

THE SCHOOL BOARD OF  
ESCAMBIA COUNTY, FLORIDA

MINUTES, DECEMBER 14, 2012

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. Jeff Bergosh Vice Chair: Mrs. Linda Moultrie

Board Members: Mr. Gerald W. Boone  
Mrs. Patricia Hightower (*not present*)  
Mr. Bill Slayton

School Board General Counsel: Mrs. Donna Sessions Waters

Superintendent of Schools: Mr. Malcolm Thomas

Meeting was advertised in the *Pensacola News Journal* on December 1, 2012 - Legal No. 1583994

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

I. CALL TO ORDER

Mr. Bergosh called the Regular Workshop to order at 9:00 a.m.

Presentation from Gulf Power

Representatives of Gulf Power presented two incentive checks to the Escambia County School District on behalf of the School District's efforts to become more energy efficient over the past year. The first check for approximately \$20,000 was a result of a various array of projects ranging from energy efficient chillers to insulation to roof tops, etc. The second check for approximately \$30,000 was the result of solar installations at some of the schools.

Report on Class Size

The Superintendent said that School District would most likely be deemed to be in compliance with class size requirements for the 2012-2013 school year. He said that every elementary school and every middle school was completely in compliance but there were seven different classes in three high schools representing seven students who all enrolled late during the FTE survey and had to be placed in classes that were already overcapacity. The Superintendent said that staff would submit an appeal to the Department of Education (DOE) similar to the appeal that was submitted the year before. He believed that the District, because it was so close (0.05% within compliance) which again was an improvement over last year, would be deemed in compliance. He said the District would hear official word of the appeal decision in January.

Issue re: Substitute Teachers

The Superintendent reported that over the past two to three weeks, the District had been experiencing some issues in schools with regard to an inability to fill all of the substitute teacher requests. He said he was not sure how widespread the problem was yet but had asked the Human Resources Department to take the lead on a task force involving both principals and teachers at every level to examine data from the District's substitute system to determine whether the problem was district-wide or school specific. He said the task force would determine which schools were having the most difficulty and would then make recommendations for both the school principals and for District staff on how they could help the situation.

He said part of that analysis would include looking at how other school districts in the region were handling substitutes and if they were having a similar problem.

## II. COMMENTS FROM SUPERINTENDENT

The Superintendent listed the changes that had been made to the December 18, 2012 Regular Meeting agenda since its initial publication.

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

### Notice of Intent to Advertise Amendments to Rules and Procedures of the District School Board: Chapter 6, Student Transportation

There was no discussion on this item.

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

Mrs. Moultrie said she was still reviewing the proposed amendment to Chapter 3 and therefore had no questions at that point in time. Mr. Slayton noted that the proposed amendments were being presented for advertisement this month but as School Board Members “dig deeper” into their review they may have questions at a later time. Mr. Bergosh thanked the Superintendent for spending a significant amount of time answering the majority of his questions on Chapter 3. He said that other questions he had were answered during staff’s presentation at the December 13<sup>th</sup> Special Workshop.

Later in the meeting, Mr. Bergosh asked to readdress Chapter 3. He passed out packets of information to the other School Board Members and to the Superintendent. Mr. Bergosh said he had discussed an issue with the Superintendent that had to do with Section 3.07(9)(C) regarding notification of parents and/or guardians prior to a student being interviewed by law enforcement while on school grounds. He noted that he had discussed his concerns at previous workshops and meetings but had not made very much headway in his attempts to make the verbiage under that section a little more progressive in nature. He asked his fellow School Board Members to take a look at the information he had just provided. He believed it would be a good thing if the School Board could make some movement in the direction of allowing students an opportunity to call for a parent and/or guardian prior to being interviewed by law enforcement while on school grounds. Mr. Bergosh said he would follow-up offline with the Superintendent and perhaps they could have further discussions and maybe bring back to the School Board at a later date. Mr. Slayton asked Mr. Bergosh if he was planning on bringing an amendment to Chapter 3. Mr. Bergosh said that he had a lot of issues with Chapter 3 and that he and the Superintendent had a very productive meeting where the Superintendent addressed maybe 95% of those issues; however, he still had a “sticking point” with Section 3.07(9) yet that would not preclude him from voting for the document as presented. Still, he said he would like to move forward with more progressive verbiage and protection for the students. The Superintendent advised that he did not plan to bring a change recommendation for this policy at that time. He said what had been presented to the School Board for advertisement was his recommendation at that time and he did not plan to add verbiage between now and next month. Mr. Bergosh clarified that he meant that over the course of the next year he would like to work toward more progressive verbiage.

At the request of the Superintendent, the School Board agreed to move the following item forward for discussion:

### Lipscomb Elementary Internal Accounts Audit (Special Report), Item V.G.2.A

Mr. Slayton said he had extensive discussions about this special report with Ms. Susan Sanders, Principal of Lipscomb Elementary and Mr. David Bryant, Director of Internal Auditing. Mr. Slayton noted Ms. Sanders, as the new principal of Lipscomb, had inherited this situation. He complimented Ms. Sanders on how she had “dug into” the situation and was doing everything she could to try to solve the problem. Mr. Slayton asked Mr. Bryant if he had any additional concerns with what the school was doing or whether he felt that the school was doing everything that they needed to doing. Mr. Bryant said that his department had not yet done a follow-up with Lipscomb. He said a follow-up was typically done about 90 days after a report was presented

to the School Board; therefore, the follow-up with Lipscomb would occur sometime in March. He noted however, that he and his staff had spent time with Ms. Sanders basically providing one-on-one training, walking her through the various aspects of internal funds and most importantly what to look for to ensure that some of these things did not happen again. He said there was a very open line of communication between his office and Ms. Sanders and that she was free to call them anytime and they would call her periodically to check on her in case she had any questions or had encountered any problems. Mr. Slayton said that in defense of the past hiring, the current secretary was placed at Lipscomb as a result of a school closure that had occurred several years ago. He did not believe that individual was quite prepared for elementary school and the position that required them to wear “many hats” which had proved to be quite overwhelming. He said the previous principal, Mr. Dale Cooley had worked on the situation and Ms. Sanders had continued to work on the situation. Mr. Slayton said he believed that the school was doing everything possible to handle the situation and he certainly applauded them for their efforts. Mr. Bryant said his department would handle this situation very similar to how they handled a situation at Warrington Middle School a few years ago in that they would go back mid-year and do an interim audit as well as follow-ups and would keep the lines of communication open to help ensure that at the end of next year the school was not in the same situation again. The Superintendent said he had strong confidence that when the Internal Auditing staff revisited the school they would see evidence that the school now had this well under control. He said he echoed Mr. Slayton’s comments in that he believed the new principal had “taken this to heart” and that there were sufficient controls now in place to ensure that the Internal Auditing department would be able to audit the school and would be able to interpret their data. Mrs. Moultrie commented that in reading all of the audits, she had found that most of them appeared to be procedural problems rather than anything else. Mr. Bryant said that the Lipscomb situation was a specific example of one that was “just difficult to wrap your head around the entire thing” and that was why the Internal Auditing department had not issued an opinion. He said “you can have one area that suffers and still be comfortable with the school as a whole but when you have several areas and lots of missing information, you’re not comfortable saying that everything that is there is what’s supposed to be there or is not there.” Mr. Boone said he took note in reading through the reports that at one particular school they were very appreciative of the auditor and the way that business was conducted, in that it was not a “gotcha moment” when the auditor found issues. Mr. Boone complimented Mr. Bryant and his staff for the work that they do. He noted that it was the business of that department to show the schools where there were mistakes and to lead them in the right direction, not to punish. Mr. Bergosh said he had looked through the list and read the majority of the letters. He wanted to echo what Mr. Boone had said in that the responses from the majority of the schools indicated a positive interaction with the Internal Auditing department when issues were identified and a willingness from the Internal Auditing staff to help the schools improve. Mr. Bergosh wanted everyone to take note on the agenda of all the schools that had no audit findings. Mr. Bergosh said the one thing that he always looks at is the responses from the principals noting that they run the gamut from no response, to a response placing blame on one of their employees, to a very cordial response taking ownership of the situation. Mr. Bryant said the he and his staff always mention to the principal during the exit conference that School Board Members pay close attention to their responses so they may want to take their time with them. Mr. Bergosh thanked Mr. Bryant and the entire Internal Auditing department for their work. Mrs. Moultrie pointed out that the responses had been getting better. Mr. Bergosh agreed that the responses had been getting much better. Mr. Slayton said he appreciated that Mr. Bryant’s department worked well with the schools to help them understand and do a better job.

#### Approval of Minutes, Section IV

1. 11-15-12 SPECIAL WORKSHOP
2. 11-16-12 REGULAR WORKSHOP
3. 11-20-12 INSTALLATION CEREMONY & ORGANIZATIONAL MEETING
4. 11-20-12 REGULAR MEETING

Mr. Bergosh said he had reviewed each set of minutes from the November workshops and meetings. He pointed out that the minutes were important; however, as he had discussed with the Superintendent, with the School District’s video archiving system, the minutes were now much less important. He said he really appreciated the way the videos of the School Board’s meetings and workshops were being documented as it was a really good resource for the School Board and for the public as well. There were no questions or concerns expressed by any other Board Members regarding any of minutes as presented.

#### IV. CONSENT AGENDA

##### A. Curriculum and Instruction

1. Innovations Educational Services, Inc., DBA Innovations Middle Charter School of Escambia Charter Application Review and Recommendation to the School Board of Escambia County, Florida

Mr. Slayton said he appreciated the District's Charter School Review Panel for performing the "daunting task" of reviewing the charter application, interviewing and providing feedback to the applicant, and presenting their recommendation to the Superintendent. He said it was very helpful to receive a concise recap from the review panel. Mr. Slayton indicated that he would support the Superintendent's recommendation that this charter application be denied. Mr. Bergosh asked if the applicant was aware that the Superintendent was recommending that the School Board deny the charter application. Ms. Vicki Mathis, Director of Alternative Education, said the applicant was aware that the recommendation would be submitted as an agenda item for the December Regular Meeting, that the item would be discussed during this workshop, and that they could address the School Board if they wished to do so. Ms. Mathis said that statute required that the School District send a letter to the applicant within ten (10) days of School Board action whether it be an approval or a denial. Ms. Mathis said she had the letter prepared but would not send it until after the School Board had taken action at the December Regular Meeting. Ms. Mathis noted that the applicant had also applied and was denied in other school districts which included: Polk, Pinellas, Duval, Desoto, and Lake. She said they had also applied in Orange County but later withdrew that application. She said they were appealing in Orange County and in Lake County and that those appeals would go in December. Mr. Bergosh questioned whether the applicant was aware that the School Board was given a recommendation to deny the application. Ms. Mathis said based on the fact that the applicant did not specifically address many of the panel's questions during the interview, it was likely that the applicant was aware that the panel would recommend that the charter application be denied. Mrs. Moultrie questioned whether this charter school was serving in any other school districts. Ms. Mathis said that the applicant had been operating a charter school in Orange County. Mrs. Moultrie commented that the applicant "should know what it takes to get a charter approved if they already have a school operating in another school district." Ms. Mathis said the school in Orange County opened in 2010-2011 but they did not receive a school grade that year because they did not test enough students. She said that for the 2011-2012 school year, their school grade was an "F" although they tested 96% of their students. She noted that all the other school districts that had denied the charter school's application had done so for the same reasons. She said the group felt like that with the charter's school that was an "F" they wanted to see some indication that they were bringing their school grade up before the group would want to entertain another charter doing the same practices with students in Escambia County because we do not want those results. Mrs. Moultrie asked whether or not the District's Charter Review Panel, after they completed their review, had provided feedback to the charter school. Ms. Mathis said that the charter school received all of the Panel's information, their concerns before the interview and therefore had an opportunity at least a week ahead of time, to prepare answers to the concerns prior to the interview and yet that did not occur.

At this time, the following items were handled:

##### Charter School Quarterly Reports, Item VII.1

Representatives from the following charter schools were in attendance: Escambia Charter School, Beulah Academy of Science, Newpoint Academy and Newpoint Pensacola, Dixon School of the Arts, Capstone Academy, Pensacola Beach Elementary School, and Byrneville Elementary School. Ms. Vickie Mathis, Director of Alternative Education, said that School Board Members should have received a copy of the Charter School Quarterly Report for December 2012 which included a financial analysis for each of the charter schools. In addition, she had provided prior to the start of this workshop, (1) a response from Dixon School of the Arts regarding the school's financial statements and a new October financial statement from their CPA, and (2) a response from the CPA for Jacqueline Harris Preparatory Academy regarding the school's financial analysis. Ms. Mathis pointed out that the enrollment figures that were provided in the quarterly report were as of December 6<sup>th</sup> so that she could get the information to them ahead of this workshop. She reported that the

enrollment figures as of December 13<sup>th</sup> were as follows: Capstone Academy-24, Dixon School of the Arts-134, Byrneville Elementary School-161, Jacqueline Harris Preparatory Academy-170, Pensacola Beach Elementary School-142, Beulah Academy of Science-286, Newpoint Academy-172, Newpoint Pensacola-93, and Escambia Charter School-101. Mr. Bergosh commended Ms. Mathis for forwarding the financial information on the charter schools to the School Board Members as for him it was very instructive to look at the various information outlined in the Profit & Loss spreadsheet. Ms. Mathis clarified that the additional financial information was only for Newpoint Academy and Dixon School of the Arts, the two charter schools that were required to provide monthly updates to the School Board. Mr. Bergosh referred to the financials, noting that for most of the charter schools it appeared that Question 6 was answered “no” and he wondered if there was some global reason for that. (NOTE: *Question 6 – Do Revenues & Expenses for current month appear to be comparable to same month in prior fiscal year?*) Ms. Malinda Jones, Coordinator of Cost Accounting, clarified that the financial questions were just standard questions that were set up simply to “raise flags” where necessary. She said that for Question 6 and Question 7 she would not expect the answer to be “yes.” (NOTE: *Question 7 – Do YTD Revenues, Expenses & FB appear to be comparable to the same month in the prior fiscal year?*) Ms. Jones said “things have a timely basis of occurring and sometimes they do happen to occur around the same time each year, but due to changes in enrollment and funding, not necessarily are they going to work out the same from month to month.” Mr. Bergosh questioned whether a “no” answer would “raise flags” on Question 9. Ms. Jones confirmed that a “no” answer for Question 9 would “raise flags” indeed. (NOTE: *Question 9 – Does the cash balance appear to be adequate to meet current requirements?*) Ms. Mathis noted that there was a mistake on the quarterly report with regard to the “contract obligations” chart on page 4/15. She said that she had listed Escambia Charter with an October FTE of 103, yet it should have been listed as 109. Mr. Bergosh noticed that Byrneville’s enrollment was 161 as of December 6<sup>th</sup> but its projected enrollment for 2012-2013 had been 180. He asked if there was a reason that the Byrneville was below the projection when typically that school had been right at the maximum. Ms. Dee Wolfe-Sullivan, principal of Byrneville Elementary School, said the decrease could be attributed to the north-end economy. She said that eleven (11) students had withdrawn during the summer either because their parents had to move in with other relatives elsewhere or because their parent’s jobs were in Pensacola and the drive from the Pensacola area to the Byrneville area could become quite costly. She clarified that the students had left the school because of issues related to the economy and not because their parents no longer wanted them to attend there. Mr. Bergosh said he knew in the past that Ms. Wolfe-Sullivan had some issues with the library at her school. Ms. Wolfe-Sullivan said that the issues with the library were all cleared-up and commented that “many times good things come out of bad.” Mrs. Moultrie thanked the charter school representatives for their attendance at this workshop and for sharing their information with the School Board.

The Regular Workshop recessed at 10:30 a.m. and reconvened at 10:42 a.m. with Mr. Bergosh, Mrs. Moultrie, Mr. Boone, Mr. Slayton, the Superintendent, and Mrs. Waters present. Mrs. Hightower was not present.

Mr. Bergosh said it had been brought to his attention that there was individual in the audience who wished to address the School Board regarding the earlier presentation from Newpoint Academy. Noting that the School Board typically held its public forum at the end of the workshop, Mr. Bergosh questioned whether any School Board Member objected to allowing the individual to speak at that time. There was no objection from any Board Member. Ms. Tracy Pickett, speaking as an individual, addressed the School Board regarding issues at Newpoint Academy. Ms. Pickett said that in listening to the Director of Newpoint Academy address the School Board earlier in the meeting, she was in total disagreement with what had been said. She advised that parents were not informed by the school when teachers had left but rather parents find out through their children. She said that parents were not notified as to when the Board of Director’s meetings would occur as there was no information posted in the school or on the school’s website. She gave specific examples of problem situations that related to her son’s immunization records and her son’s FCAT score. She also questioned the qualifications and certifications of the teachers at Newpoint Academy. Mr. Bergosh said he appreciated Ms. Pickett bringing these issues to the School Board’s attention but noted that Newpoint Academy was an independent charter school with its own board of directors. He suggested that she make contact with the board members from Newpoint Academy and noted that two of the board members were actually in the audience.

## 2. Escambia County School District Strategic Plan 2012-2013

Mr. Bergosh said that he had some notes from his discussion with the Superintendent and that they both felt like it might be a good idea to bring those issues up during this workshop. Mr. Bergosh

referred to the Environment strategy E.1.5, *Increase parent, ~~student, teacher, and staff~~ satisfaction with safety as measured by surveys*. Mr. Bergosh wanted to know why student, teacher, and staff had been deleted from this item as he believed it was important to know if the students, teachers, and staff felt safe. Mr. Tom Ingram, Director of Information Technology, said that previously there was an employee (teacher and staff) climate survey that addressed the safety issue but when the District moved to the new survey process, that issue was no longer addressed. Ms. Sandra Edwards, Director of Comprehensive Planning, said that the District was now using the Studer Education surveys and the safety issue was not addressed in those surveys. Mr. Bergosh believed that with the increased push against cyber stalking and bullying, it was important to know how students felt about safety. The Superintendent said that perhaps the committee that worked on this portion of the strategic plan could find a way to get student input on the safety issue. Ms. Edwards said that the committee could work with Student Education on adding that to the survey. Mr. Slayton said he liked the idea of knowing how students felt about security.

#### 4. Contract Termination, A+ Tutor U

Mrs. Moultrie said that she had reviewed the backup documentation for this item but she wanted to be assured that the District had given A+ Tutor U every opportunity to correct their deficiencies before the School Board moved forward to terminate their contract. The Superintendent said that the District had indeed given A+ Tutor U every opportunity to correct their deficiencies. He advised that A+ Tutor U had provided tutoring services on school campuses in Escambia County using tutors who had not completed the process for fingerprinting and badging as required by the contract. The Superintendent said that A+ Tutor U was alerted of the situations they indicated that they would address the problems but they did not. At that point, the Superintendent said that he “drew the line” as the vendor was in breach of contract. Ms. Laura Colo, Assistant Director of Title I, said that her department had two weeks of email notices to A+ Tutor U notifying them that some of their tutors had not completed the clearance process. Ms. Colo clarified that tutors were not cleared to work in schools until all information had been entered into the EZSES system and verified by the Title I office. She noted that these issues, which were directly related to the safety and security of students, were the most serious breaches of the contract. Ms. Colo said that Mrs. Marcia Nowlin, Director of Title I, had conferred with the School Board’s attorney and also with the Florida Department of Education (FLDOE) and both concurred that there were sufficient grounds for the School District to terminate its contract with A+ Tutor U. Ms. Colo noted that the School District’s EZSES system was operational and there had been no “glitches” with the technology system that would have prevented A+ Tutor from entering the required information. The following speaker requested to address the School Board regarding this item: Derick Scott, representing A+ Tutor U. Mr. Scott said he wanted to make sure that everyone was clear on exactly what the issue was. He said that there were 50 individuals that had contracted with A+ Tutor U to provide tutoring services on behalf of the students in Escambia County. He noted that of those 50 individuals, 44 were currently certified teachers in the Escambia County School District and 6 were not in any capacity currently working with the Escambia County School District. Of the situation that staff was referring to, Mr. Scott said that each of those 50 individuals who had worked with A+ Tutor U had in fact gone through a background check prior to the start of SES tutoring on November 6, 2012. He said every one of those individuals had visited the Hall Center to receive fingerprinting and background screening as it related to the Jessica Lunsford Act. Mr. Scott said that A+ Tutor U certainly takes the issue of safety and security of students very seriously. He said the problem was that the proper paperwork was not posted in the correct place within the School District’s SES system. He said that his company had gone back and remedied that but clarified that it was not an issue of an individual showing up at any school and working with students who had not been properly fingerprinted and/or background checked; rather the issue was a technical problem in that the proper paperwork was not posted to the correct place in the School District’s SES system. He reemphasized that at no point did any individual from A+ Tutor U step foot on a school campus within Escambia County and work with children who was not properly screened and had the proper credentials. He said that the paperwork not being posted correctly had resulted in Title I not being able to successfully clear those individuals. Mrs. Moultrie asked Mr. Scott if he had documentation of each individual’s background checks and screening dates. Mr. Scott said that he did and could certainly provide that information for every one of those individuals if necessary. In

response to the claims made by Mr. Scott, Ms. Colo said advised that part of the School District's clearance process included confirmation of whether or not those individuals had been drug screened in addition to the background check and fingerprinting. Ms. Colo said that those individuals had not been drug screened and yet the contract clearly states that they must be cleared by Title I first. She said that representatives from A+ Tutor U had attended the School District's training session in September where those points had been made clear. She said that A+ Tutor U had also transported students without getting their transportation plan approved through the School District's Transportation Department so there were actually multiple violations of the contract. Ms. Colo said that staff would maintain their recommendation that A+ Tutor U's appeal be denied.

B. Finance

7. Auction List I for December 2012 (**DELETED ITEM**)

Upon inquiry by Mr. Bergosh, the Superintendent said it had been determined that this item was being handled in an improper fashion in that the item (cooking oil) could not be auctioned; it would have to be donated instead.

11. Proposed 2013-2014 Budget Calendar

Mrs. Moultrie referred to the "budget update at Board workshop" that was scheduled for April 12<sup>th</sup>. She noted that several of the School Board Members would be out-of-town April 10<sup>th</sup> through April 15<sup>th</sup> at a National School Boards Association (NSBA) conference. Mrs. Laura Shaud, Director of Budgeting, said that the scheduling of the budget updates would follow the School Board's workshop schedule. She noted that the dates currently listed were simply a proposal and could be adjusted in order to accommodate a change in the School Board's schedule.

C. Human Resource Services

3. Risk Management

- a. United HealthCare Administrative Services Agreement Renewal
- b. Medical Stop Loss Policy

Mr. Bergosh said that his concern, which he had recently expressed to the Superintendent, was that the backup documentation for these two items "came in late and came in slow." He was not sure that simply putting a placeholder of the agenda when it was initially published was sufficient. He noted that over the weekend while he was reviewing this month's agenda, there was nothing for him to review on these two items. Mr. Bergosh understood that there was a need for these items to be placed on this month's agenda, but his concern was that these two items represented substantial expenditures, with one being nearly \$1 million and the other nearly \$2 million. Mr. Bergosh said that one of his goals during his tenure as the Board Chair was to make sure that School Board Members had ample opportunity to read and "digest" agenda information, especially those items dealing with a large expenditure of funds. Mr. Bergosh acknowledged that he had subsequently received some backup documentation related to these items. Mr. Kevin Windham, Director of Risk Management, explained that the delay in providing backup materials to the School Board was due to marketing the stop loss policy. He said the results were not available until after the agenda deadline for the December Regular Meeting. In addition, he said the proposal had to be presented to both the Employee Benefits Committee and the Employee Benefit Trust Fund Trustees for final approval prior to presenting the final recommendation for School Board approval. He said that both committees had now approved both items to be submitted to the School Board for approval.

D. Purchasing

2. Bid Award/Annual Agreements: As Needed Real Estate Services, RFP #131401

Mr. Bergosh said that he had previously discussed this item with the Superintendent. He said he had several issues with this item, but the one most important to him was the idea that the School Board had not even approved this item yet it felt inevitable as if it was a done deal. Mr. Bergosh said

that when he had asked Mr. John Dombroskie, Director of Purchasing about this item, Mr. Dombroskie had said that it was his opinion that this was “something that could not be pulled back” or it would result in a bid protest. Mr. Dombroskie confirmed his belief that the two recommended firms would have grounds to protest since their proposals were included as attachments in the backup documentation for the School Board that had been posted to the School District’s online agenda and had been available for their would-be competitors to view. Mr. Bergosh asked if that was something that was the process that typically followed because if so, then that really took the decision out of the School Board’s hands because he agreed with Mr. Dombroskie in that those firms had provided information specific to their proposal (i.e., prices, percentages, methodology) and it had been available for their competitors to view but if the School Board was told they had to vote for it because they put that then why would that be attached before the School Board had voted on it. Mr. Dombroskie said it was because the School Board Chair would have to sign the agreements that he had to present them to the School Board as part of the agenda backup. The Superintendent said the documents had been provided to give the School Board Members sufficient backup information to make their decision. Mr. Bergosh suggested that such information should probably be posted to the School Board’s secure documents portal rather than being available on the public e-agenda. With regard the process, the Superintendent said that in this particular case, he believed the appropriate process was followed. As he had mentioned to Mr. Bergosh offline, the Superintendent said that there had been no inquiries other than these two firms about this bid for real estate services. He said it was unfortunately that there were only two firms that applied as he would have like to have had more competition of course. As a matter of fact, he said that in an effort to try to obtain more competition, the School District had actually advertised the bid in the local newspaper instead of just following the normal bid procedure and advertising it on the School District’s website. He said that from the time that the bid was advertised and even since the bid award had been listed on the School Board’s agenda, there had been no other inquiries other than these two firms. He noted that he was recommending the hiring of two firms to provide these services. The Superintendent said that to pull the item at this point when there had been no other firm come forward, and even if there had been other firms to come forward, he believed that would put these two firms in an unfair position. He noted that these two firms had met the established deadline and they had already gone through bid process and now there proposals were out there for everyone to see so it would now be easy to beat them. Mr. Bergosh noted that School Board Members had expressed an interest in this issue at previous workshops. He said Mrs. Hightower had specifically inquired as to when these services would be put out for bid. Mr. Bergosh was concerned that the School Board had not been notified as to when the bid process would be occurring. Mr. Slayton said that the School Board was told that the process was going to begin. Mr. Bergosh was also concerned that the advertisement had been placed in the local newspaper the week before Thanksgiving and that the period of time for responses had overlapped through the Thanksgiving holidays. Mr. Bergosh said that he had heard concerns from a few real estate firms. Mr. Slayton questioned why those firms did not put in a bid. Mr. Bergosh said it was because they were not aware that the bid was open because it had occurred over the Thanksgiving holidays and the advertisement was “buried” in the local newspaper. He also noted that the School Board was not notified that the services were being bid at that particular time. Mr. Bergosh noted that there were around 12 to 15 qualified real estate firms in Escambia County. He said he had no issue with the two firms that were being recommended. Rather his concern was with the process in that if the School District really wanted to “cast a large net” and get a variety of applicants, then it should not have been advertised over the Thanksgiving holidays when nearly everyone was out-of-town. He also believed that the School Board should have been noticed beforehand especially since at least one School Board Member had specifically inquired about it. The Superintendent said he hoped that Mr. Bergosh was not indicating that staff should notify the School Board so that he could go out and solicit firms to put in a bid. Mr. Bergosh responded that of course that was not his intent. The Superintendent said that the bid process was such that firms should be watching the School District’s website and when they are aware that a bid is coming up, they should review the specifications and submit a proposal. Mr. Bergosh asked Mrs. Waters to address the issue of being able to pull the bid back. Mrs. Waters said that Mr. Bergosh had asked her to look at the School Board’s rules and the law to determine whether there was a good likelihood of a bid protest. She noted that there were two sections of School Board Rule that addressed this matter: 5.02(7)(E)(1): *The Board shall have the authority to reject any or all proposals submitted in response to any competitive solicitation and request new proposals or*

*purchase the required commodities or contractual services in any other manner authorized.*

5.02(7)(F)(6): *The purchase of professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration.* Although not specifically mentioned in 5.02(7)(F)(6), Mrs. Waters believed that there was a very good argument that professional real estate firms were also qualified as a professional service. Mr. Slayton believed that there should be a discussion about who actually had a problem with the process as it had been followed. Mr. Bergosh noted however, that not all of the School Board Members were present to have such a discussion. Mrs. Moultrie said it was her opinion, that if a firm was looking for business, then it was their responsibility to “keep an eye” on the local newspaper, the School District’s website, or wherever a business was known to advertise its bid proposals and should then submit the appropriate bid proposal. She said from what she understood, there were no other firms to have bid on this item and that simply saying they were not aware that the bid had been advertised was not sufficient. Mr. Bergosh wanted to know if there was some “middle ground” that could be reached with respect to this matter. He understood that these two firms had followed the bid process but questioned whether it could be re-bid. Mr. Slayton and Mrs. Moultrie questioned the purpose of rebidding. Mr. Slayton said he did not see any reason to rebid if the process had already be followed correctly. He was concerned that Mr. Bergosh was wanted to rebid for a specific firm. Mr. Bergosh suggested that perhaps the discussion on this item should be postponed to the December 18, 2012 Regular Meeting at which time he would bring additional information for the School Board. The Superintendent said he would have issues if Mr. Bergosh was going to bring some type of “package” that he was putting together outside the bid process for these two firms. The Superintendent maintained that the process had been followed correctly and that he was recommending that the School Board award the bid to the two firms that had responded. He noted however, there was nothing in the contract that would prevent the School Board from in the future, rebidding this prior to expiration of the contract. He said that the contract would run through the end of this year but there was an option to extend for two additional years. He noted however, that the School Board was not prohibited from rebidding at any point in the future. Again, he said his recommendation was that the School Board approve the contracts for these two firms. The Superintendent said that he would be happy to bring a presentation later in the year from these two firms and they could talk about their performance and then the School Board and the Superintendent, as a leadership team, could decide whether to renew their contracts or to rebid. Mr. Bergosh said he was convinced that if more firms had been aware of the bid opening then more firms would have responded. Mr. Bergosh said he would pull this item for further discussion during the December 18, 2012 Regular Meeting.

E. Operations

-No items discussed

F. Student Transfers

-No items discussed

G. Internal Auditing

2. School Internal Accounts Audits

A. Lipscomb Elementary Internal Accounts Audit (Special Report)

This item was discussed earlier in the meeting.

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 submitted

VII. COMMITTEE/DEPARTMENTAL REPORTS

1. Charter School Quarterly Reports
2. Camelot Academy Quarterly Report

These items were handled earlier in the meeting.

VIII. PUBLIC FORUM

Mr. Bergosh called for public forum. Ms. Linda Scott submitted a request to address the School Board but asked if she could yield her time to the spokesperson for A+ Tutor U. Mr. Derick Scott said he wanted to respond to information that staff had provided to the School Board Members in the conversation that had occurred earlier in the meeting under Item V.A.5, *A+ Tutor U: Voluntary Termination of Contract*. Mr. Scott said there was a charge that the individual in question had not been properly drug screened and he was not sure where that information was coming from but said he certainly hoped it was not being fabricated. He said that he had documentation that he could provide that indicated that every individual who had worked in Escambia County School District for A+ Tutor U prior to November 6, 2012, was in fact, drug-screened through ProHealth. He said he wanted to respond to the statement that staff had made about transportation by saying that while A+ Tutor U did not go through a re-approval process, the transportation group that provided services for A+ Tutor U was Durham Transportation Services. He noted that Durham currently operated in Santa Rosa County but specific to Escambia County they currently pick-up for some of the 21<sup>st</sup> Century grant schools and in addition, they pick-up at Woodham Middle School and O.J. Semmes Elementary School. He said that at no point in time, did A+ Tutor U utilize any other transportation group. He acknowledged that A+ Tutor U had not gone through a re-vetting process for Durham Transportation Services but noted that Durham was a transportation provider that currently operated with the Escambia County School District.

IX. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 11:53 a.m.

Attest:

Approved:

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Chair