

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, OCTOBER 14, 2011

The School Board of Escambia County, Florida, convened in Regular Workshop at 9:00 a.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 (*not present*)

Superintendent of Schools: Mr. Malcolm Thomas

Meeting was advertised in the Pensacola News Journal on October 6, 2011 – Legal No. 1540284

[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 9:03 a.m.

II. COMMENTS FROM SUPERINTENDENT

Update on Class Size

The Superintendent reported that the School District would be “close, but not 100% compliant” with class size requirements for the 2011-2012 school year.

Update on School Board Members’ Website

The Superintendent reported that the webpage designed by students from Tate High School, on behalf of the School Board, was being ‘reworked’ so that it could be easily edited when necessary. The Superintendent was to provide School Board Members with access to the ‘reworked’ webpage so they could review it for accuracy prior to it being posted to the School District website.

Notice of Intent to Advertise Naming a Classroom Sensory Center at Blue Angels Elementary School, the “Teenie Tiny Room”

The Superintendent said it was brought to his attention that the Notice of Intent (NOI) to Advertise the “Teenie Tiny Room,” which was approved by the School Board at the September 20, 2011 Regular Meeting, contained an incorrect date for the public hearing and adoption. The Superintendent said he would add an item to the October 18, 2011 Regular Meeting agenda requesting that the School Board approve the re-advertisement of the NOI with the date of December 13, 2011 for public hearing and adoption.

Minutes from September 19, 2011 Special Meeting (Item IV.5, October 18, 2011 Regular Meeting)

Mr. Bergosh said he would not support approval of the minutes from the September 19, 2011 Special Meeting as he did not believe that those minutes adequately reflected all of the discussion that occurred during that meeting. Mr. Bergosh felt that oftentimes, minutes did not always capture all of the discussion that occurred during a School Board workshop or meeting. He cited that “limitation” of minutes as yet another example of why he believed that moving toward an archived video system for all

School Board sessions was appropriate and necessary. Mr. Slayton pointed out that the minutes from the September 19, 2011 Special Meeting, like all minutes of all School Board meetings and workshops, had been prepared in accordance with the School Board's parliamentary procedure, *Robert's Rules of Order Newly Revised* (Tenth Edition); and according to *Robert's Rules of Order Newly Revised*, meeting minutes are not to reflect all of the discussion that occurred, but rather the actions that were taken. Mrs. Hightower agreed with Mr. Slayton's assessment, but also understood Mr. Bergosh's concern and said she too was hopeful that the School District would eventually move towards an archived video system for all School Board sessions.

III. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

Notice of Intent to Adopt Amendments to Rules and Procedures of the District School Board: Chapter 3

3.12 Soliciting Personnel At School

- (1) Agents, vendors, solicitors and salespersons, regardless of their product or services, are not permitted to interview teachers or principals in school buildings or on school time without written permission from the Superintendent with a copy of written permission sent to the office of the Board. shall clear with the Superintendent's office before contacting any teachers, students, or other personnel of the District. Purchasing personnel shall not show any favoritism to any vendor. Each situation shall be considered in accordance with policies of the Board on the basis of quality, price, and delivery with past service a factor if all other considerations are equal. This rule does not apply to business agents acting on behalf of a labor organization as defined in Section 447.02, F.S.*

Mrs. Hightower believed that the phrase "shall clear with the Superintendent's office" (in the first sentence of this paragraph) was slightly ambiguous. The Superintendent agreed and said that this phrase would be amended to replace the words "clear with" with "receive approval from" instead.

Mrs. Hightower questioned why "or service" had been removed from the phrase "product or service" (in the first sentence of this paragraph), noting that many agents, vendors, solicitors and salespersons offered services and not just products. The Superintendent agreed and suggested that the statement would be amended to cancel the deletion of the words "or service."

Notice of Intent to Adopt Amendments to Rules and Procedures of the District School Board: Chapter 5

5.03 Warehousing and Distribution

- ~~*(6) District schools, departments and charter schools shall purchase District warehouse materials at cost. All other authorized entities shall be charged a 15% surcharge with the exception that the Walnut Hill Volunteer Fire Department shall be charged a 12% surcharge for fuel.*~~
- (7) Only Escambia County Schools and departments, other Florida public school systems, schools eligible for federal funds administered by Escambia County School District, Board chartered schools, the Foundation for Excellence, the Escambia Education Association, the Union of Escambia Education Staff Professionals, and the Walnut Hill Volunteer Fire Department may requisition warehoused supplies from district warehouses. Warehouse purchases shall be made at cost with the exception that the Walnut Hill Volunteer Fire Department shall be charged a 12% surcharge for fuel.*

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 outlined in a document entitled, "A.A. Dixon Charter School October School Update." (A copy of this document was provided to each School Board Member.) The Superintendent said 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. Upon inquiry by Mrs. Moultrie, Ms. Bearden-Colbert provided a brief update on Dixon's school library. Ms. Bearden-Colbert said that the library was "up and running" and that a tremendous amount of books had been donated from various community organizations. School Board Members and/or the Superintendent requested that Ms. Bearden-Colbert provide the following information in future updates on Dixon: a copy of the minutes from the Dixon Charter School's Board of Directors meetings (to include the date of those meetings and the number board members in attendance); the number of mentors and tutors at Dixon; the number of paid personnel at Dixon; the status of Dixon's textbooks; and Dixon's monthly financial statements. The Superintendent also requested as part of the November update, that Ms. Bearden-Colbert provide the School Board with Dixon's class size data.

IV. CONSENT AGENDA

A. Curriculum and Instruction

- *2. SES Transportation Amendment to No Child Left Behind Act 2001 Supplemental Educational Services Contractual Agreement School Year 2011-2012 (100 Scholars)
- *3. SES Transportation Amendment to No Child Left Behind Act 2001 Supplemental Educational Services Contractual Agreement School Year 2011-2012 (! A+ Tutor U)
- *4. SES Transportation Amendment to No Child Left Behind Act 2001 Supplemental Educational Services Contractual Agreement School Year 2011-2012 (A Quantum Leap Educational Services, LLC)
- *5. SES Transportation Amendment to No Child Left Behind Act 2001 Supplemental Educational Services Contractual Agreement School Year 2011-2012 (A Stepping Stone to Excellence)
- *6. SES Transportation Amendment to No Child Left Behind Act 2001 Supplemental Educational Services Contractual Agreement School Year 2011-2012 (Basic Learning Skills, Inc.)
- *7. SES Transportation Amendment to No Child Left Behind Act 2001 Supplemental Educational Services Contractual Agreement School Year 2011-2012 (CMB Visions Unlimited, Inc.)
- *8. SES Transportation Amendment to No Child Left Behind Act 2001 Supplemental Educational Services Contractual Agreement School Year 2011-2012 (Second 2 None Educational Services, Inc.)
- *9. SES Transportation Amendment to No Child Left Behind Act 2001 Supplemental Educational Services Contractual Agreement School Year 2011-2012 (Sylvan at School/Ace It of Escambia County)
- *10. SES Transportation Amendment to No Child Left Behind Act 2001 Supplemental Educational Services Contractual Agreement School Year 2011-2012 (University of West Florida)

**The following discussion pertains to Items V.A.2 through V.A.10. The purpose of each of these agreements was to amend contracts that were approved by the School Board at the September 20, 2011 Regular Meeting to add Transportation Services with each SES provider referenced. Regarding the process followed in submitting these items for the School Board agenda, Mrs. Hightower said that she would prefer in the future, that any agreement with a Supplemental Education Services (SES) provider to purchase transportation services from the School District be submitted as a separate document rather than an amendment to the first agreement. No other Board Member expressed a concern with the process that had been followed in submitting these items for the School Board agenda. Mr. Bergosh referred to Section 20.a of the contracts which specified that SES providers were required to pay \$500 per school for routing buses, at schools at which SES providers operate, and that the School District would distribute those funds directly to the Transportation route managers. Mr. Bergosh agreed with charging the SES providers this \$500 fee, but disagreed with distributing those funds directly to Transportation route managers. Instead, he believed that the funds should be deposited to the School District's general fund. Mr. Bergosh had a "philosophical disagreement" with giving additional monetary compensation to salaried employees, whose work hours were not specified by any collective bargaining agreement, and therefore, could be required to work overtime without additional compensation.*

11. Second Amendment to the Charter Contract Between the School Board of Escambia County, Florida and Escambia Charter School of Excellence, Inc. D/B/A A. A. Dixon Charter School of Excellence

Upon inquiry by Mrs. Hightower, Ms. Vicki Mathis, Director of Alternative Education, clarified that the purpose of this item was to amend certain sections of the original charter contract approved by the School Board on April 20, 2010. These amendments represented the agreement between the School Board and Dixon's governing board related to the following: (1) the academic recovery of Dixon given the 2010-2011 school grade of 'F' based on Florida Comprehensive Achievement Test (FCAT) scores; and (2) the financial stability of Dixon given the findings of the 2010-2011 audit of Dixon's financial statements and its Corrective Action Plan (CAP) approved by the School Board on September 20, 2011.

12. Learning for Life Character Education Program Grant 2011-2012

Mrs. Hightower pointed out that the "executive summary" sheet (included in the backup documentation for this item) listed Dixon Charter School of Excellence as a participating school, yet Dixon had not been included on the actual grant application that was submitted to the Florida Department of Education (FLDOE). Ms. Sandra Edwards, Director of Comprehensive Planning, School Improvement, and Grants Management, pointed out that it was also specified that "other schools may be added if requested." Upon inquiry by Mrs. Hightower, Ms. Edwards confirmed that all charter schools had been asked if they wanted to participate in this program. Upon inquiry by Mr. Boone, Ms. Edwards clarified that although K-5 was the target population for this program, it had also been requested by several of the School District's middle schools.

13. 2011-12 School Advisory Council Memberships

Mrs. Hightower noted that only an "executive summary" had been provided as backup documentation for this item. (The "executive summary" indicated that the final School Advisory Council Membership Certifications had been submitted and were on file in the Office of Comprehensive Planning.) She requested that each School Board Member be provided a list of the School Advisory Council members for the schools within their respective district. The Superintendent said that the requested information would be delivered to School Board Members electronically.

15. Memorandum of Understanding between American Society of Transportation and Logistics and Escambia County School Board

At the request of Mrs. Hightower, the Superintendent explained the purpose of this item was to establish a Trade and Logistic Academy at Pensacola High School that would begin in August 2012 and would on educating students in the fields of transportation, logistics, and supply chain management.

17. Pel Industries

Upon inquiry by Mr. Slayton, Mrs. Carolyn Spooner, Director of High School Education, explained that Pel Industries, Inc. was an apparel company that had been imprinting area high school logos on their apparel and accessories and selling them for resale to local retail stores. Under this agreement, the School District would now receive a royalty equal to eight percent (8%) of the Net Wholesale Price of all Licensed Products sold. Mr. Bergosh was concerned that the high school volunteer booster clubs would be competing against the local retail stores with regard to the sale of apparel and accessories bearing the area high school logos. Mr. Bergosh noted that the merchandise sold by the booster clubs at high school sporting events generated much money for those organizations. He was concerned that people would choose to purchase

the logoed merchandise available at the local retail stores rather than that offered by the booster clubs. The Superintendent however, pointed out that this “competition” was already occurring because the logoed merchandise was currently being sold at local retail stores; this agreement was simply an effort for the School District to begin receiving some of the revenue from the sale of products bearing area high school logos. Mr. Bergosh questioned whether the revenue received under this agreement would be distributed equally among each of the area high schools. The Superintendent said it was “too early to know” how much money the School District would even receive under this agreement, but that once the funds were collected, he would assemble a group individuals who would work together to formulate a process for distributing the funds to the area high schools. Mr. Boone referred to “page 9 of 9” of the backup documentation questioning why Donna Waters, the School Board’s General Counsel, was listed as the School District’s “certificate holder” for liability insurance. In response, the Superintendent noted that Mrs. Waters had negotiated this licensing agreement with Pel Industries so the question would need to be deferred to her. Mr. Kevin Windham, Director of Risk Management, added that this reference simply indicated that the “certificate” should be mailed to the attention of Mrs. Waters. He noted that many “certificates” from a variety of sources, every contract that is issued and they do come to a variety of different places.

B. Finance

4. Legal Services:

General Fund

a) The Hammons Law Firm	\$ 569.25
b) The Hammons Law Firm	\$ 162.20
c) The Hammons Law Firm	\$ 558.00
d) The Hammons Law Firm	\$ 1,924.80
e) The Hammons Law Firm	\$ 1,882.50
f) The Hammons Law Firm	\$ 341.00
g) The Hammons Law Firm	\$ 77.50
h) Rumberger, Kirk, & Caldwell	\$ 7,239.38
i) Shell, Fleming, Davis & Menge, P.A.	\$ 325.50
j) Shell, Fleming, Davis & Menge, P.A.	\$ 13,775.53

5. Legal Services:

Risk Management Fund

The Hammons Law Firm	\$ 9,491.10
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Referring to the large amount of expenses incurred each month for the outsourcing of legal matters, Mr. Bergosh questioned “whether it was time to considering adding an additional in-house attorney and whether adding an additional in-house attorney would save a significant amount of money?” Mrs. Hightower suggested that the School Board survey other school districts in Florida as to (1) the number of in-house attorneys in each school district; (2) each school district’s budget for their legal office; and (3) the size of each school district. Mr. Slayton suggested that other school districts with multiple attorneys on staff also be asked if they were also outsourcing any legal matters at all to an outside firm. Mrs. Sharon Goshorn, Paralegal, offered to compile a break-down of the amounts that the School District had spent on legal expenses for each area of expertise (i.e., real estate matter, human resource matters) over the past year. Mrs. Hightower requested that all of the information be provided by December. Mr. Boone suggested that a break-down of the amounts spent on legal expenses for each area of expertise be provided each month as part of the monthly agenda.

D. Purchasing

15. Architectural/Engineering Services for FISH Drawings Update Project – Phase II

Upon inquiry by Mrs. Hightower, Mr. Ron Peacock, Director of Facilities Planning, confirmed that the Florida Department of Education (FLDOE) requires that the School District maintain current and accurate FISH drawings for each facility in the School District.

- E. Operations
 - 1. Facilities Planning
 - B. Miscellaneous
 - 1. Renewal of Pre-Qualified Contractors

At the request of Mrs. Moultrie, Mr. Ron Peacock, Director of Facilities Planning, was to provide the following information: (1) the number of minority-owned businesses that were listed as pre-qualified contractors; and (2) the number of those pre-qualified minority-owned businesses that had actually done business or were doing business with the School District - provided construction services to the School District.

- F. Student Transfers
 - No items discussed

- G. Internal Auditing
 - No items submitted

- V. UNFINISHED BUSINESS
 - None

- VI. NEW BUSINESS
 - A. Items from the Board
 - No items submitted

- B. Items from the Superintendent
 - No items discussed

- C. Items from the General Counsel
 - No items discussed

- VII. COMMITTEE/DEPARTMENTAL REPORTS
 - 1. Update from A.A. Dixon Charter School of Excellence

This item was handled earlier in the meeting.

- VIII. PUBLIC FORUM

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

- IX. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 11:55 a.m.

Attest:

Approved:

Superintendent

Chair