

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, NOVEMBER 9, 2011

The School Board of Escambia County, Florida, convened in Regular Workshop at 2:00 p.m., in Room 160, at the J.E. Hall Educational Services Center, 30 East Texar Drive, Pensacola, Florida, with the following present:

Chair: Mr. Gerald W. Boone Vice Chair: Mr. Bill Slayton

Board Members: Mr. Jeff Bergosh
Mrs. Linda Moultrie
Mrs. Patricia Hightower

School Board General Counsel: Mrs. Donna Sessions Waters

Superintendent of Schools: Mr. Malcolm Thomas

Meeting was advertised in the Pensacola News Journal on October 27, 2011 – Legal No. 1542905

[General discussion took place among Board Members, the Superintendent, and staff throughout this meeting.]

I. CALL TO ORDER

Mr. Boone called the Regular Workshop to order at 2:03 p.m.

II. OPEN DISCUSSION

1. Protocol for Questioning of Student on School Property by Law Enforcement - *Bergosh*
[Informational handouts provided to School Board Members by Mr. Bergosh]

NOTE: *This topic was previously addressed at the October 13, 2011 Special Workshop; however, due to the absence of a School Board Member and the School Board's General Counsel during that workshop, Mr. Bergosh chose to submit this topic again for discussion during this session.* Mr. Bergosh began the discussion by reiterating concerns he had expressed during the October 13, 2011 Special Workshop regarding his belief, that a parent should be notified and afforded the opportunity to be present, for any interview that a law enforcement investigator wished to conduct with their child while the child was at school. In light of those concerns, Mr. Bergosh saw a need for enhancing the current School Board policy that relates to the questioning of students at school for non-school discipline related or law enforcement purposes. He provided each School Board Member with a copy of a draft policy that would address his concerns about the protocol for a student being questioned by law enforcement while on school property. Mr. Bergosh was worried that students, particularly very young students, may not be aware of their rights when being questioned by law enforcement. Under the proposed policy, Mr. Bergosh said a parent would have to be notified and afforded an opportunity to be present before an interview with law enforcement could occur. Mr. Slayton said that during his three years as a School Board Member, he had never been contacted by a parent about a problem with the current policy; therefore, he saw no need to change the policy because it appeared to be working well. The Superintendent agreed that there was no real evidence that a change to the current policy was necessary; however, if the School Board did choose to "tweak" the policy, he would suggest that they do so only in collaboration with law enforcement. Mrs. Hightower said that during her tenure as a School Board Members, she had received calls from parents who were unhappy that they had not been notified prior to their child being interviewed by law enforcement. Commander Darlene Dickey of the Escambia County Sheriff's Office requested that the School Board collaborate with the Sheriff's Office to ensure that any policy revisions made by the School Board would not prevent law

enforcement from being able to properly conduct an investigation. Mr. Bergosh said he would give School Board Members time to review the information he had provided and would submit this topic as a discussion item for a future workshop. In the meantime, Mr. Bergosh said he would be willing to discuss this topic with law enforcement officials.

2. Procedures for Organization of School Board - *Bergosh*

Mr. Bergosh requested that this item be postponed until the end of the meeting.

3. Services for Students that Don't Qualify for Tutorial Service Programs - *Moultrie*

At the request of Mrs. Moultrie, the Superintendent briefly outlined some of the services that were available to assist students who do not qualify for Title I services. The Superintendent noted that there was "something for everybody" in the normal school day to be remediated and assisted. Mrs. Moultrie believed that it was important for principals to communicate to parents exactly what types of services were available for their child.

4. Methods of Notification from Schools to Parents of Information Items - *Moultrie*

Mrs. Moultrie requested that schools be mindful of the need to use several different methods of communication when trying to notify parents of important issues.

5. Operational Audit for Fiscal Year Ended June 30, 2011 - *Hightower*

Mrs. Hightower expressed some concern with several of the preliminary findings cited in the Florida Auditor General's operational audit of the School District for the fiscal year ended June 30, 2011. The Superintendent said that the School District would have thirty (30) days in which to respond to the preliminary audit findings. He believed that the School District's response to those findings would address Mrs. Hightower's questions and concerns.

6. House Bill 163 - *Slayton*

[Handout provided to School Board Members by Mr. Slayton]

Mr. Slayton asked School Board Members to review the information he had received regarding House Bill 163. Mr. Slayton hoped to discuss this proposed legislation with the School Board at a future workshop.

7. Positive Behavioral Support (PBS) - *Superintendent*

[Handouts provided to School Board Members by presenters]

Ms. Amanda Mann and Ms. Marcia Storniolo, Positive Behavior Support (PBS) Co-Coordinators and Behavior Analysts for the School District, gave a brief PowerPoint® presentation entitled *Positive Behavior Support - Annual Progress 2011 (Escambia County School District and Florida PBS Project)*.

At this point, the following item was addressed:

Update from A.A. Dixon Charter School of Excellence

Ms. Kathy Bearden-Colbert, Principal of A.A. Dixon Charter School of Excellence, reviewed information she had provided to School Board Members in support of her November 2011 update on the financial and educational progress of A.A. Dixon Charter School. NOTE: *This update was being provided as part of the Dixon Charter School Corrective Action Plan (CAP) that was approved by the School Board at the September 20, 2011 Regular Meeting. In accordance with the CAP, Dixon was to*

present an update to the School Board at each monthly workshop for the rest of the school year. Ms. Bearden-Colbert responded to questions posed by School Board Members regarding the school's academics (including curriculum, resources, and assessments) and finances. Mr. Bergosh expressed his continued concern about the school's future, considering its dire financial condition. The Superintendent expressed concern with the school's fluctuating student attendance.

The Superintendent advised that an updated Corrective Action Plan would be presented for School Board consideration on the December 13, 2011 Regular Meeting agenda. Upon inquiry by Mrs. Hightower, the Superintendent said there was a need to update the Corrective Action Plan to reflect a change in student enrollment and a subsequent change in the school's budget.

At this point, the following section was addressed:

Internal Auditing (Section V.G.)

Mr. David Bryant, Director of Internal Auditing, responded to questions posed by School Board Members regarding information outlined in the various audit reports. In response to an earlier conversation with Mr. Bergosh, Mr. Bryant said that in an effort to expedite the receipt of information, he would be providing School Board Members with the "draft" version of each audit report issued by the Internal Auditing Department, with the understanding that such reports were not final until presented to and accepted by the Audit Committee. Mr. Bryant said that traditionally, the School Board had not received audit reports until such time as they had been presented to Audit Committee which may have been several months after the report had been prepared.

III. COMMENTS FROM SUPERINTENDENT

The Superintendent listed the changes that had been made to the November 15, 2011 since initial publication.

IV. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

-No items submitted

V. CONSENT AGENDA

A. Curriculum and Instruction

1. Arrangement between the School Board of Escambia County, Florida and Florida Department of Education, Division of Vocational Rehabilitation

Mrs. Hightower said she was a bit confused in reading the backup documentation for this item, as it appeared from the actual contract that the Division of Vocational Rehabilitation would share the cost for up to five (5) positions, yet the "executive summary sheet" indicated that the cost of only one (1) position would be shared. Ms. Teri Szafran, Director of Exceptional Student Education (ESE), confirmed that the Division of Vocational Rehabilitation would in fact, agree to share the cost with the School District for up to five (5) of the School District's Employment Specialists; however, the School District did not have many teachers serving in that capacity and therefore, the cost for only one (1) position would be shared.

5. Amendment to the Cooperative Agreement between the School Board of Escambia County, Florida and the Sheriff of Escambia County, Florida

Upon inquiry by Mrs. Hightower, staff clarified that the purpose of this item was to amend the cooperative agreement between the School Board and the Sheriff, to align the document with the No Child Left Behind Act of 2001. It was noted that the added language was in alignment with the Department of Education, Technical Assistance document for Juvenile Justice Programs.

B. Finance

3. Resolutions to amend District School Budget:
 - i) Resolution 2 - Race to the Top Fund

At the request of Mrs. Hightower, Mr. Terry St. Cyr, Assistant Superintendent for Finance and Business Services, provided a brief explanation regarding the various amendments to the Race to the Top Fund (Revenue Object Number 3214) as outlined in the backup documentation for this item. NOTE: A specific explanation for each amendment is included in the backup documentation for this item.

9. Financial Status Report: Employee Benefit Trust Fund

Mr. Bergosh commented that “it seemed like the losses weren’t as bad in September (2011).” He questioned whether or not that “trend had continued in October (2011)?” Mr. Terry St. Cyr, Assistant Superintendent for Finance and Business Services, responded by saying that he believed for October (2011) there were approximately \$2.7 million in claims, which was “right about where it normally is on a trend.”

C. Human Resource Services

1. Instructional/Professional
 - d. Out-of-Field

Mrs. Hightower noted that there was no backup documentation provided for this item. Ms. Dawn Ramirez, Certification Coordinator, advised that the documentation was forthcoming and apologized to School Board Members that it had been omitted.

- g. Special Requests
 2. Adoption of the Student Calendar for the 2012-2013 and 2013-2014 school years

Several School Board Members expressed that they were pleased that the second semester, for both the 2012-2013 and 2013-2014 school years, would end prior to the Christmas holidays.

3. Risk Management
 - a. Vision Care (Humana Comp Benefits) Renewal

Mrs. Hightower commented that the backup documentation provided for this item was “a little confusing” in that it appeared to be just a copy of the document that was approved in September of the previous year. In response, Mr. Kevin Windham, Director of Risk Management, confirmed that the document was the same as that provided the previous year and clarified that this item was simply a request to renew the Vision Care contract for the 2012 plan year (period of January 1, 2012 through December 31, 2012), with no changes in rates or benefits from the 2011 plan year.

D. Purchasing

8. Apple Computers for Hellen Caro Elementary School

Mr. Bergosh pulled this item for discussion simply to point out that this purchase of technology items for Hellen Caro Elementary was made possible by funding from the DoDEA Military Grant.

14. Change Notice #17 to Purchase Order #305748 - New Downtown Elementary School (Global Learning Academy)
15. Change Notice #1 to Purchase Order #310995 - Drainage Improvements at Various Schools
17. Change Notice #2 to Purchase Order #310452 - R.C. Lipscomb Elementary Cafeteria Expansion
18. Change Notice #2 to Purchase Order #310086 - McMillian Pre-K Center General Renovations & HVAC Replacement
21. Change Notice #2 to Purchase Order #311268 - Safety Repairs at Various Schools

Mrs. Hightower was concerned with Items V.D.14, V.D.15, V.D.17, V.D.18, and V.D.21, noting that there were “penciled-in” corrections to the figures listed on the change orders provided in the backup documentation for these items. Mr. John Dombroskie, Director of Purchasing, confirmed that he had made the changes in an effort to ensure that all calculations were correct. Mrs. Hightower questioned whether it was appropriate for such changes to be made to a document that had already been signed by the architect/engineer and/or the contractor without their knowledge and acceptance. She said that before she would be willing to support the approval of these items, she would need confirmation from the various architects/engineers and/or contractors that they were aware of and in agreement with the “penciled in” changes.

- E. Operations
-No items discussed
- F. Student Transfers
-No items discussed
- G. Internal Auditing

This section was addressed earlier in the meeting.

VI. UNFINISHED BUSINESS
-None

- VII. NEW BUSINESS
- A. Items from the Board
-No items discussed
 - B. Items from the Superintendent
-No items discussed
 - C. Items from the General Counsel
-No items submitted

VIII. COMMITTEE/DEPARTMENTAL REPORTS

1. Update from A.A. Dixon Charter School of Excellence,

This item was addressed earlier in the meeting.

At this point, the following item was addressed:

Procedures for Organization of School Board - Bergosh

Due to time constraints, Mr. Bergosh requested that this session be recessed and reconvened immediately prior to the November 22, 2011 Organizational Meeting for the purpose of discussing this topic prior to the annual organization proceedings of the School Board. At the request of Mr. Bergosh, the Regular Workshop was recessed at 5:26 p.m. on November 9, 2011 and would reconvene at 7:59 a.m.,

on November 22, 2011, in the Superintendent's Conference Room, at the Dr. Vernon McDaniel Building, 75 North Pace Boulevard.

The November 9, 2011 Regular Workshop reconvened at 7:59 a.m. on November 22, 2011, in the Superintendent's Conference Room, at the Dr. Vernon McDaniel Building, 75 North Pace Boulevard, with all School Board Members, the Superintendent, and Mrs. Waters present. Mr. Bergosh initiated a discussion regarding the organization of the School Board, which would be decided by formal vote during the November 22, 2011 Organizational Meeting (immediately following the adjournment of this workshop). Mr. Bergosh wanted to know whether School Board Members would be willing to consider a "gentleman's agreement" with regard to the establishment of a two-year succession plan for the Chairman and Vice-Chairman positions. Upon inquiry by Mr. Boone, Mrs. Waters confirmed that the School Board could choose to follow a two-year succession plan; however, the School Board would still be required to elect a Chairman and Vice-Chairman by formal vote during its annual organizational session. Each School Board Member expressed their willingness to informally adhere to a two-year succession plan.

IX. PUBLIC FORUM

Mr. Boone called for public forum; however, there were no speakers.

X. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 8:14 a.m. on November 22, 2011.

Attest:

Approved:

Superintendent

Chair

PENDING BOARD APPROVAL