

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

December 17, 2013
Tuesday, 10:15 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:17 a.m., Tuesday, December 17, 2013, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Patricia Good, Vice Chair Donna P. Korn; Members Robin Bartleman, Abby M. Freedman, Katherine M. Leach, Laurie Rich Levinson, Ann Murray, Dr. Rosalind Osgood, Nora Rupert; Superintendent Robert W. Runcie; and J. Paul Carland, II., Esq.

Call to Order Mrs. Good, Board Chair, called the meeting to order.

Mrs. Freedman introduced students (Arielle Mellock and Mickalia Whitney) from Westchester Elementary School (appearing through video conference) who led the Pledge of Allegiance to the Flag of the United States of America through sign language.

Minutes for Approval Motion was made by Mrs. Korn, seconded by Mrs. Bartleman and carried, to approve the official minutes for the following Board Meetings: (9-0 vote)

December 2, 2010 - Special - Expulsions

Close Agenda Upon motion by Mrs. Korn, seconded by Mrs. Rupert and carried, the Agenda was approved and declared closed. (9-0 vote)

SPECIAL PRESENTATIONS

Thank you to Katie Leach for Service and Support of ESE Students

Kathrine Francis, Executive Director, ESE & Support Services, led a farewell presentation to Board Member Mrs. Leach for her support to students district-wide and children with disabilities.

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The following individuals shared their thoughts and appreciation to Mrs. Leach:

Baudhuin Preschool (Nancy Lieberman, Sue Cabot, and students Miguel Gonzalez and family) presented a thank-you card;

Floranada Elementary School (John Vetter, Principal and students Michael Zabutarro and Emma Scocchera) presented a thank-you card;

Parkway Middle School (Bradford Mattair, Principal, and Chiantae Roundtree-Jones - ESE Specialist, and 7th grade students Kahli Dennis and Kantimaya Smith) presented a card of handprints from the entire class. Kahli Dennis, a non-verbal student, used an AT device that has been programmed to say "Thank you" to Mrs. Leach;

Plantation High School (Lisa Bartoletti, ESE Specialist, and students Eric Christensen 12th grade, Derek Walker, 12th grade, and Revena Powell, 11th grade) presented a thank you card and spoke about a goal that they have met as a result of Mrs. Leach's support.

Mrs. Francis, on behalf of the ESE & Support Services, presented Mrs. Leach with a picture of the Just Do It! event.

Linda Olds presented a Progress Report (goals) during Mrs. Leach's tenure as Board Member; Molly Johnson paid tribute to Mrs. Leach for being a "mom" for students with disabilities; Natasha Raymond Adams, mother of autistic child (Pasadena Lakes Elementary) handed out symbolic puzzle pieces which reflect the mystery and complexity of Autism Spectrum Disorder; Unidentified Speaker thanked the family of Mrs. Leach for sharing her with "us;" and Rhonda Ward stated it was a joy and a pleasure to pay tribute to Mrs. Leach, an outstanding educator. She presented puzzle pieces to Board Members, Superintendent Runcie, Mr. Carland, and expressed gratitude to Mrs. Francis, ESE department, Michaelle "Mickey" Valbrun-Pope and Jose Dotres, Chief Academic Officer, for their support of ESE.

Mrs. Good and Board Members shared their admiration and passion to Mrs. Leach for helping all students, her leadership, and the sincere desire to make a difference in the lives of students in Broward County.

Mrs. Leach was presented with a bouquet of flowers and a photo session was held with School Board Members and the Superintendent.

Broward Education Foundation Lexus Lease Award

Ms. Murray introduced Jim Dunn (General Manager) and Tony Perez, JM Lexus, and Jorene Jameson, Director, Broward Education Foundation.

Ms. Jameson presented a certificate to Ms. Murray from the Consortium of Florida Education Foundations as a nominee for School Board Member of the Year.

Ms. Jameson congratulated Superintendent Runcie for being selected as Star Superintendent of the Year.

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Ms. Jameson stated that JM Lexus has partnered with Broward Education Foundation to donate a one-year lease for a 250 IS Lexus. JM Lexus is known for its customer service and support of education; running the Tools for Schools Supply Drive this year.

Ms. Jameson stated that the winner of the lease is a School Board employee who was brought to the Board meeting under false pretense.

Mr. Dunn stated that this year's winner of the lease, Joseph Lewis Fursetzer, currently teaches at North Lauderdale Elementary School in the Science, Technology, Engineering, Mathematics program, has been a teacher with the district for 10 years, and an active participant in Education First. Mr. Fursetzer is also a math coach and director of the robotics team.

Mr. Fursetzer extended gratitude to the Broward Education Foundation and the School Board. Mr. Fursetzer spoke about having the opportunity to write a grant last year; partnership between the Broward Education Foundation and Florida Power & Light provided a substantial amount of money to start off a special program at the school. Mr. Fursetzer also spoke proudly of the robotics team competition and its second place finish.

Ms. Jameson stated that one of the Board Members selected the name from hundreds of employees, a 60% increase in the number of employees who gave a \$5 and above donation, and the car was an incentive. Ms. Jameson stated that the winner could not be more appropriate than Mr. Fursetzer, a grant recipient.

Mrs. Freedman congratulated Mr. Fursetzer and thanked him for everything he does for children in District 4.

Mrs. Good thanked the Broward Education Foundation for all their efforts and support provided to teachers every day, and thanked Mr. Dunn for playing Santa Claus.

Presentation of Energy Tools for Schools Energy Conservation Program Certificate of Recognition for the Top Performing Schools in regards to Energy Reduction 2012-2013 School Year

Robert Jindracek, Manager, Energy Environmental Conservation Utility Management, presented the top performing schools in energy conservation for 2012-2013 school year. Beginning in July 2008, the district's energy conservation program Energy Tools for Schools was rolled out to the district. This program was designed through a partnership between district staff from the Energy Conservation department and Florida Power and Light. The program's success is based on usage of allotted consumption for each school and center needed to be established. Another measure of success was the Shared Savings Incentive Program which gives back a portion of the energy dollar saved to schools and centers that show reduced electrical consumption when compared to their baseline usage. 163 of the 238 schools and centers met their goals this year, with incentives totaling \$194,000. Over the past five (5) years since the program started, schools have received \$1.1 million in incentives.

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Mrs. Good stated that in the sixth year of this wonderful program, Mr. Jindracek and his team have done a phenomenal job in this effort and the Board appreciates the efforts of all the schools.

The following schools and centers were recognized for displaying the most significant reductions in electrical consumption for 2012-2013:

Ms. Murray recognized and congratulated Principal Steven Williams and students at Driftwood Middle School.

Mrs. Rupert recognized and congratulated Principal Ann Andersen-Kowalski and students at Bright Horizons Center.

Mrs. Leach recognized and congratulated Assistant Principal Gastrid Harrigan and students at North Side Elementary.

Dr. Osgood recognized and congratulated Principal Casandra Robinson and students at Dillard High School.

On behalf of the School Board, Mrs. Good congratulated all the schools and centers for conserving energy.

Mrs. Korn spoke about the program's incentives for people to change behavior, providing them personal rewards and allowing them to directly participate in the savings and benefits.

Mr. Jindracek informed that when the energy program began the district was paying \$60 million a year and now the district pays \$47 million in energy consumption.

Recognition of Alexis Chung, Homecoming Queen from Cypress Bay and Cypress Bay High's Best Buddies Program

Mrs. Rich Levinson introduced Alexis Chung, Homecoming Queen, Cypress Bay High School, recently featured on television, and elected by Cypress Bay students.

Alexis' mother, Denise Anderson, stated that she is substituting for Alexis's best friend and peer from school, Lexi Sidle, Vice President of the Best Buddies Program (not present). Ms. Anderson stated that Alexis met Lexi through this program that offers inclusion to children with special needs. She said, if it were not for this program Alexis would not be where she is at today, offering her an opportunity to be a normal kid, to be outside of the classroom and joining with other kids and other programs.

Alexis thanked everyone, including her teacher.

Mrs. Rich Levinson introduced Dr. Bonnie L. Finfer, Best Buddies Program Sponsor, and Dylan Warner, Senior and President, Best Buddies Program. Mrs. Rich Levinson informed that Cypress Bay has over 150 members who are paired with the students, an active chapter that holds several events throughout the year, including Halloween dance, Holiday dinner and Winter Wonderland.

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Dylan informed that Best Buddies is an international organization that encourages the formation of long-lasting friendships between students with mental disabilities and typical high school students. These students are paired with a Peer Buddy and Best Buddies facilitates events and activities that they can do together to encourage their friendship. Dylan expressed gratitude to Dr. Finfer for her invaluable work for the Best Buddies club and thanked Lexi Sidle for facilitating Alexis, being paired as freshmen and being together for four years. Through this friendship Alexis was able to get her wish to become homecoming queen.

Dr. Finfer spoke about the Best Buddies pens that the club is selling as a fundraiser for the program. She stated that the club needed to become self-sufficient in order to maintain the chapter as a school of 4,500 students. Dr. Finfer informed that in 2007 a grant was awarded that enabled the club to purchase materials to create the pens for sale, created by students in the special needs class, through a process that involves melting and molding the pens. Orders are placed by a local vendor and a company in New York that orders on Valentine's Day.

Mrs. Rich Levinson stated that there are approximately a dozen Best Buddies chapters in Broward's high schools. Mrs. Rich Levinson noted that the Chair Buddies program began three (3) years ago by former student Alexia Holter, and thanked her for creating this concept that has been incredible for Alexis and students.

Remarking that she attended the Homecoming game where Alexis was crowned, Mrs. Bartleman praised the inclusion and commitment at Cypress Bay and stated it is an effortless and natural environment.

Following the presentation, Alexis met and presented pens to the School Board and the Superintendent.

REPORTS

The following reports were presented:

Employee Unions - Sharon Glickman, Broward Teachers Union President

District Advisory Council - Jodi Klein

Facilities Task Force - Andrew Ladanowski

BOARD MEMBERS

Mrs. Good extended gratitude to Miramar High School Floral Design class teacher, Wanda Piedra and her students for the Winter Wonderland decor in the Board Room, and thanked employees and staff for participating in the Dessert Wonderland.

At the conclusion of the Board Meeting, Mrs. Good extended happy holiday greetings and a happy new year to everyone.

Speakers

Juliet Hibbs
Rhonda Ward
Mary Fertig
Phil Kroyman
Vicente Thrower
Tony Busto
Byron Hall

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

CONSENT ITEMS

A. RESOLUTIONS

- *A-1. Miscellaneous Annual Recurring Board Resolutions for 2013 – 2014 School Year (Adopted)

Adopted annual Resolutions as presented to the Board.

In August 2013, 52 Resolutions were brought to the Board for approval. Since this is a new process, we allowed departments a second opportunity to submit Resolutions. This item supports 5 additional Resolutions.

There is no financial impact to the district.

B. BOARD MEMBERS

E. OFFICE OF STRATEGY & OPERATIONS

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

Approved the recommendations of the Superintendent indicated in Exhibit 2.

The Pre-Qualification Application process is in accordance with State Requirements for Educational Facilities (SREF), F.S. 1013.46, and Board Policy 7003. This item approves the recommendations of the Superintendent of Schools indicated in Exhibit 2. Further explanation is provided in Exhibit 1.

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The Qualification Selection Evaluation Committee (QSEC) convened on November 13, 2013, and December 4, 2013, to review staff's recommendations in response to the submitted pre-qualification applications. Upon review of staff's recommendations, QSEC makes the recommendations to the Superintendent of Schools indicated in Exhibit 2.

Contractor Pre-Qualification Staff Application Review Executive Summaries are available for review at the Supply Management & Logistics Department.

There is no financial impact to the district.

F. OFFICE OF ACADEMICS

- *F-1. Agreement between The School Board of Broward County, Florida and Springtree Rehabilitation & Health Care Center, LLC (Approved)

Approved the continuation Agreement between The School Board of Broward County, Florida and Springtree Rehabilitation & Health Care Center, LLC. The contract period is January 1, 2014 through December 31, 2016.

Currently there are 1,445 Career and Technical Education high school and adult postsecondary students district-wide enrolled in Health Science Education Programs. These students participate in clinical learning experiences through contractual agreements with hospitals, nursing homes, and other healthcare related facilities. The continuation agreement with Springtree Rehabilitation & Health Care Center, LLC provides clinical experiences necessary to meet the Florida Department of Education mandated student performance standards. This agreement also addresses the requirements of regulatory agencies for students to qualify for certification/licensure examinations upon program completion.

Springtree Rehabilitation & Health Care Center, LLC is fully licensed, accredited, and approved for Medicare/Medicaid patients. This nursing home has received an overall three star rating, in accordance with the United States Government Medicare/ Medicaid standards.

In accordance with a School Board request, staff in the Career, Technical, Adult and Community Education Department developed a survey to measure the effectiveness of the clinical experience. The results of the survey will be used to make recommendations for modifying clinical agreements that will strengthen the student's job-site clinical experience and strengthen the overall Health Science Program. A summary of the survey responses from each group indicates an overall rating of 85% as above average.

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

There is no financial impact to the district.

G. OFFICE OF HUMAN RESOURCES

G-1. Personnel Recommendations for Instructional Appointments and Leaves for 2013-2014 School Year (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Leach and carried, to approve the personnel recommendations for the 2013-2014 appointments and leaves as listed in the Executive Summary and respective lists for instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. The teacher approvals on this G-1 item are teachers in subject areas for which there is no surplus and/or layoff teacher in that certification area that could be placed in these positions. (9-0 vote)

The Personnel Recommendations for Instructional Employees include the following items:

1. Teacher Approvals
2. Instructional Leaves

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

Mrs. Korn recognized instructional employee Steve Williams, McArthur High School, who will be taking military leave.

G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 2013-2014 School Year (Approved)

Motion was made by Mrs. Leach, seconded by Mrs. Rupert and carried, to approve the personnel recommendations for separation of employment or discipline as listed in the respective lists for instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. Mrs. Korn was absent for the vote. (8-0 vote)

The Personnel Recommendations for Instructional Employees include the following items:

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

There will be no financial impact to the school district.

Mrs. Rupert recognized and extended best wishes to Caryl Hanlon, Teacher, Piper High School, who is retiring. Ms. Hanlon was praised for her service to the district, a teacher who "broke the mold" and will be missed.

G-3. Personnel Recommendations for Non-Instructional Appointments and Leaves for the 2013-2014 School Year (Approved)

Motion was made by Mrs. Korn, seconded by Dr. Osgood and carried, to approve the personnel recommendations for appointments and reassignments as listed on the Executive Summary, respective lists and individual appointments for Non-Instructional Employees. All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. Mrs. Freedman was absent for the vote. (8-0 vote)

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

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

Funding has been budgeted in the 2013-2014 school/fiscal year for all appointments through June 30, 2014.

No discussion was held on this item.

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Newly-appointed district personnel were congratulated by Mrs. Bartleman, Mrs. Good and Mrs. Leach on behalf of the School Board.

G-4. Personnel Recommendations for Non-Instructional Separation of Employment or Discipline(s) for the 2013-2014 School Year (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Leach and carried, to approve the personnel recommendations for separation of employment or discipline as listed on the respective lists for Non-Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. (9-0 vote)

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)

Employees contesting the recommended discipline may avail themselves of due process rights pursuant to their respective Collective Bargaining Agreements or School Board Policy 4105.

There is no financial impact to the school district.

Mrs. Bartleman inquired about Jason Ramsey, an employee who e-mailed indicating that he could not attend today's meeting and was attempting to meet with staff to discuss his case.

Victoria Kaufman, Director, Non-Instructional Staffing, responded that she will follow-up on the e-mail with Mr. Ramsey. She concurred that the employee will have the opportunity to pursue the grievance process regarding his recommended suspension, following today's Board action.

Dr. Osgood recognized and extended best wishes to Brougner Bass, Assistant Principal, Plantation High School, and Delores McKinley, Manager, Internal Funds, Office of the Chief Auditor, who are retiring. These employees were thanked for their service and dedication to the school district.

Approved in Open Board Meeting, January 22, 2014

G-5. Supplemental Pay Positions – List #11 (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Leach and carried, to approve the recommended supplemental pay positions of employees for the 2013-2014 school/ fiscal year. Mrs. Rupert was absent for the vote. (8-0 vote)

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

The 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 2013-2014 school year.

Individuals listed meet the requirements for the supplemental positions.

Funding has been budgeted in the 2013-2014 school/ fiscal year for all supplements through June 30, 2014.

Mrs. Korn stated she appreciated the timeliness of payments for supplements, and the item provides an additional layer of oversight and transparency in terms of when teachers and staff are receiving their supplements. Mrs. Korn voiced concern that a school has 28 late supplements that were inadvertently not being submitted.

Concurring, Desmond Blackburn, Ph.D., Chief School Performance & Accountability Officer, responded that the administration at that school is aware of the oversight and has taken progressive action with the responsible employees, and will continue to monitor to ensure that that takes place.

G-6. Recommendation(s) for Instructional/Non-Instructional Discipline for the 2013-2014 School Year (RM, PO, JS, AW, SW) (Approved)

Motion was made by Dr. Osgood, seconded by Mrs. Leach and carried, to approve the recommendation(s) for discipline as listed on the Instructional/Non-Instructional staff list. All recommendation(s) are made with the understanding that these individuals will comply with regulations/ policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. (9-0 vote)

Approved in Open Board Meeting, January 22, 2014

This disciplinary action recommendation is a result of an investigation by the Broward District Schools Police Department. 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.

This case was reviewed with the Superintendent of Schools Designee, who agreed to this discipline. The District has 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.

Mrs. Korn stated she had no comments on this item.

G-7. Recommendation(s) for Instructional/Non-Instructional Discipline for the 2013-2014 School Year (MS) (Approved)

Motion was made by Mrs. Rupert, seconded by Dr. Osgood and carried, to approve the recommendation(s) for discipline as listed on the Instructional/Non-Instructional staff list. All recommendation(s) are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. (9-0 vote)

This disciplinary action recommendation is a result of a positive finding on a Reasonable Suspicion test by the Broward District Schools Police Department pursuant to School Board Policy 2400. The individual(s) involved have been provided the opportunity to appear and participate, with representation, in a pre-disciplinary hearing prior to submission of this recommendation. The District has followed the School Board process for disciplinary action. The requested action(s) is listed on the attachment.

There is no financial impact to the school district.

Mrs. Bartleman stated she had no comments on this item.

G-8. Recommendation(s) for Instructional/Non-Instructional Discipline for the 2013-2014 School Year (MFS) (Approved)

Motion was made by Mrs. Leach, seconded by Mrs. Korn and carried, to approve the recommendation(s) for discipline as listed on the Instructional/Non-Instructional staff list. All recommendation(s) are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. (9-0 vote)

Approved in Open Board Meeting, January 22, 2014

This disciplinary action recommendation is a result of a positive finding on a Reasonable Suspicion test by the Broward District Schools Police Department pursuant to School Board Policy 2400. The individual(s) involved have been provided the opportunity to appear and participate, with representation, in a pre-disciplinary hearing prior to submission of this recommendation. The District has followed the School Board process for disciplinary action. The requested action(s) is listed on the attachment.

There is no financial impact to the school district.

Jeff Slade spoke on behalf of his wife Michelle Slade, teacher, Cresthaven Elementary School for 11 years, who is being recommended for termination. Mr. Slade presented a handout which he read from, speaking in support of his wife, and asked the Board to reconsider the vote for the recommendation.

Mrs. Bartleman stated that the employee will have the opportunity to go through the appeals process afforded to all employees.

David Golt, Chief of Police, Broward District Schools Police Department, responded affirmatively, stating that after the Board's vote the employee will have the right to a Division of Administrative Hearings (DOAH) to have a neutral party hear the case. The employee must comply within a timeline for filing that request.

Responding to Mrs. Rupert's inquiry, Mr. Golt stated that filing for the hearing will occur 21 days from the Board's vote.

Mrs. Freedman inquired about the support system within the district pertaining to the appropriate timeline.

Amanda Bailey, Acting Chief Human Resources Officer, informed that there were several conversations between herself, Mr. Golt and Mrs. Slade to review the process details, the AP referral process as it pertains to these situations.

Mr. Golt informed that the employee is sent to the Employee Assistance Program (EAP) and they ensure that the services provided to the employee is appropriate; linking the employee to the appropriate agency to handle the situation. When the employee completes the process there is written notification by EAP that the employee has successfully completed the process. Mr. Golt stated in this particular case, EAP notified that the employee did not successfully complete the process.

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Noting that there were several attempts made to complete the proper paperwork, Mrs. Freedman asked whether the assistance required by the district was provided to the employee, making sure that the paperwork is filed correctly. Mrs. Freedman wanted assurance that district staff provided all the necessary assistance to the employee.

Mr. Golt clarified that there are two separate issues; the successful completion of the program and the filing for leaves.

Mrs. Bailey concurred that the employee failed on both parts. A thorough review of all the information and the facts, leading to the recommendation before the Board today, was made with staff.

H. OFFICE OF THE GENERAL COUNSEL

I. OFFICE OF THE SUPERINTENDENT

- *I-1. Proposed School Board of Broward County, Florida 2014-2015 School Calendar (Approved)

Approved the proposed School Board of Broward County, Florida 2014-2015 School Calendar.

The Calendar Committee comprised of area representatives from various bargaining units, PTA, District Advisory Council, principals, and selected District departments, established the proposed 2014-2015 School Calendar. The proposed School Calendar reflects six paid holidays, ten employee planning days, and six early release days beginning in August and ending in June. Students will begin school on August 18, 2014 and end on June 4, 2015. Spring Break will be March 23, 2015 through March 27, 2015.

On October 8, 2013, staff presented the two draft calendar options for the 2014-2015 school year to the Board. Additionally, staff developed an on-line presentation of the calendar options to solicit feedback from the public. The on-line presentation was featured on the District's home page from October 21, 2013 through October 29, 2013.

Following Board approval of the 2014-2015 School Calendar, staff, in conjunction with the Calendar Committee, will develop the corresponding Year-round School Calendars, Summer Term Calendars for Community Schools and Technical Centers, and Employee Work Calendars. It is anticipated these calendars will be presented for Board approval in February 2014.

There is no financial impact to the District.

Approved in Open Board Meeting, January 22, 2014

I-2. Amendment to the 2013-2014 Organizational Chart – Page 16
(Withdrawn)

*I-3. Petition for Formal Proceedings (RJ) (Received)

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

The Broward District Schools Police Department completed an investigation into allegations of theft. The allegation was thoroughly investigated and the results were presented to the Professional Standards Committee (PSC). A pre-disciplinary meeting was held with the employee, his legal representative, a School Board cadre attorney, and a representative from Broward District Schools Police Department. The cadre attorney prepared the Petition for Formal Proceedings and the employee was provided notice that a recommendation for termination would be presented to the School Board on December 17, 2013. The teacher has the right to request a hearing with the Division of Administrative Hearings (DOAH) within 21 calendar days of the School Board action.

There is no financial impact to the school district.

*I-4. Petition for Formal Proceedings (ML) (Received)

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

The Broward District Schools Police Department completed an investigation into allegations of sexual battery. The allegation was thoroughly investigated and the results were presented to the Professional Standards Committee (PSC). A pre-disciplinary meeting was held with the employee, his legal representative, a School Board cadre attorney, and a representative from Broward District Schools Police Department. The cadre attorney prepared the Petition for Formal Proceedings and the employee was provided notice that a recommendation for termination would be presented to the School Board on December 17, 2013. The teacher has the right to request a hearing with the Division of Administrative Hearings (DOAH) within 21 calendar days of the School Board action.

There is no financial impact to the school district.

J. OFFICE OF FACILITIES & CONSTRUCTION

J-1. Award of Contract – Program Management Services – RFQ No. 2014-31-FC (Postponed)

Motion was made by Dr. Osgood, seconded by Mrs. Rupert, to approve the revisions to the Professional Services Agreement (PSA) and award the PSA for Program Management Services to URS Corporation Southern. This motion was superseded by a Motion to Postpone (page 24). (9-0 vote)

The PSA form was approved by the Board on July 23, 2013, and included recommendations provided by McGladrey LLP. During negotiations, staff sought clarification from McGladrey LLP, for certain provisions in the PSA relating to fees. Staff concluded negotiations with URS Corporation Southern utilizing the clarifications. The clarifications are identified in Articles 5.3.1 and 5.4, at pages 15 and 16 of Exhibit 3. Staff recommends approval of the PSA with these revisions. This item approves the revisions to Articles 5.3.1 and 5.4, of the PSA and includes those revisions in the PSA with URS Corporation Southern.

The Qualification Selection Evaluation Committee recommended the selection of URS Corporation Southern. The Superintendent's Negotiating Committee met with URS Corporation Southern and negotiated fees in accordance with the recommendations of the Superintendent's Parameters Committee and Article 5 of the Program Management Services Agreement. Under the RFQ, the purpose of this Agreement is to provide program management services to the Office of Facilities & Construction. The term of Agreement is for one year with spending authority not to exceed and no more than \$1,750,369 2,000,000, and. The contract may be renewed by Board approval in one-year periods for a maximum of three years and no more than \$1,750,369 2,000,000 per year. A companion item (JJ-5) is being presented to request approval of the ATP for the actual negotiated fee in the amount of \$1,750,369.

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

There is no financial impact at this time. Staff shall present a scope of services and fee proposal in the form of an Authorization to Proceed (ATP) (Attachment 4 to the PSA) to the Board for approval separately. Approval of the ATP shall authorize spending authority and will have a financial impact.

Agenda Items J-1, JJ-5 and JJ-6 were discussed concurrently.

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Through a slide presentation, Jeffrey Moquin, Chief of Staff, oriented the Board as to the intent of Program Management Services for each of the agenda items. Agenda Items J-1 and JJ-5 are directly related to the selection and award of the Program Management Services RFP, while JJ-6 is a related item in terms of how staff intends to proceed with providing oversight.

Mr. Moquin explained that J-1 is the award of the RFP process through Qualification Selection Evaluation Committee (QSEC) seeking to identify the successful proposer. JJ-5 is an authority to proceed for the selected vendor, URS, and authorizes expenditures over the course of the year contract, not to exceed \$1.75,369 million. JJ-6 is a companion item seeking authorization to utilize McGladrey for independent, secondary level of oversight, and provides authorization of spending authority not to exceed \$170,000. Remarking that there was some discussion on whether or not those items needed to be brought forward to the Board, Mr. Moquin stated that staff felt it was important that the Board and the public be fully aware and support the intended direction on how to proceed forward.

Shelley Meloni, Task Assigned Chief Facilities & Construction Officer, informed that during the QSEC process three points of interest occurred: (1) the tie vote between the two (2) vendors - top two firms were tied by the number of number one votes and not points; (2) a tie breaker was determined per Policy 3320 procedure; (3) two breaches in the Cone of Silence and the two firms were disqualified. When the meeting reconvened the chair notified the committee that this occurred.

Mrs. Meloni stated that she and Denis Herrmann, Manager, Supply Management & Logistics, met with staff from Supply Management and Logistics and staff from the audit and the legal departments, Mr. Moquin and Maurice Woods, Chief Strategy & Operations Officer, and reviewed each item that was raised at the meeting and what occurred. Each item was dispelled as having no issue.

Continuing, Mrs. Meloni informed that a decision was made to reject all bids, and Robert Vignola, Esq., Deputy General Counsel, advised that a decision to reject all bids must not be: arbitrary (must have a legitimate business reason), illegal (must comply with governing laws and rules), dishonest or fraudulent. Absent any of these reasons, if the district decides to reject all bids it can be subject to bid protest. Based on the information and advice from the legal department, staff decided to proceed.

Approved in Open Board Meeting, January 22, 2014

Mr. Moquin added that during the process the primary issues were identified and they were detailed in the Board item. As deliberations with legal counsel ensued, none of them independently, or in the aggregate, jeopardized or raised issue with the integrity of the procurement process. Mr. Moquin stated that after those deliberations it was determined that there really was no issue with proceeding forward and awarding because the breach of the cone of silence corrected the issue with the tie, in and of itself.

Mrs. Meloni stated that neither one of the firms that breached the cone of silence availed themselves of the opportunity to file a bid protest, and the time frame of 72 hours had come and gone and no such action was taken by any one of the firms.

Continuing with the slide presentation, Mrs. Meloni outlined the Oversight Structure, noting that the office of Facilities & Construction will have direct oversight of the Program Manager and McGladrey will provide secondary oversight. Mrs. Meloni explained the focus of the primary oversight of the Program Manager and secondary oversight by McGladrey.

Mr. Moquin stated that the item is requesting the Board to issue a one-year performance based contract.

Responding to Mrs. Korn's inquiry, Mrs. Meloni stated that the spending authority under the Request for Qualification (RFQ) was designated as \$2 million and in negotiations with the program manager, and based on the staffing they were offering, the final figure was \$1.75 million. It does represent a reduction.

Mrs. Korn requested that the Board workshop the 90-day timeline to identify all the specific projects with the timelines. Mrs. Korn was under the impression that all of the projects will not be identified in 90 days, when that timeline is received.

Mrs. Meloni responded that as the program manager does his discovery, staff will have to re-evaluate some of those projects going forward because some of them are old. The intent is to lay out a work plan that will span a three-year period and will be divided into what can be accomplished within the three-year period.

Mr. Runcie added that a quarterly report will be provided to the Board of all the work activity and of any changes or additional projects that will be added.

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Responding to Mrs. Korn's inquiry about the spending authority for each of the contracts, Jeff Whitney, Assistant Director, Capital Budget, informed that there is a line item for the Facilities overhead and salaries, indicating the funding for this service.

Mrs. Korn requested that all of the items identified in the RFQ are indicated on the timeline, when the quarterly report is provided.

Referring to the \$170,000, Mrs. Korn requested staff to separate the budget identified in the District Educational Facilities Plan (DEFP) for each of these initiatives.

Mr. Whitney informed that there is a line item for the Facilities overhead and salaries, and through some of the reductions that occurred in staffing that is where all the funding is coming from. It is just additional overhead rather than being staffed. These contracts are being used to accomplish some of those services.

Referring to JJ-5, Mrs. Rupert stated that the office of the Chief Auditor recommended not issuing a lump sum of the \$437,592 to perform the service, and requested a breakdown.

Mrs. Meloni responded that it can be broken down into activities, but this program is not structured to issue Authorization to Proceed (ATP)s for individual projects. Mrs. Meloni stated that with the work plan in place there is something to measure it against; an additional breakdown of services will be done as described in the four activities.

Responding to Mrs. Rupert's inquiry, Mrs. Meloni stated that the actual amount has been lowered and it is capped at \$1.7 million. She stated that part of the scope of work for URS is to audit subcontractors to create audit objectives and may be requested to perform facility audits.

Mrs. Rupert said she would like to see McGladrey be given the opportunity to choose which contract they would like to be part of for the school district. She was of the opinion that it is too close under one umbrella for the company to handle two different functions when they would be auditing themselves.

Mr. Moquin reiterated the role of McGladrey (JJ-6) that is being proposed, and shared what their role was when they were originally hired by the district. Acknowledging the concern regarding McGladrey performing audits, Mr. Moquin stated that they are being hired to serve as additional resource to assist Facility & Construction Management with providing oversight and generating quarterly reports for staff to report on the performance. He stated that Mr. Carland's office has spoken to the fact that there is not a conflict of interest.

Approved in Open Board Meeting, January 22, 2014

Mr. Reilly clarified the concern that McGladrey needs to stay independent because they are the district's financial auditors. He stated if McGladrey was doing the function of what URS was going to do, then it would be an independence issue because they would be monitoring the projects on a day-to-day basis. McGladrey's function is to review what they are doing, checking Facilities and reviewing their payment requests of URS. Mr. Reilly provided the example of KPMG not being the district's external auditor while they managed the operations of the new SAP system.

Dr. Osgood stated that the district having McGladrey as the extra oversight for Program Management will perhaps prevent the district from having what occurred under Agenda Item DD-3, and now recouping moneys. Dr. Osgood stated she was glad to see that drastic measures and bold decisions are being taken to make sure that the district is more efficient and more effective.

Remarking that the focus is to strengthen all processes, Mrs. Meloni stated that would be a good result coming from the extra oversight.

Responding to Dr. Osgood's inquiry about the minority inclusion, Mr. Runcie stated that it is related but it extends into an overall adjustment and review of what is occurring in Purchasing. Recently, a new Director of Purchasing was hired and part of that individual's goal setting is going to be reviewing, revising and enhancing the M/WBE program. When contracts are structured, assurance needs to be made that minority and small business participation is written into the contract in such a way to reach the goals of the district.

Mrs. Bartleman concurred with the Chief Auditor's approval with the McGladrey firm.

Mrs. Rich Levinson said she was pleased that the district is moving in this direction; the timeline and the accountability is crucial, including the visual presentation to the Board. Mrs. Rich Levinson commended staff on the extra oversight.

Mrs. Korn stated that she was not comfortable with the ATP process; this is a process piece and not a Board approval piece (JJ-5). Mrs. Korn said she would prefer a level of consistency and process, and suggested delaying the item.

Mr. Carland advised that the agreement with McGladrey defines that the owner through the Board is the only authorized entity and it is impacted by the approval of the contract (JJ-1). The contract expressly states that the Board is the authorized entity to approve ATPs.

Approved in Open Board Meeting, January 22, 2014

Mr. Carland informed that item JJ-5 does state in the Executive Summary that staff is seeking the approval of the Board to authorize the Superintendent and staff to approve and authorize future ATPs.

Mr. Herrmann informed that in June, when the RFPs and the contract was being prepared it was suggested that the district "mimic" the Orange County Public Schools process. In Orange County, the Board does authorize an annual work authorization. This was done in a manner to be more transparent and follow someone else's best practices.

Mrs. Korn stated that the Board sought to go down the path Orange County was going but it did not mean for this School Board to follow that process.

Mrs. Good spoke about her previous concerns in moving forward with outsourcing facilities, and stated that everyone needs to move together in a manner that moves this district forward. Mrs. Good stated there was a definite intent in being forthright as to how to handle this matter, and having certain safeguards in place and additional oversight is appreciated. Mrs. Good noted that the Board has a right to terminate this agreement for convenience, with seven days notice.

Responding to Mrs. Good's inquiry, Mr. Reilly stated that he spoke with Fred Freeman, partner in charge of the financial audit, and he assured that they will remain independent, going through the process of the yellow book in governmental auditing. Mr. Reilly stated that their independence is maintained because they are doing oversight and a review process, and act as a consultant of actions that may be taken at the request of the Facilities department. Mr. Reilly further stated that they would have declined the job if they felt their independence would be affected.

Mrs. Good and Mrs. Korn requested staff to receive an independent letter regarding the comments of McGladrey not having a conflict of interest.

The following individual addressed this item:

Charlotte Greenbarg

Mr. Runcie stated that a significant step is being taken on the path to performance and integrity in the Facilities & Construction Management program, making leadership changes and McGladrey performing a management review of business processes and practices within this area, as well as district contracts.

Approved in Open Board Meeting, January 22, 2014

Mr. Runcie further stated that a recommendation was made to re-organize the construction management component to reduce costs, get access to talent and expertise, and put the district in a position of restoring capital dollars and begin to meet the needs of the district in terms of technology, facilities, public safety, and ADA requirements. In addition, moving into a process to minimize the amount of litigation, conflict that occurs around these contracts. The Superintendent stated that the structure is right for the district and taxpayers, and the process has integrity.

The following individual addressed this item:

Steve Feldman

Mrs. Korn stated that the speaker has indicated he has not seen an economic analysis and that the district is spending more, without facts being presented to the Board. Mrs. Korn stated as a district, a concerted effort is being made for quality of the product as well as a cost savings; the Board has taken strides to make serious improvements.

Responding to Mrs. Leach's inquiry, Mr. Runcie stated that the total budget for the Facilities department last year was \$3.9 million. The district is spending \$1.7 million and there is no large-scale construction management organization that does not have a project somewhere where they actually had a problem. The issue is, how is the district going to manage this particular relationship and what kind of structures will be placed to ensure that they are executing properly. Mr. Runcie expressed his confidence in moving forward and meeting the expectations of the Board.

Mrs. Rupert inquired about the cost analysis and stated she needed this information prior to voting on the item. She inquired whether the budget for the entire department was \$3.9 million and included the Project Managers Is and IIs.

Mrs. Meloni responded, this is inclusive of Project Managers Is and IIs and the current budget is moving forward with approval of \$1.7 million. She stated that information on remaining staffing costs needs to be researched. There are currently five (5) individuals, one retiring, and sixty (60) people were previously in the department.

Mrs. Bartleman inquired about the threat of litigation of the TSP employee referenced by the speaker.

Approved in Open Board Meeting, January 22, 2014

Mr. Carland responded that he is not aware of the pending arbitration hearing. He stated that Article 18 states that the Board reserves the right to contract out bargaining unit work as long as it is not for the purpose of eroding the unit. There is a reservation of rights to the Board to ultimately make the decision to contract out and the notice to require was no later than 30 days. Mr. Carland further stated he does not know what process has been employed through labor relations to address that particular article.

The following motion was offered to table the items pending staff providing additional information.

Motion to Table (Carried)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to table the item momentarily. (9-0 vote)

A vote was taken on the motion.

Following the action of Agenda Item K-4 and a recess, the following discussion continued:

Mr. Runcie stated that after consultation with staff from Facilities, the labor negotiations team and legal counsel, it was determined that formal notice was issued to the Broward Teachers Union, however, that notice did not have a financial impact because the actual negotiated price of the contract would not have been known. Today will be the formal notification date of what the financial is, \$1.75 million. Mr. Runcie further stated that a formal letter will be prepared, with the attached Board item, and sent to representatives by the end of the week. The Superintendent requested a deferral to the February 4, 2014 Board meeting.

Responding to Mrs. Korn's inquiry about formal notice, Mr. Carland advised that the formal notice requires that the notice be sent along with the notification of anticipated financial impact. There has already been multiple meetings with management to discuss the issue. The postponement of the item is to cure the error of not providing formal notice. Mr. Carland stated that the notice requires a minimum of 30 days to be sent before approval of the item.

Mrs. Rich Levinson offered a friendly amendment that the item be brought back to the January 22, 2014 Regular School Board meeting.

Approved in Open Board Meeting, January 22, 2014

Motion to Postpone (Carried)

Motion was made by Mrs. Rupert, seconded by Mrs. Korn and carried, that Agenda Items J-1, JJ-5 and JJ-6 be postponed to the January 22, 2014 Regular School Board meeting. (9-0 vote)

K. OFFICE OF FINANCIAL MANAGEMENT

K-1. General Fund Amendment as of October 31, 2013 (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Rich Levinson and carried, to approve the General Fund Amendment as of October 31, 2013. Mrs. Rupert was absent for the vote. (9-0 vote)

General Fund Amendment is submitted to the School Board pursuant to State Board Administrative Rule 6A-1.006. This Amendment is for the purpose of updating The Broward County School District Budget for estimated revenues and appropriations changes in the General Fund. Amendment includes information for the month of October 2013.

There is no financial impact to the district.

Referring to 2013-14 General Fund Appropriation Amendment, page 3 of 4, Other Financing Uses, Mrs. Rupert inquired about the increase of \$8,608.

Oleg Gorokhovskiy, Director, Budget, responded that in September there was a purchasing order for emergency drinking water for the schools in the city of Hollywood.

Mrs. Korn inquired about the additional revenue associated with the Code.org program.

Mr. Runcie responded that the resources associated with this program are being provided by the organization and it is not money to the district. In terms of training dollars through certification programs, that would not materialize until students actually enroll in the courses that are going to set up, as teachers get trained in the spring and summer. Mr. Runcie stated that they will come to the district and provide the resources, direct training.

*K-2. Special Revenue Grants Funds Amendment as of October 31, 2013 (Approved)

Approved the Special Revenue Grants Funds Amendment as of October 31, 2013.

Approved in Open Board Meeting, January 22, 2014

Grants Funds Amendment is submitted to the School Board pursuant to State Board Administrative Rule 6A-1.006. This amendment is for the purpose of updating The Broward County School District Budget for estimated revenues and appropriations changes in the Special Revenue Grants Funds. Amendment includes information for the month of October 2013.

There is no financial impact to the district.

- K-3. Interim Financial Statements for the Period Ended October 31, 2013
(Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Korn and carried, to approve the Interim Financial Statements for the Period Ended October 31, 2013. Mrs. Rupert was absent for the vote. (8-0 vote)

Financial Statements are submitted to the School Board pursuant to State Board Administrative Rule 6A-1.008. As of October 2013, the fund balance as a percentage of projected revenues was 3.60% and the fund balance, excluding Charter Schools revenues, was 4.13%.

There is no financial impact to the district.

Mrs. Bartleman thanked staff for the clarification under the Fund Balance - Nonspendable, Restricted, Committed, Assigned and Unassigned. She spoke of the importance of transparency with the public, that these are not dollars that are readily available.

- K-4. Comprehensive Annual Financial Report for Year Ended June 30, 2013
(Approved)

Motion was made by Dr. Osgood, seconded by Mrs. Korn and carried, to approve the audited Comprehensive Annual Financial Report for the year ended June 30, 2013. Mrs. Freedman and Mrs. Rich Levinson were absent for the vote. (7-0 vote)

The audited Comprehensive Annual Financial Report (CAFR) is prepared in accordance with Generally Accepted Accounting Principles. The CAFR will be submitted to both the Association of School Business Officials International (ASBO) and the Government Finance Officers Association (GFOA) for consideration of the Certificate of Excellence and the Certificate of Achievement for Excellence in Financial Reporting awards. In order to be awarded these respective Certificates, the District must publish an easily readable and efficiently organized report. The District has received the Certificate of Excellence for the preceding thirty years from ASBO and has received the Certificate of Achievement for Excellence for the preceding seventeen years from GFOA.

Approved in Open Board Meeting, January 22, 2014

The CAFR was reviewed and approved by the Audit Committee on November 14, 2013. In addition, our external auditors have audited the financial statements and have rendered an unqualified opinion.

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

There is no financial impact to the district.

Mrs. Korn referred to page VIII – Principal Officials – Elected and requested adding appointment dates for herself and Mrs. Leach, the actual service on the Board rather than election date, going forward.

L. OFFICE OF PORTFOLIO SERVICES

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

BB-1. Value Adjustment Board (VAB) Direct Cost Billing (Approved)

Motion was made by Mrs. Rupert, seconded by Dr. Osgood and carried, to approve payment for semi-annual billing for the School Board's share of VAB direct costs. Mrs. Bartleman and Mrs. Leach were absent for the vote (as a result of the Special Presentation of Mrs. Leach). (7-0 vote)

The County Commission uses a Hearing Officer to adjudicate taxpayer petitions concerning property appraisal values and exemptions. The School Board participates in these hearings. The net VAB expenses for the period April 1, 2013 through September 30, 2013 is \$295,560.95. The School Board's share in the cost of the proceedings is 40% of the net expenses.

Donna P. Korn is the representative for the School Board on the Value Adjustment Board and Robin Bartleman is the alternate.

The financial impact to the school district is \$118,224.38. The source of funds is the Board Members' department budget.

No discussion was held on this item.

CC. BOARD POLICIES

- CC-1. Proposed New or Revised Job Descriptions, Minimum Qualifications and Job Titles for Twenty-nine (29) Positions in the Information & Technology Department (Approved as Amended)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to approve the proposed new or revised job descriptions, minimum qualifications and job titles for twenty-nine (29) positions in the Information & Technology Department. This is the first reading. This motion was superseded by a Motion to Separate and Postpone (page 28). (9-0 vote)

The creation or revision of these job descriptions supports the 2012-13 labor negotiations. The creations or revisions will ensure the job descriptions accurately reflect the current title, required qualifications and performance responsibilities of the positions in the Information & Technology Department.

The creation or revision of the job descriptions does not impact the pay grade or salary range of the existing positions. See Executive Summary.

Copies of all supporting documents are available at the Board Members' Office on the 14th floor of the K. C. Wright Administration Center and available online via the Broward County Public Schools eAgenda at: <http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda>.

There is no financial impact to the District.

Responding to Mrs. Rupert's inquiry, Tony Hunter, Chief Information Officer, stated that there are seven (7) new job descriptions; they are not necessarily a part of the Organizational Chart but are positions that will be needed in going forward. There are no open vacancies for these positions, there have been no discussions to fill the positions and the financial impact is not known. Mr. Hunter further stated that in the future these positions will become a part of the 2014-2015 school year. He concurred that the structure is being built for the next school year, when the budget is discussed in the spring.

Mrs. Korn inquired whether some of the positions have been placed on the Organizational Chart.

Mrs. Bailey responded that two (2) positions are new and if approved, the positions will be chart positions. Based on the market analysis, the job description is created according to the functional duties.

Approved in Open Board Meeting, January 22, 2014

Mrs. Korn stated that seven salaries is a significant impact in one department and the presentation of the item indicates there is no financial impact.

Mr. Hunter informed that the position is already funded but the title is changing, and that is why it is showing as a new job description; the fiscal impact is negative. In no cases were the pay grades changed in any of the positions, it was only changing the titles.

Mrs. Korn stated it would not be known at the Board level if the position was filled and it is hard to follow when items are presented piecemeal. She stated she was okay with the item as long as staff will be presenting to the Board beforehand.

Mrs. Good inquired whether these positions would be above the line in the chart.

Mr. Hunter responded that two of the positions are above the line and these positions do not exist currently in the chart.

Mrs. Good stated there was a prior concern with the Superintendent bringing forward an organizational chart and subsequently people were being task assigned and the job descriptions were not created.

Mrs. Good voiced concern that the job descriptions are now being created but the positions are not reflected on the Organizational Chart. She said she needs to see how one position relates to the other position.

Mrs. Good further stated any time a job description is approved there is the potential for a financial impact to the district.

Mr. Hunter informed that the Information Technology Strategic Plan will be presented to the Board at the January 14, 2014 Board Workshop, focusing on the strategic direction for the next five years.

Mrs. Bailey informed that the revisions before the Board are in compliance with the agreement reached in the 2012-2013 bargaining cycle.

Mr. Runcie suggested separating out the job descriptions from the revised job descriptions until after the Board Workshop in January 2014.

Motion to Separate and Postpone (Carried)

Motion was made by Mrs. Rupert, seconded by Dr. Osgood, to separate the seven (7) new positions from the revisions with contract negotiations, and the seven new positions be postponed to the January 22, 2014 Regular School Board meeting. Mrs. Freedman and Mrs. Leach were absent for the vote. (7-0 vote)

Approved in Open Board Meeting, January 22, 2014

Mr. Carland stated that the compound motion would separate the seven (7) new positions and postpone them to a date certain, January 22, 2014.

A vote was taken on the motion.

Discussion continued on the remaining job descriptions.

The following individuals addressed this item:

Steve Feldman, Esq., Broward Teachers Union

Mrs. Korn inquired whether the union has made a specific request to delay these job descriptions.

Dorothy Davis, Task Assigned Director, Employee Relations, informed that during the 2012-2013 negotiation cycle, Article 14 related to layoff positions; in lieu of taking that provision out of the contract, the parties agreed through collective bargaining to look at some revisions in the Information Technology department in terms of how to move forward with layoffs. There was agreement that the IT jobs would be placed in one group for review, and some changes and revisions would be made. The union wanted to ensure that employees who may be bumped this year would have an opportunity to have some training so they can qualify for new jobs they may want to pursue. Mrs. Davis stated that the 29 job descriptions have not been revised in nine (9) years and two months.

Dr. Osgood stated that the district is behind industry standards if the job descriptions have not been revised for nine (9) years. She said it appears that the Preferred Qualifications required a certain educational level and the Minimal Qualifications provided more experience. Dr. Osgood referred to the Project Coordinator, Information & Technology position, Pay Grade 24, and noted that these individuals who had the level of experience were accommodated with the Minimum Qualifications, meeting the balance and working with those individuals.

Mrs. Rupert inquired whether CTACE, vocational schools and municipalities were approached about whether these qualifications are on par with what students would need. Mrs. Rupert stated that the district is missing a great opportunity if students are not able to graduate from high school and/or vocational schools and work for the school district. She stated that students need to grow and become future district workers.

Approved in Open Board Meeting, January 22, 2014

Mr. Hunter responded that these entities have not been contacted because the positions are all within Information & Technology. He noted, there are a number of other job descriptions throughout the district in technology that do not require an associates or a bachelor's degree; none of the district's micro-technician positions require that. It is a starting point, an entry point, and in technology the entry point is required and allows individuals to be able to grow. Mr. Hunter stated there are certain positions that require a high level of skill and a high level of education in order to implement the technologies that the district is seeking to implement for Broward schools, in going forward. These positions have been revised to adjust and ensure that the required qualifications are indicated.

Mrs. Bartleman stated that the majority of these positions are supervisors and coordinators, and senior management and high school graduates would not be able to come in and fill these positions.

Noting her support of the item, Mrs. Bartleman stated that there has been issues with the bumping process and the district's technology is behind where it needs to be, including the district's e-mail server, CAB.

Concurring, Mrs. Freedman stated that in order for the district to move forward and operate as a business, students need to be career ready and the district needs to get qualified people to fill these roles.

Mrs. Leach stated that someone having an associates or a bachelor's degree adds an additional level of accomplishment and growth. She concurred that some students are career-ready and the district should have careers available to them, but these jobs are not those types of jobs.

Mrs. Korn stated that with the bumping issue still in place it is critical to consider what the job descriptions are that an individual would be bumping into. She was of the opinion that this would result in potentially having less quality in a position because someone has been bumped into the position. Mrs. Korn further stated that an associate's degree is the minimum qualification for these jobs. She expressed her support of the item and requested information in terms of budgetary costs for the district.

Mrs. Good concurred that the job descriptions need to be revised in order to pinpoint the necessary experience or technology experience related to the role of these individuals.

Mrs. Good requested information regarding how many current employees fulfilling these positions do not meet the educational requirements that are being proposed with these revised job descriptions.

Approved in Open Board Meeting, January 22, 2014

Mrs. Good voiced concern that employees are fulfilling their roles in their jobs currently and may be impacted based on the change in their job description.

Mrs. Good further requested that language be included in the Board item from the Collective Bargaining Agreement that states all current employees will not be impacted by the revisions of the job descriptions being submitted today for approval.

- CC-2. Revisions to School Board Policy 5000 Educational Facilities, Designation of Schools, School Attendance Zone Boundaries, Development of Positive Alternatives to Accommodate Growth, to Keep Schools Open, and to Eliminate, Consolidate, or Re-Purpose Schools
(Approved as Amended)

Motion was made by Mrs. Rupert, seconded by Mrs. Leach and carried, to approve revisions to School Board Policy 5000, at this first reading. This motion was superseded by Motions to Amend (pages 33, 34, 35 and 36). Mrs. Freedman voted "no." (8-1 vote)

School Board Policy 5000 guides the District in planning of educational facilities, designation of schools, school attendance zone boundaries, development of positive alternatives to accommodate growth, the process for keeping schools open, and/or the consolidation or re-purposing of schools. Recommendations have been reviewed and approved by the Senior Leadership Team and School Board General Counsel Office.

In accordance with School Board Policy 1001, The School Board of Broward County, Florida, has completed the review process for School Board Policy 5000. These revisions were discussed at the September 24, 2013 School Board Workshop, the October 17, 2013 Public Rule Development Meeting, and at the October 22, 2013 School Board Workshop.

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

Referring to page 4 of 8, Mrs. Korn inquired about the process of how comments about boundary proposals are incorporated, including additional input on revised boundary maps.

Approved in Open Board Meeting, January 22, 2014

Leslie Brown, Chief Portfolio Services Officer, responded that currently the maps occur through the I-Zone Voice Committee. As the proposals have been out in the community thus far, any suggestions that occur for additional proposals come up through the December 19, 2013 meeting. The committee deliberates and they will bring forward suggestions if a particular section might want to be moved, or shifting another piece in another direction. Mrs. Brown stated that the proposal would go forward on the internet and also staff converses with the principals and the community to let them know that there has been an additional suggestion that has been brought forward.

Discussing the process for last year, Mrs. Brown stated that some deliberation occurred last year by the I-Zone Voice Committee and the actual recommendations of the committee did not include those scenarios to go before the Board as a recommendation. Those new drawings were actually shared so that people could see there was conversation about some shifts in some of the maps.

Mrs. Brown concurred that the I-Zone owns the map to be able to make any changes and, if changes are made, it is through the I-Zone and they have full discretion as to whether or not they want to take input. If changes are made it would go back to the public, additional comments could be shared, and that information would collectively be presented to the Superintendent for recommendation. Mrs. Brown stated that the only shift in the scenarios thus far is when a map-maker actually asks to remove the map and take it down for consideration.

Mrs. Brown spoke about the challenges of the timeline regarding the disclosure of current information to all constituents. Once the deadline hits as far as submittal of maps, comments are presented; the I-Zone Voice Committee heard every proposer on December 2, 2013.

Mrs. Korn was of the opinion there is an ambiguity in the policy that does not speak specifically to what happens; who owns the proposal and what additional flexibility and opportunity is provided from that point.

Mrs. Brown informed that there is policy and there is Board resolution. To make sure a good overview of the timeline for the process is captured in policy, Mrs. Brown stated there are specifics that could be built into the resolution that is brought forward in April 2014.

Remarking that there must be some ownership of that proposal, Mrs. Korn inquired whether the I-Zone exclusively submits it and whether a proposer can make changes in addition to the I-Zone committee. Mrs. Korn stated that would be appropriate in policy.

Approved in Open Board Meeting, January 22, 2014

Mrs. Brown responded that currently the I-Zone Voice Committee owns it and the Board also owns it. Nothing in the policy limits the ability of any School Board Member for any revisions.

Mrs. Good stated if they own it and they decide not to make any changes they might not recommend the map moving forward and the Board would not have an opportunity to weigh in.

Mrs. Brown stated that every single proposal goes through; the hearings in February and March, all stay on the table. The I-Zone Voice Committee makes recommendations because they are not a voting party.

Mrs. Korn stated if the original proposer hears the feedback, the I-Zone Voice Committee does not decide to make any revisions, and what ultimately comes back to the Board are proposals that include all of the comments. She stated this is not addressed in policy.

Referring to page 7 of 8, Mrs. Korn requested an amendment for clarification.

Mrs. Bartleman requested that language be included that alludes to future transportation.

Motion to Amend (Carried)

Motion was made by Mrs. Korn, seconded by Mrs. Bartleman and carried, to amend Policy 5000, page 7 of 8, 5., Guidelines for the Repurposing of Schools, add third and last sentence: The availability and duration of transportation shall be considered when Choice seats are available. (9-0 vote)

A vote was taken on the Motion to Amend.

Responding to Mrs. Freedman's inquiry, Mr. Carland stated that it is the School Board's responsibility collectively to set boundaries or drawing lines on the map. The requirement under law is to accomplish that task through the rule making process, known as policy making.

Referring to page 4 of 8, Mrs. Freedman voiced concern that School Board Members are tied from weighing in at the beginning of the process, which at the end of the process they have the right to do. She stated that the Board should draw that line at any time in order to apprise the community of those concerns.

Approved in Open Board Meeting, January 22, 2014

Second Motion to Amend (Failed)

Motion was made by Mrs. Friedman, seconded by Mrs. Leach, to amend page 4 of 8, to strike School Board members and/or out of being able to provide the boundary proposals, per Florida Statute. The sentence would begin Members of committees . . . Mrs. Freedman and Mrs. Leach voted "yes." Mrs. Bartleman, Mrs. Good, Mrs. Korn, Mrs. Rich Levinson, Ms. Murray, Dr. Osgood, and Mrs. Rupert voted "no." (2-7 vote)

Mrs. Leach concurred that if changes are to be made, some time is needed to alert the community as soon as possible. She stated that many people in the community know these areas very well, including members of the I-Zone Committee. Mrs. Leach stated she did not support including that sentence in the past.

Mrs. Bartleman stated that this is not the place to draw the maps. The Community School Boundary Process seeks to solicit these ideas and if Board Members are to draw their maps, then there should not be a policy. Mrs. Bartleman stated if the Board supports this amendment, the whole process should be revamped.

Mrs. Rupert praised the boundary process that has evolved over the recent years, and stated she would not support the amendment.

Dr. Osgood stated that an individual Board Member should not have the only absolute answer as to how the community should be bounded. Once the information from the community is presented to the Board, a Board Member can then provide input. When the Board makes a decision that includes everyone's thoughts and ideas, or have taken them into consideration, the end result will be the best decision.

Mrs. Korn stated that through the process there are means to provide as much information as possible without necessarily submitting the proposal. Mrs. Korn further stated that Board Members bring a great deal of information but it does provide a cloud when a Board Member becomes a proposer, and ultimately the Florida Statute provides rights to the Board Member.

Mrs. Rich Levinson stated that the Board has discussed in Board Workshops the interest in hearing from the community. In order to leave an open process, receive the most feedback from the community, Board Members should not be submitting proposals and the I-Zone Voice Committee should not be submitting proposals, as these groups need to discuss and deliberate and at the end make a decision.

Approved in Open Board Meeting, January 22, 2014

Remarking that the policy should remain, Mrs. Rich Levinson stated there should be assurance that when the I-Zone does take ownership and if they make a change, that there is significant time for the Board to receive both proposals.

Mrs. Good stated that one of the issues discussed by the Board early on in the process was to ensure that the community felt empowered in what was being done. The policy clearly meets the statute and makes the statement that it is a community-driven process.

Mr. Carland informed that the paragraph referred to makes the point that ultimately it is the Board's decision; when the Superintendent makes a recommendation, as with all policies, it is then the Board's policy to make final decisions.

Mrs. Bartleman stated that vital information can be provided at Board Workshops.

Responding to Mrs. Rupert's inquiry, Mr. Carland stated at any time, regardless of the process, Board Members would not be permitted to discuss an item that potentially is going to come before the Board for discussion. If this particular prohibition was not in the policy and maps were submitted at the beginning, there would not be an opportunity for Board Members to discuss that map because, ultimately, those recommendations do come before the Board.

A vote was taken on the Second Motion to Amend.

Mrs. Freedman offered the following amendment:

Third Motion to Amend (Failed)

Motion was made by Mrs. Freedman, seconded by Mrs. Leach, to amend language, that members of committees can become a map proposer (to strike out committee member from the second paragraph, but also limit their ability to vote on whatever proposals are submitted).

Mrs. Freedman and Mrs. Leach voted "yes." Mrs. Bartleman, Mrs. Good, Mrs. Korn, Mrs. Rich Levinson, Ms. Murray, Dr. Osgood, and Mrs. Rupert voted "no." (2-7 vote)

Mrs. Rupert stated that committee members must follow the Sunshine Law and the amendment would create a conflict of interest and the appearance of impropriety.

Mr. Carland responded that the issue would arise if a member of a Sunshine committee was to submit a map they would only be permitted to discuss as a proposal their map with fellow committee members in a Sunshine meeting.

Approved in Open Board Meeting, January 22, 2014

Mr. Carland stated that the Sunshine Law would not prohibit the submission of a map but it would clearly prohibit the discussion of that map between committee members in any situation other than a Sunshine public meeting.

Mrs. Korn offered a friendly amendment, that in the event a committee member did submit they would be required to recuse themselves from voting on that map.

Mrs. Bartleman stated that the I-Zone Voice Committee should appear to be neutral parties so they can effectively guide the community through the process. It is the same point as a School Board producing their map; the perception to the public will be why the Board Member appears when the person running the process already has a map.

Mrs. Leach stated it is disingenuous to ban people from submitting maps and the policy should be created to be transparent.

Mrs. Rich Levinson stated when the I-Zone Voice Committee submits a map which clearly states what they think, they are not representing their I-Zone, they are representing their personal thoughts and not taking into account all the maps that have been submitted.

A vote was taken on the Third Motion to Amend.

Mrs. Bartleman inquired about the cut-off point to submit maps.

Mrs. Brown responded that there is a cut-off date for community proposals of October 4, 2013. The month of October and November were left open to share those proposals with the community, with most occurring in November. The deadline for electronic communication was November 11, 2013.

Mrs. Korn offered a motion to clarify policy language that the I-Zone Committee and the original proposer may submit a revised map and subsequently reviewed by the community.

Fourth Motion to Amend (Carried)

Motion was made by Mrs. Korn, seconded by Mrs. Rich Levinson and carried, to amend Policy 5000, to reflect the map proposer and the I-Zone committee has the ability to amend the maps; maps will denote who made the changes and be posted for comments. (9-0 vote)

Mrs. Freedman stated that the I-Zone and the proposer should have the ability to make the amendments in the appropriate manner and appropriate time for review by the community.

Approved in Open Board Meeting, January 22, 2014

Mrs. Good clarified that the proposed changes would be done at an I-Zone committee meeting by either the I-Zone committee or the proposer at that time.

Mrs. Brown informed that the I-Zone Voice Committee and the map proposer would be given the opportunity on December 19, 2013 to modify the maps. Any modified maps would be brought to the Board at the January 14, 2014 Board Workshop, which would be the opportunity for the Board to weigh in and give staff additional input if something needs to be modified further. Mrs. Brown stated if there are modifications done on December 19, it is with the expectation that staff notifies the community within two (2) weeks of those modifications.

Concurring, Mrs. Rich Levinson stated if there is transparency, it goes back out to the community and the map proposer. If a small segment feels a certain way, the Board needs to know what the other segment feels.

Mrs. Brown informed that information for the community would be posted on the district's website, alerting the principals and sending them any revisions to the maps to put on their school's website, and to make sure that any further impacted community members would get a Robocall or a text.

Mrs. Freedman stated that people need to be afforded the opportunity to submit their comments.

Mrs. Good responded that the process is still the same; the I-Zone committee can make a change and during that period of time feedback could be provided.

Concurring, Mrs. Brown stated that the new map would be posted and staff would collect any feedback electronically.

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

CC-3. Revisions to School Board Policy 5004.1 – School Choice (Approved)

Motion was made by Dr. Osgood, seconded by Mrs. Rupert and carried, to approve revisions to School Board Policy 5004.1, at this first reading. Mrs. Korn and Ms. Murray were absent for the vote. Mrs. Leach voted "no." (6-1 vote)

Approved in Open Board Meeting, January 22, 2014

School Board Policy 5004.1 establishes school choice (Magnet Schools, NOVA, Opportunity Scholarship Program, reassignments, College Academy at Broward College, and Broward Virtual Schools) in the District. Recommendations have been reviewed and approved by the Senior Leadership Team and School Board General Counsel Office.

In accordance with School Board Policy 1001, The School Board of Broward County, Florida, has completed the review process for School Board Policy 5004.1. These revisions were discussed at the September 24, 2013 School Board Workshop, the October 17, 2013 Public Rule Development Meeting, and at the October 22, 2013 School Board Workshop.

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

Mrs. Leach voiced her concern about the changes that were made with the Nova programs; updating the policy to fit what a program is doing as opposed to a program implementing what the policy says.

- CC-4. The School Board of Broward County, Florida Employment Handbook for-Bargaining Unit Employees: Educational Support Management Association of Broward, Inc., (ESMAB), Broward Principals and Assistant Association (BPAA), and Confidential Office Personnel (COPA) (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Leach, and carried, to approve the amendments to The School Board of Broward County, Florida Employment Handbook for Non-Bargaining Unit Employees: *Broward Principals and Assistant Association (BPAA)*, and approval to begin the implementation of the Handbook amendments after the first reading is approved. This is the first reading. Mrs. Freedman, Mrs. Korn and Ms. Murray were absent for the vote. (6-0 vote)

The School Board of Broward County, Florida Employment Handbook for Non-Bargaining Unit Employees: *Educational Support Management Association of Broward, Inc., (ESMAB), Broward Principals and Assistant Association (BPAA), and Confidential Office Personnel (COPA)* has been revised in accordance to Florida Statute 1012.22 requiring a Pay for Performance plan for School Administrators. See Executive Summary.

There is no financial impact to the district.

No discussion was held on this item.

Approved in Open Board Meeting, January 22, 2014

CC-5. Revisions to School Board Policy 2314, Leases – Rental and Contracts of Real Property and Facilities Leased by the School Board (Approved)

Motion was made by Mrs. Rupert, seconded by Dr. Osgood and carried, to approve the revisions to School Board Policy 2314, Leases – Rental and Contracts of Real Property and Facilities Leased by the School Board at this first reading. Mrs. Freedman, Mrs. Korn and Ms. Murray were absent for the vote. (6-0 vote)

School Board Policy 2314 governs the long-term lease of real property by the School Board. The proposed changes to the Policy are primarily meant to clarify certain provisions in the Policy, ensure that all lease agreements are processed for School Board consideration and formal approval by the Facility Planning & Real Estate Department, ensure that due diligent processes are followed for new leases and renewal of existing leases, stipulate minimum timeframes that new leases and lease renewals must be scheduled for School Board consideration and formal approval, and authorize school principals and facility directors to enter into short term rental agreements of no more than three (3) days in duration for the use of outside facilities without formal School Board approval.

These revisions were discussed at the January 8, 2013 School Board Workshop, the February 21, 2013 Public Rule Development Meeting and at the June 18, 2013 School Board Workshop.

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

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

No discussion was held on this item.

DD. OFFICE OF THE CHIEF AUDITOR

DD-1. Internal Audit Report – Audit of the Internal Funds of Selected Schools
(Received)

Motion was made by Mrs. Rupert, seconded Dr. Osgood and carried, to receive Internal Audit Report – Audit of the Internal Funds of Selected Schools. Mrs. Freedman, Mrs. Korn and Ms. Murray were absent for the vote. (6-0 vote)

Audit of the Internal Funds of Selected Schools were performed, as authorized by the Florida State Board of Education Administrative Rule 6A-1.087(2) and School Board Policy 1002.1.

Approved in Open Board Meeting, January 22, 2014

The Audit report represents 8 schools in which a total of 6 schools had no audit findings and 2 had some audit findings.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Audit Committee's November 14, 2013 meeting.

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

Mrs. Good recognized and congratulated the three (3) high schools and three (3) elementary schools with no exceptions.

DD-2. Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2013-2014 (Received)

Motion was made by Dr. Osgood, seconded by Mrs. Rupert and carried, to approve receive Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2013-2014. Mrs. Korn and Ms. Murray were absent for the vote. (7-0 vote)

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

The Audit report represents 35 locations in which a total of 33 locations had no audit findings and 2 locations had audit findings.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's November 14, 2013 meeting.

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

Mrs. Rich Levinson commended and congratulated the 33 out of 35 locations, schools and departments with no audit findings; there was .003% items not accounted for.

Approved in Open Board Meeting, January 22, 2014

DD-3. Internal Audit Report – Review of Norcrest Elementary School Phased Replacement Phase III of III Project No. 0561-24-01 / P.000105 Financial Closeout – Final Change Order No. 5 Agenda Item JJ-99D (Received)

Motion was made by Mrs. Rupert, seconded by Mrs. Bartleman and carried, to receive Internal Audit Report – Review of Norcrest Elementary School Phased Replacement Phase III of III Project No. 0561-24-01 / P.000105 Financial Closeout – Final Change Order No. 5 Agenda Item JJ-99D. Mrs. Bartleman was absent for the vote. (8-0 vote)

In accordance with the 2013-2014 Audit Plan, we reviewed the Norcrest Elementary School Phased Replacement Phase III of III Project No. 0561-24-01. The primary objectives of the audit were to determine if the Cost of Work charges made by Stiles Construction Co. (Construction Manager) were in compliance with the terms of the contract documents and to review the proposed return of cost savings (return of unused project funds) in the amount of \$94,942 in subcontractor adjustments to determine reasonableness and compliance with the contract terms.

It is our opinion that this project's financial close-out of the Cost of Work binders included charges that are not allowed as the Cost of Work, as such charges were already included in the Construction Phase Fee and General Conditions Fees. All costs outlined in Division 0 and 1 of the Specifications are precluded from being charged a second time as a Cost of Work charge per the contract documents. Based on our review of the Construction Manager's financial close-out of the Cost of Work binders and Application for Payment No. 39, we observed questionable costs in the amount of \$692,359.97, for which the District should seek reimbursement from the Construction Manager.

Subsequent to the completion of this report, the Office of the General Counsel was requested to provide a legal opinion, since the Office of Facilities & Construction disagreed with our report. On November 5, 2013, we received the Office of the General Counsel's Legal Opinion Memorandum (see Section V) that affirmed our audit's conclusions.

Some of the questionable costs included payments for damages by the Construction Manager to adjacent properties, Construction Manager Change Orders to subcontractors for work included in the Guaranteed Maximum Price, work coordination errors, overtime for subcontractors not approved by the District, payments for work that lacked the required support documentation, and excessive Builder's Risk Insurance premiums. Also, the District Administration should strengthen internal controls over the payment process for construction projects. Stronger contract monitoring and compliance procedures will help safeguard District assets.

Approved in Open Board Meeting, January 22, 2014

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's November 14, 2013 meeting.

Copies of all supporting documents are available at the Board Members' Office on the 14th floor of the K. C. Wright Administration Center and available online via the Broward County Public Schools eAgenda at: <http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda>.

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

Noting that the district has paid the builder \$692,000, Mrs. Bartleman stated there are issues in the audit and this money should not have been paid. These are tax dollars that the district must recoup from the builder. Mrs. Bartleman inquired whether a procedure is in place so that money is not paid without the appropriate checks and balance system, to ensure the charges are appropriate.

Patrick Reilly, Chief Auditor, responded that there is a review at the facilities as the pay requests come in, and a lot of these issues dealt with interpretation of the contract.

Mr. Runcie reminded the Board that a year ago an external management consulting organization was brought in to review the business processes in Facilities and Construction Management and reviewed contracts. The Superintendent stated that these processes have been modified, as identified, and there was an acknowledgement that the contracts needed to be constructed in such a way that they would be the greatest benefit to the district. Mr. Runcie further stated that this was an historical item where there is differences in interpretation of what should be included and what should not be included. The contracts were modified and reviewed by the legal department and Mr. Carland sought and secured services from external legal entity to further review the issue. The Superintendent said that the former practice cannot continue and a very disciplined process needs to be put in place.

Mrs. Bartleman requested that the Board be provided a follow-up report after review of the findings in the Norcrest Elementary School Internal Audit Report. Mrs. Bartleman asked that this include the back-up information and the question concerning the consultant letter, in moving through the process.

In response to Mrs. Leach's inquiry, Mr. Reilly stated that the safeguards are in place, the new contracts and the managing of the contracts, to prevent this from occurring again.

Approved in Open Board Meeting, January 22, 2014

Mrs. Good inquired whether the legal opinion has changed on this issue.

Mr. Carland responded that during the course of the audit Mr. Reilly and his staff asked questions about the interpretation of contracts, and agreed with many of the opinions of staff at that time. Subsequently, the legal department will meet and discuss with the contractor and Facilities staff regarding the reimbursement issue.

Mrs. Good cautioned against making statements that a certain amount is owed to the district, during the time staff is working through the various issues of the contract that are quite complicated, and it may not be an accurate amount.

Mrs. Good inquired whether the Construction Management Services (CMS) on this project recommend that the payments be made.

Mr. Reilly responded that this item was discussed at the Audit Committee meeting, and the estimating services company routinely did review some change orders and final closeouts versus a monthly pay request from the contract. Mr. Reilly stated that in the final closeout they questioned some of the issues staff had questioned, as far as what constitutes an expenditure that is already covered under a general conditions fee versus whether it is a direct cost of the work. Mr. Reilly further stated that everything the audit documented was supported by a reference to the contract or the supporting documentations that accompanied the contract. The total value of the amount in question was not issued until it was vented through Facilities and the legal department.

The following individual addressed this item:

Charlotte Greenberg

Mr. Carland informed that the contractor and legal will go through the process to make a determination in the best interest of all parties, in step with all the information that is received from Facilities and Audit.

EE. OFFICE OF STRATEGY & OPERATIONS

EE-1. Grant Applications – Post-submission (Approved)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to approve the submission of the following grant applications:
(9-0 vote); re-vote - Mrs. Rich Levinson was absent for the vote.
(8-0 vote)

Approved in Open Board Meeting, January 22, 2014

- A. 2013-14 Fairchild Challenge, \$250 (Funded)
- B. Florida Agriculture in the Classroom Gardening for Grades School Garden Grant, \$500 (Requested)
- C. Florida Power and Light Teacher Grant, \$2,500 (Requested)
- D. Kids in Need Foundation, \$481 (Requested)
- E. Miramar-Pembroke Pines Chamber of Commerce Mini Grant, \$242 (Funded)
- F. Title X, Part C – Education for Homeless Children and Youth Project, \$114,000 (Funded)
- G. Urban Health Partnerships Rails to Trails “Earn-a-Bike” Program, \$6,500 (Funded)
- H. Walmart Local Giving Program, \$1,500 (Requested) and \$500 (Funded)

Copies of the Grant Applications are available at the Board Members' Office on the 14th floor of the K. C. Wright Administration Center and Executive Summaries are available online via the Broward County Public Schools eAgenda at:

<http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda>.

The positive potential financial impact, if funded, is \$125,973 from various funding sources. There is no additional financial impact to the district.

Following a vote on the item, Mrs. Korn acknowledged the schools, teachers and administrators who applied for and have been awarded various grants, as indicated in the agenda item.

Mrs. Rich Levinson acknowledged the Title X, Part C - Education for Homeless Children and Your Project, \$114,000.

Mrs. Rich Levinson noted that there has been a decline in the number of grants being applied for from the school district. She commended the schools for taking these initiatives.

Mr. Runcie stated he was not aware of a decline in grant applications and there is a major grant that staff is currently working on. The Superintendent stated that this will be monitored and staff will aggressively seek all opportunities to obtain resources for schools.

Following the action of Agenda Item EE-5, a re-vote was taken on Agenda Item EE-1 and a vote was taken on Agenda Item EE-2.

Approved in Open Board Meeting, January 22, 2014

- EE-2. Girls Get IT (GGIT) School Program Agreement Amendments with Florida Endowment Foundation for Florida's Graduates (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Leach and carried, to approve amendments to executed agreements to accept funding to implement the following school clubs: Mrs. Rich Levinson was absent for the vote. (8-0 vote)

Girls Get IT (GGIT) – designed to engage girls in STEM subjects and careers:

- A. McNicol Middle School for \$2,000
- B. Piper High School for \$2,000

The purpose of this item is to amend the previously executed contracts providing funding for school based programs to serve students in grades seven through twelve as opposed to grades two through twelve. The school-based clubs are designed to develop work and life skills, as well as STEM and STEAM careers, and to prevent bullying.

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

This agreement will be executed after School Board approval.

There is no additional financial impact to the district.

No discussion was held on this item.

- EE-3. Request for Proposals (RFP) 14-050V Recommendation – Student Generation Rate/School Impact Fee Study (Approved)

Motion was made by Mrs. Rupert, seconded by Dr. Osgood and carried, to approve the RFP recommendation as stated on the award recommendation and Agreement between The School Board of Broward County, Florida, and Walter H. Keller, Inc. Mrs. Leach was absent for the vote. (8-0 vote)

<u>RFP</u>	<u>TITLE</u>	<u>LOCATION</u>	<u>AMOUNT</u>
14-050V	Student Generation Rate/ School Impact Fee Study	Facility Planning & Real Estate	\$84,995

The School Board of Broward County, Florida (SBBC), received proposals from firms to provide SBBC with student generation rate/school impact fee study. This project involves updating the Student Generation Rate/School Impact Fee Study Phase II – Final Report, prepared by Walter H. Keller, Inc., in December 2007. That study was initiated in 2004.

Approved in Open Board Meeting, January 22, 2014

The ordinance updating the impact fee schedule was approved by the Broward County Commission, and became effective in June 2008. Provisions of the Second Amended Interlocal Agreement for Public School Facility Planning (SILA) require that the study on student generation rates/school impact fees should be revised at least once every three years. Given the long lead-time required to complete such study, SBBC desires to begin preparations for the required update, which will need to be completed in 2014, and become effective immediately thereafter around June 2014.

Completion of project and distribution of final payment is contingent upon completion and approval of all project deliverables and adoption by the Broward County Commission.

The contract period begins December 18, 2013, and shall conclude upon the adoption of the updated Student Generation Rates and School Impact Fee Schedule by the Broward County Commission, and the subsequent effectiveness of the updated Student Generation Rates and School Impact Fee Schedule.

Board approval of this RFP recommendation does not mean the amount shown will be spent. This amount represents the estimated contract value and purchases may be made through the term of this contract from available funds already included in the ~~department's~~ capital budget.

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

All expenditures for this contract will come from the existing approved ~~department~~ capital budget. Staff will provide a report to the School Board semi-annually detailing expenditures by contract.

Mrs. Bartleman stated that she previously discussed whether the generation rates will be set up using two methodologies.

Mrs. Brown responded affirmatively.

Mrs. Good referred to pages 11 and 12 of 16, Deliverables, and inquired whether items 4, 6 and 7 will be used to develop student generation rates based on the planning areas.

Responding affirmatively, Mrs. Brown stated that in either methodology they must show an analysis of both.

Mrs. Good stated that a lot of the community leaders want to see that type of generation rate, so the ability to have a comparison will be excellent.

Approved in Open Board Meeting, January 22, 2014

EE-4. New Agreement with the Hallandale Beach Community Redevelopment Agency (Approved)

Motion was made by Dr. Osgood, seconded by Mrs. Rupert and carried, to approve a new agreement with the Hallandale Beach Community Redevelopment Agency. Mrs. Freedman was absent for the vote. (8-0 vote)

The agreement from the Hallandale Beach Community Redevelopment Agency will award a total of \$40,000 to Gulfstream Middle School for the *Building Bridges: Strong Families + Strong Communities = Student Success* program. The project provides in-class, post-secondary planning to 7th and 8th grade economically disadvantaged students in the areas of employability, job readiness skills, financial literacy education, and cultural awareness engagement. The program will also include a referral resource to assist with the housing needs of families involved in the program. This project is an extension of a past *Jobs for Florida's Graduates (JFG)* elective at the school.

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

This agreement will be executed after School Board approval.

The potential positive financial impact is \$40,000. The source of funds is the Hallandale Beach Community Redevelopment Agency. There is no additional financial impact to the district.

Ms. Murray stated that the agenda item is evidence of the good relationship between the district and the City of Hallandale, as they continue to support Gulfstream Middle School and the Building Bridges program.

Mrs. Good, remarking that the Community Redevelopment Agency is going to provide the \$40,000 donation, inquired whether the grant agreement indicates that the CRA has the ability to provide these types of funds for the educational purposes that they are allocating it for.

Responding affirmatively, Mr. Carland stated that the contract indicates in the opening provisions that the school district is an eligible recipient of the funds and the funds are being paid in accordance with their program, plan guidelines, which is stated in the affirmative in their contract to the district.

Ms. Murray noted that Gulfstream falls within the CRA district for Hallandale, which makes them eligible for these funds.

Approved in Open Board Meeting, January 22, 2014

EE-5. Request for Proposals (RFP) 14-049V Recommendation – External Independent Review of Services for Exceptional Student Education Department (Approved)

Motion was made by Mrs. Rupert, seconded by Dr. Osgood and carried, to approve the RFP recommendation as stated on the award recommendation and Agreement between The School Board of Broward County, Florida, and Evergreen Solutions, LLC. Mrs. Rich Levinson was absent for the vote. (8-0 vote)

<u>RFP</u>	<u>TITLE</u>	<u>LOCATION</u>	<u>AMOUNT</u>
14-049V	External Independent Review of Services for Exceptional Student Education (ESE) Department	Exceptional Student Education	\$200,000

The School Board of Broward County, Florida (SBBC), received proposals for external independent auditing services for the ESE Department. The Awardee shall provide a comprehensive review of programs and services provided to students with disabilities and shall submit all findings, and provide a comprehensive report and recommendations to the Superintendent or designee, based upon the study.

Board approval of this RFP recommendation does not mean the amount shown will be spent. This amount represents the estimated contract value and purchases may be made through the term of this contract from available funds already included in the department's budget.

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

All expenditures for this contract will come from the existing approved department budget. Staff will provide a report to the School Board semi-annually detailing expenditures by contract.

Mrs. Bartleman inquired whether the company being used to conduct the audit has experience in conducting audits similar to these services.

Mrs. Francis responded that the company has conducted this service nationwide, most recently in Orange County, Florida.

Mrs. Bartleman inquired whether the firm will review specific issues or an overall view.

Approved in Open Board Meeting, January 22, 2014

Mrs. Francis responded that each of the scope of services has been discussed and defined with them, and they will review the Child Find process and all processes and programs. Staff did not request a review of FTE and dollar amounts, but they will look at the process, timeline and how that impacts the district. Mrs. Francis concurred that they will review data, such as how long children are on the waiting list. They will be reviewing individual folders for all schools, conducting in-depth analysis on the percentage of district schools for all areas under the scope and deliverables.

Mrs. Rich Levinson inquired about the flat-fee rate in the contract.

Mrs. Francis informed that from the actual contract, services are contracted out for \$200,000, after negotiations.

Staff were commended for going out for an independent review of services, including all stakeholders.

Ms. Murray inquired whether the online IEP is still being used to correct some of the auditing issues that occurred in the past.

Responding affirmatively, Mrs. Francis stated it is a matter regarding input. She explained the matrix of services, a separate piece and process that needs to be done and implemented at the end of the IEP process, and sometimes that may not be updated as noted in the past audit issues. For the majority, these have been corrected. Mrs. Francis further stated that training is continually provided through Professional Development monthly sessions with ESE specialists and training is provided directly with charter schools.

Ms. Murray requested a continuing report that shows the progress of improvement.

Mr. Runcie stated it is not just the mechanics of constructing an IEP, it is the quality of how that IEP is constructed and the level and quality of engagement among all parties - case workers, ESE specialists, school staff, and parents. Mr. Runcie further stated, whether the process is manual or automated, staff needs to ensure that the quality of the IEPs are good and the execution and monitoring is of the highest quality, to make sure that children are getting what has been prescribed.

The following individuals addressed this item:

Charlotte Greenberg
Rhonda Ward

FF. OFFICE OF ACADEMICS

- FF-1. Agreement between The School Board of Broward County, Florida and the Young Men's Christian Association of Broward County, Florida, Inc.
(Approved)

Motion was made by Mrs. Korn, seconded by Mrs. Leach and carried, to approve the Continuation Agreement between The School Board of Broward County, Florida and the Young Men's Christian Association of Broward County, Florida, Inc. The contract period is August 1, 2013 through July 31, 2014. Ms. Murray and Mrs. Rich Levinson were absent for the vote. (7-0 vote)

The School Board of Broward County, Florida (SBBC) and Young Men's Christian Association (YMCA) are in the fifth year of their five-year partnership with Riverland Elementary School. North Fork and Walker Elementary Schools are in their second year of their partnership to operate a 21st Century Community Learning Centers (CCLC) Program. During the 2013-2014 school year, students at these schools will be provided afterschool enrichment and remediation learning activities that will compliment and enhance the school day with reading, mathematics and science curriculum. Engaging, non-traditional, project-based learning activities for personal enrichment will be implemented in the areas of: arts & music, health & wellness, fitness & sports, tutoring and mentoring.

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 YMCA to ensure the program's compliance with its objectives.

This agreement is being brought before the Board at this time, as the SBBC was notified by the FLDOE of its official award of the grant on October 15, 2013. This is the first Board meeting for which we could bring this agreement forward.

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

The financial impact to the District is \$308,196. The source of funds is the 21st CCLC Grant. There is no additional financial impact to the district.

No discussion was held on this item.

Approved in Open Board Meeting, January 22, 2014

- FF-2. Agreement with Broward County Behavioral Health Services for Funding to The School Board of Broward County, Florida Family Counseling Program, Agreement #14-CP-CSA-8267-01 (Approved)

Motion was made by Dr. Osgood, seconded by Mrs. Rupert and carried, to approve the Agreement between Broward County Behavioral Health Services and The School Board of Broward County, Florida. Ms. Murray and Mrs. Rich Levinson were absent for the vote. (7-0 vote)

On August 27, 2013, the Broward County Board of County Commissioners approved funding recommendations made by the Broward County Community Partnerships Division (BCCPD) for The School Board of Broward County, Florida Family Counseling Program (FCP) to receive a grant in the amount of \$1,043,940 with a two-year renewal option. As a stipulation, The School Board of Broward County, Florida must match the grant.

The School Board of Broward County, Florida is providing \$1,355,787 to meet this requirement. A combination of funds from BCCPD and the District supports the Family Counseling Program. The District provides approximately 56.5% of the funding. The FCP has been receiving these grant dollars since 1988. The FCP currently operates 26 centers connected to the District's Innovation Zones.

The FCP was awarded a new grant, effective October 1, 2012 in the amount of \$1,043,940 with a two-year renewal option. Due to issues associated with the creation of the new contract and other associated county documents, the current Broward County contract contains one renewal period for Fiscal Year 15 as a result of the one-year extension the county provided for Fiscal Year 12. This extension came as a result of delays in the preparation of the current contract. The contract for FY14 is effective October 1, 2013. The delay in presenting this contract to the School Board is also a result of time necessary for county contract preparation, however is retroactive to October 1, 2013. School Board Members were made aware of this issue in October of 2013. Exhibit 2 is the letter from the county addressing funding approval and assurance of retroactive payment.

This amended agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel. This agreement will be executed after School Board approval.

The financial impact for the 2013-14 school year is \$1,043,940 from the BCCPD. The District provides a cash match of \$1,355,787, reserved in the District's budget to fund approved positions, based on proposed salary increases per the BTU Bargaining Unit.

No discussion was held on this item.

Approved in Open Board Meeting, January 22, 2014

FF-3. Terminate Medicaid Administrative Claiming (MAC) Agreement
(Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Bartleman and carried, to approve termination of the Agreement between Seminole County Public Schools and The School Board of Broward County, Florida for the data manager of Medicaid's random moment sample survey. Termination to be effective December 31, 2013. Ms. Murray and Mrs. Rich Levinson were absent for the vote. (7-0 vote)

This item terminates the Agreement between Seminole County Public Schools and authorizes the Superintendent to issue the Notice of Termination of the Agreement, effective 14 days after receipt by Seminole County School District of written notice in the form of the Exhibit 2.

Termination of the Agreement is recommended in order for The School Board of Broward County, Florida, to engage in a Medicaid RMS survey using single universe statistics.

The estimated financial impact to the District is \$4,000,000. There is no additional impact to the district.

No discussion was held on this item.

GG. OFFICE OF HUMAN RESOURCES

HH. OFFICE OF THE GENERAL COUNSEL

HH-1. Settlement Agreement and Release of All Claims in the Circuit Court matter styled Michael Marchetti and Valarie Marchetti vs. School Board of Broward County, Case No. 11-28067 (05) (Approved)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to approve the Settlement Agreement and Release of All Claims between The School Board of Broward County, Florida and Michael Marchetti and Valarie Marchetti, in Broward County Circuit Court, Case No. 11-28067 (05). Ms. Murray and Mrs. Rich Levinson were absent for the vote. (7-0 vote)

Plaintiffs Valarie and Michael Marchetti filed a lawsuit against the School Board in a case styled Michael Marchetti and Valarie Marchetti vs. the School Board of Broward County, Case No. 11-28067(05) in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida alleging a violation of the Florida Public Sector Whistleblower's Act.

Approved in Open Board Meeting, January 22, 2014

Plaintiff Valarie Marchetti's employment was terminated on June 30, 2011 as part of a reduction in force. Plaintiff Valarie Marchetti alleged in the lawsuit that her termination was in retaliation for a protected disclosure she made to the Broward State Attorney's office in September 2010 and Plaintiff Michael Marchetti alleged that the termination of his wife's employment was in retaliation for several protected disclosures he claimed to have made to federal, state and local agencies. School District employees denied Plaintiff's claims, and if not settled the dispute would need to be resolved through a jury trial in January 2014.

The parties have agreed to resolve and settle all claims asserted with respect to the above referenced litigation. The School Board will pay Valarie and Michael Marchetti the total sum of \$190,000 and will pay their attorneys \$85,000 for attorneys' fees and costs resulting in a total settlement amount of \$275,000.

The Plaintiffs will execute general releases of all claims and will dismiss with prejudice the pending lawsuit against the School Board. The remaining settlement terms and conditions are outlined within the attached settlement agreement.

Outside counsel recommends approval of the settlement agreement as a fair and reasonable cost-effective resolution of this dispute.

The financial impact to the District is \$275,000. The source of funds is the District's self-insured fund.

No discussion was held on this item.

II. OFFICE OF THE SUPERINTENDENT

JJ. OFFICE OF FACILITIES & CONSTRUCTION

- JJ-1. Waive the Requirement for Owner's and Contractor's Protective Liability Insurance in Open End Agreements for Specified Projects – Grace & Naeem Uddin, Inc. (GNU) (Approved)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to approve the request to waive the requirement for Owner's and Contractor's Protective Liability Insurance (OCP), Article 9.02 in the Open End Agreements dated September 21, 2004 and August 27, 2008 and accept a credit in the amount of \$7,362 for the specified projects, as indicated in Attachment 1. Mrs. Bartleman and Mrs. Leach were absent for the vote. (7-0 vote)

Approved in Open Board Meeting, January 22, 2014

The contractor provided all insurance coverages required during the construction phase of the work with the exception of OCP. The specified projects are complete and OCP cannot be obtained for the completed projects.

As agreed, the contractor will provide SBBC a credit for the amount of the premium that would have been payable for the omitted coverage and the contractor remains liable for claims under its indemnification agreement under the agreements.

There is a positive financial impact to the District. The retainage held for the specified projects, as indicated in Attachment 1, will be adjusted by this credit in the amount of \$7,362. These funds will be placed in the Capital Projects Reserve.

Mrs. Korn discussed the Owner/Contractor protective liability insurance that lapsed and the district's responsibility to monitor. She requested that in moving forward, that contracts include a financial penalty in the event the actual contractor allows the insurance to lapse.

Mrs. Meloni responded that in this case they did not procure that particular insurance. There is now assistance in the Risk Management department to monitor the various insurances.

- JJ-2. Amend Professional Services Agreement/Basic Services – Zelch & McMahon, Architects – Western High, Davie – Remodeling and Renovation, ADA, and IAQ – Project No. P.000505 (f.k.a. 2831-99-02)
(Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Rich Levinson and carried, to approve the Fifth Amendment to the Professional Services Agreement with Zelch & McMahon Architects, dated September 7, 1999, previously amended on April 4, 2000, April 17, 2001, April 18, 2006 and January 25, 2011 by increasing the Basic Services by \$45,570 to \$333,959. ~~Approve an additional appropriation of \$45,570 from the District Wide IAQ Contingency.~~ Mrs. Bartleman and Mrs. Leach were absent for the vote. (7-0 vote)

This increase of \$45,570 is necessary to compensate Zelch & McMahon, Architects for extended contract Administration services for changes in the scope of work which extended the contract duration by 210 additional days.

~~The financial impact for this item is \$45,570 for additional Basic Services. The source of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2013-2014 to 2017-2018 and will come from the District Wide IAQ Contingency.~~

Approved in Open Board Meeting, January 22, 2014

Agenda Items JJ-2 and JJ-3 were motioned concurrently.

No discussion was held on this item.

- JJ-3. Change Order #1 – Western High – Cedars-Electro Mechanical, Inc. – Remodeling and Renovation, ADA, and IAQ – Project No. P.000505 (f.k.a. 2831-99-02) (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Korn and carried, to approve Change Order #1, Western High, Cedars-Electro Mechanical, Inc., Remodeling and Renovation, ADA, and IAQ, Project No. P.000505, in the amount of \$162,500, 210 days. Mrs. Bartleman and Mrs. Leach were absent for the vote. (7-0 vote)

<u>Western High</u>	Change Order 01	\$162,500
Owner Request	\$162,500	

Refer to Exhibits 1 and 3 for detailed information.

The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2013-2014 to 2017-2018.

Agenda Items JJ-2 and JJ-3 were motioned concurrently.

No discussion was held on this item.

- JJ-4. Change Order #1 – Cooper City High – Skanska USA Building, Inc. – Concurrent Phased Replacement – Project No. P.001539 (1931) (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Rich Levinson and carried, to approve Change Order #1, Cooper City High, Skanska USA Building, Inc., Concurrent Phased Replacement, Project No. P.001539, in the amount of \$3,062,254, 207 days (155 compensable and 52 non-compensable). Mrs. Leach and Dr. Osgood were absent for the vote. (7-0 vote)

<u>Cooper City High</u>	Change Order 01	\$3,062,254
Owner Request	\$3,062,254	

Refer to Exhibits 1 and 3 for detailed information.

The financial impact of this item is \$3,062,254. This is included in the \$3,990,900 budget that was approved at the March 18, 2013, School Board Meeting.

Approved in Open Board Meeting, January 22, 2014

Mrs. Korn, who remarked that the intent is to bring in a company that will be handling the roofing under a sub-contract, stated she wants assurance that additional costs will not be paid. Mrs. Korn inquired what the financial impact would be utilizing this method rather than going out to bid.

Frank Girardi, Project Manager III, responded that if a bid had been initiated the main contractor making the bid would also have some sort of general conditions - having a superintendent on site and project manager, everything normally involved in a project. In this case, there was a 55-day period on the project, which is a 55-day savings on the general conditions. The balance of approximately 100 days, they were being paid general conditions for those days because at that point they would be done with the original project.

Mr. Girardi stated if it was done through a separate bid, with everything that is there, it is very possible to have the roofing contractor under the general contractor. There would have been general contractors and roofers bidding the work. Mr. Girardi further stated there are many disciplines on the site - mechanical, electrical and plumbing that normally a general contractor would oversee the entire site.

Mrs. Rich Levinson referred to the June 11, 2013 Regular School Board meeting discussion, and stated the Board discussed proceeding in this manner due to the condition of the school, with students present. She stated there are leaks that maintenance cannot repair in the auditorium, gym, childcare, band, chorus and woodshop, as well as three rooms that are completely closed with no students. Mrs. Rich Levinson further stated that Mr. Reilly spoke on the issue, indicating that he would have preferred a separate project, but understanding the concerns about the emergency of the project and the costs.

Mr. Girardi stated that since the June 11, 2013 meeting there has been a failure of the roof on Building 4, the roof is not stopping water any longer. When there are heavy rains water comes out the door and maintenance cannot stop it.

Mrs. Good stated that the conditions at the school are deplorable for students, teachers and staff.

Responding to Mrs. Bartleman's inquiry (appearing telephonically), Mr. Girardi stated that everything was done in accordance to policy and procedures. The bid process was put in place, a mass e-mail of everyone in the system was done notifying them of the bid, conversations was held with auditing of the list of items put together for the bid, and advertisements (3) were done. Mr. Girardi further stated there were seven (7) HVAC sub-contractors and five (5) roofing sub-contractors that bid the project.

Approved in Open Board Meeting, January 22, 2014

Mr. Girardi informed that there are additional bids coming in and there is a chance that the Board will be presented with a credit change order in the future if the bids come in lower than these two sub-contractors.

Mrs. Good inquired whether the process was legally sufficient and there were no issues in regard to any different process being undertaken.

Responding affirmatively, Mr. Carland stated that Thomas Cooney, Esq., Assistant General Counsel, has been involved in this review with Facilities and has concurred with the process as it has moved forward.

JJ-5. Approve Authorization to Proceed – Program Management Services – RFQ No. 2014-31-FC (Postponed)

Motion was made by Dr. Osgood, seconded by Mrs. Rupert, to approve the Authorization to Proceed in the amount of \$437,592, and authorize the expenditure of up to \$1,750,369. This motion was superseded by a Motion to Postpone (page 24). (9-0 vote)

This item approves the Authorization to Proceed (“ATP”) (Exhibit ~~2~~³) for Program Management Services in accordance with the terms and conditions of the Professional Services Agreement (“PSA”) awarded to URS Corporation Southern and approved by the Board December 17, 2013. This also authorizes the Office of Facilities & Construction to issue one or more ATPs for portions of the work included in this ATP as scheduled on page two of the ATP and to expend up to \$1,750,369 for fees as negotiated and as delineated in Exhibit 2. The work is related to the projects in Exhibit 3.

The Superintendent’s Negotiating Committee met with URS Corporation Southern and negotiated fees in accordance with the recommendations of the Superintendent’s Parameters Committee and Article 5 of the Program Management Services Agreement. The purpose of this ATP is to commence Program Management Services for the Office of Facilities & Construction as delineated in Exhibit 2. Under the RFQ, the term of the Agreement is for one year with spending authority not to exceed and no more than \$1,750,369 2,000,000, and may be renewed by Board approval in one-year periods for a maximum of three years and no more than \$1,750,369 per year, as presented in J-1 (12/17/13). ~~The contract may be renewed by Board approval in one year periods for a maximum of three years and no more than \$2,000,000 per year.~~

The financial impact is ~~\$1,750,369~~ 437,592. The source of these funds is already identified in the Adopted District Educational Facilities Plan.

Agenda Items J-1, JJ-5 and JJ-6 were discussed concurrently.

Approved in Open Board Meeting, January 22, 2014

- JJ-6. Authorization to Proceed – Quality Assurance Monitoring/Program Manager Review – Construction and Operational Auditing Services – RFP 11-013V (Postponed)

Motion was made by Dr. Osgood, seconded by Mrs. Rupert, to approve the use of current RFP 11-013V, Construction and Operational Auditing Services to McGladrey, LLP for services pertaining to Quality Assurance, Monitoring and Program Manager Review, and authorize the Office of Facilities & Construction to expend up to \$170,000. This motion was superseded by a Motion to Postpone (page 24). (9-0 vote)

The School District is engaging a Program Manager to oversee the District's Capital Program. The Office of Facilities & Construction ("OF&C") shall provide primary oversight of the Program Manager and as an independent secondary means of oversight, the OF&C desires to engage McGladrey, LLP to perform quality assurance monitoring and review of the Program Manager, as well as review OF&Cs' internal controls of Program Manager ensuring adherence to Best Practices as recommended in McGladreys' June 2012 Operational Audit. In addition, McGladrey will provide quarterly reports of their findings on the Program Manager's performance and OF&C's controls. These reports will be transmitted to the Board on a quarterly basis via the office of OF&C and shall be presented to the Facilities Task Force for informational purposes.

This item authorizes the Office of Facilities & Construction to engage McGladrey, LLP for services of independent review of Program Management Services in accordance with the terms of RFP 11-013V. ~~Approval of the ATP shall authorize spending authority and will have a financial impact.~~ The financial impact is \$170,000. The source of these funds is already identified in the Adopted District Educational Facilities Plan.

Agenda Items J-1, JJ-5 and JJ-6 were discussed concurrently.

KK. OFFICE OF FINANCIAL MANAGEMENT

LL. OFFICE OF PORTFOLIO SERVICES

- LL-1. Contract for Use of Facilities between the Professional Facilities Management and The School Board of Broward County, Florida for Use of Coral Springs Center for the Arts to Hold the All County Concert Events (Approved)

Motion was made by Dr. Osgood, seconded by Mrs. Rupert and carried, to approve the Contract for use of the facilities between Professional Facilities Management and The School Board of Broward County, Florida, for use of Coral Springs Center for the Arts to hold the All County Concert Events. Ms. Murray and Mrs. Rich Levinson were absent for the vote. (7-0 vote)

The School Board will use the Coral Springs Center for the Arts to hold the All County Concert Events for the school year 2013-2014. The schedule of events runs from January 23, 30, February 26 and 27, 2014.

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

The financial impact to the School District is \$20,000. The source of the funding is the budget of the College and Career Readiness Department.

No discussion was held on this item.

- LL-2. Premium Services Agreement Approval – Academic Solutions Academy, Inc., (Academic Solutions High School, Location Number 5028) (Approved)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to approve the Premium Services Agreement between The School Board of Broward County, Florida (SBBC), and Academic Solutions Academy, Inc. Ms. Murray was absent for the vote. (8-0 vote)

As part of the District's Venture Design Initiative, and pursuant to Section 1002.33(20)(b), Florida Statutes, the Innovative Programs Design/Support Department has negotiated the terms of a Premium Services Agreement for fee-supported participation in voluntary district-wide assessments with Academic Solutions Academy, Inc. The agreement delineates the negotiated terms as well as the description of the voluntary district-wide assessments purchased by the School.

A copy of all supporting documents is available at the Innovative Programs Design/ Support Department on the 4th floor of the K. C. Wright Administration Center and available online via the Broward County Public Schools eAgenda at:

<http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda>.

Approved in Open Board Meeting, January 22, 2014

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

There is estimated positive revenue to the District in the amount of \$600 for this 2013-2014 Premium Services Agreement. This amount is based on the purchase of requested voluntary district-wide assessments and may change depending on the actual assessments delivered, used and scored throughout the academic year.

No discussion was held on this item.

- LL-3. Premium Services Agreements Approval – Somerset Academy, Inc.,
(Location Numbers 5151; 5221; and 5396) (Approved)

Motion was made by Mrs. Rupert, seconded by Mrs. Korn and carried, to approve Premium Services Agreements between The School Board of Broward County, Florida (SBBC), and Somerset Academy, Inc. (9-0 vote)

As part of the District's Venture Design Initiative, and pursuant to Section 1002.33(20)(b), Florida Statutes, the Innovative Programs Design/Support Department has negotiated the terms of a Premium Services Agreement for fee-supported participation in voluntary district-wide assessments with Somerset Academy, Inc. The agreements delineate the negotiated terms as well as the description of the voluntary district-wide assessments purchased by the School.

A copy of all supporting documents is available at the Innovative Programs Design/ Support Department on the 4th floor of the K. C. Wright Administration Center and available online via the Broward County Public Schools eAgenda at:
<http://eagenda3.broward.k12.fl.us/cgi-bin/WebObjects/eAgenda>.

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

There is estimated positive revenue to the District in the amount of \$12,903 for the 2013-2014 Premium Services Agreements. This amount is based on the purchase of requested voluntary district-wide assessments and may change depending on the actual assessments delivered, used and scored throughout the academic year.

No discussion was held on this item.

Approved in Open Board Meeting, January 22, 2014

- LL-4. Agreement of Sale and Purchase between The School Board of Broward County, Florida and JAG Development Company, LLC for the Purchase of the Site Commonly referred to as Elementary D-1 School Site (No. 352.1) (Approved)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to approve the Agreement of Sale and Purchase between The School Board of Broward County, Florida and JAG Development Company, LLC for the purchase of the site commonly referred to as Elementary D-1 School Site (No. 352.1). Mrs. Leach and Dr. Osgood were absent for the vote. (7-0 vote)

Section 1013.28, Florida Statutes (FS) allows a school board to dispose of any land or real property that is by resolution of the board, determined to be unnecessary for educational purposes.

On April 20, 2010, the School Board approved the surplus of the 12-acre gross Elementary D-1 School Site which is located at the southeast corner of Broward Boulevard and Hiatus Road in the City of Plantation.

In 2010, two appraisals were conducted to determine the value of the Site, and in August 2010, the higher of the two appraisals valued the property at \$6,700,000.

Subsequently, consistent with the provisions of School Board Policy 7002-B, the Negotiation Parameters Committee (NPC) met on September 30, 2010 and voted to value the property at the higher appraised value. Thereafter on March 10, 2011, the property was marketed for sale via Request for Proposal (RFP) 11-033T. However, the property did not sell.

In 2012, the District ordered three (3) updated appraisals of the property; and an appraisal dated June 6, 2012 valued the property at \$7,239,000 (the highest of the three (3) appraisals). On July 3, 2012, the NPC met and voted to value the property at the higher appraised value.

Thereafter, the Facility Planning & Real Estate Department commenced efforts to sell the property. Commencing in September 2013, the Department received over forty (40) inquiries on the property, of which six (6) entities submitted a Letters of Intent (LOI) to purchase the property. Of the submitted LOI's, JAG Development Company, LLC (JAG) offered the highest price of \$9,750,000 (which is \$2,511,000 above the asking price) to purchase the property.

This Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel, and upon its approval by the School Board, due diligence processes towards purchase and closing on the property will commence.

Approved in Open Board Meeting, January 22, 2014

There is a positive \$9,750,000 financial impact to the District; therefore, this item does not require a Collaboration Form from the Capital Budget Department.

Mrs. Rich Levinson commented that the amount is well over the asking price and the amount surpasses the expectations for 2014-2015.

Mrs. Korn praised the positive financial impact, but was concerned that \$2.5 million is more than what was asked for this property, which reflects that staff did not have a good handle on the value of the property. Mrs. Korn stated that outdated appraisals do not provide any guidance, because it is unknown whether multiple bids were received from multiple interested parties.

Mrs. Good thanked staff for providing the follow-up information to the Board with regard to all proposals. Mrs. Good noted that this conditional purchase agreement has a government approval period of 365 days, the land will be off the market for 365 days and the closing will not occur any time soon. She stated this information is not included in the agenda item, a key component that the Board will be voting on, and it should have been part of the item.

Referring to Agreement of Sale and Purchase, page 7, 9. Governmental Approval Period, Mrs. Good stated that this authorizes the entity to take district land and re-zone it, re-plat it, or change the land use on it to develop it. Referring to page 5, 7.6, Mrs. Good stated this conflicts with the Governmental Approval Period; the district will have to consent to have the zoning changed on that property because that is part of the conditions that are listed under section 9.

Mr. Carland responded that he had discussion with Joseph Balocco, Sr., Esq., and reviewed the agreement with Robert Vignola, Esq., Deputy General Counsel, to make sure there was a comfort level with concerns about agreements or consents regarding the governmental approvals. Mr. Carland stated that legal staff is comfortable that the seller will, upon request to the purchaser, cooperate and obtain the approvals. This is sufficient authorization for the Superintendent. Legal staff will review that, to execute whatever consents they would need for zoning, which is a usual process.

Mr. Carland further stated that he did not have a concern regarding section 7.6, because of the exception, The real intent, as a matter of practice, they are basically saying they will not do anything adverse to the property now that they are under contract with that purchaser.

Mrs. Good inquired, if they change the land use what guarantee does the district have if they are going to proceed with the purchase of the property.

Approved in Open Board Meeting, January 22, 2014

Mr. Carland responded that the contract is clear that the actual obtaining of the zoning is a trigger for closing. They would be required to specifically perform under the terms of the contract and go to closing at that point.

- LL-5. Agreement of Sale and Purchase between The School Board of Broward County, Florida and Forest Hills INV, LLC for the Purchase of the Site Commonly Referred to as North Side Elementary School Parking Lot (Site No. 004.1) (Approved)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to approve the Agreement of Sale and Purchase between The School Board of Broward County, Florida and Forest Hills INV, LLC for the purchase of the site commonly referred to as North Side Elementary School Parking Lot (Site No. 004.1). Mrs. Leach and Dr. Osgood were absent for the vote. (7-0 vote)

Section 1013.28, Florida Statutes (FS) allows a school board to dispose of any land or real property that is by resolution of the board, determined to be unnecessary for educational purposes.

On April 20, 2010, the School Board approved the surplus of the approximately 1.48 acre North Side Elementary School Parking Lot Site which is located on the north side of NE 11th Street between NE 3rd Avenue and NE 4th Avenue in the City of Fort Lauderdale.

In 2010, two appraisals were conducted to determine the value of the Site; one appraisal valued the property at \$550,000, and the other valued it at \$900,000. Subsequently, consistent with the provisions of School Board Policy 7002-B, the Negotiation Parameters Committee (NPC) met on September 30, 2010 and voted to value the property at the average of the two appraised values, which was \$725,000. Thereafter on March 10, 2011, the property was marketed for sale via Request for Proposal (RFP) 11-033T. However, the property did not sell.

In 2012, the District ordered two (2) full appraisals of the property; and an appraisal dated May 18, 2012 valued the property at \$645,000 (the higher of the two (2) appraisals). On July 3, 2012, the NPC met and voted to value the property at the higher appraised value.

Thereafter, the Facility Planning & Real Estate (FP&RE) Department commenced efforts to sell the property. Commencing in early October 2013, the Department received numerous inquiries on the property, of which two (2) entities submitted Letters of Intent (LOI) to purchase the property. Of the submitted LOI's, Forest Hills INV, LLC offered the highest price of \$670,000 (which is \$25,000 above the asking price) to purchase the property.

Approved in Open Board Meeting, January 22, 2014

This Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel, and upon its approval by the School Board, due diligence processes towards purchase and closing on the property will commence.

There is a positive \$670,000 financial impact to the District; therefore, this item does not require a Collaboration Form from the Capital Budget Department.

No discussion was held on this item.

- LL-6. Agreement of Sale and Purchase between The School Board of Broward County, Florida and Forest Hills Inv., LLC for the Purchase of the site Commonly Referred to as Oakland Park Elementary School Acreage Site (No.003.1) (Approved)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to approve the Agreement of Sale and Purchase between the School Board of Broward County, Florida and Forest Hills Inv., LLC for the purchase of the site commonly referred to as Oakland Park Elementary School Acreage Site (No.003.1). Mrs. Leach and Dr. Osgood were absent for the vote. (7-0 vote)

Section 1013.28, Florida Statutes (FS) allows a school board to dispose of any land or real property that is by resolution of the board, determined to be unnecessary for educational purposes. On March 19, 2007, the School Board approved the surplus of the 0.44 Oakland Park Elementary School Acreage Site which is located at 997 – 999 NE 33rd Street in the City of Oakland Park.

In 2007, an appraisal ordered by the District and dated May 15, 2007 valued the property at \$260,000. In 2012, the District ordered two (2) full appraisals of the property; and an appraisal dated June 15, 2012 valued the property at \$78,000 (the higher of the two (2) appraisals). On July 3, 2012, the Negotiation Parameters Committee (NPC) met and voted to value the property at the higher appraised value.

Thereafter, the Facility Planning & Real Estate Department commenced efforts to sell the property. Commencing in early October 2013, the Department received numerous inquiries on the property, of which three (3) entities submitted Letters of Intent (LOI) to purchase the property at the asking price of seventy-eight (\$78,000) thousand dollars. However of the submitted LOI's, the conditions contained in the LOI proposed by Forest Hills Inv., LLC were more favorable to the District.

Approved in Open Board Meeting, January 22, 2014

This Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel, and upon its approval by the School Board, due diligence processes towards purchase and closing on the property will commence.

There is a positive \$78,000 financial impact to the District; therefore, this item does not require a Collaboration Form from the Capital Budget Department.

No discussion was held on this item.

Adjournment This meeting was adjourned at 6:40 p.m.

RT