

THE SCHOOL BOARD OF  
ESCAMBIA COUNTY, FLORIDA

MINUTES, MAY 11, 2012

The School Board of Escambia County, Florida, convened in Regular Workshop at 1:00 p.m., in Room 160, at the J.E. Hall Educational Services Center, 30 East Texar Drive, Pensacola, Florida, with the following present:

Chair: Mr. Bill Slayton (*not present*)

Vice Chair: Mr. Jeff Bergosh (*served as Chair in Mr. Slayton's absence*)

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

School Board General Counsel: Mrs. Donna Sessions Waters

Superintendent of Schools: Mr. Malcolm Thomas

*Primary Purpose: Discussion of items appearing on the May 15, 2012 Regular Meeting agenda*

*Meeting was advertised in the Pensacola News Journal on April 30, 2012 - Legal No. 1561641*

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

I. CALL TO ORDER

Mr. Bergosh called the Regular Workshop to order at 1:02 p.m.

II. COMMENTS FROM SUPERINTENDENT

Budget Calendar

Mrs. Laura Shaud, Director of Budgeting, addressed the Board regarding the need to schedule workshops for June and July for the purpose of discussing the 2012-2013 budget. It was decided that rather than holding separate workshops solely for the purpose of discussing the budget, the topic would be included as part of the already scheduled June 21, 2012 Regular Workshop and July 12, 2012 Regular Workshop agendas. Mrs. Shaud also mentioned that the School Board would need to schedule a Special Meeting to consider approval of the 2012-2013 tentative millage and tentative budget for advertising purposes. Mrs. Shaud advised that this meeting should be held no later than July 24, 2012. The dates discussed were July 20, 2012\*, perhaps in the afternoon, or July 23, 2012, beginning at 7:30 a.m. (\*July 20, 2012 is a day that the School District would be closed due to the summer 4-day work week schedule, but the Superintendent said staff would be available.) The Superintendent and School Board Members agreed that this particular meeting could be held in the Superintendent's Conference Room at the Pace Building rather than Room 160 at the Hall Center. Mrs. Shaud advised that another Special Meeting to consider adoption of the 2012-2013 tentative millage and tentative budget would need to occur sometime during July 26, 2012 and July 31, 2012 and would need to be held after 5:00 p.m. because a public hearing was required. The Superintendent said that the scheduling of these meetings could be finalized at the June 21, 2012 Regular Workshop.

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

#### Notice of Intent to Adopt Amendments to the School District of Escambia County Student Rights and Responsibilities Handbook (6Gx17-7.02)

Staff responded to questions posed by Mr. Bergosh and Mrs. Moultrie regarding various aspects of the proposed 2012-2013 Student Rights and Responsibilities Handbook. Mr. Boone expressed no concerns or issues with the handbook as proposed.

#### Chapter 2: Attendance

##### B. Tardiness

The expectation for the instructional day/period is that instruction occurs from bell to bell. Tardiness to school/class negatively impacts the opportunity for student success. To avoid disruption to the instructional day, students should not check in or out of school unless it is absolutely necessary.

Mrs. Moultrie asked for explanation of added verbiage on tardiness, particularly the last statement that “to avoid disruption to the instructional day, students should not check in or out of school unless it is absolutely necessary.” Mrs. Carolyn Spooner, Director of Secondary Education, explained that students checking in late and/or checking out early had become a growing problem particularly at the elementary level apparently because parents who were providing transportation for their children were apparently trying to avoid waiting in the morning and/or afternoon car rider lines. After discussion the Superintendent indicated that there would be a revision to that last statement in order to alleviate the concern that a message was being sent “if you’re late don’t bother to come at all” and to instead emphasize that checking in/out of school should be kept to a minimum to protect the productivity of the student’s instructional time and to avoid disruptions to the school day.

#### Chapter 5: Student Conduct

##### F. Change of Placement or Expulsion

*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 or possessing any firearm or weapon at school, at any school function, or on 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 questioned why the phrase “for a period of not less than one (1) full year” had been stricken from this section. Mrs. Carolyn Spooner, Director of Secondary Education, said the phrase was removed simply to reflect what was actually occurring in the School District, in that there were often times when a student, for various reasons, was not actually removed for a full year, but rather for just the remainder of a year.

#### Chapter 7: Safe Schools D. Law Enforcement

*If any officer wishes to question a student at a school, a suitable place will be provided after the officer has presented proper identification. The principal/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 had concerns with this particular section, concerns that he had discussed several times in the past, in that he did not believe that a student should be questioned for law enforcement purposes at school without the ability to have their parents present. Mr. Bergosh said he intended to pull this item at the May 15, 2012 Regular Meeting for further discussion of his concerns when Mrs. Hightower and Mr. Slayton were present.

#### Chapter 8: Discipline Strategies A. Due Process

*All students will be given the right of due process, the course of legal proceedings established by the legal system of a nation or a state to protect individual rights and liberties. Due process is a student right and is not to be confused with a parental right. Parental notification is not required prior to the questioning of a student or to obtaining the student's statement. Certainly there is an obligation to the parents/guardians, but this obligation is limited to the evidence and the charges against the student. The school will make a reasonable attempt to notify a parent/guardian at the conclusion of the due process procedure and document that such an attempt was made.*

Mr. Bergosh was concerned about the added phrase “or to obtaining the student’s statement.” In order to protect the due process rights of students, he wanted a statement added to say that a student had the right to request a parent be present before making a statement orally or in writing. The Superintendent clarified that if a student asked to have their parent present, then the school would include the parent. He remarked that the School District “was not on a campaign to exclude parents” but noted that this particular section was simply referencing school personnel questioning students, not law enforcement as Mr. Bergosh had expressed concern with in the past. The Superintendent was concerned that having to contact a parent before school personnel could even ask a student a simple question would become a major management issue that would impact the ability of the school to deal with even simple misbehavior that occurs in the classroom.

IV. CONSENT AGENDA

A. Curriculum and Instruction

20. Agreement between the School Board of Escambia County, Florida and the School Board of Seminole County, Florida

Mr. Bergosh asked why the School District would contract with Seminole County to perform Medicaid administrative claiming activities rather than performing those duties in-house. The Superintendent explained that Seminole County had developed the Medicaid software that was currently being utilized by most school districts in Florida. He said the reason the School District would contract with Seminole County was because it was much less expensive to do so then to try another source or to create its own software. He noted that the School District had contracted with Seminole County for at least the past ten (10) years for these services and instead of investing funds to replicate what Seminole County had created, they just process for us.

B. Finance

4. Legal Services:

General Fund

a) The Hammons Law Firm	\$ 325.50
b) The Hammons Law Firm	\$ 1,131.50
c) The Hammons Law Firm	\$ 77.50
d) The Hammons Law Firm	\$ 666.50
e) The Hammons Law Firm	\$ 217.00
f) The Hammons Law Firm	\$ 356.50
g) The Hammons Law Firm	\$ 674.50
h) Shell, Fleming, Davis & Menge, P.A.	\$ 1,517.19
i) Rumberger, Kirk and Caldwell	\$ 4,685.75

5. Legal Services:

Risk Management Fund

The Hammons Law Firm	\$ 6,309.60
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Mr. Bergosh was curious as to why it often took several months to receive invoices from the contracted attorneys. He noted that several of the invoices listed on this month's agenda were for legal services provided as far back as November 2011. Mrs. Waters said she had spoken with several of the contracted attorneys on the need to have their bills submitted in a more timely manner but said it was a bookkeeping issue for most attorneys, in that their bookkeeping system will only allow for billing at certain stages of a case (i.e., trial). She also mentioned that Steve Baker would have several invoices on next month's School Board agenda and therefore, she had asked him to be present at the June Regular Workshop to report on some of the bills that he has issued.

9. Financial Status Report: Employee Benefit Trust Fund

Mr. Bergosh requested an update on the insurance plan. Mr. Terry St. Cyr, Assistant Superintendent for Finance and Business Services, said that preliminary numbers for April showed claims "running a little bit less than what happened in March" so currently the trust fund was "trending a little better" and there was no reason to believe it would go "south" because overall it is positive at this point. The Superintendent reminded Board about a joint meeting of the Employee Benefits Committee and the Employee Benefits Trustees on May 15, 2012, beginning at 1:00 p.m., at which time, the consultant would provide a more expansive report and also provide some projections for the School District through the end of the year.

10. Return of Restorative Justice Materials and Equipment

Upon inquiry by Mrs. Moultrie, Mr. Terry St. Cyr, Assistant Superintendent for Finance and Business Services, confirmed that the School District had returned to the Florida Bar Foundation, all materials and equipment that was purchased as part of the Restorative Justice Grant.

C. Human Resource Services

1. Instructional/Professional
  - e. Resignations/Retirements/Other

Mrs. Moultrie questioned whether or not the School District had an adequate pool of applicants for vacant instructional positions caused by the large number of recent teacher retirements. Dr. Alan Scott, Assistant Superintendent for Human Resource Services, said that he anticipated the advertisement of approximately 265-275 instructional positions; and based on the interest over the last couple of years primarily because of the economy, he expected that the School District would have no difficulty filling those positions, noting that nearly 1500-2000 individuals would probably apply for those positions.

5. Affirmative Action
  - a. Approval of the 2011-2012 Annual Equity Report

Staff responded to several questions posed by Mr. Bergosh about information outlined in the 2011-2012 Annual Equity Report.

Mr. Bergosh referred to a table included in the report that listed the number and percentage of district administrative positions in each of the three categories: White, Black, and Hispanic. He pointed out that there were no district-level administrators, no principals, and no assistant principals listed in the Hispanic category. He realized that Hispanics did not make up a large percentage of the School District's population, but he was quite concerned that the School District essentially had no Hispanic representation at those levels. Upon inquiry by Mr. Bergosh, Mr. Jones said the District was making efforts to recruit under-represented minorities, including Hispanics, but one issue for Escambia County was the competitiveness of our salaries and also the fact that fewer people were going into the field of education. Mr. Bergosh believed the School District should of course always hire the most qualified individual but in order to increase minority representation it was necessary to get a high percentage of minority applicants because "unless you increase the pool of qualified applicants of any particular ethnicity the odds of you increasing the percentage that are hired - it's not going to happen."

Mr. Bergosh referred to the following paragraph that was included in the report: *The District implemented a new procedure for the 2009-2010 academic year concerning annual contract non-renewal which is continuing. All annual contract non-renewals are reviewed during the staffing process to ensure compliance with all Federal, State, and District laws, case law, guidelines, initiatives (including Florida Equity Act) and rules. The review process is an effort to continue the District's initiative to recruit and retain certified/highly qualified gender specific and minority instructors. Superintendent Thomas considers the District's diversity plan objectives formulated under the Florida Equity Act when reviewing selections for administrative and professional appointments.* Mr. Bergosh asked if all non-renewal were treated equally, in that preference was not given to a particular ethnicity; he wanted to be sure that every non-renewal was "getting a second glance." Mr. Jones advised that all non-renewals were treated the same in that the Human Resource Services department reviewed all non-renewals regardless of the individual's ethnicity.

D. Operations  
-No items discussed

E. Student Transfers  
-No items discussed

F. Internal Auditing  
-No items submitted

V. UNFINISHED BUSINESS  
-None

VI. NEW BUSINESS

A. Items from the Board  
-No items submitted

B. Items from the Superintendent  
-No items discussed

C. Items from the General Counsel  
-No items submitted

VII. COMMITTEE/DEPARTMENTAL REPORTS

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

The Superintendent advised that representatives from A.A. Dixon Charter School would not be present for their monthly update because of scheduling conflicts with the time change of this meeting; however, School Board Members should have received their written financial and academic report and representatives would be present at the June 21, 2012 Regular Workshop to answer any questions.

VIII. PUBLIC FORUM

In response to Mr. St. Cyr's earlier comment regarding the improvement of the trust fund, Mr. Bill Vincent reminded the School Board that the reason the plan was doing better (i.e., reduction in insurance claims), was not necessarily because employees were healthier but because the burden for payment for service had been placed upon employees.

IX. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 2:12 p.m.

Attest:

Approved:

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Superintendent

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Chair