

THE SCHOOL BOARD OF  
ESCAMBIA COUNTY, FLORIDA

MINUTES, JUNE 21, 2012

The School Board of Escambia County, Florida, convened in Regular Workshop at 8:00 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. Bill Slayton  
Vice Chair: Mr. Jeff Bergosh (*via speakerphone*)  
Board Members: Mr. Gerald W. Boone  
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 May 30, 2012 - Legal No. 1565671*

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

I. CALL TO ORDER

Mr. Slayton called the Regular Workshop to order at 8:00 a.m.

II. OPEN DISCUSSION

- June and July Calendar - *Slayton*

School Board Members reviewed their schedules for June and July; no changes were made.

- Physical Set-up for Civic Center for Graduation Ceremonies - *Slayton*

Upon inquiry by Mr. Slayton, the Superintendent advised that staff would be working with representatives of the Pensacola Civic Center on changing the physical layout of the Civic Center for high school graduation ceremonies so that the audience seating would be situated in such a way that the audience would have a better view of the students as they received their diplomas during the ceremony. He said that once the set-up was finalized, staff would share that information with the School Board.

- Low Performing Schools - *Moultrie*

Mrs. Moultrie initiated a discussion about the recently received Florida Comprehensive Assessment Test (FCAT) scores. It was her belief that School Board Members should be involved in the plan that the Superintendent and his staff had in mind for the low performing schools. She noted it was time to “stop pointing fingers and come up with solutions.” With regard to the FCAT scores overall, the Superintendent first pointed that this had been a “change year” in that the Florida Department of Education had scored the tests differently this year and raised the bar on difficulty, especially at the elementary level. He then said that the scores that had distressed him the most were those for reading at some of the elementary schools. He commented that “even with the bar being raised, some of those scores are just not acceptable.” The Superintendent said he would be bringing

to the School Board as part of the July 17, 2012 Regular Meeting agenda, a plan for the 2012-2013 school year that would place more of an emphasis on reading at the lower elementary grades (kindergarten, first, and second). The plan would include the following concepts: (1) mandatory first grade retention for those students who do not demonstrate an ability to read at a proficient level and (2) an extended school day for the following low-performing elementary schools: Lincoln Park, Montclair, O.J. Semmes, C.A. Weis, and West Pensacola. The Superintendent said the school day for these five elementary schools would be extended for an extra hour to focus more on reading. Mr. Bergosh said he was strongly supportive of the extended day concept and he also liked the idea of mandatory retention at first grade. But, as he had mentioned in the past, he believed that the School District should also consider mandatory retention at eighth grade as he believed it was essential that the School District ensure that eighth grade students were prepared before progressing to high school. The Superintendent responded to several questions posed by School Board Members about the two concepts, but noted that the complete plan was still being worked on and would be presented to the School Board on the July 17, 2012 Regular Meeting agenda. He said that the plan would also be his primary discussion item for the "open discussion" segment of the July 12, 2012 Regular Workshop.

- Request from Palm Beach County School Board regarding Resolution for Re-examination of Public School Accountability Systems in Florida - *Slayton*  
[Handout provided to School Board Members]

Mrs. Hightower said that at the Florida School Boards Association (FSBA) Annual Spring Conference (held June 13-15), the FSBA Board of Directors and General Membership passed a resolution expressing FSBA's concerns about high stakes testing in Florida and offering recommendations to address those concerns. She said that school boards across the state were being asked to consider adopting the FSBA resolution. Mrs. Hightower suggested that the resolution be placed on the July 17, 2012 Regular Meeting agenda for consideration by the School Board.

- Guardian Angel, Chad Tucker - *Superintendent*

NOTE: *Mr. Chad Tucker was not present for this meeting due to unforeseen circumstances.* The Superintendent briefly informed the School Board about the nation's first parent-initiated missing child alert system. He said that *Polly's Guardian Angel*, a program of the KlassKids Foundation, was recently made available in the form of a smartphone application that would enable a parent to initiate an alert that would quickly notify other application users and the Polly Call Center in the event that their child went missing.

### III. COMMENTS FROM SUPERINTENDENT

The Superintendent made the following announcements:

- Basel Al-Johani, a student at Ferry Pass Middle School, had won a \$25,000 scholarship at the recently held DimensionU National Scholarship Tournament. The Superintendent said Basel would be recognized for this accomplishment during an upcoming School Board Meeting.
- The School District had received official notification that Workman Middle had been fully authorized as an International Baccalaureate World School. Workman would be the first middle school in the Panhandle to offer this internationally recognized framework of curriculum and global education for students in the sixth through eighth grades.

#### IV. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

##### *Chapter 5: Student Conduct*

##### *C. Serious Breach of Conduct (Elementary)*

*Every student must follow the rules on the bus, at the bus stop, inside the building, on the school grounds, and at school-sponsored. Students must obey the principal, teachers, members of the school staff, school bus drivers, and anyone who is placed in charge by the principal. Some behaviors are so serious that students engaging in them are subject to suspension or expulsion, reassignment to an alternative educational program, or referral to law enforcement for criminal prosecution. Those behaviors include, but are not limited to, the following:*

*23. using aerosols, fragrances, or sprays of any kind on the bus or in the hallways, restrooms, or classrooms.*

##### *D. Serious Breach of Conduct (Secondary)*

*The following offenses, whether on campus, on a school bus, at a school bus stop, or at a school-sponsored function, are serious breaches of conduct that shall mandate strong positive disciplinary action. As required by law, criminal or delinquent acts shall be reported to the appropriate law enforcement agency. These offenses include, but are not limited to, the following:*

*34. using aerosols, fragrances, or sprays of any kind on the bus or in the hallways, restrooms, or classrooms.*

Mrs. Hightower said she did not have an issue with the use of aerosols, fragrances, or sprays of any kind being prohibited on the bus because she understood that the bus was very enclosed area and in an enclosed area can be overpowering to people. However, with regard to use of aerosols, fragrances, and other sprays in the hallways, restrooms, or classrooms, she felt as if the School Board would be legislating something that could be handled with a simple lesson in civility. Mrs. Hightower said she intended to offer a motion at the June 26, 2012 Regular Meeting to amend Chapter 5, Student Conduct, Section C, Item 23 and Section D, Item 34, to delete those items therefore removing the language “using aerosols, fragrances, or sprays on the bus or in the hallways, restrooms, or classrooms.” Mr. Slayton commented that he too believed that this issue could be handled in a way other than legislating through School Board policy. The Superintendent said that staff had discussed this issue and had no objection with Mrs. Hightower’s suggested change and he was willing to delete that specific verbiage from the proposed handbook. Mrs. Waters however, advised that the most appropriate means for amending the handbook that had already been advertised to the public, was by way of motion offered by a School Board Member, at the June 26, 2012 Regular Meeting when the item would be considered for adoption and a public hearing would be held.

##### Charter School Quarterly Update

*Representatives from the following charter schools were in attendance for this meeting: Jacqueline Harris Preparatory Academy, Capstone Academy, Newpoint Academy, Newpoint Pensacola, A.A. Dixon, Byrneville Elementary, Beulah Academy of Science, and Escambia Charter.*

Ms. Vicki Mathis, Director of Alternative Education, briefly identified the categories of information that were outlined in June 2012 report on charter schools: (1) enrollment for each charter school as of June 5, 2012, (2) the projected enrollment for each charter school for the 2012-2013 school year, (3) each charter school’s February FTE count, (4) each charter school’s percent daily attendance for the 2010-2011 school year, (5) each charter school’s percent daily attendance for March 2012 – June 2012; (6) each charter school’s overall percent daily attendance for the 2011-2012 school year; (7) each charter school’s documentation of fire drill exercises; (8) each charter school’s documentation of bus evacuation drills; (9) each charter school’s updated certificates of insurance; (10) each charter school’s board meeting minutes; and (11) each charter school’s financial analysis. NOTE: *The charter school quarterly report for June 2012 was provided to School Board Members prior to this meeting.* Upon inquiry by Mrs. Hightower, Ms. Mathis said that all of the charter schools were projecting that

their enrollment would either remain the same or decrease for 2012-2013 from that of the 2011-2012 school year; no charter school was projecting an increase in enrollment. At the request of Mrs. Hightower, Ms. Malinda Jones, Coordinator of Cost Accounting, gave a brief explanation regarding the typical reasons for the month-to-month fluctuation of liabilities reported by many of the charter schools. Upon inquiry by Mrs. Hightower, Ms. Carla Lovett, Director of Newpoint Schools, said that both Newpoint Academy and Newpoint Pensacola would move from the current location on Moreno Street to a new facility located on Pensacola Boulevard. Mrs. Hightower questioned whether the school would now consider offering student transportation. Ms. Lovett said that public transportation might be a viable option for Newpoint for the upcoming school year, as there was a public bus stop on Pensacola Boulevard that was very close to the school's new facility. Ms. Lovett responded to inquiries by Mrs. Hightower and the Superintendent about the school's performance on FCAT. Mr. Bergosh commended Bryneville Elementary and Pensacola Beach for their school's performance on the FCAT especially with regard to the student's reading scores. Mrs. Celestine Lewis, principal of Jacqueline Harris Preparatory Academy, commented on the major challenges faced by regular public schools and charter schools, particularly those schools that are heavily populated with minority students, in regards to teaching students who were extremely "far behind" not because the students could not learn, but because their parents have not invested in their education. She stressed the importance of a parent's involvement in their child's education because without that involvement educators would continually face an "uphill battle" in teaching those students. Mrs. Dee Wolfe-Sullivan, principal of Bryneville Elementary, addressed the Board regarding damage to her Bryneville's double-wide portable (which houses the school's media center and a computer lab) that had occurred during the weekend of June 9-10, when rain came pouring through the ceiling and cause considerable damage to the portable's ceiling, walls, carpet, and bookshelves. It was her belief that the School District, under the terms of its contract with Bryneville Elementary, would responsible for the damage caused by the leaking roof. Upon inquiry by Mr. Bergosh, Mrs. Waters said that question of which party was responsible for repairing the damage, would hinge on whether the leak was caused by poor maintenance on the building by the School District, or whether the heavy rainfall during June 9-10 was of such magnitude that it was really an act of God that and no amount of maintenance would have made any difference. She said that this matter would have to be further researched.

#### Update from A.A. Dixon Charter School of Excellence

*[Handouts were provided to School Board Members prior to this meeting]*

Mr. LuTimothy May, began the update by publically thanking Dixon Charter School's principal, Ms. Kathy Bearden-Colbert, for "sticking with the school" for the entire 2011-2012 school year. He also thanked the School Board for their previous decision to allow the school to remain open for the past year. Mr. May acknowledge that with the help of the local business community, Dixon Charter School had overcome its financial hurdles, including the settlement of its biggest debt with Durham Bus Company which had saved the school nearly \$40,000. With regard to the academic status of Dixon Charter School, Mr. May said that Dixon was no longer the lowest performing school in the State; in fact, Dixon had had reached or surpassed the performance of some district public schools. Mr. May said that Dixon had increased "in record percentages for our school" in student learning gains according to recent FCAT scores. He noted that the school was on the right path for greater success and he asked that the School Board consider making it possible for Dixon to remain open for another school year.

Following the Charter School Quarterly Update and the Update from Report from A.A. Dixon Charter School of Excellence, the School Board Members resumed discussion on the proposed Student Rights and Responsibilities Handbook.

#### *Chapter 2: Attendance*

##### *A. Compulsory Attendance*

###### *Excusable absence includes*

- *that which has the sanction of both parents/guardians and principal. This agreement should be made prior to the absence. An absence related to vacation will not be excused.*

Mr. Bergosh questioned whether any other School Board Member would be agreeable to establishing some means by which a parent or guardian, if their child had the opportunity to travel abroad and there was some educational value associated with the trip, he believed that the School Board consider allowing excused absences an absence related to vacation perhaps if a student met some minimum criteria such a grade point average and agreement that the student would complete all assigned work. His concern with the current policy was that parents currently had to deny their children of unique opportunities for travel because under the current policy, an absence related to vacation would not be excused. Realizing that there was no interest from other School Board Members with regard to this issue, Mr. Bergosh said that the School Board could move on to another issue.

## *Chapter 5: Student Conduct*

### *F. Change of Placement*

*Consistent with the District's aim to provide a safe and orderly learning and work environment in all District schools, the Board has adopted and will enforce a policy in which the three offenses described below will result in change of placement and/or expulsion, with or without continuing educational services, from the student's regular school. ~~for a period of not less than one (1) full year.~~ Enforcement of this policy is not intended to imply a disregard of the rights of any individual or lack of concern by the District for any student. Enforcement of this policy shall be consistent with applicable laws including the Individuals with Disabilities Education Act (IDEA). This policy will be enforced for violation of the following:*

- Drugs: The unlawful use, possession, or sale of an illegal or controlled substance by any student while the student is upon school property, at a school bus stop, or while in attendance at a school function.*
- Weapons: Bringing a firearm or weapon to school, to any school function, or onto any school-sponsored transportation.*
- Bomb Threat: Initiating or knowingly and willingly actively participating in the commission of a bomb threat involving a District school, school site, school bus, or facility in which a school function is held or scheduled to be held. The Board may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. The Superintendent may consider the one (1) year expulsion requirement on a case-by-case basis and modify the requirement by assigning the student to a disciplinary program or alternative school if the modification is determined to be in the best interest of the student and the District. If a student committing any of the offenses in this subsection is a student who has a disability, the Board shall comply with applicable State Board of Education rules. 1006.13, F.S.*

Mr. Bergosh objected to the removal of the phrase “*for a period of not less than one (1) full year*” with regard to the timeframe for a change of placement and/or expulsion resulting from a drug, weapon, or bomb threat infractions.

## *Chapter 7: Safe Schools*

### *A. Visitors on Campus*

*Visitors or other individuals with legitimate educational interests or business are welcome at all District schools. To avoid class disruptions and to ensure the safety of students and school personnel, visitors are required to check in and out through the school's main office. Each principal has the authority to prohibit persons from coming onto school property for violation of the rules or other disruptive behavior. Violators are subject to arrest for trespassing. 810.097, F.S. Observation*

of a teacher's class or individual student shall be allowed only after arrangements have been made with the principal and the purpose of the visit has been approved. The administration shall determine the amount of time spent observing in a classroom so as not to compromise the teaching-learning process.

Mrs. Moultrie had concern about the additional verbiage that had been added to this section with regard to observation of a teacher's class or an individual student. As a parent and grandparent, she took issue with the new verbiage, noting that she would not want to be required to prearrange a visit to her grandchild's classroom in order to observe because she wanted there to be an "element of surprise" to her visit. The Superintendent said the verbiage had been added simply to ensure that the timing of a visit was appropriate considering the various activities occurring in a classroom so that disruptions to the teaching-learning process were minimized.

#### D. Law Enforcement

*If any officer wishes to question a student at school, a suitable place will be provided after the officer has presented proper identification. The principals/designee may be present during the interview at the request or authorization of the student. The conference area will be so located as to create as little attention as possible to the matter.*

*If the officer decides to take the student from the school grounds, he/she will be permitted to do so only on the basis of a warrant of arrest, court order, or statement of the officer that he/she is placing the student under arrest or taking the student into custody. The officer shall be asked to sign an affidavit accepting custody for the student before removing him/her from the school grounds. Affidavit forms are available in the school's front office. The school shall make a reasonable effort in a timely manner to notify the parent(s)/guardian(s), when appropriate, that the student has been questioned or has been placed under arrest.*

Mr. Bergosh reiterated his belief that it was not appropriate for a student to be questioned at school by a law enforcement officer without prior notification to the student's parent.

Mrs. Moultrie left the Regular Workshop at 11:42 a.m. during discussion on this item.

#### V. CONSENT AGENDA

##### A. Curriculum and Instruction

##### 8. School Health Services for the School Board of Escambia County, Florida and Florida Department of Health Escambia County Health Department

Mr. Bergosh questioned whether the nursing staffing levels would be adequate as specified and also questioned whether this was the "best that we can do given the financial constraints?" Ms. Martha Hannah, Coordinator of Health Services, said that with the staffing level for this coming school year, there would be a nurse in every two to three schools and a health technician at every school.

##### 18. Contract for Educational Services between the School Board of Escambia County, Florida and Camelot Schools of Florida, LLC

Mrs. Hightower in reading the contract and looking at the results from the Florida Comprehensive Achievement Test (FCAT) results she was concerned about why the Superintendent was recommending going forward with Camelot Schools. She was alarmed that there were no performance standards in the contract and that the only way she had to judge how well Camelot was performing was based on FCAT scores. She recalled that when the School Board originally contracted with Camelot, it was "kind of a stop-gap effort to figure out a better

way because what we were doing wasn't working" and now looking at Camelot's FCAT scores, she was not sure that this was the better way.

B. Finance

4. Legal Services:

General Fund

a) The Hammons Law Firm	\$ 139.50
b) The Hammons Law Firm	\$ 201.50
c) The Hammons Law Firm	\$ 341.00
d) The Hammons Law Firm	\$ 2,453.25
e) The Hammons Law Firm	\$ 1,953.54
f) The Hammons Law Firm	\$ 602.50
g) The Hammons Law Firm	\$ 899.00
h) The Hammons Law Firm	\$ 4,402.00
i) The Hammons Law Firm	\$ 294.50
j) Rumberger, Kirk and Caldwell	\$ 17,064.40
k) Rumberger, Kirk and Caldwell	\$ 12,042.45
l) Ellen D. Odom	\$ 350.00
m) Farrar Law Firm	\$ 875.00
n) George E. Loomis	\$ 340.00

5. Legal Services:

Risk Management Fund

The Hammons Law Firm	\$ 16,338.15
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In light of the large amount of expenses incurred each month for the outsourcing of legal matters, Mr. Bergosh questioned whether it was time for the School Board to consider hiring an additional in-house attorney in an effort to save money. The Superintendent noted that the majority of the legal fees were associated with only a few matters involving lawsuits that only a few individuals had filed against the School District; he did not believe that hiring an additional in-house attorney would save the School Board any money.

C. Human Resource Services

g. Special Requests

Mrs. Hightower inquired as to the process by which selections were made for those who would serve as instructors in our summer reading and math camp. She wanted to be sure that the best, most innovative individuals were the ones working there but she had been told by contract it was seniority based. Mr. Keith Leonard, Director of Human Resource Services, clarified that seniority would be the determining factor only if all other factors were equal.

D. Purchasing

13. Annual Agreement Renewal: Workers' Compensation Managed Care Services

*Description of Purchase: Recommend the renewal of an annual agreement to provide administration services for Workers' Compensation managed care claims. Per the terms of the agreement, an increase in fees will take effect upon renewal. This increase shall be equal to the lower of: an overall three percent (3%) increase or the percentage increase in "CPI" for the immediately available twelve (12) month period plus two percent (2%).*

Mr. Bergosh questioned whether the renewal of this agreement was necessary given that the School District was moving towards the establishment of an employee health clinic. Mr. Patrick Palmer, Benefits Analyst-Risk Management, said that this was actually the renewal of an agreement with CorVel Healthcare Corporation to provide administration services for the School District's Workers' Compensation managed care claims. In moving forward with the

establishment of an employee health clinic, Mr. Palmer said that eventually handling some of those services would be the goal, but in the meantime the School District would need to have the agreement with CorVel in place for the current year.

35. IT Department Temporary Employee

*Description of Purchase: To provide operational continuity, request authorization for the establishment of a temporary position via Landrum Staffing Services. The position would allow Mr. Donald Manderson to serve in a consultative manner in Information Technology for a period of six (6) months effective July 1, 2012 through December 31, 2012.*

36. Facilities Planning Department Temporary Employee

*Description of Purchase: To provide operational continuity, request authorization for the establishment of a temporary position via Landrum Staffing Services. The position would allow Mr. Ronald Peacock to serve in a consultative manner in Facilities Planning for a period of four (4) months effective July 1, 2012 through October 31, 2012.*

Mr. Bergosh asked for an explanation regarding the purchase recommendations outlined in Item V.D.35 and Item V.D.36. Mr. Shawn Dennis, Assistant Superintendent for Operations, said that the vacancies that were recently created by ascension in the Information Technology Department and the Facilities Planning Department would offset a considerable amount (nearly 75%) of the total cost of these two temporary positions.

E. Operations

-No items discussed

F. Student Transfers

-No items discussed

G. Internal Auditing

-No items discussed

VI. UNFINISHED BUSINESS

-None

VII. 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

VIII. COMMITTEE/DEPARTMENTAL REPORTS

1. Charter School Quarterly Report

2. Update from A.A. Dixon Charter School of Excellence

These items were handled earlier in the meeting.



IX. PUBLIC FORUM

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

X. ADJOURNMENT

Prior to adjournment, Mrs. Waters asked for guidance from the School Board in regards to authorization to offer a settlement in a DOAH case that was being handled by Mr. Joe Hammons, attorney for the Superintendent. Mrs. Waters said that the School District had been ordered to pay the attorney fees and that there was documentation of just under \$28,000 in attorney fees and costs. She said it would be her recommendation that the School Board “cut their losses” and have Mr. Hammons to offer the amount for which there was documentation. Mrs. Waters said the matter would still come back to the School Board to vote on the final settlement paperwork, but at this time she simply needed guidance from each School Board Member as to whether they wanted Mr. Hammons to offer a settlement in that case. Each School Board Member responded in the affirmative.

There being no further business, the Regular Workshop adjourned at 1:00 p.m.

Attest:

Approved:

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Superintendent

\_\_\_\_\_  
Chair

PENDING BOARD APPROVAL