The Attorney-Client Sessions recessed at approximately 12:50 p.m. The Regular School Board meeting reconvened at 1:00 p.m.

**Adjournment** This meeting was adjourned at 6:10 p.m.

RT