

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, DECEMBER 12, 2013

The School Board of Escambia County, Florida, convened in Special Workshop at 3:00 p.m., in Room 160, at the J.E. Hall Educational Services Center, 30 East Texar Drive, Pensacola, Florida, with the following present:

Chair: Mrs. Linda Moultrie Vice Chair: Mrs. Patricia Hightower

Board Members: Mr. Jeff Bergosh
Mr. Gerald W. Boone
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 November 26, 2013 - [Legal No. 1614028](#)

I. CALL TO ORDER

Mrs. Moultrie called the Special Workshop to order at 3:00 p.m.

II. OPEN DISCUSSION

- December 2013 and January 2014 Calendar – *Moultrie*

There were no changes to the School Board's schedule of workshops/meetings for December 2013 or January 2014.

- Community Task Force Implementation – *Moultrie*

(NOTE: Discussion regarding the task force previously occurred at the November 14, 2013 Special Workshop.). Mrs. Moultrie believed the School Board needed to discuss the structure of the task force that would be formed for the purpose of discussing various types of issues but specifically the achievement gap among the various ethnicities. Mrs. Moultrie said it was her desire that at least one representative be appointed to the task force by each School Board Member. Mr. Bergosh wanted to know if his fellow School Board Members preferred that an appointee be from a specific minority as he recalled during the previous discussion it seemed as though the School Board's desire was reach out primarily to members of the African-American community. Mrs. Moultrie said her desire was simply to have the participation of only those individuals who were willing to serve for the purpose that the task force was going to be designed for. She felt that by having the majority of the representation made up of African-American individuals, the task force would in order to get the true meaning of the group there would need to be representation from both sides but with the majority being made up of African-American individuals who would understand the

problems and issues that are faced by the students that they would be targeting in the in low performing schools. Mrs. Hightower wanted to know if there was a mission statement for the task force as she would like to communicate that to the individual who she would be appointing. Mrs. Moultrie said she would like for the members of the task force to formulate their own mission statement. Mrs. Moultrie said she envisioned that the task force would develop strategies that the School District could implement that would help close the achievement gap among low performing students. Mr. Bergosh said it was his desire that the gap in graduation rates be included as one of the issues that the task force would be addressing as well as the achievement gap between the Asian population and other ethnic populations. The Superintendent commented on the need to have a large enough group but not so large of a group that it would not be productive. He suggested limiting the task force to about 15-16 individuals comprised of an appointee from each School Board Member, at least one appointee from the faith-based entity, a parent from each grade level (elementary, middle, and high), a representative from Headstart (or at least some type of pre-k representation), a representative from United Way. Mrs. Moultrie suggested that an appointee from the business community should be included as well. The Superintendent said he would be appointing Mrs. Marcia Nowlin and Mr. Rodney Ford, from the Title I office and Mr. Norm Ross, Deputy Superintendent. The Superintendent said he would also be looking to hire a consultant who was not associated with the School District or any of the other groups represented on the task force, to help drive the conversations and facilitate the task force's meetings. He advised that during the week of January 6, 2014, he would be meeting with Mrs. Moultrie (representing the School Board), Mrs. Nowlin (representing Title I), and Mr. Ross to work on finding that consultant and putting the rest of the task force together. It was decided that each School Board Member would provide the name and contact information for their appointee to the task force to Mrs. Linda West, Coordinator of Board Affairs, by January 10, 2014.

- Information on Types of Vehicles that Can and Cannot be Used to Transport Students and what is the Process for Private Transportation Companies to do Business with the School District – Slayton

Mr. Slayton wanted to know if there was a document that outlined the types of vehicles that could and could not be used to transport students. Mr. Rob Doss, Director of Transportation, advised that his department working in conjunction with the Risk Management and Purchasing departments had recently revised the District's "Student Trip Guide" that contained information, forms and other guidance, including information pertaining to transportation vendors. He noted that once the official guide had gone through the final review and approval cycle, it would be maintained by the Transportation Department. He noted that a draft version of the guide was already accessible via the Transportation Department's webpage. Mr. Doss advised that a listing of approved vendors and approved vehicles [including make, model, and vehicle identification number (VIN)] was also available via that webpage. Upon inquiry by Mr. Slayton, Mr. Doss said that the schools would be responsible for using information outlined in the publication, such as the VIN, to verify that the chartered vehicle arriving on their campus was in fact, an approved vehicle from an approved vendor. Mr. Doss emphasized the importance of ensuring the safety of students during transportation from one place to another. He advised that school administrators, school personnel, booster clubs, quarterback clubs, etc. should refer to the official guide and the list of approved vendors and vehicles when making arrangements for charter transportation services; and should they have any additional questions or concerns, they should contact the Transportation Department.

- District Sponsored Activities for Student Service Hour Accumulation – Bergosh

Mr. Bergosh said there was a teacher at one of the local high schools who wanted to spearhead an effort similar to that of a mission trip sponsored by a church, but for students who were not affiliated with any

church so that those students would have an opportunity to serve a community and in turn earn community service hours. Mr. Bergosh said the teacher's concern was that students who were not affiliated with a church oftentimes had difficulty earning the number of community service hours necessary to qualify for the International Baccalaureate (IB) program or the Bright Futures scholarship. Mr. Bergosh wanted to know if it would be possible for this teacher, along with some other individuals that the teacher wanted to include, to sponsor such an activity through his high school. The Superintendent said the teacher could certainly request to distribute and/or display flyers advertising such an activity; however, the activity would not be considered a school-sponsored event due to the exposure for liability. The Superintendent said the teacher could also request to use a school classroom or School District facility in order to meet with the parents of prospective students who might want to participate in such an activity. He suggested that Mr. Bergosh refer the teacher to the School District's website to obtain a copy of the "Guidelines for Flyers" (which included the "Request to Distribute Information" form) and the Facilities Usage Agreement. Mr. Bergosh questioned whether or not a student would receive credit for community service hours if the activity was not considered a school-sponsored event. The Superintendent responded that to ensure the activity was handled appropriately in order for students to earn community service hours, the teacher and/or the participating students would need to check with their school guidance counselor. He also noted that the majority of community service hours earned by students were for activities that were not affiliated with the school or School District.

- Implementing QAR Recommendations Regarding Outside Audit/Review Coordination with OIA – Bergosh
[Handout provided to School Board Members and the Superintendent]

Mr. Bergosh referred to the School District's Quality Assurance Report (QAR) that had been conducted in February 2013 by the Director of Auditing from the University of West Florida (UWF). He noted that for the most part, feedback outlined in the QAR was positive; however, "coordination of effort" was one area in particular where improvement was suggested. Mr. Bergosh referred to the following statements outlined in the Escambia County School District-Internal Audit Self-Assessment Independent Validation:

Page 10 - *When external auditors, other than financial auditors, visit ECSD, OIA should be notified to ensure OIA is aware of the engagement and to ensure there is no duplication of effort between the external auditors and OIA.*

Page 15 - *Coordination increases trust. Because external auditors work for multiple clients, they are exposed to a wider variety of issues. External auditors may therefore discover and solve issues that internal auditors have not dealt with before. Coordination increases efficiency. When various areas undergo external evaluation and audit, this affects the overall risk picture for OIA by decreasing the risk level because another entity has evaluated the area.*

Mr. Bergosh noted that earlier in the year, the School Board had received an audit report outlining many issues in the Food Services department; since that time, a number of those issues had been addressed by the School Board and steps had been taken by the School District to make the necessary improvements. Over the last year in his capacity as Chairman of the School Board, he had worked closely with Mrs. Waters and Mr. David Bryant, Director of Internal Auditing, on issues related to the Food Service audit findings. Mr. Bergosh noted that there were some significant issues identified in the audit report that he had been following. He was aware that an audit team from the state was coming to the School District and he had every expectation based on the QAR from February 2013 and based upon the significant issues that had been identified in the Food Services audit that the state auditors would coordinate with the OIA. While in Tampa, Florida at a recent ethics training session, Mr. Bergosh said he had contacted Mr. Bryant and asked if he had an opportunity to meet with the state auditors to which Mr. Bryant replied that he knew the auditors were coming but yet they never contacted him and he was not sure why as he would have thought that he could explain some of the information outlined in the Food Service audit that his office had conducted. Mr.

Bergosh was very concerned that there had been no coordination with or engagement between the state auditors and the OIA. He was concerned that Page 25 of the state auditor's own Administrative Review Manual outlines the criteria for determining which schools to review, two of which were "*findings from the on-site visits or the claims review process*" and "*any school in which the daily meal counts appear questionable,*" however, they did not review any of the schools where problems had been experienced. Mr. Bergosh said he took issue with the group's decision not to review those particular schools so he contacted them to find out why they selected the schools that they did as those schools were not the ones that they should have selected according to their own guidelines. Mr. Bryant agreed. The Superintendent advised that he had two discussions with Mr. Bryant about the "coordination" issue, one being earlier in the year shortly after the QAR was released. At that time he had agreed with the suggestion outlined in the QAR. He noted however, that the QAR also indicated that he and Mr. Bryant would work together to develop a calendar list but that "coordination" had yet to occur due to both of their busy schedules. With regard to the visit from the state auditor's, the Superintendent noted that he also was not in town during their visit. The Superintendent said that like Mr. Bryant, he was aware that the state auditors were coming, yet he did not know the exact dates that they planned to visit. The Superintendent said he was certainly "not trying to throw staff under the bus" but he felt it was important for the School Board to understand that after all that had occurred and all that staff was trying to correct in the Food Services department, that extra effort was necessary on staff's part to ensure that the School District was more transparent than ever. The Superintendent believed that the fact that neither he nor Mr. Bryant was included in the state auditors' visit was an oversight on the part of the Food Services department. If they had it to do over, he believed that both he and Mr. Bryant should have been present at an entrance and an exit conference with the state auditor's. As far as the school's that were selected for review, the Superintendent noted that he did not control that matter; he could not tell the state auditor's which schools to select as that was their decision entirely. With regard to the "coordination" issue, the Superintendent said that he and Mr. Bryant had agreed that they would both work through that. Mr. Bergosh said it was his recollection from a previous discussion was that the Superintendent felt like Mr. Bryant did not need to be involved in that process; however, he was happy to hear that the Superintendent had reached an agreement with Mr. Bryant on the "coordination" issue. The Superintendent clarified that in his discussion with Mr. Bergosh he had not indicated that Mr. Bryant did not need to be involved in the process; rather, he had noted that there were often program reviews that might not be appropriate for Mr. Bryant to be involved in. He did believe that with regard to the Food Service situation, whether it was appropriate or not, Mr. Bryant should have been included given what had transpired in the Food Service department. Mr. Bergosh said that was all he wished to discuss at that time; he pointed out that he had included an "interesting piece of information" in the packet provided to School Board Members regarding a case in Pennsylvania that was "eerily similar to one or more of the issues that we've had" so he was hopeful that School Board Members would take a look at that.

On a related matter, the Superintendent noted that there had been several occasions over the past couple of years when he had needed to engage Mr. Bryant during an employee investigation. The Superintendent said he needed to confirm that he had agreement from all five (5) members of the School Board that when Mr. Bryant was engaged in an active employee investigation, he would not be able to have conversation with School Board Members or anyone else about that investigation. He noted that this was especially important because those allegations may ultimately be presented to the School Board. He noted that it was inappropriate for School Board Members to ask Mr. Bryant any questions about an active employee investigation as the disclosure of such information would jeopardize and compromise the employee's due process. If that was not agreeable by the School Board, the Superintendent said that he would no longer be able to utilize Mr. Bryant's expertise in those investigations. There was consensus among the School Board Members that while Mr. Bryant was involved in one of the Superintendent's active employee investigations, that they would refrain from trying to engage in any discussion or posing any questions to Mr. Bryant

regarding that investigation. Mr. Bergosh said he agreed in concept, but noted that the bigger issue was what was done with the information. He pointed out that Mr. Bryant worked for the School Board and so it would be difficult to expect him to say “I’m not going to tell you” when a School Board Member made an inquiry of him. Mr. Bergosh wanted to know if there had ever been an employee discipline matter that could not be settled because of a member of the current School Board disclosing confidential information related to that investigation. The Superintendent responded that his point was simply that if Mr. Bryant was asked to participate in an active employee investigation, he should be able to say to an inquiring School Board Member, “I can’t discuss it right now” and that should be acceptable. The Superintendent noted that once the investigation was complete, School Board Members would then have full access to any of the information. Mrs. Waters commented that the way to handle such situations was to erect what was often referred to as a “Chinese wall” wherein if Mr. Bryant was involved in an active employee investigation there was essentially a “wall” between the School Board and the information that Mr. Bryant was privy to. The Superintendent said he appreciated the agreement made by the School Board Members as he believed it would help Mr. Bryant in being able to respond to inquiring School Board Members and would allow him to continue to provide assistance to the School District in such investigations. Upon inquiry by Mrs. Hightower, the Superintendent clarified that once the disciplinary committee had offered their recommendation, the investigation would be considered complete and at that point Mr. Bryant would be free to respond to inquiries from School Board Members. Mr. Bergosh again asked if there had ever been an employee discipline matter that was compromised because a member of the current School Board had disclosed confidential information related to that investigation. The Superintendent responded that he had not once during this discussion suggested that an investigation had been compromised; rather his comments had been strictly about protecting the rights of employees and about the need for School Board Members to refrain from making inquiries to Mr. Bryant during his participation in an active employee investigation. Mrs. Waters responded as well, noting that for at least as long as she had served as General Counsel, she was not aware of any investigation that had been compromised by the School Board. Her concern however, was that the School Board as a legal body was essentially the judge in a dispute between an employee and the Superintendent; therefore, during an active employee investigation, it was certainly inappropriate for the School Board as the “judge” to make inquiries of Mr. Bryant while he was assisting the Superintendent who would be considered the “prosecutor” in the case. She noted that the role of the judge was simply to weigh the evidence in the case as presented by the prosecutor and the defense.

- District Hotline – Request Update on Process and Volume of Submissions – *Bergosh*

At the request of Mr. Bergosh, the Superintendent provided a brief update on this topic by reviewing information outlined in a [handout](#) he had provided to School Board Members entitled, “Escambia County School District – Ethics and Compliance Hotline Reporting Summary.” It was noted that this summary report was for the calls received in November 2013 only. (NOTE: *The District Hotline was initiated on November 8, 2013.*) The Superintendent advised that from this point forward staff would provide School Board Members with a monthly report via email.

- Strategic Plan – Superintendent

The Superintendent provided School Board Members with an updated copy of the proposed Strategic Plan for 2013-14 as there had been a few adjustments made to the document since it was last reviewed and discussed by the School Board.

SERVICE PILLAR – A representative from the “service pillar” committee reviewed the each of the goals and objectives related to that area. While there were no changes suggested to any of the goals or objectives, Mrs. Hightower did pose a question related to objective outlined in S.1.3.

*S.1.3 Increase employee satisfaction with services provided by leaders as measured by the employee engagement survey (*on a scale of 1-5).*

2011-12 BASELINE: 3.95

2012-13 TARGET: 4.06

2012-13 ACTUAL: 3.93

2013-14 TARGET: 4.00

Mrs. Hightower inquired as to whether or not the committee had discussed the possibility of conducting student surveys; she was advised that the possibility was discussed but the matter would need to be negotiated with the Union.

QUALITY PILLAR – A representative from the “quality pillar” committee reviewed the each of the goals and objectives related to that area. While each of the goals and objectives were discussed, there were no changes suggested.

Due to time constraints, it was decided that discussion on the Strategic Plan would continue at the December 13, 2013 Regular Workshop.

III. PUBLIC FORUM

Mrs. Moultrie called for public forum; however, there were no speakers.

IV. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 5:23 p.m.

Attest:

Approved:

Superintendent

Chair